

<p>STATE OF COLORADO SECRETARY OF STATE BEFORE THE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> <hr/> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>FOOTHILLS FIRE PROTECTION DISTRICT, DUEY FREEMAN, PAUL DEETH, SCOTT FERGUSON, STEVE BECK, TJ CARNEY, and ALAN ANDERSON</p> <p>Respondents.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number: 2023 AHO 0009</p> <p>(in re ED 2022-94, 2022-98)</p>
<p>ORDER DENYING MOTION TO WITHDRAW</p>	

1. Counsel for Foothills Fire Protection District has filed three Motions to Withdraw.
 - a. The first Motion to Withdraw dated April 3, 2024, was denied on April 17th because it utterly failed to comply with C.R.C.P. 121, section 1-1. The author of the Motion showed no awareness that withdrawing from an active case is even covered by the Colorado Rules of Civil Procedure. The Motion was denied April 17.
 - b. The second Motion to Withdraw dated April 23, 2024, was denied by Minute Order on May 10th because it did not comply with C.R.C.P. 121, §1-1(2) and C.R.C.P. 5(b). Putting a fine point on it: the Certificate of Service was defective it did not declare who, how, where, by what means and when service was accomplished.

c. The third Motion to Withdraw, dated May 10, 2024, has a Certificate of Service that includes seven of the eight parties mentioned in ¶ 4 of the Minute Order, *but does not include the eighth party which is the District*, in the Certificate of Service.

2. The principal concern of Rule 121 is that the client of the withdrawing law firm be notified of its responsibilities in the litigation. Presumably that is what counsel intended with the “ADVISEMENTS TO CLIENT” in the Motion. Not only must the client be notified of its responsibilities, but Rule 121 requires the withdrawing firm to make the affirmative representation to the court and to the other parties that the firm has instructed its client of what its litigation responsibilities are if the Motion is granted. But there is no commitment in Dylan Woods’ May 10 Motion that the client has received the “ADVISEMENTS,” as they are directed at the undefined pronoun “you” and the Foothills Fire Protection District is inexplicably missing from the Certificate of Mailing.

3. The May 10 Motion to Withdraw still does not comply with C.R.C.P. 121, §1-1(2) and C.R.C.P. 5(b). It fails to apprise the court and the other parties (none of whom has a present relationship with the District, Admin. Complaint, ¶(6), that the withdrawing law firm has informed its client that it is withdrawing, and what its obligations in the litigation are.

4. Further, you must provide the District’s email address and the person at the District who is on point for this litigation.

5. The Motion to Dismiss dated May 10, 2024 is DENIED.

SO ORDERED this 13th day of May 2024.



Macon Cowles, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned hereby states and certifies that one true copy of the Order herein was sent via email on May 14, 2024 to the following:

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/s/ *N. B. Porte*

Nathan Borochoff-Porte, Administrative Court Clerk