

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 Sixth Street, Boulder, CO 80302	▲ COURT USE ONLY ▲
<p>Plaintiffs: FLEET RUSSELL WHITE, JR., an individual; and PRISCILLA BROWN WHITE, an individual</p> <p>Defendants: CITY OF BOULDER a Colorado home rule municipality; and MARK R. BECKNER, in his official capacity as Chief of the Boulder Police Department and Custodian of records for the Boulder Police Department.</p>	
Attorneys for Defendants: Office of the City Attorney Thomas A. Carr, Atty. Reg. No. 42170 Claybourne M. Douglas, Atty. Reg. No. 6346 Address: P.O. Box 791 Boulder, CO 80306 Phone Number: (303) 441-3020 Fax Number: (303) 441-3859 E-mail: carrt@bouldercolorado.gov douglasc@bouldercolorado.gov	
DEFENDANTS' RESPONSE OPPOSING PLAINTIFFS' MOTION FOR RECONSIDERATION AND/OR TO AMEND JUDGMENT OR ORDER	

1. Plaintiffs failed to confer with counsel for the Defendants before filing the subject motion, and failed to state any reason for not conferring, all contrary to C.R.C.P. 121, section 1-15, ¶8.

2. Speculating that Defendants would deny access to the Krebs investigative materials even after conviction of a perpetrator, Plaintiffs incorrectly contend this Court's April 29, 2014 ruling bars review of such a denial. In its Findings of Fact (¶9) and Conclusions of Law (¶19), this Court recognizes (as did Judge Montgomery in 2002) Defendants' legitimate interest in preventing disclosure of investigatory files of any open case. In evaluating any access request after conviction of a perpetrator, Defendants would certainly consider whether the investigation is still open, as would this Court in reviewing denial of any such request.

3. Plaintiffs have not submitted new evidence or arguments justifying reconsideration of this Court's April 29, 2014 order. There is no reason to revisit issues the parties have previously argued, and this Court has correctly decided.

4. For these reasons, this Court should deny the Plaintiffs' Motion for Reconsideration.

Dated this 27th day of May 2014.

Respectfully Submitted,
OFFICE OF THE CITY ATTORNEY

By: /s/ Claybourne M. Douglas
Claybourne M. Douglas, No. 6346
Senior Assistant City Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May 2014, a true and correct copy of the above and foregoing was electronically filed and served *via* ICCES, or by placing said copy in the United States mail, postage prepaid, and addressed as follows:

Fleet White, Jr.
Priscilla Brown White

/s/ Lisa Thompson
Lisa Thompson