

**STATE OF
COLORADO**

Yeldell - DNR, Amy <amy.yeldell@state.co.us>

Proof of Litigation for Filing

Stephanie Bratton <brattonbrat@zirkel.us>

Tue, Dec 15, 2015 at 3:26 PM

To: "Yeldell - DNR, Amy" <amy.yeldell@state.co.us>

Hi Amy,

I am hoping that the following attachment will be acceptable. I have not received anything else from the courts since the hearing on November 23, 2015 ; except for the attached Injunction ruling from Judge Hill, in which she denied Highlands Springs Ranch's plea for a Preliminary Injunction against us. (If she would have granted them the Injunction, we would have been unable to continue our operation until the outcome of the June Trail ; however (thankfully) they were unable to convince Judge Hill that there was a likelihood that harm would be done if we were allowed to continue our operation until the outcome of the June trial. Please do not be offended that I cut and pasted the definition of Preliminary Injunction. My only reason in doing so is that it explains our ongoing situation. At the Injunction hearing, Judge Hill said that the Trial scheduled for May of 2016 would not work with her schedule, and it was decided by all parties to move it to the week of June 20, 2016. I have attached the Routt County Court Documents for that week. Please call me if you have any questions.

Thanks Amy

*** Preliminary Injunction is a temporary order made by a court at the request of one party that prevents the other party from pursuing a particular course of conduct until the conclusion of a trial on the merits. A preliminary injunction is regarded as extraordinary relief. The party against whom it is sought must receive notice and an opportunity to appear at a hearing to argue that the Injunction should not be granted. A preliminary injunction should be granted only when the requesting party is highly likely to be successful in a trial on the merits and there is a substantial likelihood of irreparable harm unless the injunction is granted. If a party has shown only a limited probability of success, but has raised substantial and difficult questions worthy of additional inquiry, a court will grant a preliminary injunction only if the harm to him or her outweighs the injury to others if the injunction is denied.

[Quoted text hidden]



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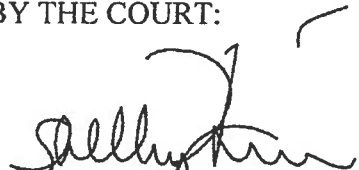
District Court Routt County, Colorado Court Address: 1955 Shield Drive, Unit 200 Steamboat Springs, CO 80487 970-879-5020	DATE FILED: December 7, 2015 5:09 PM CASE NUMBER: 2015CV30016
Plaintiff: HIGHLAND SPRINGS RANCH, INC. v. Defendants: BRATTON ENTERPRISES, INC.; THE COLORADO STATE BOARD OF LAND COMMISSIONERS , an agency of the DEPARTMENT OF NATURAL RESOURCES of the STATE OF COLORADO ; [REDACTED], in their official capacity as COMMISSIONERS OF THE STATE LAND BOARD, STATE OF COLORADO ; and ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION ,	▲ COURT USE ONLY ▲
	Case Number: 15CV30016 Division 1 Courtroom
ORDER REGARDING PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION	

Hearing was held on November 23, 2015 on Plaintiff's Application for Preliminary Injunction. Present were Plaintiff's representative, [REDACTED], with Plaintiff's attorney, [REDACTED]. Defendant's representatives, [REDACTED] with Defendant Bratton Enterprise's attorney, [REDACTED] and Defendant State Board of Land Commissioners' representative, [REDACTED] with its attorneys [REDACTED]. Exhibit 2-7, 9-12, 14, 15, 19-21 and 34 were admitted. After evidence and argument, the court enters the following order:

WHEREFORE, Plaintiff's Application for Preliminary Injunction is denied.

SO ORDERED this 7th day of December 2015.

BY THE COURT:


 Shelley A. Hill
 District Court Judge

District Court
Routt County, Colorado
Court Address:
1955 Shield Drive, Unit 200
Steamboat Springs, CO 80487
970-879-5020

DATE FILED: December 7, 2015 5:09 PM
CASE NUMBER: 2015CV30016

Plaintiff: **HIGHLAND SPRINGS RANCH, INC.**

v.

