

SUPREME COURT OF COLORADO
101 West Colfax Avenue, Suite 800
Denver, Colorado 80203

FILED IN THE
SUPREME COURT

MAY 10 2012

OF THE STATE OF COLORADO
Christopher T. Ryan, Clerk

Original Proceeding
Pursuant to C.R.S. § 1-40-107(2)
Appeal from the Ballot Title Board

In the Matter of the Title, Ballot Title, and Submission
Clause for Proposed Initiative 2011-2012 #78

▲ COURT USE ONLY ▲

Petitioners:

Rev. Jason Hays and Kristy Milligan,

v.

Respondents:

Tom Minnery and Michael J. Norton,

and

**Title Board: Suzanne Staiert, Daniel Domenico, and
Jason Gelender.**

ATTORNEY FOR RESPONDENTS TOM MINNERY and
MICHAEL J. NORTON:
Michael J. Norton, No. 6430
Senior Counsel, Alliance Defense Fund
7951 E. Maplewood Avenue, Suite 100
Greenwood Village, CO 80111
Phone Number: (480) 388-8163

Case Number: 12SA116

SUGGESTION OF MOOTNESS

COME NOW the Respondents Tom Minnery and Michael J. Norton, by and through their counsel Michael J. Norton, Senior Counsel, Alliance Defense Fund, and suggest to the Court that the Petition for Review filed herein has been rendered moot by the determination of the Respondents to withdraw Proposed Initiative 2011-2012 #78 and to not pursue the petition circulation process during this calendar year. Attached hereto and incorporated herein by this reference is the Respondents' letter of withdrawal to the Colorado Secretary of State.

WHEREFORE, the Respondents respectfully plead as aforesaid and suggest that the Petition for Review has been rendered moot and that dismissal of the Petition for Review, without prejudice, would be in the interests of justice.

DATED this 8th day of May, 2012.

FOR RESPONDENTS TOM MINNERY
AND MICHAEL J. NORTON


~~s/ Michael J. Norton~~

Michael J. Norton, No. 6430
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CERTIFICATE OF SERVICE

The undersigned certifies that on April 27, 2012, a true and correct copy of the foregoing was placed in the United States mail, first-class, postage prepaid, to:

Honorable Maurice G. Knaizer
Office of the Colorado Attorney General
1525 Sherman Street, 7th Floor
Denver, Colorado 80203

Mark G. Grueskin, Esq.
Heizer Paul Grueskin LLP
2401 15th Street, Suite 300
Denver, Colorado 80202

/s/ Marilyn Kuipers

Marilyn Kuipers
Legal Assistant to Mr. Norton



May 8, 2012

Via Email (Steven.Ward@SOS.STATE.CO.US)
and U.S. Mail

Honorable Scott Gessler
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Attn: Steven Ward
Elections Division

Re: Proposed Initiative 2011-2012 #78, concerning religious freedom

Dear Mr. Secretary:

On behalf of the proponents of Proposed Initiative 2011-2012 #78, Tom Minnery and Michael J. Norton, I hereby give notice of the withdrawal of Proposed Initiative 2011-2012 #78. The proponents will not be pursuing the petition process during this calendar year.

Please let me know if you have questions or require additional information. The

Sincerely,

A handwritten signature in black ink, appearing to read 'MJNorton', is written over the typed name and title.

Michael J. Norton
Senior Counsel
Alliance Defense Fund

cc: Tom Minnery

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