COLORADO SUPREME COURT 2 East 14th Avenue Denver, CO 80203	
On Petition for Writ of Certiorari from the Court of Appeals, Case No. 2025CA940 (Opinion by Taubman, J.; Moultrie and Bernard, JJ., concurring)	
Plaintiffs-Appellants ROBERT C. MARSHALL, LORA THOMAS, and JULIE GOODEN, v. **Defendant-Appellee** THE BOARD OF COUNTY COMMISSIONERS FOR DOUGLAS COUNTY, COLORADO	▲ COURT USE ONLY ▲
Attorneys for Defendant-Appellee: Kendra N. Beckwith, No. 40154 Nathan B. Thoreson, No. 53851 WOMBLE BOND DICKINSON (US) LLP 1601 19th Street, Suite 1000 Denver, CO 80202 (303) 623-9000 kendra.beckwith@wbd-us.com nathan.thoreson@wbd-us.com	No. 2026SC323
PETITION FOR WRIT OF CERTIORARI	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28, 32 and 57, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with the applicable word limits set forth in C.A.R. 53(f)(1).

It contains **3,798** words (petition does not exceed 3,800 words).

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28, 32 and 57.

s/ Kendra N. Beckwith
Kendra N. Beckwith

TABLE OF CONTENTS

CERTIFICATE OF COMPLIANCE ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES v

STATEMENT OF THE ISSUES 1

JURISDICTIONAL STATEMENT 2

STATEMENT OF THE CASE 2

A. Factual background. 2

B. Procedural background. 3

1. Plaintiffs lose their motion for preliminary injunction. 3

2. The Division reverses the district court. 5

REASONS TO GRANT REVIEW 8

I. The Opinion creates precedent binding on the Board that distinguishes it from every other county. 8

II. This Petition presents preserved legal issues. 9

III. The Opinion wrongly uses judicial notice to create a live controversy. 10

IV. The Opinion crafts a novel interpretation of COML that conflicts with its plain language. 13

V. The Opinion is discordant with this Court's precedent. 14

A. This Court requires a meaningful connection between the public body's policy-making powers and *the meeting itself* for COML to apply. 14

B. The Opinion blurs this Court's distinction between public business and matters of public importance. 18

CONCLUSION 20

CERTIFICATE OF SERVICE 21

TABLE OF AUTHORITIES

Cases

Arkansas Valley Publ'g Co. v. Lake Cnty. Bd. of Cnty. Comm'rs,
2015 COA 100 17

Bd. of Cnty. Comm'rs, Costilla Cnty. v. Costilla Cnty. Conservancy Dist.,
88 P.3d 1188 (Colo. 2004) .... passim

Benson v. McCormick,
195 Colo. 381, 578 P.2d 651 (1978) 15, 17

Hanover Sch. Dist. No. 28 v. Barbour,
171 P.3d 223 (Colo. 2007) 14

Intermountain Rural Elec. Ass'n v. Colorado Pub. Utilities Comm'n,
2012 COA 123 .... 16, 18

Martinez v. Reg'l Transp. Dist.,
832 P.2d 1060 (Colo. App. 1992) 11

Mun. Subdistrict, N. Colo. Water Conservancy Dist. v. OXY USA, Inc.,
990 P.2d 701 (Colo. 1999) 11

People v. Kendrick,
2017 CO 72 9

People v. Lulei,
2026 CO 17 11

People v. Sena,
2016 COA 161 11

Quintana v. City of Westminster,
56 P.3d 1193 (Colo. App. 2002) 9

Rathke v. MacFarlane,
648 P.2d 648 (Colo. 1982) 4, 10

Rome v. Mandel,
2016 COA 192M.. 12

Statutes

§ 24-6-402, C.R.S. .... passim

STATEMENT OF THE ISSUES

This preliminary injunction action concerns the Colorado Open Meetings Law ("COML"). In the appellate court, Plaintiffs conceded the predominate issue giving rise to this action—the validity of a special election in support of a home rule charter—was moot. Yet they invited the Division to judicially notice a website to find a live controversy as to whether Petitioner the Board of County Commissioners for Douglas County should be enjoined from future, unrelated COML violations.

The Division accepted the invitation. It relies on judicial notice to supply crucial evidence Plaintiffs failed to present and find a live controversy. It reverses as clear error numerous district court factual findings, despite ample record support. And it crafts a novel, unqualified interpretation of COML, applying it to meetings at which no public business is discussed or formal action is considered. Op. ¶¶ 26-31.

