

DISTRICT COURT, ADAMS COUNTY, STATE OF
COLORADO

Adams County Justice Center
1100 Judicial Center Drive
Brighton, CO 80601

Plaintiffs: REBECCA BRINKMAN AND MARGARET
BURD,

v.

Defendants: KAREN LONG, in her official capacity as
Clerk and Recorder of Adams County.

ADAMS COUNTY ATTORNEY'S OFFICE
Heidi M. Miller # 33923
County Attorney
Jennifer D. Stanley # 33084
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▲ COURT USE ONLY ▲

Case No.: 13CV032572

Division: C

MOTION TO EXCUSE DEFENDANT CLERK AND RECORDER

Defendant, Adams County Clerk and Recorder, through her attorneys Heidi M. Miller, County Attorney and Jennifer D. Stanley, Assistant County Attorney, respectfully requests that she be excused from the requirements of C.R.C.P. 16 and C.R.C.P. 26 and be excused from attending future court dates that may be set in this case.

Pursuant to C.R.C.P. 121 1-15(8) undersigned counsel has conferred with counsel for the Plaintiff and the Attorney General's Office. The Attorney General's Office has confirmed that they do not object to the relief requested. Plaintiffs' Counsel has indicated that they will oppose the relief requested.

The grounds for this Motion to Excuse Defendant Clerk and Recorder are as follows:

1. Defendant Clerk and Recorder is a constitutional and statutory officer that has been named in her official capacity only.

2. Defendant Clerk and Recorder does not plan to actively defend this case.

3. Defendant Clerk and Recorder takes no position on any substantive issue raised in this matter and will follow any order that this Court deems proper.

4. The Colorado Attorney General's Office has entered an appearance in this case and has indicated that they intend to defend the Colorado laws at issue.

5. As Defendant Clerk and Recorder does not plan to actively defend this case, she does not plan to participate in any discovery or briefing and asks that she be excused from the requirements of C.R.C.P. 16 and C.R.C.P. 26 and be excused from attending future court dates that may be set in this case.

6. Defendant Clerk and Recorder agrees to cooperate with all other parties and the Court to the extent that she has relevant information that may be helpful to resolution of this case.

WHEREFORE, for the reasons stated above, Defendant Clerk and Recorder respectfully requests that this Court enter an Order excusing her from the requirements of C.R.C.P. 16 and C.R.C.P. 26 and excusing her from attending future court dates that may be set in this case, and that she may go without costs being assessed.

Dated this 29th day of January 2014.

Respectfully submitted,

s/ Jennifer D. Stanley

Jennifer D. Stanley, #33084

Attorney for Defendant Clerk and Recorder

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing was served via ICCES, this 29th day of January 2014, addressed to the following:

Ralph Ogden – Irishcorky@aol.com

Thomas Russell – tdrlaw@comcast.net

Michael Francisco – Michael.Francisco@state.co.us

s/Kelly C. Vis

Paralegal

Pursuant to C.R.C.P. 121 Section 1-26(7), a scanned copy of the original signed foregoing document is retained at the Adams County Attorney's Office and is available for inspection upon request.