

STATE OF COLORADO SECRETARY OF STATE Court Address: 1700 Broadway, Suite 550 Denver, CO 80290	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE OF THE STATE OF COLORADO: IN THE MATTER OF PATRICIA HOBODY, NOTARY PUBLIC, ID NO. 20024023185 RESPONDENT	
Attorney for Respondent Patricia Hobdy: Creer Law LLC Gregory R. Creer 7100 E Belleview Ave, Suite 210 Greenwood Village Phone Number: 303.514.3436 E-mail: greg@creerlawoffice.com FAX Number: Atty. Reg. #: 36630	Case Number: 2025 AHO 01 (Notary) Division Courtroom
RESPONDENT PATRICIA HOBODY'S <u>UNOPPOSED</u> MOTION TO STAY PROCEEDINGS	

Respondent Patricia Hobdy (“Hobdy”), by her attorney, Creer Law LLC, submits this unopposed motion to stay proceedings:

CONFERRAL: Counsel for Respondent conferred with Counsel for the Division via email and this motion is **unopposed**.

A stay of a civil case to permit conclusion of a related criminal proceeding has been characterized as an extraordinary remedy. *People v. Shifrin*, 342 P.3d 506, 513 (Colo. App. 2014) citing *Louis Vuitton Malletier S.A. v. LY USA, Inc.*, 676 F.3d 83, 98-100 (2d Cir. 2012). Deciding whether a stay is appropriate generally requires balancing the interests of the plaintiff in moving forward with the litigation against the interests of a defendant asserting Fifth Amendment rights who faces the choice of being prejudiced in the civil litigation if those rights are asserted or prejudiced in the criminal litigation if those rights are waived. *Id.*

In 2023, a criminal investigation was opened by the El Paso County Sheriff's Office into Defendants to a related civil case (El Paso County District Court Case No. 23CV30594) for Jamie Hensley, Nicolle Lewis-McTague and Respondent Patricia Hobdy. The civil case has been dismissed on the merits in favor of the defendants and Respondent, but just prior to the dismissal of the civil case, a related criminal case was filed against Respondent (El Paso County District Court Case No. 25CR000294). Both the civil case, the criminal case and these administrative proceedings all arise from facts and circumstances, which are allegations made by David McTague that Respondent participated in the forgery of Mr. McTague's signature to several documents. While Mr. McTague's forgery allegations were not supported in the civil proceedings, the criminal proceedings are continuing.

Because these administrative proceedings overlap with the criminal proceedings, Respondent is requesting that these proceedings be stayed until the conclusion of the criminal proceedings. Staying these proceedings avoid a situation where Respondent might have to waive her fundamental right against self-incrimination under the Fifth Amendment of the U.S. Constitution during these administrative proceedings. Therefore, it would be prudent to stay these administrative proceedings until the conclusion of criminal proceedings. Respondent will notify the Secretary of State's office and opposing counsel upon the conclusion of the criminal proceedings.

Submitted on March 24, 2025.

Respectfully submitted,

CREER LAW LLC

By: /s/ Gregory R. Creer
Gregory R. Creer #36630

Attorneys for Respondant Patricia Hobby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of March, 2025 a true and correct copy of the above and foregoing was filed with the Secretary of State's office via email, with email copied to the following:

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