
State of Colorado
SECRETARY OF STATE
Administrative Hearing Office
1700 Broadway, Suite 550
Denver, CO 80290

Case number:

2025 AHO 23 CPF
(*in re* ED 2024-107)

In the Matter Of:

ELECTIONS DIVISION of the SECRETARY OF STATE

Complainant

v.

CITIZENS FOR NO NEW DEBT,

Respondent

ORDER DENYING SECOND MOTION TO DISMISS AND CONTINUING TRIAL DATE

Respondent submitted a single pleading dated July 14, 2025 that seemed to be both a Motion to Dismiss and an Answer to the Administrative Complaint. I described the pleading in an Order dated August 4, 2025 as “partly an Answer to the Complaint, partly a Motion to Dismiss for failure to state a claim, partly a motion for judgment on the pleadings (in which both the Complaint and the Answer are considered).” The Order sets forth the reasons that the July 14 Motion to Dismiss was DENIED.

1. On August 11, 2025, Respondent filed a second Motion to Dismiss. The Secretary of State’s General Policies and Administration Rules, 8 CCR 1505-3 do not address serial motions to dismiss. However, when GPAR Rule 3 is silent on a subject, the Colorado Rules of Civil Procedure set forth the applicable rules. GPAR 3.12.1.

2. The Colorado Rules of Civil Procedure prohibit a party from filing serial Rule 12 motions to dismiss. All of the reasons supporting a motion to dismiss must be contained within a single motion.

“If a party makes a motion under this Rule but omits therefrom any defense or objection then available to that party which this Rule permits to be raised by motion, that party shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in section (h)(2) of this Rule on any of the grounds there stated.”

C.R.C.P. 12(g).

3. This rule “requires consolidation of all C.R.C.P. 12 motions.” *Barnes v. State Farm Mutual Auto. Ins. Co.*, 2021 COA 89, ¶ 17.

4. Respondent’s Second Motion To Dismiss is DENIED.

5. **Respondent’s Motion for Continuance.** Trial was originally scheduled for August 19, 2025. See, Scheduling Order, June 20, 2025. In an August 11 memo to the Administrative Hearing Officer inbox, Respondent asked for a continuance of the trial date “in order to be represented by an attorney.” He said that he has not had time to get an attorney because of the health of his 95 year old stepfather. Respondent also did not file a prehearing statement as required by the Scheduling Order.

6. Respondent’s Motion for Continuance is GRANTED to give him time to obtain representation. The trial date is continued to September 23, 2025 at 10:00 AM. *No further continuances will be granted unless the motion is presented by a lawyer who has entered an appearance in the case.*

7. **Prehearing Statements.** The Elections Division has already filed its prehearing statement and exhibits. Because I am continuing the trial date, Respondent’s Prehearing Statement and trial exhibits are now due September 16, 2025 and shall comply with GPAR Rule 3.11.3. 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.

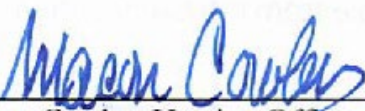
8. **Exchange of exhibits and exhibit format.**

- a. Respondent's Exhibits are to be served on Division counsel and provided to the hearing officer on September 16, 2025.
- b. Respondent shall put its exhibits in a single bookmarked pdf file, with each exhibit labeled (with Respondent using letters, e.g., Ex. A, Ex. B, etc.) and bookmarked within the pdf file. The exhibit "labels" must contain the exhibit number or letter, the hearing date and the case number.
- c. Respondent shall also file an exhibit list in the form of a Microsoft Word document, or some other commonly used word processing application.

9. **Service of prehearing statements and exhibits.** All pleadings shall be served on the hearing officer at administrativehearingofficer@coloradosos.gov and on the other persons using the coordinates shown for them in the Certificate of Service below.

10. **Hearing in this matter**, pursuant to §1-45-111.7(6)(a) and §24-4-105, C.R.S. will occur on Tuesday, September 23, 2025 at 10:00 AM in the hearing room of the Secretary of State at 1700 Broadway, Suite 550, Denver, Co 80290.

SO ORDERED this 15th day of August 2025.



Macon Cowles, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one true copy of this Order Denying Second Motion to Dismiss and Continuing Trial Date was sent via email on August 15, 2025 to the following:

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Third-Party Complainant

/s/ Nathan B. Porte

Nathan Borochoff-Porte, Administrative Court Clerk