The Division then remands for reconsideration of a preliminary injunction enjoining the Board from future COML violations under its novel, expansive, and erroneous statutory interpretation.

The Board seeks review of the following issues:

Whether judicial notice may be used on appeal to find facts not in the record to find that a justiciable controversy exists and *Rathke*'s immediate and irreparable harm requirement should be considered.

Whether COML requirements apply to meetings at which only matters ancillary to public business are discussed.

Whether COML requirements are violated when an internal, pre-meeting agenda document references a resolution, but that resolution was not substantively discussed at the meeting and its discussion was never intended.

JURISDICTIONAL STATEMENT

This Court has jurisdiction under C.A.R. 49. The Board seeks review of *Robert C. Marshall, Lora Thomas, and Julie Gooden v. The Board of County Commissioners for Douglas County, Colorado*, 25CA0940, issued April 2, 2026. The Division denied all petitions for rehearing on April 30. This Court granted an extension to June 29 to file this Petition.

STATEMENT OF THE CASE

A. Factual background.

On March 25, 2025, at an open, publicly noticed meeting, the Board passed two resolutions allowing Douglas County to hold a special election in June 2025 on the formation of a home rule charter. Op. ¶ 2. All three Board commissioners voted to pass the resolutions. CF, p.5. Two commissioners had campaigned for their Board seats on promises to increase local control, including through home rule. CF, pp.321:21-322:9, 398. Plaintiff Lora Thomas is a former commissioner who

opposed home rule. CF, pp.239:22-240:3. Douglas County voters rejected the proposed home rule charter. Op. ¶ 9.

B. Procedural background.

1. Plaintiffs lose their motion for preliminary injunction.

On April 22, 2025, Plaintiffs filed a complaint and motion for preliminary injunction. CF, pp.91-100, 118-20. They alleged the Board violated COML by holding closed Advanced Planning Meetings ("APMs") and improperly convening executive sessions between December 2024 and April 2025 that discussed resolutions authorizing the June 2025 special election, and that the Board "established [a] pattern of violating the COML." CF, pp.4-8. They requested an injunction prohibiting the June election and any future COML violations. Op. ¶ 4.

The district court held an evidentiary hearing. CF, pp.225-395. Plaintiffs argued the Board violated COML because the public vote to advance the home rule resolutions was reached after just ten minutes, indicating it "rubber stamped" a decision made behind closed doors. CF, pp.232:25-235:21. The Board acknowledged the APMs discussed media strategy and other matters ancillary to the home rule resolutions but maintained it did not substantively discuss the resolutions. CF, pp.237:7-239:10. It argued the fact that there was brief deliberation

before the public vote did not mean the vote was a "rubber stamp." A majority of commissioners had publicly campaigned on advancing home rule, hence there was no extensive discussion before they approved it. CF, pp.244:19-23, 245:13-17.

Applying *Rathke v. MacFarlane*, 648 P.2d 648 (Colo. 1982), the district court found its factors disfavored injunctive relief. *Id.* at 409-11. It found that Plaintiffs failed to show a reasonable likelihood of success on their COML claim because neither the APMs nor executive sessions were subject to COML. CF, pp.402-08. It found "the evidence and testimony . . . demonstrated [the] APMs were limited to day-to-day direction to staff," so "the APMs appear to fall under C.R.S. § 24-6-402(2)(f)." CF, pp.404, 408.

No evidence or testimony showed any policies or resolutions were substantively discussed. *Id.* at 398, 402-03. Every witness testified that only administrative matters, including scheduling issues and media planning, were discussed. CF, p.398. The county attorney testified that he attends every APM and intervenes as necessary to ensure no substantive policy discussions occur. CF, p.312:9-15. The executive sessions were also not subject to COML, the district court found, because the home rule resolutions were not discussed, no formal

action was taken, and the commissioners merely received legal advice. *Id.* at 406-07.

The district court also found that "Plaintiffs did not put on any evidence of a harm and the Court cannot assume a harm." CF, p.408. Plaintiffs' alleged harms related exclusively to the June special election in any event. *See* CF, pp.204-05, 387:9-24; Op. Br. 37-38.

