

SUPREME COURT, STATE OF COLORADO Court Address: 2 E. 14 th Avenue, Denver, CO 80203	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FILED IN THE SUPREME COURT</p> <p>SEP 30 2008</p> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p> </div>
Court below: Colorado Court of Appeals Case No. 05 CA 2432 Opinion by Judge Marquez Trial Court: District Court, Arapahoe County Case No. 04 CV 1774 Division 402, Judge Leonard	
PETITIONER: CATHOLIC HEALTH INITIATIVES COLORADO d/b/a Villa Pueblo Towers RESPONDENTS: CITY OF PUEBLO, COLORADO DEPARTMENT OF FINANCE, and LARA BARRETT AS DIRECTOR	▲ COURT USE ONLY ▲
ATTORNEYS FOR RESPONDENTS: Thomas E. Jagger, Atty Reg. No. 1593 Robert P. Jagger, Atty. Reg. No. 24612 Address: 503 N. Main Street, Suite 127 Pueblo, Colorado 81003 Telephone No.: (719) 545-4412 Fax No.: (719) 545-4301 E-mail: bjagger@jaggerlaw.com	07 SC 905 Case Number
RESPONSE TO BRIEF OF AMICUS CURIAE THE CATHOLIC HEALTH ASSOCIATION OF THE UNITED STATES	

City of Pueblo, Colorado, et al., (“City”) incorporates herein its Opening-Answer Brief in response to the Brief of Amicus Curiae The Catholic Health Association of the United States (“CHA”).

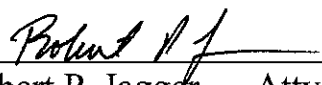
The City would note that CHA requests this Court to re-examine its prior decision in Mauer v. Young Life, 779 P.2d 1317 (Colo. 1989) and Samaritan

Institute v. Prince Walker, 883 P.2d 3 (Colo. 1994). For the following reasons,

City objects to such action:

- (1) This relief has not been raised by Petitioner Catholic Health Initiatives of Colorado (“Catholic Health”). At most, Catholic Health has attempted to distinguish Samaritan from the facts of this case. Opening Brief of Catholic Health at pp. 30-38. The Court does not consider issues raised only by amicus curiae. Gorman v. Tucker By and Through Edwards, 961 P.2d 1126, 1131 (Colo. 1998).
- (2) Samaritan relates to exemption under the Colorado Employment Security Act and Mauer relates to exemption under the State of Colorado property tax law. Presumably, the Court would want to be advised by adverse parties who have a real and direct interest in such re-examination, which the City does not.

Signed this 19th day of September, 2008.



Robert P. Jagger Atty. Reg. No. 24612
Thomas E. Jagger Atty. Reg. No. 1593

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Response To Brief Of Amicus Curiae The Catholic Health Association of the United States, was served upon counsel for the Petitioner and Amici Parties, by mailing same, United States mail, postage prepaid this 29th day of Sept, 2008, addressed to:

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