

DISTRICT COURT, PARK COUNTY, COLORADO Court Address: P.O. Box 190, 300 Fourth Street, Fairplay, CO, 80440	DATE FILED: September 1, 2015 4:53 PM CASE NUMBER: 2014CV30056 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) INDIAN MOUNTAIN CORP v. Defendant(s) INDIAN MOUNTAIN METROPOLITAN DISTRICT	
Order: Order Granting IMC Motion to Hold Order in Abeyance	

Case Number: 2014CV30056
 Division: B Courtroom:

The motion/proposed order attached hereto: DENIED.

Issue Date: 9/1/2015



STEPHEN A GROOME
 District Court Judge

District Court, Park County, State of Colorado P.O. Box 190 Fairplay, Colorado 80440	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff: Indian Mountain Corp. v. Defendant: Indian Mountain Metropolitan District	
ORDER GRANTING INDIAN MOUNTAIN CORP.'S MOTION TO HOLD SHOW CAUSE ORDER IN ABEYANCE	

THIS MATTER comes before the Court on Plaintiff Indian Mountain Corp.'s ("IMC") Motion for Reconsideration and Request for Reassignment and Resetting in Accordance with C.R.C.P. 107(c) filed August 21, 2015 (the "Motion"). Having reviewed the Motion, any response and reply, and now being fully advised in the premises the Court now finds, concludes, and orders as follows:

In its Motion, IMC requested that it have the opportunity to fully brief and respond to the allegations made by Indian Mountain Metropolitan District in its Motion for Order to Show Cause. "A court before imposing penal sanctions for contempt should proceed with caution and deliberation." *Lobb v. Hodges*, 641 P.2d 310, 311 (Colo. App. 1982). "The power should be exercised only when necessary to prevent obstruction or interference with the administration of justice." *Id.*; *See also, Conway v. Conway*, 299 P.2d 509, 510 (Colo. 1956) ("The power to punish for contempt should be used with caution after due deliberation, and only when necessary to prevent actual, direct obstruction of, or interference with, the administration of justice.").

The Court finds and concludes that IMC should be afforded the opportunity to respond to IMMD's allegations. Doing so will more fully develop the pertinent issue of whether IMC's actions following the Court's March 16 and April 6 Orders amount to a deliberate and willful disobedience of the plain terms of the orders and will increase judicial efficiency.

WHEREFORE, the Court hereby CONCLUDES AND ORDERS that the Order to Show Cause issued by the Court on August 20, 2015 is hereby held in abeyance until the allegations raised by IMMD its Motion for Show Cause Order are fully briefed. IMC shall have five (5) days from the date of this Order to file its Response to IMMD's Motion for Order to Show Cause. IMMD will thereafter have three (3) days in which to file its Reply after IMC has filed its Response. The Court will thereafter rule on whether a show cause order is warranted.

Entered this ____ day of _____, 2015.

BY THE COURT:

Honorable Stephen A. Groome

Attachment to Order - 2014CV30056