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| <p>SUPREME COURT OF COLORADO<br/> 2 East 14th Ave.<br/> Denver, CO 80203</p> <hr/> <p>Original Proceeding<br/> Pursuant to Colo. Rev. Stat. § 1-40-107(2)<br/> Appeal from the Ballot Title Board</p> <hr/> <p>In the Matter of the Title, Ballot Title, and<br/> Submission Clause for Proposed Initiative<br/> 2015-2016 #124 (“Medical Aid in Dying”)</p> <p><b>Petitioners: Michelle Stanford, Robin<br/> Stephens and Renee Walbert</b><br/> v.<br/> <b>Respondents: Harlan Hibbard and Julie<br/> Selsberg,</b></p> <p><b>and</b></p> <p><b>Title Board: SUZANNE STAIERT;<br/> FREDERICK YARGER; and JASON<br/> GELENDER</b></p> | <p style="text-align: right;">DATE FILED: May 25, 2016 4:04 PM</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>Attorney for Respondents:<br/> Mark G. Grueskin, #14621<br/> RECHT KORNFELD, P.C.<br/> 1600 Stout Street, Suite 1000<br/> Denver, CO 80202<br/> Phone: 303-573-1900<br/> Facsimile: 303-446-9400<br/> Email: <a href="mailto:mark@rklawpc.com">mark@rklawpc.com</a></p>   | <p><b>Case No. 2016SA137</b></p>   |
| <p style="text-align: center;"><b>RESPONDENTS’ ANSWER BRIEF</b></p>  |  |

## CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with C.A.R. 28(g).

Choose one:

It contains 221 words.

It does not exceed 30 pages.

The brief complies with C.A.R. 28(k).

For the party raising the issue:

It contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record, not to an entire document, where the issue was raised and ruled on.

For the party responding to the issue:

It contains, under a separate heading, a statement of whether such party agrees with the opponent's statements concerning the standard of review and preservation for appeal, and if not, why not.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

*s/ Mark G. Grueskin*

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Mark G. Grueskin

*Attorney for Respondents*

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## LEGAL ARGUMENT

Petitioners' (Stephens and Walbert; Stanford) opening briefs consist entirely of arguments regarding the perceived merits of Initiative #124 (“#124”), which deals with provision of medical aid-in-dying medication for terminally ill patients.

Stephens and Walbert contend a second subject of #124 is the coroner's responsibility as to vital records information, said to be significant only because of Petitioners' hypothetical scenarios. Stephens-Walbert Opening Brief at 10-11.

Petitioners' common clear title arguments are: (1) #124's alleged subject is “physician-assisted suicide;” and (2) the title does not state death certificates for such patients are required to state the cause of death as the underlying illness that led to the terminal illness diagnosis. *Id.* at 14-17; Stanford Opening Brief at 5-9.

These arguments focus on #124's perceived merits which are not reasons for reversing the Board's decision on *either* single subject or title clarity. *In re Title, Ballot Title and Submission Clause for Initiative 2007-2008 #62*, 184 P.3d 52, 58 (Colo. 2008). Walbert's single subject argument about a coroner's possible findings is rooted, improperly, in speculation. *Id.* at 59. Petitioners' two clear title concerns reflect their opinions about the measure, as well as the highlighting of a single detail of #124. Neither of these two complaints renders the title “insufficient, unfair, or misleading.” *Id.* at 60.

Therefore, the Title Board's decision should be affirmed.

Respectfully submitted this 25<sup>th</sup> day of May, 2016.

*/s Mark Grueskin*

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Mark G. Grueskin, #14621  
RECHT KORNFELD, P.C.  
1600 Stout Street, Suite 1000  
Denver, CO 80202  
Phone: 303-573-1900  
Facsimile: 303-446-9400  
Email: [mark@rklawpc.com](mailto:mark@rklawpc.com)

**ATTORNEY FOR RESPONDENTS**

**CERTIFICATE OF SERVICE**

I, Erin Holweger, hereby affirm that a true and accurate copy of the **RESPONDENTS' ANSWER BRIEF** was sent this day, May 25, 2016, via ICCES to counsel for the Petitioners and to counsel for the Title Board at:

LeeAnn Morrill  
Matthew Grove  
Office of the Attorney General  
1300 Broadway, 6th Floor  
Denver, CO 80203

Thomas M. Rogers III  
Hermine Kallman  
Lewis Roca Rothgerber Christie LLP  
1200 Seventeenth Street, Suite 3000  
Denver, CO 80202

Carrie Ann Lucas  
1270 Automation Drive, Suite 2000  
Windsor, CO 80550

*/s Erin Holweger*