

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock St. Denver, CO 80203</p>	<p>DATE FILED: October 6, 2023 9:41 AM</p>
<p>Petitioners: NORMA ANDERSON, MICHELLE PRIOLA, CLAUDINE CMARADA, KRISTA KAUFER, KATHI WRIGHT, and CHRISTOPHER CASTILIAN,</p> <p>v.</p> <p>Respondent: JENA GRISWOLD, in her official capacity as Colorado Secretary of State,</p> <p>and</p> <p>Intervenors: COLORADO REPUBLICAN STATE CENTRAL COMMITTEE, and DONALD J. TRUMP.</p>	<p>▲ COURT USE ONLY ▲</p>
	<p>Case Number: 2023CV032577</p> <p>Division/Courtroom: 209</p>
<p align="center"><u>STIPULATION OF DISMISSAL OF DECLARATORY JUDGMENT COUNT</u></p>	

To streamline and focus this proceeding, Petitioners stipulate to dismissal of their Count II for declaratory judgment against all Respondents. Both Respondent Trump and Respondent Secretary of State Griswold have claimed the declaratory judgment should not proceed against them and Petitioners stipulate to dismissal of their claim against all Respondents under Rule 12. Because Petitioners maintain a claim against the Secretary in their Petition, under Colorado law

it is not clear that they can dismiss the declaratory judgment claim under Rule 41. *Suydam v. LFI Fort Pierce, Inc.*, 2020 COA 144M, ¶ 49 (“[I]t is unclear whether a plaintiff may dismiss by notice fewer than all the defendants in a case. Prior Colorado cases do not address whether a plaintiff may dismiss claims against certain, but not all, defendants in an action through a Rule 41(a)(1)(A) notice.”) Because there is a pending Rule 12 motion and all Respondents claim that Count II should not proceed, Petitioners therefore stipulate to dismissal under Rule 12.

Date: October 6, 2023

Respectfully submitted,

/s/ Eric Olson

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**Pro hac vice* admission pending

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CERTIFICATE OF SERVICE

I served this document on October 6, 2023, by Colorado Courts E-filing and/or via electronic mail upon all parties and their counsel:

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