

jurisdiction, except to the judicial power of Colorado, the state of the republic, and files this EMERGENCY DEMAND AND PETITION IN THE NATURE OF A QUO WARRANTO pursuant to C.A.R. 21, C.A.P. 28(h), and C.R.C.P. 106(a)(3) against the defendants and the relators would show unto the court as follows:

HISTORY AND NATURE OF THE CASE

Affiant avers and affirms that defendant, Cynthia H. Coffman, impersonating a Colorado Attorney General, was sent an INFORMATION IN THE NATURE OF A QUO WARRANTO, by certified mail, prepared and witnessed by 41 members of the Public, on March 16, 2017. See Exhibit A. Coffman was given 21 days to respond to the said Quo Warranto and she has a duty to respond as public official, defined in the Uniform Fiduciary Act found at C.R.S. 15-1-103 (1953) and "the responsibilities given to the office by the Colorado Constitution, statutes enacted by the Colorado General Assembly, and the common law," defined in the Colorado Department of Law's Mission Statement. As Coffman and the District Attorney Stanley L. Garnett have *refused to act* on the alleged crimes described in the said instrument, the private person, as relator asserts that this is a proper request to institute the proceeding and challenge the defendants right to public office into the Colorado Supreme Court.

By reason of *The People of the State of Colorado Ex Rel. Jerome v. the Regents of the State University*, 24 Colo. 175, (1897 Colo.) "If, upon request, he refused to act, a private person as relator, may in a proper case institute the proceeding without obtaining leave of court in the first instance."

Additionally, by reason of *People Ex. Rel. Byers v. Grand River Bridge Co. Et Al.*, 13 Colo. 11; (1889 Colo.). "It is averred in the complaint that the district attorney of the proper district refused to bring the suit upon application, and therefore plaintiff claims the right to maintain the action as relator by virtue of the provisions of section 315 of the Civil Code," (Gen. Stat. 1883).

The relators in this case allege and aver they have an interest beyond that common to every citizen, because in addition to being held in a condition of peonage as is every-one of the People in Colorado the relator/plaintiffs have suffered felonious incarcerations, bodily harm, theft of personal and private property.

“Quo Warranto proceedings have been held proper to challenge and determine the right or title to various public offices,” *State Civil Service Commission v. Cummings*, 83 Colo. 379, (1928 Colo.), *People Ex rel. Beardsley v. Harl*, 109 Colo. 223, (1942 Colo.), *People Ex rel. v. Londoner*, 13 Colo. 303, (1889 Colo.), and *Kepley v. People Ex rel.* 76 Colo. 233, (1924 Colo.), *Burns v. District Court of Arapahoe County, et al.*, 144 Colo. 259, (Colo. 1960)

Affiant further avers and affirms, that self-dealing public officials, John W. Hickenlooper, Cynthia H. Coffman, in collusion with Walker R. Stapleton, the named defendants, pursuant to the Uniform Fiduciary Act of 1953 found at C.R.S. 15-1-103 (2017) and pursuant to the statutory mandates of C.R.S. 24-22-101(1)(2017) have misrepresented to the Public at Large that Stapleton is lawfully holding public office.

BURDEN OF PROOF

Where a truth under the fiduciary relationship has been abused or breached, 37 Am Jur 2d § 461 Effect of fiduciary, confidential, or unequal relationship states:

“When a presumption of fraud arises in a case based on the confidential or fiduciary relationship between the parties, the burden of proof is on the fiduciary or dominant party to rebut the presumption,¹¹ and to justify¹² and to establish the honesty of the transaction,¹³ and to demonstrate that there was no fraud.¹⁴ The fiduciary has the burden of showing that he or she did not take advantage of his or her principal and acted throughout in a fair, open and honest manner.¹⁵”

Findings that the burden of proof is on the fiduciary or dominant party to rebut the presumption, to justify, and to demonstrate that there was no fraud has also been affirmed in: *Martinelli v. Bridgeport Roman Catholic Diocesan Corporation*, 196 F.3d 409 (2nd Cir. 1999); *Kawther Al-Abood. v. Nimat Mohammed Tayeb Elshamari*, 217 F.3d 225 (4th Cir. 2000); *Bohler-Uddeholm v. Ellwood Group*, 247 F.3d 79 (3rd Cir. 2001); *Dresden v.*

Willock, 518 F. 2d 281, 290 (3rd Cir. 1975); *Bellis v. Thal*, 373 F. Supp. 120, 125-27 (E.D. Pa. 1974), *aff'd* 510 F.2d 969 (3d Cir.1975); *Duquesne Light Co. v. Westinghouse Elec. Corp.*, 66 F.3d 604, 618 (3d Cir. 1995). *Other citations omitted.*

The reason for placing the burden of proof on a fiduciary is that the fiduciary is in a position of control over the beneficiary or his property, and must therefore meet a higher standard in his dealings with the beneficiary of a legitimate government that protects Peoples' rights, liberty, property.

