

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, CO 80202

Original Proceedings Pursuant to C.R.S. § 1-40-107(2),
Appeal from Final Action of Ballot Title Setting Board

**In Matter of the Title, Ballot Title and Submission
Clause, For Proposed Initiative 2005-2006 #126**

Petitioner:
STEVEN DURHAM

v.

Respondents:
TIMOTHY J. BROWN and MATTHEW GARRINGTON,
Proponents,

And:

Title Board:
WILLIAM A. HOBBS, JASON DUNN, and DAN L.
CARTIN

FILED IN THE
SUPREME COURT

JUN 19 2006

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Attorneys for Respondents:

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Case Number:

06 SA 169

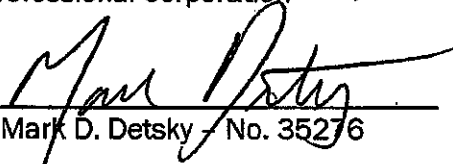
MOTION TO DISMISS

Respondents Timothy J. Brown and Matthew Garrington ("Respondents"), by and through their attorneys, hereby submit this Motion to Dismiss Petition for Review of Final Action of the Ballot Title Setting Board Concerning Proposed Initiative 2005-2006 #126 and, as grounds therefore, state that the Proponents have officially withdrawn the subject initiative. Appendix A, attached, is a letter from the Proponents to the Office of the Colorado Secretary of State confirming that the subject Proposed Initiative has been withdrawn.

The Petition for Review of Final Action of the Ballot Title Setting Board Concerning Propose Initiative 2005-2006 #126 ("compensation for land use regulations that diminish value") is therefore moot.

Respectfully Submitted this 19th Day of June, 2006.

BERNARD, LYONS, GADDIS & KAHN,
A Professional Corporation

By: 
Mark D. Detsky - No. 35276

**ATTORNEYS FOR PROPONENTS TIMOTHY J.
BROWN AND MATTHEW GARRINGTON**


CERTIFICATE OF SERVICE

I certify that on this 19th day of June, 2006, a true and correct copy of the foregoing **MOTION TO DISMISS** was served via *US Mail*, as follows:

Scott E. Gessler
John Snow
Hackstaff Gessler, LLC
1601 Blake Street, Suite 310
Denver, CO 80202

Maurice G. Knazier, Deputy AG
Colorado Attorney General's Office
State Services Section
1525 Sherman Street, 7th floor
Denver, CO 80203

Pursuant to Rule 121 the signed original is on file in the office of Bernard Lyons Gaddis & Kahn, P.C.



Tim Brown
4644 Alcott Street
Denver, CO
303-317-5369

The Honorable Gigi Dennis
Colorado Secretary of State
Colorado Department of State
1700 Broadway, Suite 250,
Denver, CO 80290

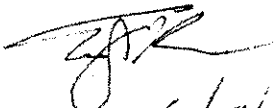
Re: Proposed Initiative 126


Dear Secretary of State Dennis,

We are writing to ask you to withdraw initiative 126 and to ask you not to place initiative 126 on the ballot. Please contact us with any questions or concerns.

Tim Brown
4644 Alcott Street
Denver, CO
303-317-5369

Matthew Garrington,
3871 Tennyson Street
Denver, CO,
720-206-4348


6/19/06


6/19/06

State of Colorado, County of Denver
subscribed and sworn before
me this 19th day of June 2006



6/20/06
my commission
expires