

**DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO**

1437 Bannock St.  
Denver, CO 80203

DATE FILED: November 8, 2023 1:43 PM

**Petitioners:**

NORMA ANDERSON, MICHELLE PRIOLA,  
CLAUDINE CMARADA, KRISTA KAUFER,  
KATHI WRIGHT, and CHRISTOPHER  
CASTILIAN,

v.

**Respondent:**

JENA GRISWOLD, in her official capacity as  
Colorado Secretary of State,

and

**Intervenors:**

COLORADO REPUBLICAN STATE CENTRAL  
COMMITTEE, and DONALD J. TRUMP.

▲ COURT USE ONLY ▲

**Attorneys for Petitioners:**

Mario Nicolais, Atty. Reg. # 38589  
KBN Law, LLC  
7830 W. Alameda Ave., Suite 103-301  
Lakewood, CO 80226  
Phone: 720-773-1526  
Email: [mario@kbnlaw.com](mailto:mario@kbnlaw.com)

Martha M. Tierney, Atty. Reg. # 27521  
Tierney Lawrence Stiles LLC  
225 E. 16th Ave., Suite 350  
Denver, CO 80203  
Phone: 303-356-4870  
Email: [mtierney@tls.legal](mailto:mtierney@tls.legal)

Eric Olson, Atty. Reg. # 36414  
Sean Grimsley, Atty. Reg. # 36422  
Jason Murray, Atty. Reg. # 43652  
Olson Grimsley Kawanabe Hinchcliff & Murray LLC  
700 17th Street, Suite 1600  
Denver, CO 80202  
Phone: 303-535-9151  
Email: [eolson@olsongrimsley.com](mailto:eolson@olsongrimsley.com)

Case Number: 2023CV032577

Division/Courtroom: 209

Email: [sgrimsley@olsongrimsley.com](mailto:sgrimsley@olsongrimsley.com)  
Email: [jmurray@olsongrimsley.com](mailto:jmurray@olsongrimsley.com)

Donald Sherman\*  
Nikhel Sus\*  
Jonathan Maier\*  
Citizens for Responsibility and Ethics in Washington  
1331 F Street NW, Suite 900  
Washington, DC 20004  
Phone: 202-408-5565  
Email: [dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)  
Email: [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)  
Email: [jmaier@citizensforethics.org](mailto:jmaier@citizensforethics.org)

*\*Appearing pro hac vice*

**PETITIONERS' OPPOSITION TO PRESIDENT DONALD J. TRUMP'S MOTION TO DISMISS BASED ON THE FIRST AMENDMENT**

Petitioners oppose Intervenor President Trump's Motion to Dismiss Based on the First Amendment filed on October 26, 2023 ("First Amendment Motion to Dismiss"). Trump represents that his First Amendment Motion to Dismiss repeats "nearly word-for-word" arguments he made in his earlier-filed and subsequently denied Special Motion to Dismiss Pursuant to C.R.S. § 13-20-1101(3)(A) and his reply brief in support of that motion. Mot. at 2. Based on that representation, Petitioners respond to Trump's First Amendment Motion to Dismiss here by incorporating by reference all of the First Amendment arguments set forth in (1) Petitioners' Opposition to Respondent Trump's Special Motion to Dismiss Pursuant to C.R.S. § 13-20-1101(3)(A), in particular pages 40 to 48, which Petitioners filed on September 29, 2023, and (2) Petitioners' forthcoming Proposed Findings of Fact and Conclusions of Law.

