

District Court, Delta County, State of Colorado 501 Palmer Street, Room 338 Delta, Colorado 81416 Telephone: (970) 874-6280	DATE FILED: November 18, 2013 CASE NUMBER: 2012CV314 ▲ COURT USE ONLY ▲
TRAVIS JARDON, et al, Plaintiffs, v. DELTA COUNTY BOARD OF COUNTY COMMISSIONERS, et al Defendants	Case No.: 12CV314 Div.: 2
ORDER FOLLOWING HEARING ON NOVEMBER 15, 2013	

This matter came on for a telephonic hearing on Plaintiffs' Motion for Supplemental Orders. The Court took the matter under advisement following the arguments Friday.

The Court generally agrees with the position of the Plaintiffs. That is, this Court's order vacating the County approval on September 5, 2013, directed that the County issue a cease and desist order based on the Court's conclusion that the record lacked any record support contrary to the evidence in the record suggesting that both considering time and location, the pulmonary health concerns identified by downwind neighbors from the development had increased significantly once it was operational.

The Court recognizes that there was an automatic stay following the order entered September 5, a temporary stay granted by this Court thereafter, and a temporary stay granted by the Court of Appeals after that. All such stays have been exhausted. Defendants have known of this potential outcome for nearly 3 months.

Now, the developer, Defendants Hostetler, is requesting additional time in which to orderly remove the chickens. The Court is informed that the County has issued its own order with a deadline of December 2, 2013.

The Court concludes that the County is in a better position to evaluate the reasonableness of the time frame for the shutdown of the chicken operation. That

determination having been made, failure to cease the operations by the date now in place from the County may subject Defendants Hostetler to contempt of Court in addition to any sanctions imposed by the County.

Each side to pay its own costs and attorneys' fees related to this determination.

Dated this the 18th day of November, 2013.

BY THE COURT:



J. Steven Patrick
District Judge

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