

<p>STATE OF COLORADO ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2022-89</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>FITZSIMONS FOR SHERIFF</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2023 AHO 0005</p>
<p>NOTICE OF DISMISSAL</p>	

Pursuant to C.R.C.P. 41(a)(1)(A) and 8 CCR 1505-6, Rule 24.15.2, the Elections Division of the Secretary of State hereby provides notice of its voluntary dismissal, with prejudice, of its action against Respondent FitzSimons for Sheriff.

1. Pursuant to C.R.C.P. 41(a)(1)(A), a plaintiff may dismiss an action “without order of court . . . by filing a notice of dismissal at any time before filing or service by the adverse party of an answer or of a motion for summary judgment.” The dismissal is without prejudice “unless otherwise stated in the notice of dismissal.” *Id.*

2. Respondent has not served an answer or motion for summary judgment, so the Elections Division may dismiss this action “without order of court.”

3. The Elections Division and Respondent have entered a settlement agreement resolving this matter, and the Elections Division is satisfied at this time that Respondent has complied with all material terms of the agreement.

Therefore, the Elections Division voluntarily dismisses this action, with prejudice.

Respectfully submitted this 1st day of July, 2023.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served this 1st day of July, 2023, by electronic mail, addressed as follows:

This is to certify that I will cause the within filing to be served by mail this 24th day of May, 2023, addressed as follows:

FitzSimons for Sheriff
C/O Registered Agent Jaime FitzSimons
Jaime.FitzSimons@outlook.com
Respondent

Chris Scherr
thenextsummitcountysheriff@gmail.com
Third-Party Complainant

/s/ Peter G. Baumann