

COPY

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Co 80203

ORIGINAL PROCEEDING PURSUANT TO
§ 1-40-107(2), C.R.S. (2007)

IN THE MATTER OF THE TITLE, BALLOT TITLE
AND SUBMISSION CLAUSE FOR 2007-2008, #96
("Cost of Living Wage Increase")

Petitioner:

JOSEPH B. BLAKE, Objector,

v.

Respondents:

ERNEST L. DURAN, JR. and BRADLEY JOHNSON,
Proponents,

and

Title Board:

WILLIAM A. HOBBS, DANIEL L. CARTIN, and
GEOFFREY BLUE

Attorneys for Proponents:
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FILED IN THE
SUPREME COURT

JUN 17 2008

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ FOR COURT USE ONLY ▲

Case No. 08SA179

UNOPPOSED MOTION FOR DISMISSAL OF PETITION

Respondents Ernest L. Duran, Jr., and Bradley Johnston (correct spelling, rather than “Johnson” as in official caption), as the Proponents of Proposed Initiative 2007-2008 #96 (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 Ballot Title Setting Board Concerning Proposed Initiative #96 (unofficially captioned by legislative staff for tracking purposes, “Cost-of-Living Wage Increase”) (“Initiative #96”).

2. On June 17, 2008, the Proponents withdrew Initiative #96. *See* letter to Mike Coffman, Colorado Secretary of State, dated June 17, 2008, attached as Exhibit 1.

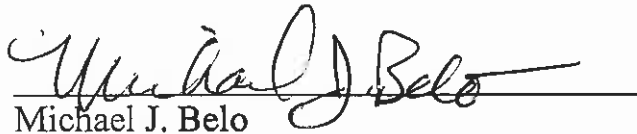
3. Proponents’ withdrawal of Initiative #96 moots the issues framed by the Petition.

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, appearing to read "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 #96 ("Cost of Living Wage Increases")**

Dear Mr. Coffman:

On behalf of the Proponents, Ernest L. Duran, Jr., and Bradley Johnston, we are writing to inform you that the Proponents hereby withdraw proposed Initiative 2007-2008 #96 ("Cost of Living Wage Increases").

Sincerely,

BERENBAUM, WEINSHIENK, & EASON, P.C.


Michael J. Belo

cc: Ernest J. Duran, Jr.
Bradley Johnston
Douglas J. Friednash, Esq.
Counsel for Objector, Joseph B. Blake
Maurice G. Knaizer, Deputy Attorney General
Counsel for the Title Board

**MOTION TO
DISMISS
EXHIBIT 1
Case 08SA179
Colo. Supreme Court**