

IN THE MATTER OF UNITE FOR COLORADO

REPLY TO ELECTION'S DIVISION MOTION TO STAY

Respondent, Unite for Colorado (“Unite”), submits the following reply to the Election’s Division Motion to Stay:

Respondent takes no position on the motion.

Respondent further supplements the procedural history offered by the Division. The Division offers a robust argument advocating for a stay in the matter. Respondent requested the same consideration from the Division prior to the hearing in Unite II. At the time, the Division objected to a stay, forcing Respondent to go forward and incur fees and costs related to litigation. Respondent further objected to proceeding with a hearing in front of a hearing officer that had already prejudged the operative facts. Again, the Division did not join in vacating the hearing, pressing Respondent forward.

After forcing Respondent into a sham hearing, Respondent prepared exceptions. Prior to the filing of exceptions, the Deputy remanded the case for another full hearing in front a different hearing officer.

The Division now seeks a stay. None of the facts of the cases has changed. The only change is the status of Unite 1. When the Division forced Unite II to a hearing, Unite I was on appeal to the District Court after an adverse ruling by the Deputy. The die was cast on Unite II.

Now Unite I is on appeal to the Colorado Court of Appeals after an adverse decision by the District Court against the Division. Now in the losing position, the Division reverses course, providing further evidence that this prosecution continues to be vexatious.

Submitted this 30th day of June 2023.

By:

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CERTIFICATE OF SERVICE

This is to certify that the filing has been served by email this 30th day of June 2023, addressed as follows:

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