



DATE: May 23, 2016
TO: Colorado Springs City Council
FROM: City Attorney's Office
SUBJECT: Katharine E. Meinig v. Jamie Fabor [sic], Karen Paulus [sic], Chris Lieber, and Ronn Carlentine; Case No. 16CV31188

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the employees involved.

NATURE OF THE CASE

Plaintiff, Katherine Meinig, has brought this action in the El Paso County District Court alleging that on April 8, 2016, she submitted a Colorado Open Records Act ("CORA") request to the City requesting, among other things, the appraisals the City and Broadmoor commissioned concerning the proposed land exchange known as Strawberry Hill. On April 22, 2016, the City denied Plaintiff's request for the appraisals. Plaintiff claims that the refusal violated CORA. Plaintiff is seeking an order from the Court requiring the City to produce the appraisals. Plaintiff is also seeking her attorney fees and costs.

The appraisals were denied because CORA specifically allows a custodian the discretion to deny inspection, on the ground that disclosure would be contrary to the public interest, of the contents of real estate appraisals relative to the acquisition of property or any interest in property for public use.

RECOMMENDATION

The Civil Action Investigation Committee has recommended that the City represent Ms. Fabos, Ms. Palus, Mr. Lieber and Mr. Carlentine as required by the Colorado Governmental Immunity Act. The denial was proper based upon the standards under the Colorado Open Records Act.

Sincerely,



Shane White, Division Chief – Litigation