

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521 (970) 494-3500	<p style="text-align: center;">COURT USE ONLY</p>
Plaintiff: DICKINSON LAND & CATTLE CO, LLC, a Colorado limited liability company v. Defendants: GARY K. DEJOHN, Sr., an individual, and DEJOHN HOUSEMOVING, INC., a Colorado Corporation	
Attorneys for Plaintiff: Richard LiPuma, #17892; Joseph Carbon, #42072 <i>LiPuma Law Associates, llc</i> 1635 Foxtrail Drive, Loveland, CO 80538 Telephone: (970) 776-3292; Facsimile: (970) 674-9535 E-mail: rich@rlipuma.com; joe@rlipuma.com	Case Number: 2017 CV 30947 Division/Courtroom:
PLAINTIFF’S REQUEST FOR FORTHWITH ENTRY OF PROPOSED PRELIMINARY INJUNCTION ORDER	

Plaintiff Dickinson Land & Cattle Co, LLC (“Dickinson”), by and through its attorneys, *LiPuma Law Associates, llc*, submits this Request for Forthwith Entry of Proposed Preliminary Injunction Order, as follows:

1. Dickinson owns a dairy farm in unincorporated Larimer County, located at 6875 North County Road 9, Loveland, Colorado 80538 (the “Property”). This action arose from Defendant Gary K. DeJohn, Sr. and DeJohn Housemoving, Inc.’s (collectively, “DeJohn’s”) fraud, trespasses, and abandonment of hazardous property on Dickinson’s Land, subjecting Dickinson’s Land and dairy operations to abnormally dangerous risks, building code and land use violations, and other potential legal action. Through fraud, DeJohn brought a truck, tractor-trailer and single family residential structure (the “House”) onto Dickinson’s Land. The House is an asbestos hazard, and has been the subject of numerous legal proceedings in the City of

Loveland.

2. Dickinson filed a Verified Motion for Preliminary Injunction and Proposed Preliminary Injunction Order on November 17, 2017. Copies of the Verified Motion and Proposed Order were personally served on DeJohn Housemoving, Inc. and Gary K. DeJohn on November 27, 2017. Affidavits of Service for both defendants were uploaded to ICCES on December 4, 2017.

3. By rule, Defendants' Response to Plaintiff's Verified Motion was due December 8, 2017. Defendants did not respond and have implicitly admitted that the requested relief should be granted. Failure of a responding party to file a responsive brief may be considered a confession of the motion. Rule 121, §1-15(3), C.R.C.P.

4. The House and other DeJohn Property continue to threaten real, immediate and irreparable injury to Dickinson, it's employees, its animals, its farming operations and its Land. Irreparable injury includes potential health hazards, as well as land use violations and other legal implications from having an asbestos-containing House on the Dickinson Land. This irreparable injury can only be prevented through injunctive relief, mandating immediate asbestos abatement, destruction and/or removal of the House.

WHEREFORE, Plaintiff Dickinson respectfully requests forthwith entry of the proposed preliminary injunction order filed November 17, 2017, mandating that Gary DeJohn and DeJohn Housemoving, Inc., immediately abate asbestos, remove the house, and restore Dickinson's dairy farm, and, if Defendants fail to complete these tasks immediately, enjoining Defendants from interfering with Dickinson's right to immediately abate asbestos, destroy and dispose of the House, and sell the truck and tractor-trailer to offset the cost of abatement.

Dated: January 17, 2018.

Respectfully submitted,

LiPuma Law Associates, llc

/s/ Joseph Carbon

Joseph Carbon, #42072
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 17, 2018, a true and correct copy of the foregoing **PLAINTIFF'S REQUEST FOR FORTHWITH ENTRY OF PROPOSED PRELIMINARY INJUNCTION ORDER** was served through the Court's electronic filing system (ICCES) or by United States Mail on:

Gregory S. Bell, Esq.
Frederick Long, Esq.
BELL, GOULD, LINDER & SCOTT, PC
322 East Oak Street
Fort Collins, CO 80524

/s/ Michelle Moran

Michelle Moran, Paralegal