FIRST BREACH OF FIDUCIARY DUTY

Affiant avers and affirms that Cynthia H. Coffman impersonating a Colorado Attorney General has breached her fiduciary duties during her term of office and acting outside the scope of her employment as a public official found in Uniform Fiduciary Act C.R.S. 15-1-103 (1953), see Exhibit "B" and described in Mission Statement of the Colorado Attorney General Office, see Exhibit "C", that states:

"The Attorney General exercises the responsibilities given to the office by the Colorado Constitution, statutes enacted by the Colorado General Assembly, and the common law."

Affiant further avers and affirms that the following eight elements the Colorado Department of Law claim to be focused on are misrepresentations of Coffman and others' actual activities, a series of acts with the intent to defraud and mislead the Public at Large:

- **Upholding the United States and Colorado Constitutions.**

By reason of the foregoing, the Public at Large, the People of Colorado, and the united States of America are being defrauded:

The Constitution for the United States of America, ratified in 1789, and Colorado Constitution ratified in 1876, and the Colorado Enabling Act, 18 Stat. 474 the covenant permitting Colorado to join the union on an equal footing with the other states, that was established by the People of Colorado and the United States, ratified by President Ulysses S. Grant, in Washington D.C., on August 1, 1876, have been dishonored. See Exhibit “D”

There is no republican form of government in the State of Colorado as required by the Separation of Powers Doctrine, Articles I – III, and Article IV, Section 4, Constitution for the United States of America, ratified in 1789, meaning: separate departments with mutually exclusive and independent powers as evidenced below.

- **Providing the highest level of ethical legal service to the State of Colorado.**

Intentional perversions of the truth:

Silent acquiescence to a PETITION FOR A WRIT OF MANDAMUS, titled and numbered: *WINFRED P. ADAMS, Major, USAF, Retired vs. GOVERNMENT OF THE STATE OF COLORADO*, Case No. 1:17-cv-02151 filed in the United States District Court in and for the District of Colorado, on September 5, 2017, evidences there are no persons who lawfully hold public office in Colorado. See Exhibit “E”.

- **Defending the laws and officers of the State of Colorado from legal challenge.**

A representation made with reckless indifference to, or disregard for the truth accomplished by concealing and covering up the crimes evidenced at:

Google: ElPuebloBoys&GirlsRanchScandal

Google: coffmangate/?s=coffmangate

- **Protecting and preserving the quality of Colorado's land, water and air.**

Ignored and Dishonored:

Public Law 92-500 - The Federal Water Pollution Control Act Amendments of 1972. See Exhibit "F," the partial listing of county web-sites evidencing the toxic conditions of Colorado drinking water.

- **Advocating for policies that help law enforcement improve community safety.**

False Imprisonments:

See Exhibit "G," the Keating document, JAILS, PRISONS, BONDS and OWNERS OF THE PRISON SYSTEM IN AMERICA; research explaining how living souls are railroaded into prisons for slavery, making billions of dollars for private self-serving corporations and their banking henchmen through felonious incarcerations.

- **Protecting Coloradans from consumer scams and fraud.**

Concealing, covering up, and aiding and abetting:

Every year thousands of homeowners in Colorado are being subjected to bank fraud and foreclosure scam as currently being litigated in *Powers v. New York Mellon Bank et. al.*, Case No. 8:17-cv-01386-DOC-KES, United States District Court, Central District Southern California Division.

- **Ensuring that Colorado's elections remain free from criminal fraud.**

Under the pretense of being lawful government:

Every election year thousands of Coloradoans go to the voting polls, induced and deceived into *relying* on the persons that they vote for, are their public servants who they will work on their behalf in a fiduciary capacity. In reality those alleged public officials work for private corporations that can be identified by D&B numbers and Manta numbers. By reason of the Clearfield Doctrine that states:

"Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." *Clearfield Trust Co. v. United States* 318 U.S. 363-371 (1942).

