

**SUPREME COURT, STATE OF COLORADO**  
**101 West Colfax #800**  
**Denver, Colorado 80202**

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

IN THE MATTER OF THE TITLE, BALLOT  
TITLE AND SUBMISSION CLAUSE FOR 2009-  
2010 #89 ("Use of Colorado Water Streams")

**Petitioners:** JOHN GREGORY LEEDE, Objector,  
and DOUGLAS KEMPER a registered elector of the  
State of Colorado

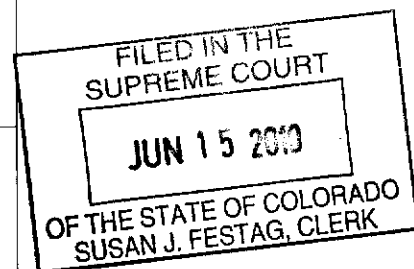
v.

**Respondents:** ROBERT HAMEL and JAY P.K.  
KENNEY, Proponents.

and

**Title Board:** WILLIAM A. HOBBS, DANIEL  
CARTIN and DANIEL D. DOMENICO.

*Attorneys for Respondents:*  
Kara Veitch, Atty. Reg. No. 32227  
Isaacson Rosenbaum P.C.  
1001 17th Street, Suite 1800  
Denver, Colorado 80202  
Phone Number: (303) 292-5656  
Fax Number: (303) 292-3152  
E-mail: kveitch@ir-law.com



▲ COURT USE ONLY ▲

Supreme Court Case  
Number: 2010SA132

**UNOPPOSED MOTION FOR DISMISSAL WITHOUT PREJUDICE**

The Proponents/Respondents, by and through their attorneys of record, and with the consent of 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. Robert Hamel and Jay P.K. Kenney ("Proponents") proposed Initiative 2009-2010 #89 ("Initiative"). On April 21, 2010, the Title Board conducted its initial public meeting and set the title, ballot title and submission clause for the Initiative. John Gregory Leede and Douglas Kemper ("Petitioners"), each filed separate Motions for Rehearing on April 28, 2010. The Motions for Rehearing were heard by the Title Board on April 30, 2010. At the rehearing, the Board granted in part and denied in part the Motions for Rehearing and set the Title. Petitioners each filed separate Petitions for Review with this Court on May 7, 2010, which have been consolidated into this action. Opening Briefs were filed on May 21, 2010 and Answer Briefs are due June 4, 2010.

2. The Initiative's Proponents have elected to withdraw the Initiative at this time, and shall not seek certification of the Initiative to the November 2010 General Election ballot. The Initiative's Proponents further agree not to 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 Initiative's Proponents for certification to the November 2010 General Election Ballot.

3. Given the Proponent's decision to withdraw the Initiative, all Parties agree that the pending Petition for Review and Petition for Review of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2009-2010 #89 should be dismissed.

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

Respectfully submitted this 14<sup>th</sup> day of June, 2010.

**ISAACSON ROSENBAUM P.C.**

By:  \_\_\_\_\_  
Kara Veitch  
**Attorneys for Respondents/Proponents**

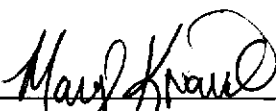
**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 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:

Douglas J. Friednash, Esq.  
Cuneyt A. Akay, Esq.  
Greenberg Traurig, LLP  
1200 17<sup>th</sup> Street, Suite 2400  
Denver, CO 80202

Stephen H. Leonhardt, Esq.  
Alix L. Joseph, Esq.  
Burns, Figa & Will, PC  
6400 South Fiddlers Green Circle  
Suite 1000  
Greenwood Village, CO 80111

Maurice G. Knaizer, Esq.  
First Assistant Attorney General  
State Services Section  
1525 Sherman Street, 6<sup>th</sup> Floor  
Denver, CO 80203

  
\_\_\_\_\_  
Mary Kovalik