

DISTRICT COURT, ARCHULETA COUNTY, COLORADO

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CO Archuleta County District Court 6th JD
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Plaintiff: COLORADO'S TIMBER RIDGE HOMEOWNER'S ASSOCIATION, a Colorado non-profit corporation

Defendants: COLORADO TIMBER RIDGE RANCH, L.P., a California limited partnership; GEORGE TAULMAN and JEAN TAULMAN, a married couple; and WALTER JOSEPH MACHOCK

COURT USE ONLY

Case Number: 09 CV 95

Division: Courtroom:

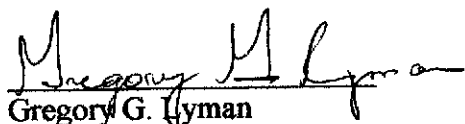
**ORDER GRANTING PLAINTIFF'S
MOTIONS TO DISMISS COUNTERCLAIMS WITHOUT PREJUDICE**

THIS MATTER comes before the Court on Plaintiff's Motion s to Dismiss Defendants Colorado Timber Ridge Ranch's and Walter Machock's counterclaims for slander of title, intentional interference with prospective business relations and intentional infliction of emotional distress, and the Court having reviewed the same and the responsive pleadings and being otherwise fully informed, hereby GRANTS the motion without prejudice. The Court finds that, even under liberal notice pleading principles, the counterclaims fail to apprise Plaintiff of the actions it has allegedly taken which are claimed to be tortious. The counterclaims state only that "Plaintiff published slanderous words by the filing of this action and the recording of a Lis Pendens," Counterclaim, ¶ 1, that Plaintiff's board of directors "engaged in a pattern of intentional and improper conduct," Counterclaim, ¶ 5, and "engaged in an intentional pattern of extreme and outrageous conduct . . ." Counterclaim, ¶ 9. While the counterclaims need not state all supporting facts, Grizzell v. Hartman Enters, Inc., 68 P.3d 551 (Colo. App. 2003), Defendants at least must identify what Plaintiff did which was slanderous, outrageous or interfered with prospective business relations so Plaintiff has fair notice of the claims it must defend against. "The chief function of a complaint is to give notice to the defendant of the transaction or

occurrence that is the subject of the plaintiff's claims." *Id.*, 68 P.3d at 553. The counterclaims do not meet this standard.

Defendants may if they so choose, after proper consultation with Plaintiff pursuant to C.R. C.P. Rule 121, § 1-15(8), file a motion to amend their answer to include well-pled counterclaims .

SO ORDERED this 11th day of March, 2010.


Gregory G. Lyman
District Court Judge

xc. A. M. Chapman
J. Lane