- **Promoting open, accountable governance.**

Dishonor and effective control of information about the existence of the truth:

There can be no open accountability of government when so-called public officials silently acquiescence to 24 Notices of Fraud. The intent to conceal and cover-up the defendants' misbehavior and recklessness is evidenced by non-responses to the twenty-four notices of breach of fiduciary obligations. These notices were sent by members of the Public doing the duty pursuant to 18 U.S.C. § 4 who were attempting to hold their public servants accountable for their fiduciary duties.

Notice of Fraud No. 1 was served by U.S. Mail on May 10, 2015, and Notice of Fraud No. 24 was served by U.S. Mail on June 21, 2017.

Also see; [Invisible Contracts](#) by George Mercier at:

www.constitution.org/mercier/incon.htm.

MOTIVE AND OPPORTUNITY TO COMMIT FRAUD

Affiant avers and affirms that defendants have both motive and opportunity to commit fraud on the Public at Large: Motive - To benefit their own self-serving private interest for profit and the benefit of the private corporations they work for.

Opportunity – There is no watchdog group/oversite group/gatekeepers to oversee or to prevent unqualified People who have not properly filed their oath and bond from taking office public office. As described in the preceding paragraph, those members of the Public at Large who attempt to hold their public servants accountable are either ignored and/or retaliated against. This is evidenced by the fact that exactly 21 days after Coffman was served with said quo warranto, several members of the Public prepared and witnessed aforesaid instruments became subject to retaliatory arrests, malicious prosecutions, and cruel and unusual punishments in violations of C.R.S. 18-8-105, C.R.S. 18-3-503(1), and 18 U.S.C. § 1513.

SECOND BREACH OF FIDUCIARY DUTY

The People of Colorado have a right to an honest government and a right to be protected against faithless public office holders. Therefore, the People are entitled to know that their public servants have legitimate authority in Colorado and will faithfully discharge their oath of office.

An amended complaint was filed in the United States District Court in and for the District of Colorado, titled *Laurence R. Goodman, et al., vs. John W. Hickenlooper, et al., and Cynthia H. Coffman, et al.*, Case No. 17-cv-01680-KLM (MIX), on October

19, 2017. This said complaint addressed the same issues presented here. That is, the defendants denying the constitutional powers and the attendant statutory authorities mandating Walker Stapleton's timely filed oath and evidence of his fiduciary bond(s) to the people of the state of Colorado. However, the record in the said case shows that the defendants remained in silent acquiescence to the main issue presented in the pleadings, and the judge dishonored his judicial duties to rule on the case. The case dismissed without prejudice.

By virtue of Article VI, Clause 3, Constitution for the United States of America, ratified in 1789; Colorado Constitution, Article XII, Sections 8, 9, and 10; Article XIV, Section 9; the "ordinance irrevocable" § 4, 18 Stat. 474, the Colorado Enabling Act, that was established by the People of Colorado and the United States, ratified by President Ulysses S. Grant, in Washington D.C., on August 1, 1875, brought forward the requirements into the Schedule, Section 2 and 22, Colorado Constitution, ratified in 1876; Walker Stapleton as Colorado Treasurer, is required to have evidence of his oath and fiduciary bond(s) to the people of the State of Colorado filed with the Colorado Secretary of State.

The statutory mandate for said Colorado Treasurer's oath and fiduciary bond(s) can be found at C.R.S. 24-22-101(1)(2017). Oath - bond and sureties - conditions of bond. See Exhibit "H."

(1) "On or before the second Tuesday in January after his election and before entering upon his duties, the state treasurer shall take and subscribe to the oath required by the state constitution and shall give a bond to the people of the state of Colorado in the sum of one million dollars, with not less than ten individual sureties or one or more surety companies

authorized to do business in this state. The bond and each surety shall be approved by the governor and the **attorney general and held in the custody of the secretary of state.**”

The statutory mandate, requiring that the Colorado Treasurer’s oath and bond(s) shall be approved by the governor and the attorney general and to be held in the custody of the Colorado Secretary of State, date back to MILLS’ ANNOTATED STATUTES OF THE STATE OF COLORADO VOL. 1, Section 1789, (1883). See Exhibit “I.” Even the newly legislated mandate found in C.R.S. 24-14-102(2)(a) (2018), see Exhibit “J,” specifically states there is no authorization for an exemption from the requirement of the Colorado State Treasurer from providing an oath and fiduciary bond(s) as mandated by said C.R.S. 24-22-101(1).

