

<p>SUPREME COURT OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, CO 80202</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>▲ COURT USE ONLY ▲</p>
<p>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), C.R.S. (2010)</p> <p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2009- 2010 #58</p>	
<p>Petitioners: ROBERT N. MCLENNAN, KENT SINGER and DAN HODGES, Objectors</p> <p>vs.</p> <p>Respondents: BOB KENNEDY and KURT OVERTURN, Proponents</p> <p>and</p> <p>Title Board: WILLIAM A. HOBBS, SHARON L. EUBANKS, and DANIEL D. DOMENICO</p>	
<p>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</p>	<p>Case Number: 10SA141</p>
<p>MOTION TO WITHDRAW PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2009-2010 #58 ("UTILITY EXEMPTION FROM RENEWABLE ENERGY")</p>	

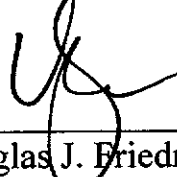
Petitioners Robert N. McLennan, Kent Singer and Dan Hodges (the "Petitioners"), each registered electors of the State of Colorado, through their counsel, Greenberg Traurig, LLP, respectfully submit this *Motion To Withdraw Petition For Review Of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2009-2010 #58 ("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 #58 ("Utility Exemption From Renewable Energy")* ("Petition") with this Court.
2. On May 7, 2010, the Proponents of Proposed Ballot Initiative 2009-2010 #58 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 TRAUERIG, LLP



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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 #58 (“UTILITY EXEMPTION FROM RENEWABLE ENERGY”)** was placed in the United States mail, postage prepaid, to the following:

Mark G. Grueskin
Edward T. Ramey
1001 17th 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

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

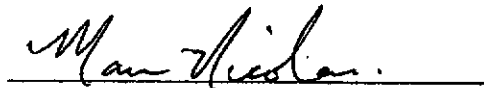
Kurt Overturf
16581 Hwy 392
Greeley, CO 80631

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

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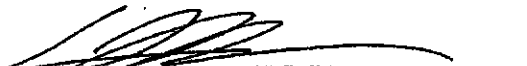
I, Bob Kennedy, hereby acknowledge and agree to the withdrawal of Proposed Ballot Initiative 2009-2010 #57 and Proposed Ballot Initiative 2009-2010 #58.


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

