

SUPREME COURT, STATE OF COLORADO
101 West Colfax Avenue, Suite 800
Denver, CO 80202
ORIGINAL PROCEEDING PURSUANT TO
C.R.S. § 1-40-107(2)
Appeal from the Title Board

IN RE TITLE AND BALLOT TITLE AND
SUBMISSION CLAUSE SET FOR
INITIATIVE 2011-12 #3

Petitioner: DOUGLAS KEMPER, as
Registered Elector of the State of Colorado
and

Title Board: WILLIAM A. HOBBS, JASON
GELENDER, and DANIEL DOMENICO
and

Respondents: RICHARD G. HAMILTON and
PHILLIP DOE, Proponents.

Attorneys for Petitioner:

BURNS, FIGA & WILL, P.C.
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FILED IN THE
SUPREME COURT

MAR - 2 2012

OF THE STATE OF COLORADO
Christopher T. Ryan, Clerk

▲ COURT USE ONLY ▲

Case No. 12SA8

NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner, Douglas Kemper, by and through his attorneys, Burns, Figa & Will, P.C. and pursuant to C.A.R. 28(j) hereby notifies the Court and the parties of the following supplemental authority.

PPL Montana, LLC v. Montana, 505 U.S. ____, S.Ct. ____, No. 10-218, 2012 WL 555205 (U.S. Mont. Feb. 22, 2012) (a copy is attached hereto). In this new decision, the U.S. Supreme Court addresses the following issues discussed in the parties' briefs:

1. The State holds title to the beds of only those waters that were navigable at time of statehood. *Id.* at *10-18.
2. The public trust doctrine is a matter of State and not Federal law, and is a separate issue from navigability for a state's riverbed title. *Id.* at *18.

Respectfully submitted this 2nd day of March 2012.

BURNS, FIGA & WILL, P.C.

By: 

Stephen H. Leonhardt
Alix L. Joseph
Sarah M. Shechter

**Attorneys for Petitioner,
Douglas Kemper**

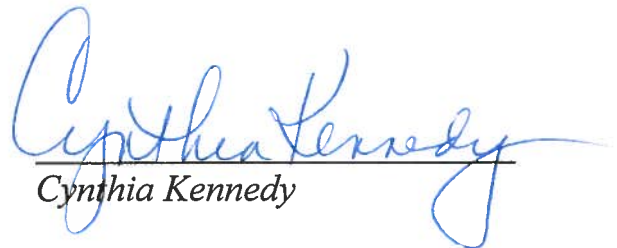
CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March 2012, a true and correct copy of the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY was served by email and U.S. Mail on the following:

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