

**COPY**

SUPREME COURT, STATE OF COLORADO  
2 East 14<sup>th</sup> Avenue  
Denver, Colorado 80203

ORIGINAL PROCEEDING PURSUANT TO  
§1-40-107(2), C.R.S. (2007)  
Appeal from the Ballot Title Setting Board

**Petitioner:**

Howard Stanley Dempsey, Jr., Objector,  
v.

**Respondents:**

James R. Udall and Tony Lewis, Proponents,

and

**Title Board:**

William A. Hobbs, Sharon Eubanks, and Daniel  
Dominico

**Attorneys for Petitioner:**

Scott E. Gessler, #28944  
Mario D. Nicolais, II #38589  
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FILED IN THE  
SUPREME COURT

APR 28 2008

OF THE STATE OF COLORADO  
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number: 08SA134

**MOTION TO WITHDRAW PETITION FOR REVIEW  
CONCERNING PROPOSED INITIATIVE 2007-2008 #78**

Howard Stanley Dempsey, Jr., by and through his attorneys Hackstaff Gessler LLC respectfully submits this *Motion to Withdraw Petition for Review Concerning Proposed Initiative 2007-2008 #78* ("Motion to Withdraw"). In support, Dempsey states as follows:


1. On April 21, 2008, the undersigned counsel filed a *Petition for Review of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2007-2008 #78 ("Severance Tax") ("Petition")* with this Court.

2. On April 24, 2008, the Proponents of Proposed Ballot Initiative 2007-2008 #78 withdrew the proposed initiative. See **Exhibit 1**.

3. As a result, Dempsey moves to withdraw his *Petition* before this Court.

**WHEREFORE**, Dempsey requests that this Court accept this *Motion to Withdraw* and dismiss the pending matter.

Respectfully submitted this 28th day of April, 2008.

By:   
\_\_\_\_\_  
Scott E. Gessler, Reg. No. 28944  
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Attorneys for Howard Stanley Dempsey, Jr.

**CERTIFICATE OF SERVICE**

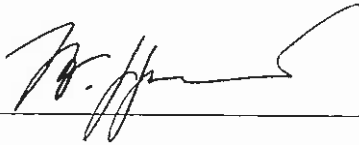
I hereby certify that on this 28th day of April, 2008, a true and correct copy of the foregoing **MOTION TO WITHDRAW PETITION FOR REVIEW CONCERNING PROPOSED INITIATIVE 2007-2008 #78** was placed in the United States mail, postage prepaid, to the following:

Ed Ramey, Esq.  
Kara Veitch, Esq.  
Isaacson Rosenbaum P.C.  
633 17<sup>th</sup> Street, Suite 2200  
Denver, Colorado 80202

Attorneys for the Petitioners

Maurice G. Knaizer  
Deputy Attorney General  
1525 Sherman Street, 7<sup>th</sup> Floor  
Denver, CO 80203

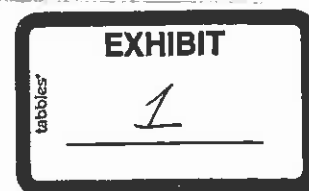
Attorney for the Title Board



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**Scott Gessler**

**From:** Kara Veitch [kveitch@ir-law.com]  
**Sent:** Thursday, April 24, 2008 3:57 PM  
**To:** Cesiah Gomez  
**Cc:** Ed Ramey; sgessler@hackstaffgessler.com  
**Subject:** Withdrawal of Proposed Initiatives



Ms. Gomez,

As the attorneys for the proponents, Ed Ramey (of my office) and I are withdrawing proposed initiatives 68 (severance tax), 71 (severance tax), 78 (severance tax), and 88 (severance tax). Proposed initiatives 68, 78, and 88 are on the the Title Board's May 7, 2008 agenda either to set the title or on Motions for Rehearing filed by Mr. Gessler, who I have copied on this email.

Thank you,

**Kara Veitch**

Attorney

Isaacson Rosenbaum, P.C. | 633 17th Street, Suite 2200 | Denver, CO 80202  
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