Defendants: **BRATTON ENTERPRISES, INC.; THE COLORADO STATE BOARD OF LAND COMMISSIONERS**, an agency of the **DEPARTMENT OF NATURAL RESOURCES of the STATE OF COLORADO**.

[REDACTED], **ROBERT [REDACTED]**, in their official capacity as **COMMISSIONERS OF THE STATE LAND BOARD, STATE OF COLORADO**; and **ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION**,

▲
COURT USE ONLY
▲

Case Number: 15CV30016

Division 1 Courtroom

ORDER REGARDING PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION

Hearing was held on November 23, 2015 on Plaintiff's Application for Preliminary Injunction. Present were Plaintiff's representative, [REDACTED] with Plaintiff's attorney, [REDACTED]. Defendant's representatives, [REDACTED] with Defendant Bratton Enterprise's attorney, [REDACTED] and Defendant State Board of Land Commissioners' representative, [REDACTED] with its attorneys [REDACTED]. Exhibit 2-7, 9-12, 14, 15, 19-21 and 34 were admitted. After evidence and argument, the court enters the following order:

Findings of Fact

1. The State Board of Land Commissioners ("Land Board") manages in trust 4 million acres of land containing minerals granted to Colorado upon statehood by the federal government. The purpose of the land grant was to use royalties from the minerals to support kindergarten through 12th grade education in the state. The property at issue is Section 16 of a certain tract in Routt County.

Analysis

10. The purpose of a preliminary injunction is to prevent further harm where harm has been alleged. *Graham v. Hoyl*, 402 P.2d 604 (Colo. 1965). "The power to grant a preliminary injunction 'should be exercised sparingly and cautiously and with a full conviction on the part of the trial court of its urgent necessity.'" [REDACTED] As noted by both parties, all of the following six factors must be met by Plaintiffs to enable the court to grant a preliminary injunction: "(1) a reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; (3) the lack of a plain, speedy, and adequate remedy at law; (4) no disservice to the public interest; (5) the balance of equities in favor of the injunction; and (6) the preservation by the injunction of the status quo pending a trial on the merits." [REDACTED]

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Pages
5, 6, 7, 8, 9
redacted

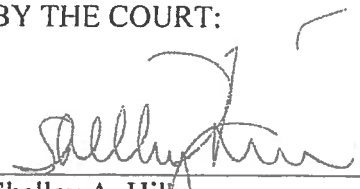
Conclusion and Order

29. One seeking a preliminary injunction must prevail on all factors; "[i]f each criterion cannot be met, injunctive relief is not available." *Rathke v. MacFarlane*, 648 P.2d 648, 654 (Colo. 1982). Plaintiff has not prevailed on all factors.

WHEREFORE, Plaintiff's Application for Preliminary Injunction is denied.

SO ORDERED this 7th day of December 2015.

BY THE COURT:


Shelley A. Hill
District Court Judge

Docket for: Routt County - Routt Combined Court

Date	Time	Len	Court	Hearing Type	Last Name	First Name	Loc	Case #	Division
6/20/16	8:30 AM	1D	District	Court Trial	BRATTON ENTERPRISES INC		54	[REDACTED]	DIV 2A
6/21/16	8:30 AM	1D	District	Court Trial	BRATTON ENTERPRISES INC		54	[REDACTED]	DIV 2A
6/22/16	8:30 AM	1D	District	Court Trial	BRATTON ENTERPRISES INC		54	[REDACTED]	DIV 2A
6/23/16	8:30 AM	1D	District	Court Trial	BRATTON ENTERPRISES INC		54	[REDACTED]	DIV 2A
6/24/16	8:30 AM	1D	District	Court Trial	BRATTON ENTERPRISES INC		54	[REDACTED]	DIV 2A

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12/15/2015