

DISTRICT COURT, GARFIELD COUNTY, COLORADO 109 8th St. Ste 104 Glenwood Springs CO 81601 970-928-3065; Fax 928-3067	DATE FILED: May 5, 2020 11:31 AM FILING ID: E48094E4737B1 CASE NUMBER: 2020CV13
Petitioner: Tommy Klein v. Respondent: Brian Matthew Dominguez	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Petitioner:</i> James F. Fosnaught Karp Neu Hanlon, P.C. 201 14th Street, Suite 200 P. O. Drawer 2030 Glenwood Springs, CO 81602 Tel.:(970) 945-2261 jff@mountainlawfirm.com Attorney Reg. No. 31820	Case Number: <u>2020CV13</u> Division: B Courtroom: B
STIPULATION FOR ENTRY OF ORDER	

Petitioner Tommy Klein, by and through counsel, James F. Fosnaught of Karp Neu Hanlon, P.C., and Respondent Brian Matthew Dominguez, by and through counsel, Kathy Goudy, Attorney at Law, hereby submit this Stipulation for Entry of Order and in support thereof state:

1. This proceeding is occurring pursuant to the Deputy Zackari Parrish III Violence Prevention Act, C.R.S. § 13-14.5-101, *et seq.*
2. The parties stipulate to jurisdiction and venue in the Garfield County Colorado District Court. The parties stipulate to the vacating of the hearing set on permanent orders, and that a permanent order will not enter in this matter.

3. This court entered an order on April 26, 2020 granting Petitioner's petition for a Temporary Extreme Risk Protection Order, pursuant to C.R.S. § 13-14.5-103, finding that multiple grounds existed on which such Order should issue. The Order expires on May 6, 2020 at 9:00 a.m. MDT, at which time a hearing is set to consider the propriety of a Permanent Extreme Risk Protection Order, pursuant to the statute.

4. In a criminal proceeding in the Garfield County District Court styled case number 2020CR0208, arising from the same incident, the court has entered a mandatory protection order pursuant to § C.R.S. 18-1-1001 which provides that the Respondent:

a. Shall be prohibited from possessing, purchasing or controlling any firearms or ammunition.

b. Shall relinquish, for the duration of the order, any firearm or ammunition in his immediate possession or control, or subject to your immediate possession or control, and shall do so within 24 (hours) (24 or 72) for firearms and within 24 (24 hours or 5 days) for ammunition.

c. Shall file proof of relinquishment with the court, within 3 business days of the relinquishment as required by statute.

d. The Parties agree that no Permanent Extreme Risk Protection Order shall issue.

5. The Parties agree and stipulate to the Court's continuing jurisdiction and it entering an Order with a duration of 364 days granting the following:

a. The Permanent Extreme Risk Protection Order hearing set for May 6 at 9:00 AM shall be vacated.

b. The City of Rifle Police Department shall keep safe and retain possession of all firearms of the Respondent currently in its custody, control, or possession, including an AR-15 rifle currently in the possession of the Town of Kersey Police Department, which will be turned over on Wednesday May 6, 2020. The retention shall be at no charge to the Respondent.

c. Within 24 hours of his release from the Garfield County Jail, Respondent shall surrender any concealed carry permits issued to him. Surrender shall be made to Petitioner's counsel.

d. Respondent shall not have any possession, control, or custody of any firearm, or attempt to gain possession, control, or custody of any firearm for 364 days of May 6, 2020.

e. The Court shall retain continuing jurisdiction until the Order terminates.

6. A proposed Order is attached for the Court's consideration. This is not a permanent order but shall be in effect for 364 days.

Signatures on following page

Dated this 5th day of May 2020.

KARP NEU HANLON, P.C.
Attorney for Petitioner Tommy Klein
/s/James F. Fosnaught
James F. Fosnaught

PETITIONER



Tommy Klein, Chief

City of Rifle Police Department

LAW OFFICE OF KATHY GOUDY
Attorney for Respondent Brian Matthew
Dominguez
/s/Kathy Goudy, Esq.
Kathy Goudy, CO #28436

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020, a true and correct copy of the foregoing Subpoena for Hearing Testimony was served via Colorado Courts E-filing to:

Kathy Goudy, Esq.
Attorney for Defendant Dominguez
215 N.12th Suite B, P.O. Box 1658
Carbondale CO 81623
goudy@sopris.net

/s/ James F. Fosnaught