Affiant here affirms that demands for certified copies of oath and evidence of fiduciary bond(s) for Colorado State Treasurer, Walker Stapleton, at the Colorado Secretary of State’s Office were made twice in person by two witnesses on August 28, 2017, and August 30, 2017, and twice by certified mail. See Exhibits “K” and “L.”

The exhibits from the personal visit to the Secretary of State’s Office show that the clerks refused to document that there was no evidence of Stapleton’s fiduciary bond(s) as mandated by the C.R.S. 24-22-101(1). However, the certified mail requests produced written evidence that the said *fiduciary bond(s) could be found*.

Affiant here affirms that the authority for asking for this demand, as one of the People in Colorado, is Article II, Section 2, Colorado Constitution, ratified in 1876.

Furthermore, Affiant here affirms that there has been no evidence to be found that John W. Hickenlooper impersonating the Colorado Governor and Cynthia H.

Coffman impersonating the Colorado Attorney General have complied with the statutory prerequisite of approving Walker Stapleton's one-million dollar fiduciary bond(s) and oath of office mandated in said statute C.R.S. 24-22-101(1)(2017).

Certified copies of Stapleton's oath of office obtained from the Colorado Secretary of State's Office evidences that his oath was filed on 5/20/2015 more than five months late, contrary the statutory prerequisite described in said C.R.S. 24-22-101(1)(2017) that require the oath and bond "on or before the second Tuesday in January after his election and before entering upon his duties." See Exhibit "M."

Affiant here affirms that he cannot find any evidence that *People v. Quimby*, 152 Colo. 231, (1963 Colo.), has been overturned, that states;

"A person chosen to fill a term of office is not permitted to assume the duties of the office until he files a bond and oath of office, **which must be done before the commencement of the term, or the office shall be deemed vacant.**"

Affiant here affirms that he cannot find any evidence that there was a three-fourths vote of the People of Colorado to amend the Colorado Constitution Schedule, Section 2 and 22. Without evidence of a three-fourths vote of the People, the defendants are presumed to be committing fraud.

Affiant here affirms that the silent acquiescence to the aforementioned PETITION FOR A WRIT OF MANDAMUS, filed in the United States District Court, Case No. 1:17-cv-02151, evidences there are no persons who lawfully hold public office in Colorado. Without a rebuttal offered, the defendants really did commit fraud.

OVERT ACTS OF TREACHERY

The overt acts of treachery permit the co-conspirators' adherence to the criminal oligarchy:

(1) by voluntarily and continuously enforcing the oligarchical system permitting some of its adherent members to enter state, county, and federal public offices with perjured oaths without the judicial means in any court venue with competent jurisdiction to remedy the defect,

(2) by denying the constitutional powers and the attendant statutory authorities mandating the oath takers be bound with a verifiable fiduciary bond or a recognizance payable to the applicable state,

(3) after the Colorado State Legislature produces the Bill of Appropriations and thereafter, the Bill is signed supposedly into law by an alleged imposter John W. Hickenlooper holding the office of Colorado Governor; the public appropriations thereby become embezzled public money under control of an alleged imposter. The Colorado State Treasurer, whether properly bonded or not, cannot lawfully accept embezzled public funds under provisions of Article X, § 13, Colorado Constitution; and the authority of C.R.S. 18-8-407(2017).

Without strict adherence to Oath - bond and sureties - conditions of bond, every time any so-called public official cashes a pay check they are embezzling public funds (the Peoples' tax dollars). That conduct demonstrates the intent of "the Peoples' public servants," to serve their own interest rather than those of the People they represent, the

intentional felonious misuse of publicly appropriated funds. Those funds are dispersed feloniously to accomplish the intended purpose of paying all state officers, employee salaries, and office operating expenses. Each time any public officer cashes a pay check constitutes another count of embezzlement, intentional felonious misuse of publicly appropriated funds. Article X, Section 13, Colorado Constitution (1876), declares that no public funds may be used for any unlawful purpose without becoming felonious and Article XVIII, Colorado Constitution (1876), defines a felony.

All the defendants were educated in academic institutions of higher learning and would be the valid evidence they had the *presence of mind* sufficient for them to recognize and avoid participating voluntarily and beneficially in said felonious addressed in the preceding paragraphs, where publicly appropriated funds were unconstitutionally being misused to benefit the selected few for profit.

