

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

1437 Bannock St.
Denver, CO 80203

DATE FILED: October 20, 2023 6:15 PM

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,

and

Intervenor:

COLORADO REPUBLICAN STATE CENTRAL
COMMITTEE, and DONALD J. TRUMP.

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Attorneys for Petitioners:

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Tierney Lawrence Stiles LLC

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

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Case Number: 2023CV032577

Division/Courtroom: 209

[REDACTED]

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

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**Pro hac vice* admission pending

PETITIONERS' BRIEF ON MAJOR EVIDENTIARY ISSUES

Petitioners have not asserted any objections to Trump’s exhibit list, as objections in a bench trial should be used sparingly. Petitioners received the State Party’s preliminary exhibit list belatedly—it was due Monday October 16, but Petitioners did not receive it until after 5 p.m. on Friday October 20. For that reason, Petitioners have not yet been able to determine whether they object to any of the State Party’s exhibits, but will do so early next week.

Most of the objections to Petitioners’ evidence do not warrant serious pre-trial consideration. Trump has filed a motion in limine seeking to exclude 144 of the 150 exhibits on Petitioners’ exhibit list. The vast majority of these objections are cursory and easily disposed of for the reasons explained in Petitioners’ opposition brief filed today. Trump and the State Party have also collectively filed motions to exclude the testimony of one of Petitioners’ fact witnesses and all of Petitioners’ expert witnesses. These motions are both substantively meritless and unnecessary to decide prior to hearing from the witnesses themselves, given that this is a bench trial.

However, Petitioners request that the Court provide guidance before trial on two evidentiary issues: (1) the admissibility of excerpted findings from the January 6 Committee Report (P78) and associated video exhibits from that Report (Ex. P80-81, P88-96, P109-110, P119-122), *see* Petrs' Anti-SLAPP Opp. App'x 1 & Petrs' MIL Opp. § I, II(B)-(C); and (2) the admissibility of transcribed interviews of certain witnesses who gave testimony before the January 6 Committee (Exs. P75-76, P97, P116), *see* Petrs' MIL Opp. § II(D). Early guidance on these issues will assist in the efficient presentation of evidence at trial. Petitioners' counsel are available next week at the Court's convenience should the Court desire argument on these or other issues before trial.

Date: October 20, 2023

Respectfully submitted,


/s/ Jason Murray

Eric Olson, Atty. Reg. # 36414

Sean Grimsley, Atty. Reg. # 36422

Jason Murray, Atty. Reg. # 43652

Olson Grimsley Kawanabe Hinchcliff & Murray LLC

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Mario Nicolais, Atty. Reg. # 38589

KBN Law, LLC

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I served this document on October 20, 2023, by Colorado Courts E-filing and/or via electronic mail upon all parties and their counsel:

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