

<p>STATE OF COLORADO SECRETARY OF STATE BEFORE THE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> <hr/> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>FOOTHILLS FIRE PROTECTION DISTRICT, DUEY FREEMAN, PAUL DEETH, SCOTT FERGUSON, STEVE BECK, TJ CARNEY, and ALAN ANDERSON</p> <p>Respondents.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number: 2023 AHO 0009</p> <p>(in re ED 2022-94, 2022-98)</p>
<p>MINUTE ORDER</p>	

1. Counsel for Respondent Foothills Fire Protection District filed a Motion to withdraw on April 3, 2024 that was denied on April 17 because of its failure to comply with Rule 121, §1-1 of the Colorado Rules of Civil Procedure. All of the Colorado Rules of Civil Procedure apply to proceedings in this court. Campaign & Political Finance Rule 24.3.1, 8 Code Colo. Regs. 1505-6.

2. Counsel has filed another Motion to Withdraw that is still not compliant with the applicable rules. C.R.C.P. 121, §1-1(2) requires *that the “motion to withdraw [be] served on the client and the other parties of record.”* The Certificate of Service at the bottom of counsel’s motion *mimics the rule*, but *does not comply with the rule*. Service of pleadings must conform to C.R.C.P. 5. That rule requires that a

certificate of service declare who, how, where, by what means and when service was accomplished. C.R.C.P. 5(b) describes all of the customary ways that service is accomplished.

3. Counsel's Certificate of Service declares only when and by whom service was accomplished. Saying that service was made "to all parties of record" does not apprise the other parties or the court of what they are entitled to know under C.R.C.P. 121, §1-1(2) and C.R.C.P. 5(b),.

4. There are seven other parties besides Foothills Fire Protection District in this case. A compliant Certificate of Service must be specific as to counsel's client, the District, as well as to each of the other seven parties in the litigation.

5. Because the Motion to Withdraw does not contain a Certificate of Service compliant with C.R.C.P. 121, §1-1(2) and C.R.C.P. 5(b), it must be, and the same hereby is, DENIED.

6. Because it is apparent that Complainant is not objecting to the intended withdrawal of counsel, I will no longer need to wait fourteen days after a compliant Motion is served and filed.

SO ORDERED this 10th day of May 2024.



Macon Cowles, Hearing Officer



CERTIFICATE OF SERVICE

The undersigned hereby states and certifies that one true copy of the Order herein was sent via email on May 10, 2024 to the following:

Peter G. Baumann, Esq.
Assistant Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
peter.baumann@coag.gov
Elections Division Counsel

Dylan Woods, Esq.
1202 Bergen Parkway, Suite 110
Evergreen, CO 80439
dwoods@cmw-evergreen.law
Counsel for Foothills Fire Protection District
Respondent

Duey Freeman
freemanffpd@gmail.com
Respondent

Paul Deeth
pdeeth@comcast.net
Respondent

Scott Ferguson
Sferguson.ffr@gmail.com
Respondent

Steve Beck
sbeckffpd@gmail.com
Respondent

TJ Carney
tjffpd@carneylaw.net
Respondent

Alan Anderson
alananderson@foothillsfire.org
Respondent

Robert Heine
424 Vista Avenue
Golden, Colorado 80401
rmheine1@msn.com
Third-Party Complainant

Pati Stajcar
218 Dekker Dr.
Golden, CO 80401
p@stajcar.com
Third-Party Complainant

Administrative Staff
Colorado Secretary of State
AdministrativeHearingOfficer@ColoradoSOS.gov

/s/ *N. B. Porte*

Nathan Borochoff-Porte, Administrative Court Clerk