The district court found that the remaining *Rathke* factors also failed to support injunctive relief. *See* CF, pp.409-11. It denied the preliminary injunction.

2. The Division reverses the district court.

Plaintiffs appealed, and the Division reversed. Op. ¶ 55. Initially, the Division accepted Plaintiffs' concession that the portion of their motion seeking to enjoin the June 2025 special election was moot, given the election. Op. ¶ 9.

Yet Plaintiffs argued an actual controversy still remained because the Board maintains COML did not apply to the meetings at issue. *Id*. ¶ 10. Plaintiffs argued this meant the Board "fully intended (and still intends) to continue its challenged practices in the absence of an injunction." *Id*. Because the record contains no evidence showing the Board prospectively intends to violate COML, Plaintiffs invited the Division to rely on Douglas County's website to support this argument.

The Division accepted the invitation. It judicially noticed the website for the first time on appeal. The website describes Advanced Planning Huddles where the Board "provide[s] day-to-day direction to staff regarding agenda-setting, schedule and communication tools" that are not open to the public. Op. ¶ 11. The Division then relied exclusively on that judicially noticed website to conclude there remained an "existing controversy" because the website "indicates that the [Board] continues to host closed meetings." *Id*. ¶ 11.

Relying on this remaining "existing controversy," the Division set aside the district court's findings on the *Rathke* factors and concluded Plaintiffs had shown a reasonable likelihood of success on the merits. *See* Op. ¶¶ 15-51, 55.

Specifically, the Division reversed as clear error the district court's finding that Plaintiffs failed to show a reasonable likelihood of success on the merits. Op. ¶¶ 23-46. It construed language from section 24-6-402(2)(b) providing that COML applies to all meetings "at which any formal action *may be taken*" to mean that "COML's requirements are triggered . . . when . . . a meeting is contemplated." Op. ¶ 28 (italics original). The Division acknowledged the record contained witness testimony supporting the district court's finding that the resolutions referenced in pre-meeting agendas were not substantively discussed. Op. ¶ 26. It

disregarded these findings as clear error and instead relied on the agendas in the abstract to hold that "meetings discussing these and other resolutions were subject to COML." Op. ¶ 31.

As to the executive sessions, the Division found "extensive discussion about the home rule charter" and similarly reversed, rejecting the district court's factual findings in favor of its own "contradictory evidence." Op. ¶¶ 38-45.

The Division also set aside the district court's findings on the remaining *Rathke* factors. Op. ¶¶ 47-51. It stated that because the district court made no specific findings about whether future COML violations would cause irreparable harm, the district court's unqualified finding that "Plaintiffs did not put on any evidence of a harm" must relate only to the June 2025 election—and not future COML violations.[1] Op. ¶ 48. Based on this implied reading, the Division held the court abused its discretion by failing to make complete findings under *Rathke*'s imminent harm factor. Op. ¶¶ 49-50. Applying this same reasoning, the Division also set aside the court's findings on the remaining *Rathke* factors. *Id.*

---

[1] The Opinion does not consider whether record evidence shows irreparable harm would result from future COML violations. None does.

It then remanded for reconsideration of Plaintiffs' request for injunctive relief for future violations. *See* Op. ¶¶ 15-51, 55.

REASONS TO GRANT REVIEW

Special and important reasons exist to grant review. The Opinion takes extraordinary liberties with the judicial notice doctrine to find a live controversy exists and that an injunction prohibiting future COML violations should be considered, despite Plaintiffs failure to develop the necessary factual record. It then crafts a novel interpretation of COML that renders the statute virtually limitless and applicable to every meeting, contrary to this Court's precedent and the statute's plain language, and directs the district court to apply that erroneous standard going forward.

This Court should therefore grant review for the following reasons.

I. The Opinion creates precedent binding on the Board that distinguishes it from every other county.

The Board must now treat every meeting of two or more commissioners as a public meeting under COML. This is not hyperbole. The Division relies on the Board's intention, published on its website, to hold non-public meetings "to provide day-to-day direction to staff regarding agenda, setting, schedule and communication tools" to find a live controversy exists. If these meetings are

subject to COML, then every meeting is, or else the Board risks noncompliance. This makes "an already broad statute virtually limitless." *Bd. of Cnty. Comm'rs, Costilla Cnty. v. Costilla Cnty. Conservancy Dist.*, 88 P.3d 1188, 1195 (Colo. 2004).

