STATE OF COLORADO
SECRETARY OF STATE
BEFORE THE ADMINISTRATIVE HEARING OFFICER
1700 Broadway #550
Denver, CO 80290

ELECTIONS DIVISION OF THE SECRETARY OF

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Complainant, vs.

COLIN LARSON; COLIN FOR COLORADO; RESTORE COLORADO LEADERSHIP FUND IEC, RESTORE COLORADO LEADERSHIP FUND 527; DANIEL COLE, COLE COMMUNICATIONS, LLC; and VICTOR'S CANVASSING, LLC,

Respondents.

▲ COURT USE ONLY

Case Number: 2023 AHO 0003

SCHEDULING ORDER

Consistent with the parties Joint Proposed Schedule dated November 28, 2023, the

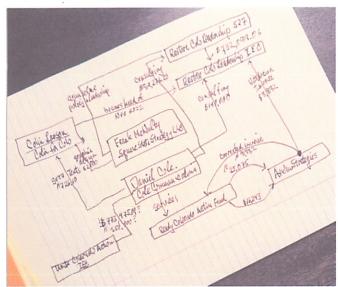
following deadlines are ordered by the Hearing Officer:

- 1. The Division's Response to the Respondents' November 28, 2023 Renewed Motion to Dismiss shall be filed on or before December 15.
- 2. All discovery shall be completed by January 10, 2023.
- 3. Prehearing Statements in accordance with CPF Rule 24.11, 8 CCR 1505-6, shall be filed seven days before the hearing.
 - a. **Exhibits—exchanged.** Exhibits of the parties are to be exchanged on the same date that Prehearing Statements are filed. This includes demonstrative exhibits (more on that below).
 - b. **Exhibit format.** Exhibits of the parties are also to be filed on the same date as the Prehearing Statements. Each party shall put its exhibits in a single pdf file, with each exhibit labeled (with the Division using numbers and the Respondents using letters) and bookmarked within the pdf file. The exhibit "labels" must contain the exhibit number or letter, the hearing date and the case number.
 - c. **Trial Efficiencies.** Include an estimate of time needed for direct examination of each witness in each parties' case in chief, as well as the amount of time required to try the case.

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- 4. Two days after Prehearing Statements are filed, the Division is to file a single exhibit list containing the exhibits, noting stipulations as to admissibility and objections by the parties, using the template that will be provided by the Case Manager on request.
- 5. A one-day hearing will be scheduled during the week of January 15, 2023. The Case Manager, Nathan Borochoff-Porte, will reach out to the parties and schedule the hearing so that it can be put on people's calendars.

A word about demonstrative exhibits. It is important that demonstrative exhibits be used by the parties to help the finder of fact keep straight the relationships and the flow of services, advice,



money, etc. between and among the involved Respondents. I arrive at the issues raised by the pleadings without the hours that parties' counsel have spent in analyzing the facts of the case. But left on my own to create boxes, lines and arrows on a page in order to understand the relationships and services or positions attendant on those relationships, it can end up a mess like what is shown to the left.

"Visual Explanations" are important and can be difficult, as I am reminded by the title of one of the books on the graphic display of information by an engineer whom Bloomberg characterized in a review as the

"Galileo of graphics," Edward Tufte. The point is that Respondents and the Department both have an interest in creating demonstrative exhibits that help to place the hearing evidence in context for the witnesses, the Hearing Officer and each other.

SO ORDERED this 29th day of November 2022.

Macon Cowles, Hearing Officer

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¹ In his several books on the display of quantitative information, the author uses famous examples, one more than 200 years old showing the shredding of Napoleon's Army in the Russian Campaign of 1812-1813, others, like the Morton Thiokol's graphic that failed to convince NASA to halt the space launch of the Challenger in 1986, of more recent origin. Many lawyers representing parties in complex litigation have taken the Tufte course when it has occasionally been taught in Denver.

CERTIFICATE OF SERVICE

The undersigned hereby states and certifies that one true copy of the Order herein was sent via email on November 30th, 2023 to the following:

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Nathan Borochoff-Porte Case Manager

1s/ N. B. Porte

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