

COPY

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Co 80203</p>	<p>FILED IN THE SUPREME COURT</p> <p>JUN 17 2008</p> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p> <p>▲ FOR COURT USE ONLY ▲</p>
<p>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), C.R.S. (2007)</p>	
<p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2007-2008, #95 ("Taxable Values and Taxes on Property")</p> <p>Petitioner:</p> <p>ROBERT M. MOODY, Objector,</p> <p>v.</p> <p>Respondents:</p> <p>ERNEST L. DURAN, JR. and IRENE GOODELL Proponents,</p> <p>and</p> <p>Title Board:</p> <p>WILLIAM A. HOBBS, SHARON EUBANKS and DANIEL DOMENICO</p>	
<p>Attorneys for Proponents: Michael J. Belo, No. 8198 Eugene M. Sprague, No. 7680 BERENBAUM, WEINSHIENK & EASON, P.C. Address: 370 17th Street, Suite 4800 Denver, Colorado 80202 Phone Number: (303) 825-0800 FAX Number: (303) 629-7610 E-mail: mbelo@bw-legal.com esprague@bw-legal.com</p>	<p>Case No. 08SA177</p>
<p>UNOPPOSED MOTION FOR DISMISSAL OF PETITION</p>	

Respondents Ernest L. Duran, Jr., and Irene Goodell, as the Proponents of Proposed Initiative 2007-2008 #95 (hereinafter “Proponents”), by and through their counsel Berenbaum, Weinshienk & Eason, P.C., move for entry of an order dismissing the Petition. As grounds for this motion, Proponents state as follows:

1. On May 27, 2008, Petitioner filed his Petition for Review of Final Action of the Title Setting Board Concerning Proposed Initiative #95 (unofficially captioned by legislative staff for tracking purposes, “Taxable Values and Taxes on Property”) (“Initiative #95”).

2. On June 17, 2008, the Proponents withdrew Initiative #95. *See* letter to Mike Coffman, Colorado Secretary of State, dated June 17, 2008, attached as Exhibit 1.

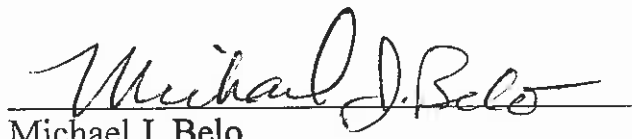
3. Proponents’ withdrawal of Initiative #95 moots the issues framed by the Petition.

4. Counsel for the Proponents conferred with counsel for the Petitioner and counsel for the Title Board about this motion. Neither counsel for the Petitioner nor counsel for the Title Board objects to the dismissal of the Petition.

WHEREFORE, Proponents move for entry of the Court's order dismissing the Petition.

DATED this 17th day of June 2008.

BERENBAUM, WEINSHIENK & EASON, P.C.

A handwritten signature in cursive script, reading "Michael J. Belo", is written over a horizontal line.

Michael J. Belo
Eugene M. Sprague

Attorneys for Proponents

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2008, a true and correct copy of the foregoing **Unopposed Motion for Dismissal of Petition** was served via hand delivery and first class U.S. Mail, postage prepaid, upon the following:

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June 17, 2008

VIA HAND DELIVERY

Mike Coffman
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290

Re: **Proposed Initiative 2007-2008 #95 ("Taxable Values and Taxes of Property")**

Dear Mr. Coffman:

On behalf of the Proponents, Ernest L. Duran, Jr., and Irene Goodell, we are writing to inform you that the Proponents hereby withdraw proposed Initiative 2007-2008 #95 ("Taxable Values and Taxes of Property").

Sincerely,

BERENBAUM, WEINSHIENK, & EASON, P.C.

Michael J. Belo

cc: Ernest J. Duran, Jr.
Irene Goodell
Jason R. Dunn, Esq.
Counsel for Objector, Robert M. Moody
Maurice G. Knaizer, Deputy Attorney General
Counsel for the Title Board

**MOTION TO
DISMISS
EXHIBIT 1
Case 08SA177
Colo. Supreme Court**