This interpretation is binding on the district court. Thus, while the Opinion is nonpublished, it is precedential for the Board in all practical respects.[2] Yet no other county is bound to this standard, creating a disparate standard for Coloradans based on their locality. This circumstance warrants this Court's attention.

II. This Petition presents preserved legal issues.

The Board preserved the issues presented for review by arguing that COML did not apply, and a preliminary injunction was inappropriate and moot. Ans. Br. 7-15.

Statutory interpretation is a legal question reviewed de novo. *Costilla Cnty.*, 88 P.3d at 1192. Application of the judicial notice doctrine is reviewed for abuse of discretion. *Quintana v. City of Westminster*, 56 P.3d 1193, 1199 (Colo. App. 2002). Misapplication of the law constitutes an abuse of discretion. *People v. Kendrick*, 2017 CO 72, ¶ 36.

---

[2] It may also be cited in district courts, as the prohibition on citation of nonpublished opinions applies only in the court of appeals.

III. The Opinion wrongly uses judicial notice to create a live controversy.

The Opinion departs from the accepted and usual course of judicial proceedings by judicially noticing evidence to find a live controversy and ameliorate the lack of record evidence supporting *Rathke*'s mandatory "real, immediate, and irreparable" harm factor. *Rathke*, 648 P.2d at 653-54.

Plaintiffs conceded the election mooted the primary dispute. Op. ¶ 9. All that remains is their request for an injunction against future COML violations. Op. ¶ 10. At the district court, however, Plaintiffs presented no evidence of a prospective intent to violate COML or of any harm from purported future violations.

At the appellate court, the Division judicially noticed the Board's website to find a controversy remains as to whether the Board "continues to host closed meetings." Op. ¶ 11. It then overread the district court's unqualified findings as to future harm as a failing by the court, rather than a finding on the state of the evidence. Op. ¶ 49. And it combined this overreading with its judicially noticed determination that future violations may occur to require a remand for consideration of a preliminary injunction on those alleged "future violations." Op. ¶ 13.

The Division's reliance on judicial notice is plainly improper and discordant with this Court's precedent. *Mun. Subdistrict, N. Colo. Water Conservancy Dist. v. OXY USA, Inc.*, 990 P.2d 701, 711 (Colo. 1999) ("[A] court may not take judicial notice of facts on the very issue the parties are litigating."); *see People v. Sena*, 2016 COA 161, ¶ 27 (holding it is improper to judicially notice "an element of" the alleged violation).

This misuse of judicial notice necessitates this Court's review. If appellate courts may notice critical facts on which a party failed to present evidence below, the bright line between district courts and appellate courts is reduced to a mere suggestion. *See Martinez v. Reg'l Transp. Dist.*, 832 P.2d 1060, 1061 (Colo. App. 1992) ("There is no principle more fundamental to appellate jurisprudence than the maxim that an appellate court does not decide the facts . . ."). This also shifts the court away from its role as neutral arbiter. *See People v. Lulei*, 2026 CO 17, ¶¶ 28-30 (discussing party presentation principle and recognizing "our adversarial system is designed around the premise that the parties . . . are responsible for advancing the facts and arguments entitling them to relief"); *id.* ¶ 72 (same) (Blanco, J., concurring); *id.* ¶ 95 (same) (Gabriel, J., dissenting).

Encouraging this approach also increases the likelihood of "obey-the-law" injunctions, which are suspect. *See Rome v. Mandel*, 2016 COA 192M, ¶¶ 74-78 (explaining an "edict to obey the law" is overbroad and vague and holding that, even assuming an obey-the-law injunction is permissible, the movant must present evidence showing the illegal conduct may be resumed).

And in any event, the facts the Division judicially noticed are insufficient to show a live controversy. The website states the non-public meetings are merely "to provide day-to-day direction to staff regarding agenda setting, schedule and communication tools," and are "not related to policy-making." *See* Op. ¶ 11 (citing https://perma.cc/VU7V-LFBC). This does not show an intent to violate COML; it shows the opposite. The meeting description virtually mirrors section 24-6-402(2)(f), which exempts these meetings from COML's notice requirements.[3] The discrepancy between what the site actually says and the weight the Division gave it warrants this Court's attention.

---

[3] Plaintiffs waived any argument that mootness should not be found because the issue is capable of repetition evading review and of great public importance. Op. ¶ 8.

