

FOR IMMEDIATE RELEASE

April 12, 2019

Judge Rules That Erie Thriving Lawsuit Against the Town of Erie Over The Crestone Acme Site Approval Can Go Forward

April 9th, 2019 – Honorable Judge Thomas Mulvahill in Boulder County District Court has recently ordered that Erie Thriving has standing to maintain its lawsuit versus the Town of Erie that challenges the Town's approval of the Operating Agreement with Crestone Peak Resources LLC, and the approval of the 30 well Acme megapad location little more than 500 feet from Erie homes and close to Anthem neighborhoods in Broomfield. The Judge further ruled that Erie Thriving's claims alleging violations of Due Process, Open Meeting Laws, and a claim for review of a Quasi-Judicial decision to allow heavy industrial use of property zoned residential were all sufficient to be decided on their merits after production of the record and discovery. Based on evidence provided in the Plaintiffs Open Meetings Law claim, the court specifically mentioned that Erie Thriving should be entitled to discovery because Defendants may be in possession of documents that could show improper meetings occurred.

A fourth claim is also moving forward as a result of Erie Thriving's First Amended Complaint addressing the Court's requirement for more specificity, alleging the Town's unlawful failure to enforce the Erie zoning laws under the Uniform Development Code. That claim specifies that the Town approved a heavy industrial project on a site zoned for residential development without appropriate proceedings to change the zoning or for Special Use Review as outlined in the UDC.

The nonprofit Erie Thriving is an organization of impacted residents that have joined together to protect the public health, safety and property of Erie and nearby towns' residents, including against this massive fracking project that impacts both Erie and Broomfield residents. Erie thriving is represented by Dan Leftwich of MindDrive Legal Services.

Statements:

Erie Thriving Member Rachel Balkcom said, "We are thankful that Judge Mulvahill found that we have standing to bring forward our claims. The lawsuit is not and never has been against our Trustees personally, and we maintain that this lawsuit is in defense and support of all Erie residents, including the Trustees. The Judge's ruling allows us to move forward with our efforts to protect the health and safety of residents and the environment in Erie and surrounding areas."