
MEMORANDUM

TO: Poudre River Public Library District

FROM: Seter & Vander Wall, P.C.

DATE: July 30, 2014

RE: Legal Status Report

This is our legal status report for the Trustees meeting scheduled for August 11, 2014.

Trademark of Sumer Reading Theme STREAM

Task: Obtain a trademark for the summer reading theme STREAM.

Status: Counsel is investigating the possibility and appropriate trademark for the STREAM program.

Action: None at this time.

Important Case Update: High Plains Library District, et. al. v. Kirkmeyer, et. al.

Task: A majority of the establishing entities of the High Plains Library District (“HPLD”) approved removal of the entire Board of Trustees at once. The towns then passed a resolution appointing new trustees consisting of several town mayors, county commissioners, and the president of the school district. HPLD and the removed trustees filed suit to enjoin their removal and replacement by the new board and obtain a declaratory judgment that the actions of the towns and county commissioners were illegal.

After a two-day preliminary injunction hearing, the Judge ordered the original Board would maintain their trustee positions until the matter goes to trial. The establishing entities filed an appeal of the preliminary injunction order. The District Court litigation has been stayed pending the outcome of the court of appeals litigation.

Status: Counsel is communicating with the Colorado Association of Libraries (“CAL”) regarding the possibility of filing an amicus brief in this litigation. An amicus Brief (meaning “friend of the court”), would allow

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CAL to submit a brief explaining the impact this case may have on all libraries. Counsel has scheduled a presentation to the CAL Board of Directors who will make the decision on whether to become involved in the litigation. Counsel drafted a survey to be sent to all public libraries in the state to gather information on how the appointment and removal process is being conducted. Counsel received 41 survey responses, which have provided valuable information.

Action: None at this time.