IV. The Opinion crafts a novel interpretation of COML that conflicts with its plain language.

The Opinion's novel holding is premised on a statutory misinterpretation. Section 24-6-402(2)(b) provides that COML's requirements apply to "[a]ll meetings of a quorum . . . of any local public body . . . at which public business is discussed or at which any formal action *may be taken*." (Emphasis added.) The Division erroneously construed the italicized phrase to mean that "COML's requirements are triggered not only when a meeting of a local public body is held, but also when such a meeting is contemplated." Op. ¶ 28.

Section 24-6-402(2)(b) fails to support this novel holding. The italicized phrase does not mean that COML's applicability may be conclusively determined before the meeting even occurs. No Colorado court has so held, and the Division neither cited any supporting authority nor provided any supporting reasoning. Its holding erases the distinction between the two triggering conditions identified in section 24-6-402(2)(b), which are presented in the disjunctive. Whether "public business *is discussed*" cannot be determined at the time "a meeting is [merely] contemplated."

This novel, erroneous holding paved the way for a disposition that should not have been achievable: the reversal, under a clear error standard of review, of

dispositive factual findings the district court made with record support. Op. ¶¶ 29-31. The district court found the "APMs were limited to day-to-day direction to staff." The Division recognized this finding has record support. Op. ¶ 26. And yet, focusing exclusively on pre-meeting agendas, it concluded the finding that the APMs were "[not] part of the policy-making process" "has no record support." Op. ¶ 31. That is, the Division held that evidence existing "when [the] meeting[s] [were] contemplated" superseded and rendered irrelevant direct evidence of what actually occurred at the meetings. This defies common sense and this Court's binding precedent.

V. The Opinion is discordant with this Court's precedent.

A. This Court requires a meaningful connection between the public body's policy-making powers and *the meeting itself* for COML to apply.

In *Costilla County*, this Court held COML's requirements apply only when "the record . . . demonstrate[s] *a meaningful connection* between *the meeting itself* and the policy-making powers of the public body." *Costilla Cnty.*, 88 P.3d at 1193 (emphasis added); *see Hanover Sch. Dist. No. 28 v. Barbour*, 171 P.3d 223, 227 (Colo. 2007) ("The Open Meetings Law [applies] to . . . 'meetings at which public

business *is considered*.' "(quoting *Benson v. McCormick,* 195 Colo. 381, 383, 578 P.2d 651, 652 (1978)) (emphasis added)).

No record evidence demonstrates a meaningful connection between *the APMs themselves* and the Board's policy-making powers.[4] The Opinion circumvents this fatal deficiency by employing a novel statutory interpretation that excludes the APMs from the analysis. This contravenes this Court's precedent while demonstrating the wisdom of that precedent.

The agendas were obtained through CORA requests, not drafted as public notice. When taken out of context, they can be misunderstood. The Opinion illustrates this point. Relying exclusively on an agenda item stating "Immigration Resolution," the Opinion finds the APMs "discuss[ed]" "resolutions initiating . . . [an] immigration resolution." Op. ¶¶ 30-31. Not so.

The Opinion fails to consider that this agenda item appears under the heading "County Newsroom." EX(12), p.10. Indeed, the APMs discuss "what's being discussed in the news." CF, p.314:22-25. The "Immigration Resolution"

---

[4] The pre-meeting agendas also fail to evidence a meaningful connection. They nowhere indicate the Board intended to substantively discuss policy or resolutions at the APMs. EX(12), pp.8-33. The website also advised the public that the APMs are "not related to policy-making functions of the Board." *See* Op. ¶ 11.

was merely a contemplated statement supporting a speech by President Trump on immigration (as reported in the news). CF, p.379:1-9. Because a public statement does not require the Board to exercise its policy-making powers, it is not public business. *Intermountain Rural Elec. Ass'n v. Colorado Pub. Utilities Comm'n*, 2012 COA 123, ¶ 26 ("[T]o be a 'formal action' and therefore part of the 'policy-making responsibility' of the group, an action must fall within the group's ability *to make public policy*.").

