

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

1437 Bannock St.
Denver, CO 80203

DATE FILED: September 6, 2023 9:01 AM
FILING ID: ACFEFE55A1C72
CASE NUMBER: 2023CV32577

Petitioners:

NORMA ANDERSON, MICHELLE PRIOLA,
CLAUDINE CMARADA, KRISTA KAUFER,
KATHI WRIGHT, and CHRISTOPHER
CASTILIAN,

v.

Respondents:

JENA GRISWOLD, in her official capacity as
Colorado Secretary of State, and
DONALD J. TRUMP.

▲ COURT USE ONLY ▲

Attorneys for Petitioners:

Mario Nicolais, Atty. Reg. # 38589
KBN Law, LLC

[REDACTED]

Martha M. Tierney, Atty. Reg. # 27521
Tierney Lawrence Stiles LLC

[REDACTED]

Eric Olson, Atty. Reg. # 36414
Sean Grimsley, Atty. Reg. # 36422
Jason Murray, Atty. Reg. # 43652
Olson Grimsley Kawanabe Hinchcliff & Murray LLC

[REDACTED]

Case Number:

Division/Courtroom:

Donald Sherman*
Nikhel Sus*
Jonathan Maier*
Citizens for Responsibility and Ethics in Washington



**Pro hac vice* admission pending

MOTION FOR AN EXPEDITED CASE MANAGEMENT CONFERENCE

By and through undersigned counsel, Petitioners move the Court to hold an expedited case management conference. As grounds for this motion, Petitioners state:

Certification Pursuant to C.R.C.P. 121, Section 1-15(8)

Undersigned counsel certify that they will serve copies of the *Verified Petition Under C.R.S. § 1-4-1204, § 1-1-113, § 13-51-105, and C.R.C.P. 57(a)*, together with this *Motion for an Expedited Case Management Conference* upon Respondent Colorado Secretary of State Griswold (the “Secretary”) and Respondent Donald J. Trump. Given the expedited nature of the relief requested, Petitioners were unable to confer with opposing counsel for all parties regarding their position on this Motion. Petitioners will promptly notify the Court upon learning of Respondents’ position on this Motion.

1. Petitioners filed their *Verified Petition Under C.R.S. § 1-4-1204, § 1-1-113, § 13-51-105, and C.R.C.P. 57(a)* on Wednesday, September 6, 2023.
2. Petitioners are “eligible electors” who are challenging the listing of Respondent Donald J. Trump on Colorado’s presidential primary election ballot or any future Colorado ballot. Pursuant to C.R.S. § 1-1-113, Petitioners allege that the Secretary is “about to commit a breach or neglect of duty, or other wrongful act” by taking a series of actions that would allow Respondent Trump access to the presidential primary ballot. Petitioners also seek declaratory relief against both Respondents under C.R.S. § 13-51-105, and C.R.C.P. 57(a). Under C.R.S. § 1-4-1204(4), the Court must hold a hearing “[n]o later than five days after the challenge is filed.”
3. Immediately after the filing of the Petition and this Motion, Petitioners will serve the Secretary at her office and will attempt to serve Mr. Trump at his usual places of abode and workplaces in Palm Beach, Florida and Bedminster, New Jersey, and at his usual workplace in New York, New York. Petitioners are also emailing a copy of the Petition, this Motion, and summons to Mr. Trump’s counsel of record in several pending cases and

have made a copy of the Petition publicly available on a website, so that Mr. Trump or his agents can find it easily if they are alerted to the case by the media.

