

<p>DISTRICT COURT, ADAMS COUNTY, COLORADO</p> <p>Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601</p>	<p>DATE FILED: December 13, 2013 2:11 PM FILING ID: A079B6AACDD79 CASE NUMBER: 2013CV32572</p>
<p>REBECCA BRINKMAN AND MARGARET BURD,</p> <p>v.</p> <p>KAREN LONG, in her official capacity as Clerk and Record of Adams County.</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No. 13CV032572</p> <p>Div.: C</p>
<p>JOHN W. SUTHERS, Attorney General DANIEL D. DOMENICO, Solicitor General*</p> <p>MICHAEL FRANCISCO, Assistant Solicitor General*</p> <p>Ralph L. Carr Colorado Judicial Center 1300 Broadway, Floor Denver, CO 80203 Telephone: 720.508.6551 Email: michael.francisco@state.co.us Registration Numbers: #32083, #39111 *Counsel of Record</p>	<p>STATE OF COLORADO'S UNOPPOSED MOTION TO BE HEARD AND INTERVENE AS DEFENDANT</p>

The State of Colorado, though John Suthers, in his official capacity as Attorney General for the State of Colorado, hereby moves to intervene in this case as a defendant. The State has a strong interest in defending the Colorado Constitution and statute being challenged by Plaintiffs.

The Attorney General received notice of this litigation as required by Colorado Rule of Civil Procedure 57(j). According to that Rule the Attorney General is “entitled to be heard” whenever litigants argue for declaratory relief that a statute is unconstitutional.

Plaintiffs’ Complaint challenges the constitutionality of a state statute, C.R.S. § 14-2-104(1)(b), and a provision of the Colorado Constitution, Article II, section 31. There are claims based on federal and state constitutional theories.

Defendant Karen Long, the Clerk and Recorder of Adams County, has moved to dismiss the case for failure to join a necessary party, arguing the State of Colorado is an indispensable party.

The Motion to Dismiss makes clear that no current defendant will adequately defend the interest of the state in the challenged statute and constitutional provision:

“[T]he Clerk and Recorder is not obligated to defend their constitutionality. The Adams County Clerk and Recorder does not plan to actively defend this case and will ultimately file a disclaimer of interest. If the State of Colorado is not a participant, there will be no active defense of this action.”

Mot. To Dismiss ¶ 6, p.2. Particularly given this representation, the state of Colorado has an interest in having its laws defended by the Attorney General in this litigation.

The Attorney General’s participation as Defendant will not prejudice any party, will assist the court in receiving an adequate defense of laws at issue, and will serve the interest of the people of Colorado in having their duly passed statutes and constitutional amendments vigorously defended.

Pursuant to Rule 24, the State of Colorado has a right to intervene as defendant in this matter. Rule 57(j) and C.R.S. § 13-51-115 give the Attorney General the right to be heard, and thus, interest to intervene. Even under the standards for permissive intervention, the State of Colorado should be allowed to intervene. The State has an interest in defending against all claims in the Complaint. A proposed order is attached.

JOHN W. SUTHERS
Attorney General

/s/Michael Francisco

MICHAEL FRANCISCO, *
Assistant Solicitor General
Attorneys for State of Colorado
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **State of Colorado's Unopposed Motion to be Heard and Intervene as Defendant** upon all parties herein by Integrated Colorado Courts E-filing System (ICCES) or by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 13th day of December, 2013 addressed as follows:

Michael Francisco