

<p>SUPREME COURT, STATE OF COLORADO Colorado State Judicial Building 101 W. Colfax Avenue, #800 Denver, Colorado 80203</p>	<p>FILED IN THE SUPREME COURT</p> <p>MAY 20 2010</p> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p>
<p>Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2009) Appeal from the Ballot Title Board</p> <p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR INITIATIVE 2009-2010 #51 (concerning "Religious Liberty")</p>	
<p>Petitioners / Complainants: Peter D. Schultz, Benjamin Arnold and Nathan Woodliff-Stanley,</p> <p>Respondents / Proponents: Jennifer Kraska and Jessica Langfeldt,</p> <p>and</p> <p>Title Board: William A. Hobbs, Dan Domenico and Sharon Eubanks</p>	
<p><i>Attorneys for Respondents / Proponents:</i></p> <p>Name: Richard A. Westfall, Esq. #15295 Ryan R. Call, Esq. #37209 Hale Westfall, LLP</p> <p>Address: 1600 Wynkoop Street, Suite 900 Denver, Colorado 80202</p> <p>Phone Number: (720) 904-6000 Fax Number: (720) 904-6006 E-mail: rwestfall@halewestfall.com rcall@halewestfall.com</p>	<p>Supreme Court Case No. 2010SA129</p>
<p>AGREED-TO MOTION FOR DISMISSAL WITHOUT PREJUDICE</p>	

The respective Parties, by and through their undersigned counsel and with the consent of the Proponents, Petitioners and the Title Board, hereby move to dismiss the pending proceeding before the Colorado Supreme Court without prejudice, and as grounds therefore state:

1. Jennifer Kraska and Jessica Langfeldt (hereafter "Proponents") proposed Initiative 2009-2010 #51 (hereafter "Initiative #51"). On April 21, 2010, the Title Board held a hearing to establish the initiative's single subject and to set a title. On April 28, Petitioners/Complainants filed a Motion for Rehearing. The Title Board reheard Initiative #51 on April 30, denied the Petitioners' challenge to single subject, and modified the title and submission clause. Petitioners thereafter sought review of the Title Board's actions in this Court. This Court ordered Briefs to be filed this Friday, May 21, 2010.

2. The Proponents of Initiative #51 have elected to withdraw Initiative #51 at this time, and shall not seek certification of Initiative #51 to the November 2010 General Election ballot. The Proponents of Initiative #51 further agree to not seek approval of a petition circulation format, nor circulate petitions, nor submit signatures, nor consent or agree to any other person or entity circulating petitions or any other person's submission of signatures on behalf of the Proponents of Initiative 2009-2010 #51 for certification to the November 2010 General Election Ballot.

3. Given the Proponents' decision to withdraw Initiative #51, all Parties agree that the pending Petition for Review of Final Action of Ballot Title Setting

Board Concerning Proposed Initiative 2009-2010 #51 should be dismissed as moot.

Wherefore, the Proponents, with the consent of the Petitioners and the Title Board, respectfully move that this proceeding be dismissed without prejudice.

Respectfully submitted this 20th day of May, 2010.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of May, 2010, a true and correct copy of the foregoing **AGREED-TO MOTION FOR DISMISSAL WITHOUT PREJUDICE** was placed in the United States mail, first class postage prepaid, addressed to the following:

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