Date: November 8, 2023

Respectfully submitted,

*/s/ Sean Grimsley*

Eric Olson, Atty. Reg. # 36414

Sean Grimsley, Atty. Reg. # 36422

Jason Murray, Atty. Reg. # 43652

Olson Grimsley Kawanabe Hinchcliff & Murray LLC  
700 17th Street, Suite 1600  
Denver, CO 80202  
Phone: 303-535-9151  
Email: [eolson@olsongrimsley.com](mailto:eolson@olsongrimsley.com)  
Email: [sgrimsley@olsongrimsley.com](mailto:sgrimsley@olsongrimsley.com)  
Email: [jmurray@olsongrimsley.com](mailto:jmurray@olsongrimsley.com)

Mario Nicolais, Atty. Reg. # 38589  
KBN Law, LLC  
7830 W. Alameda Ave., Suite 103-301  
Lakewood, CO 80226  
Phone: 720-773-1526  
Email: [Mario@kbnlaw.com](mailto:Mario@kbnlaw.com)

Martha M. Tierney, Atty. Reg. # 27521  
Tierney Lawrence Stiles LLC  
225 E. 16th Ave., Suite 350  
Denver, CO 80203  
Phone: 303-356-4870  
Email: [mtierney@tls.legal](mailto:mtierney@tls.legal)

Donald Sherman\*  
Nikhel Sus\*  
Jonathan Maier\*  
Citizens for Responsibility and Ethics in Washington  
1331 F Street NW, Suite 900  
Washington, DC 20004  
Phone: 202-408-5565  
Email: [dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)  
Email: [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)  
Email: [jmaier@citizensforethics.org](mailto:jmaier@citizensforethics.org)  
*\*Appearing pro hac vice*

*Counsel for Petitioners*

## CERTIFICATE OF SERVICE

I served this document on November 8, 2023, by Colorado Courts E-filing and/or via electronic mail as follows:

Michael T. Kotlarczyk  
Grant T. Sullivan  
LeeAnn Morrill  
Colorado Attorney General's Office  
[mike.kotlarczyk@coag.gov](mailto:mike.kotlarczyk@coag.gov)  
[grant.sullivan@coag.gov](mailto:grant.sullivan@coag.gov)  
[leeann.morrill@coag.gov](mailto:leeann.morrill@coag.gov)

*Attorneys for Secretary of State Jena Griswold in her official capacity as Colorado Secretary of State*

Scott E. Gessler  
Geoffrey N. Blue  
Justin T North  
Gessler Blue LLC  
[gblue@gesslerblue.com](mailto:gblue@gesslerblue.com)  
[jnorth@gesslerblue.com](mailto:jnorth@gesslerblue.com)  
[sgessler@gesslerblue.com](mailto:sgessler@gesslerblue.com)

Jonathan Shaw  
Mark P. Meuser  
Jacob Roth  
Christopher Halbohn  
Dhillon Law Group, Inc.  
[jshaw@dhillonlaw.com](mailto:jshaw@dhillonlaw.com)  
[mmeuser@dhillonlaw.com](mailto:mmeuser@dhillonlaw.com)  
[jroth@dhillonlaw.com](mailto:jroth@dhillonlaw.com)

*Attorneys for Intervenor Donald J. Trump*

Michael William Melito  
Melito Law LLC  
[melito@melitolaw.com](mailto:melito@melitolaw.com)

Robert Alan Kitsmiller  
Podoll & Podoll, P.C.  
[bob@podoll.net](mailto:bob@podoll.net)

Benjamin Sisney  
Nathan J. Moelker  
Jordan A. Sekulow  
Jay Alan Sekulow  
Jane Raskin

Stuart J. Roth  
American Center for Law and Justice  
[bsisney@aclj.org](mailto:bsisney@aclj.org)  
[nmoelker@aclj.org](mailto:nmoelker@aclj.org)  
[jordansekulow@aclj.org](mailto:jordansekulow@aclj.org)  
[sekulow@aclj.org](mailto:sekulow@aclj.org)  
[jraskin@raskinlaw.com](mailto:jraskin@raskinlaw.com)

Andrew J. Ekonomou  
[aekonomou@outlook.com](mailto:aekonomou@outlook.com)

*Attorneys for Intervenor Colorado Republican State Central Committee*

*/S/ Sean Grimsley*  
Counsel for Petitioners