4. Petitioners are prepared to put on evidence and witnesses within the five-day timeframe set forth in C.R.S. § 1-4-1204(4).
5. At the same time, Petitioners understand that the complexity and importance of the matters raised in their Petition, as well as the need to permit meaningful participation by all Respondents in the proceedings, may necessitate additional time.
6. Meanwhile, expedited proceedings are necessary because the Secretary faces looming deadlines to prepare ballots. All hearings, decisions, and appeals (including potentially to the Colorado Supreme Court and U.S. Supreme Court) must be completed prior to the certification deadlines below.
7. Colorado’s 2024 presidential primary is scheduled for March 5, 2024.¹ The deadline for the Secretary of State to certify the contents of the 2024 presidential primary ballot is January 5, 2024. C.R.S. §1-4-1204(1).
8. Under Colorado’s presidential primary elections statute, the Secretary is responsible for overseeing ballot access for presidential primary candidates, including by accepting a major political party’s form designating a candidate “as a bona fide candidate for president of the United States” who is “affiliated with a major political party,” C.R.S. § 1-4-1204(1)(b); and accepting a “notarized candidate’s statement of intent together with either a nonrefundable filing fee of five hundred dollars, or a petition signed by at least five thousand eligible electors,” C.R.S. § 1-4-1204(1)(c).
9. The last date that a 2024 presidential primary candidate can submit a statement of intent, along with either the \$500 fee, or a signed petition, is December 11, 2023. C.R.S. §1-4-1204(1)(c).² These ballot access steps, however, may begin much earlier and can proceed over a several month period. For example, major political parties can submit to the Secretary a form designating a candidate as a “bona fide candidate for president of the United States” who is “affiliated with [the] major political party” at any point. C.R.S. § 1-4-1204(1)(b). Presidential primary candidates can begin circulating petitions on November 6, 2023, C.R.S. §1-4-801(6), but before they begin circulating a petition, they must submit the petition form to the Secretary of State for approval, which may happen weeks or months in advance. C.R.S. §1-4-903. Similarly, presidential primary candidates can submit their notarized candidate’s statement of intent and a \$500 filing fee at any time after announcing their candidacy, so long as it is “not later than eighty-five days before the date of the presidential primary election.” C.R.S. §1-4-1204(1)(c).
10. Respondent Trump is already a “candidate” under Colorado and federal law for the 2024 Republican presidential primary election. *See* Colo. Const. art. XXVIII, § 2 (defining “candidate” as one who “has publicly announced an intention to seek election to public office ... and thereafter has received a contribution or made an expenditure in support of

¹ *See* [2024ElectionCalendar.pdf \(state.co.us\)](#).

² *See also* [2023ElectionCalendar.pdf \(state.co.us\)](#).

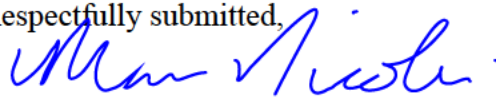
the candidacy”); C.R.S. § 1-4-905.5(1)(a) (same); 52 U.S.C. § 30101(2) (defining “candidate” as “an individual who seeks nomination for election ... to Federal office” and has “received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000”). Mr. Trump publicly announced his 2024 presidential campaign on November 15, 2022. He has filed with the Federal Election Commission a Statement of Candidacy and a candidate Public Financial Disclosure Report.³ To date, Mr. Trump’s campaign has raised at least \$35,987,476 and spent at least \$13,471,085.⁴ In Colorado, Mr. Trump’s campaign has raised at least \$476,302 in individual contributions.⁵

11. At any point over the next few weeks, the Colorado Republican Party could submit its form to the Secretary designating Mr. Trump as a bona fide presidential primary candidate for the party, and Trump could submit to the Secretary his notarized candidate’s statement of intent. The Secretary’s acceptance of either filing, and any other action by the Secretary allowing Mr. Trump ballot access, will be “improp[er],” C.R.S. § 1-4-1204(4), and “a breach or neglect of duty or other wrongful act” that, absent relief by this Court, the Secretary is “about to commit,” C.R.S. § 1-1-113(1), in violation of the U.S. Constitution and Colorado law.
12. Given that Mr. Trump is already a candidate, and that the Secretary may face an imminent decision to allow him to seek ballot access, a case management conference will benefit all parties.
13. A case management conference will allow the Parties and the Court to discuss scheduling, along with potential discovery, witnesses, and deadlines for motions and briefing.

WHEREFORE, Petitioners respectfully request that the Court order an expedited case management conference to take place prior to an evidentiary hearing.

Date: September 6, 2023

Respectfully submitted,



Mario Nicolais, Atty. Reg. # 38589
KBN Law, LLC



³ OGE Form 278e, Executive Branch Personnel Public Financial Disclosure Report, Donald J. Trump, Apr. 14, 2023, <https://www.citizensforethics.org/wp-content/uploads/2023/04/Disclosure-Report-Part-1-4-14-23.pdf>.

⁴ Federal Election Commission, Financial Summary: Donald J. Trump for President 2024, Inc., https://www.fec.gov/data/candidate/P80001571/?cycle=2024&election_full=true.

⁵ Federal Election Commission, Presidential Candidate Map, <https://www.fec.gov/data/candidates/president/presidential-map/>.

Martha M. Tierney, Atty. Reg. # 27521
Tierney Lawrence Stiles LLC



Eric Olson, Atty. Reg. # 36414
Sean Grimsley, Atty. Reg. # 36422
Jason Murray, Atty. Reg. # 43652
Olson Grimsley Kawanabe Hinchcliff & Murray LLC



Donald Sherman*
Nikhel Sus*
Jonathan Maier*
Citizens for Responsibility and Ethics in Washington



**Pro hac vice admission pending*

Counsel for Petitioners