Yet the Opinion holds that discussions of matters ancillary to the Board's policy-making powers, including strategies to communicate to the public *about* policy actions, constitute public business. Even stranger, the Opinion holds that COML's requirements are conclusively triggered by references in pre-meeting agendas to resolutions that would constitute public business *if* they were substantively discussed, even when they were not substantively discussed. This conflates what *could be* discussed with what *was* discussed—and inexplicably elevates the former over the latter. This cannot be reconciled with this Court's requirement of a meaningful connection to "the meeting itself." *Costilla Cnty.*, 88 P.3d at 1193. Nor can it be reconciled with COML, which governs meetings "at which any public business *is discussed*." § 24-6-402(2)(b) (emphasis added).

By concluding the APMs should have been open to the public without considering what happened at the APMs themselves, the Opinion produces absurd results contrary to COML's purpose. COML is meant to increase transparency "when the meeting at issue is one where the public may legitimately take part in or gain insight into the policy-making process." *Costilla County*, 88 P.3d at 1195. No evidence shows the APMs concerned the policy-making process. To the contrary, the district court found with record support that they were "[not] part of the policy-making process." CF, p.404.

Nevertheless, the Opinion manufactures a COML violation from pre-meeting agendas—elevating what *could* be discussed over what *was* discussed. This novel statutory interpretation encourages Plaintiffs to scrutinize the Board's internal communications in search of ammunition for a COML lawsuit; it does not promote public access to the policy-making process. *See Benson*, 578 P.2d at 653 ("The Open Meetings Law . . . was not intended to interfere with the ability of public officials to perform their duties in a reasonable manner."). Interpretations requiring non-policy-making meetings to be open to the public are absurd and should be avoided. *Arkansas Valley Publ'g Co. v. Lake Cnty. Bd. of Cnty. Comm'rs*, 2015 COA 100, ¶ 15.

B. The Opinion blurs this Court's distinction between public business and matters of public importance.

The Opinion also conflicts with this Court's holding that discussion of matters of public importance, as distinguished from public business, does not trigger COML. *Costilla Cnty.*, 88 P.3d at 1193. The Opinion erroneously treats any matter of public interest or importance as public business under COML.

The Opinion, in concluding the APMs were subject to COML, expressly relies on agenda items describing "planned tactics to support" the home rule resolutions, including "media outreach" and "talking points." *See* Op. ¶¶ 29-31. Because these actions are merely ancillary to the Board's policy-making powers—not "within" them—they are not public business. *Intermountain Rural Elec. Ass'n*, ¶ 26; *see Costilla Cnty.*, 88 P.3d at 1194 ("[T]he OML applies to meetings that are convened for the purpose of policy-making rather than . . . merely discussing matters of public importance.").

Section 24-6-402(2)(d)(III) reinforces the point. It renders emails between elected officials subject to COML, but only when they "relate to the merits or substance of pending legislation or other public business." It defines "merits or substance" to mean "any discussion, debate, or exchange of ideas . . . related to the

essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity." *Id.*

The Opinion is inconsistent with section 24-6-402(2)(d)(III) in a manner that produces absurd results. The matters identified in the pre-APM agendas—"media outreach," "frequently asked questions," and "talking points"—do not relate to "the essence of" the underlying resolutions. The Board may therefore discuss them privately over email. Yet the Opinion holds that discussion of these matters in person must occur at a public meeting. This is absurd: it means COML applies if the Board discusses these matters in person, but not if the Board discusses them by email.

This absurd result flows from the Opinion, not section 24-6-402(2)(d)(III). No Colorado court has held, and the General Assembly did not intend, that discussions of matters *ancillary to* public business must occur in public meetings. Yet that is what the Opinion holds. And because the Division denied the Board's request to publish the Opinion, Douglas County will for the foreseeable future be the only county in Colorado required to abide by this erroneous, overly expansive interpretation of COML.

CONCLUSION

For these reasons, the Douglas County Board of County Commissioners respectfully asks this Court to grant this Petition.

Dated: June 29, 2026 Respectfully submitted,

s/ Kendra N. Beckwith
Kendra N. Beckwith, #40154
Nathan B. Thoreson, #53851
WOMBLE BOND DICKINSON
(US) LLP

CERTIFICATE OF SERVICE

I certify that on this 29th day of June 2026, I filed the foregoing **PETITION FOR WRIT OF CERTIORARI** with the Court via the Colorado Courts E-Filing system. That system will serve all counsel of record with notice of such filing.

s/ Nathan B. Thoreson
Nathan B. Thoreson