SUMMARY

In this action for the usurpation of an office or franchise, where a felonious oligarchy organized treacherously, co-conspirators give each other aid and comfort, the mutually beneficial behavioral conduct that:

- (1) denies Colorado electorates of their political voice essential for a power that constitutionally remains efficacious during the successful term in office, a power over the money collected from them by taxes and fees,
- (3) permits some oligarchy members to hold a public office without a fiduciary bond or recognizance of record which would bind them to the promises

contained in their oaths of office and would serve to prevent any subsequent perjured oaths thereby,

(4) renders aid and comfort to each other by condoning said office holder's embezzlement of misused public money with abandon,

(5) discriminatorily subjugates against the People's free will to conditions of involuntary servitude without access to any competent court for a judicial remedy within the State and Districts of Colorado,

(6) subjugates the People to the armed might of law enforcement personnel at all levels depending upon the legal fact that no court exists with competent jurisdiction for them to acquire a declaratory judgment that the oligarchy is criminal so charges could be brought against each member of the conduct.

INJURY

As a result, a condition of Mixed War exists between the so-called public authority and the People in Colorado because the so-called public authority holds its position by tyranny and armed might over the People. By reason of the foregoing described embezzlement and intentional felonious misuse of publicly appropriated funds, the Public at Large including the People of Colorado, are being injured on a daily basis, by reason of Amend. XIII, Constitution for the United States of America, ratified in 1789, and See *Blk's Law Dict.*, 4th Ed., 1968, pg. 1754. Also see 18 U.S.C. § 2331

“active war” resulting in injured and harmed daily by criminals in violation of C.R.S. 18-3-503; 18 U.S.C. § 4; 42 U.S.C. § 12203; 18 U.S.C. 1513; 18 U.S.C. §§ 241 and 242; 18 U.S.C. §§ 1581-1589; 42 U.S.C. §§ 1986 and 1994 and being held in a condition of peonage and forced labor to support private corporations who, by reason of the foregoing, are impersonating lawful government.

Wherefore: - The relator asserts that the foregoing information and evidence is sufficient to justify emergency action by the Court. No other cause before the Court has greater priority. Such emergency action by the Court is believed to be an absolute necessity to cure the defect; and accordingly, the Court is urged to respond immediately and favorably.

Additionally, the relator asserts that the Court issue a Show Cause Order issued to the above-named defendants and show why their offices should not be vacated and their orders, decrees, and actions be declared null and void.

All the money stolen from the Public be returned to every one of the People of Colorado at three times the amount stolen by fraud.

I, Laurence Rene' Goodman, certify and swear on my own Commercial Liability, that I have read the foregoing instrument, titled **EMERGENCY DEMAND AND PETITION THE NATURE OF A QUO WARRANTO**, and know the content thereof, and that, to the best of my knowledge and belief, it is true, correct, complete, and not misleading, the truth, the whole truth, and nothing but the truth. I reserve the right and duty to update and correct this instrument as needed.

I, Laurence Rene' Goodman autograph: Laurence Rene' Goodman ^{10/18/2018} make this claim.

Charlene Ann von Schlesien
Witness

Robert-Joseph: INTLeKofor
Witness

Charlene Ann von Schlesien

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I hereby certify that this brief complies with all requirements of C.A.R. 28 or C.A.R. 28.1, and C.A.R. 32, 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. 28(g) or C.A.R. 28.1(g).

It contains 3,860 words (principal brief does not exceed 9,500 words; reply brief does not exceed 5,700 words).

The brief complies with the standard of review requirements set forth in C.A.R. 28(a)(7)(A) and/or C.A.R. 28(b).

For each issue raised by the appellant, the brief contains under a separate heading before the discussion of the issue, a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and, if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

In response to each issue raised, the appellee must provide under a separate heading before the discussion of the issue, a statement indicating whether appellee agrees with appellant's statements concerning the standard of review and preservation for appeal and, if not, why not.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 or 28.1, and C.A.R. 32.



Signature of attorney or party

CERTIFICATE OF SERVICE

Case No. 18SA 255

Copies of an **EMERGENCY DEMAND AND PETITION IN THE NATURE OF A QUO WARRANTO** 15 pages plus Exhibits A through M were hand-carried this day October ____, 2018, to:

Plus Table of Authorities and Certificate of Compliance

Colorado Supreme Court
2 East 14th Avenue,
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FILED IN THE
SUPREME COURT

OCT 19 2018

OF THE STATE OF COLORADO
Cheryl L. Stevens, Clerk

Laurence R. Goodman
Laurence R. Goodman

[Signature]

Witness

PETER MEYER
