

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	<p style="text-align: center;">Δ COURT USE ONLY Δ</p>
<p>Petitioners: NORMA ANDERSON, MICHELLE PRIOLA, CLAUDINE CMARADA, KRISTA KAUFER, KATHI WRIGHT, and CHRISTOPHER CASTILIAN</p> <p>v.</p> <p>Respondent: JENA GRISWOLD, in her official capacity as Colorado Secretary of State</p> <p>and</p> <p>Intervenors: COLORADO REPUBLICAN STATE CENTRAL COMMITTEE and DONALD J. TRUMP</p>	
ORDER RE: INTERVENOR TRUMP’S OBJECTIONS TO SPECIFIC FINDINGS CONTAINED IN JANUARY 6TH REPORT	

This matter comes before the Court on Intervenor Trump’s Objections to Specific Findings Contained in January 6th Report, filed on October 28, 2023. The Court, having considered the matter, FINDS and ORDERS as follows:

After reviewing Exhibit 78 and Intervenor Trump’s objections, the Court holds that the following Findings will be excluded pursuant to the Colorado Rules of

Evidence:¹ 1, 37, 38, 43, 44, 46-49, 50 (paragraphs 3-4), 52, 54, 56 (paragraphs 4-5), 66-70, 73, 76, 79, 80, 82 (everything but first paragraph), 84, 86-88, 90-103, 106, 110, 116, 117, 124 (second paragraph), 125, 132 (starting from “At 2:38. . .”), 141, 142, 144, 145, 150 (last paragraph), 155-157, 159 (second paragraph), 175 (starting from “Outside experts. . .”), 176, 177, 179 (second paragraph), 181, 194, 200 (starting from “When. . .”), 201, 202 (starting from “Afterward . . .”), 206, 207, 213-221, 226, 228-234, 236 (starting from “During. . .”), 238 (starting from “While. . .”), 242-244, 255-258, 266, 277, 283-287, 291-296, 298, 300, 301, 303-305, 306 (starting from “The Select. . .”), 307 (starting from “In a December. . .”), 308 (fourth and fifth sentences), 318, 336, 337, 339, 340, 341 (starting from “Christopher Kuehne. . .”), 342 (starting from “The Select Committee . . .”), 345, 346 (from “which he said” to “your hairs”), 347 (exclude all but first two sentences of first paragraph, the third paragraph, the first four sentences and last sentence of fourth paragraph, and the fifth paragraph), 350, 351 (except first two sentences), 354, 359 (second sentence), 360 (starting from “Jensen later told. . .”), 362, 364 (starting from “Timothy Hale-Cusanelli. . .”), 367 (second paragraph after “Walter told. . .”), 376 (starting from “Officer David Millard. . .”); 383 (starting from “Trump called us. . .”); 384 (second paragraph), 402-406, and 408.

The Court wishes to make clear that although it is overruling the remaining objections to findings made by Intervenor Trump, this does not necessarily mean that it is accepting the conclusions in these findings as true. As with any evidence, the Court, as trier of fact, is not required to accept any evidence as true if other direct evidence or

¹ These rulings are conditional. To the extent that the Petitioners can provide credible evidence that any of these findings would fall into a hearsay exception, the Court will revisit those rulings during trial.

reasonable inferences from the cumulative evidence would contradict or weaken the credibility of this evidence. *See United Fin. Credit v. Colorado Collection Agency Bd.*, 892 P.2d 446, 449 (Colo. App. 1995) (“The trier of fact is not bound to accept the testimony of a witness even though it is not contradicted by other direct evidence. Reasonable inferences from circumstances tending to weaken such testimony may be considered.”); *D.R. Horton, Inc.-Denver v. Bischof & Coffman Constr., LLC*, 217 P.3d 1262, 1274 (holding that the trier of fact may reject expert opinions even if uncontroverted). To the extent the parties believe the Court has egregiously or inadvertently erred in its ruling here, they can still argue for admissibility or inadmissibility in their proposed findings of fact, conclusions of law.

DATED: October 29, 2023.

BY THE COURT:



Sarah B. Wallace
District Court Judge