

**SUPREME COURT OF COLORADO**

101 West Colfax Avenue, Suite 800  
Denver, CO 80202

ORIGINAL PROCEEDING PURSUANT TO  
§ 1-40-107(2), C.R.S. (2010)

IN THE MATTER OF THE TITLE, BALLOT  
TITLE AND SUBMISSION CLAUSE FOR 2009-  
2010 #57

**Petitioners:**

ROBERT N. MCLENNAN, KENT SINGER and  
DAN HODGES,  
Objectors

vs.

**Respondents:**

BOB KENNEDY and KURT OVERTURN,  
Proponents

and

**Title Board:**

WILLIAM A. HOBBS, SHARON L. EUBANKS,  
and DANIEL D. DOMENICO

**Attorneys for Petitioners:**

Douglas J. Friednash, #18128  
Christopher J. Neumann, #29831  
1200 17th Street, Suite 2400  
Denver, Colorado 80202  
Tel: (303) 572-6500  
Fax: (303) 572-6540  
E-mail: FriednashD@gtlaw.com  
NeumannC@gtlaw.com

FILED IN THE  
SUPREME COURT

MAY 20 2010

OF THE STATE OF COLORADO  
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number: 10SA136

**MOTION TO WITHDRAW PETITION FOR REVIEW OF FINAL  
ACTION OF BALLOT TITLE SETTING BOARD CONCERNING  
PROPOSED INITIATIVE 2009-2010 #57  
("UTILITY EXEMPTION FROM RENEWABLE ENERGY")**

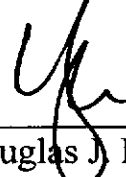
Petitioners Robert N. McLennan, Kent Singer, and Dan Hodges (the "Petitioners"), each registered electors of the State of Colorado, through their counsel, Greenberg Traurig, LLP, respectfully submit this *Motion To Withdraw Petition For Review Of Final Action Of Ballot Title Setting Board Concerning Proposed Initiative 2009-2010 #57 ("Utility Exemption From Renewable Energy")* ("Motion to Withdraw"). In support, Petitioners state as follows:

1. On May 7, 2010, the undersigned counsel filed a *Petition For Review Of Final Action Of Ballot Title Setting Board Concerning Proposed Initiative 2009-2010 #57 ("Utility Exemption From Renewable Energy")* ("Petition") with this Court.
2. On May 7, 2010, the Proponents of Proposed Ballot Initiative 2009-2010 #57 withdrew the proposed initiative. **See Exhibit 1.**
3. As a result, Petitioners move to withdraw their *Petition* before this Court.

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

Respectfully submitted this 20th day of May, 2010.

GREENBERG TRAURIG, LLP



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Douglas J. Friednash, #18128  
Christopher J. Neumann, #29831  
1200 17th Street, Suite 2400  
Denver, Colorado 80202  
Tel: (303) 572-6500  
Fax: (303) 572-6540  
FriednashD@gtlaw.com  
NeumannC@gtlaw.com

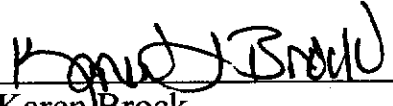
Attorneys for N. McLennan,  
Kent Singer, and Dan Hodges

## CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2010, a true and correct copy of the foregoing **MOTION TO WITHDRAW PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2009-2010 #57 ("UTILITY EXEMPTION FROM RENEWABLE ENERGY")** was placed in the United States mail, postage prepaid, to the following:

Mark Grueskin  
Edward T. Ramey  
1001 17<sup>th</sup> Street, Suite 1800  
Denver, Colorado 80202

Maurice G. Knaizer  
Deputy Attorney General  
Colorado Department of Law  
1525 Sherman Street, 6th Floor  
Denver, Colorado 80203

  
\_\_\_\_\_  
Karen Brock

# Exhibit 1

RECEIVED

MAY 07 2010

COPY



ELECTIONS  
SECRETARY OF STATE  
HACKSTAFF GESSLER LLC  
Attorneys at Law

1601 Blake Street  
Suite 310  
Denver, CO 80202

Phone: 303.534.4317  
Fax: 303.534.4309  
Email: [sgessler@hackstaffgessler.com](mailto:sgessler@hackstaffgessler.com)

May 6, 2010

Via Facsimile 303-866-3855 and Hand Delivery:

Mr. Mike Mauer, Director  
Colorado Legislative Council Staff  
Room 029  
State Capitol Building  
Denver, Colorado 80203

Re: *Withdrawal Under C.R.S. § 1-40-134 of Proposed Initiative 2009-2010 # 57  
(Utility Exemption from Renewable Energy) and Proposed Initiative 2009-2010 #  
58 (Utility Exemption from Renewable Energy).*

Dear Mr. Mauer,

I am submitting this letter on behalf of the proponents for the above-referenced proposed initiatives. Under C.R.S. § 1-40-134 the proponents request that Proposed Initiative 2009-2010 # 57 (Utility Exemption from Renewable Energy) and Proposed Initiative 2009-2010 # 58 (Utility Exemption from Renewable Energy) be withdrawn from consideration for placement on the November, 2010 general election ballot. This law firm represents the two ballot proponents for both measures, who are:

Bob Kennedy  
9759 Clandan Court  
Parker, CO 80134

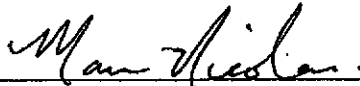
Kurt Overturf  
16581 Hwy 392  
Greeley, CO 80631

Both proponents have signed and acknowledged this withdrawal letter before an officer authorized to take acknowledgments as required by statute. This withdrawal is effective immediately.

Please contact me if I may be of further assistance.

Sincerely,

**HACKSTAFF GESSLER LLC**

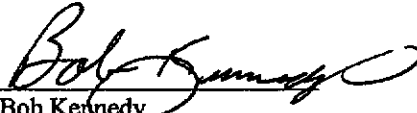


\_\_\_\_\_  
Scott E. Gessler  
Mario Nicolais

- c. Hon. Bernie Buescher, Colorado Secretary of State

**[Remainder of Page Intentionally Left Blank - Acknowledgment Pages Follow]**

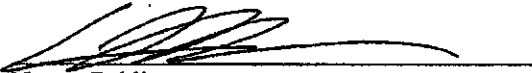
I, Bob Kennedy, hereby acknowledge and agree to the withdrawal of Proposed Ballot Initiative 2009-2010 #57 and Proposed Ballot Initiative 2009-2010 #58.

  
Bob Kennedy

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Douglas )

Signed and acknowledged before me this 6 day of May, 2010, by Bob Kennedy.

(SEAL)

  
Notary Public

My Commission Expires: 04-01-2013

CHRISTOPHER R TALLON  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 04/01/2013



