

Federal District Court Denies Injunctions, Dismisses Core Claims Against Central 70 Project

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On April 3, 2018, a federal district judge handed a key early victory to firm client the Colorado Department of Transportation (CDOT), denying the second of two requests to stop the Central 70 Project while the lawsuits play out. CDOT is preparing to reconstruct a 10-mile stretch of I-70 east of downtown Denver. During the formative stages of the Project, the Firm's attorneys worked with CDOT to integrate procurement and environmental strategies to reduce risk and allow the Project to proceed despite anticipated litigation.

Opponents of the Project filed two lawsuits, claiming that CDOT had failed to properly analyze the environmental impacts of the Project under the National Environmental Policy Act and the Clean Air Act. After reviewing a brief prepared by our firm attorneys, the Court denied both preliminary injunction motions. In its orders, the Court held that the plaintiffs are unlikely to succeed on the merits of any of their legal claims, including claims that the Federal Highway Administration and CDOT had insufficiently considered the Project's impacts on air quality and public health.

In addition to denying the requested injunctions, the Court previously granted CDOT's motion to dismiss several claims alleging that the Central 70 Project is impermissibly connected to the City and County of Denver's Platte to Park Hill Stormwater Systems Project. As part of the dismissal effort, our attorneys examined witnesses at a full-day evidentiary hearing and submitted multiple rounds of briefing to the court. In a thorough opinion, the court agreed with CDOT's view of the facts and the law and therefore dismissed the claims for lack of jurisdiction. The plaintiffs in that lawsuit subsequently voluntarily dismissed the remainder of their claims, leaving just one of the original two lawsuits against the Project for consideration on the merits.

For more information, please see the following articles on the *Denver Post* (April 3, 2018 article and November 9, 2017 article), *the Denver Business Journal*, and the Denverite websites.