

SUPREME COURT OF COLORADO
2 East 14th Avenue
Denver, CO 80203

DATE FILED: February 16, 2016 3:05 PM

Original Proceeding
Pursuant to Colo. Rev. Stat. § 1-40-107(2)
Appeal from the Ballot Title Board

In the Matter of the Title, Ballot Title, and Submission
Clause for Proposed Initiative 2015-2016 #62 (“Prohibition
on Use of Hydraulic Fracturing”)

**Petitioners: TRACEE BENTLEY AND STAN
DEMPSEY**

v.

**Respondents: BRUCE MASON AND KAREN DIKE
and**

**Title Board: SUZANNE STAIERT; JASON
GELENDER; AND FREDERICK R. YARGER**

▲ COURT USE
ONLY ▲

Attorneys for Petitioner:
Richard C. Kaufman, No. 8343
Matthew K. Tieslau, No. 47483
RYLEY CARLOCK & APPLEWHITE
1700 Lincoln Street, Suite 3500
Denver, Colorado 80203
Telephone: (303) 863-7500
Facsimile: (303) 595-3159

Case Number:
16SA50

**UNOPPOSED MOTION TO DISMISS THE PETITION FOR REVIEW OF
FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING
PROPOSED INITIATIVE 2015-2016 #62 (“PROHIBITION ON USE OF
HYDRAULIC FRACTURING”)**

Tracee Bentley and Howard Stanley Dempsey (“Petitioners”), registered electors of the State of Colorado, through their undersigned counsel, respectfully submit this Unopposed Motion to Dismiss Petition for Review as follows:

1. This matter is before the Court on Petitioners’ Petition for Review of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2015-2016 #62 (“Prohibition on Use of Hydraulic Fracturing”) (hereinafter “Initiative”).

2. Bruce Mason and Karen Dike (hereinafter “Respondents”) have withdrawn and are no longer pursuing the proposed Initiative. *See* Withdrawal of Initiative 2015-2016 #62, attached as Exhibit 1.

3. As Respondents are no longer pursuing the Initiative it is no longer necessary for this Court to review the title as set by the Title Board.

4. Petitioners’ have conferred with Martha M. Tierney, Respondents’ counsel, as well as Matthew D. Grove of the Attorney General’s office, which represents the Title Board. There is no objection to this Motion to Dismiss.

5. A briefing schedule was ordered by the Court in this matter on February 11, 2016. It is respectfully requested that this Motion to Dismiss be granted so that the parties do not spend needless times preparing briefs in this matter.

Respectfully submitted this 16th day of February, 2016, by:

s/Matthew K. Tieslau

Richard C. Kaufman, No. 8343
Matthew K. Tieslau, No. 47483
RYLEY CARLOCK & APPLEWHITE
1700 Lincoln Street, Suite 3500
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Telephone: (303) 863-7500
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Attorneys for Petitioners
Tracee Bentley and Stan Dempsey

CERTIFICATE OF SERVICE

I certify that on this 16th day of February, 2016, a true and correct copy of the foregoing **MOTION TO DISMISS** was filed and served thru ICCES addressed to the following:

Martha M. Tierney
Tierney Lawrence LLC
9051 E 29th Ave
Denver, CO 80238
mtierney@tierneylawrence.com
(303) 356-4870

Suzanne Staiert
Colorado Department of State
1700 Broadway, Suite 200
Denver, CO 80203

Jason Gelender
Office of Legislative Legal Svs.
200 E. Colfax, Rm 091
Denver, CO 80203

Frederick R. Yarger
Solicitor General
1300 Broadway
Denver, CO 80203

s/Ann I. Palius _____

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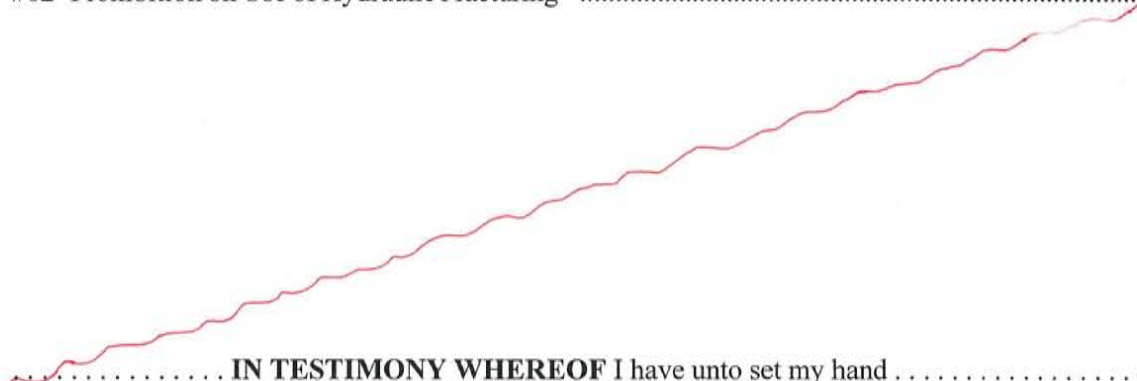
STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the withdrawal letters for Proposed Initiative "2015-2016 #62 'Prohibition on Use of Hydraulic Fracturing'"



..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 12th day of February, 2016.

Wayne W. Williams
SECRETARY OF STATE



February 11, 2016

VIA EMAIL

Wayne Williams
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Re: Withdrawal of Initiative 2015-16 #62

Dear Secretary Williams:

Pursuant to CRS §1-40-134, the undersigned designated representatives of Initiative 2015-2016 #62 hereby withdraw the initiative from consideration as a ballot issue.

[remainder of this page left blank - signature pages to follow]

Wayne Williams
Secretary of State
February 11, 2016
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Karen K Dike
Karen K. Dike

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

The foregoing instrument was acknowledged before me by
Karen Dike in the County of Boulder, State of Colorado, on the 11th
day of February 2016.

Witness my hand and official seal.

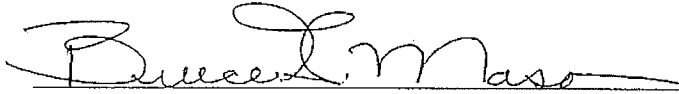
My commission expires: May 31, 2017

MATTHEW LEMASTER
Notary Public
State of Colorado
Notary ID 20134034185
My Commission Expires May 31, 2017

[SEAL]

M. Lemaster
Notary Public, State of Colorado

Wayne Williams
Secretary of State
February 11, 2016
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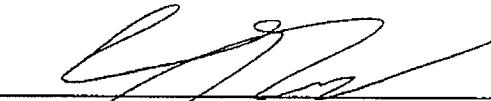
Bruce G. Mason

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

The foregoing instrument was acknowledged before me by
Bruce Mason in the County of Boulder, State of Colorado, on the 11
day of February 2016.

Witness my hand and official seal.

My commission expires: 22 April, 2019



Notary Public, State of Colorado

ISEAL
CLINT PFLUGRAD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154016099
MY COMMISSION EXPIRES APRIL 22, 2019

Steven Ward

From: Martha Tierney [REDACTED]
Sent: Thursday, February 11, 2016 5:00 PM
To: Steven Ward
Cc: [REDACTED]
Subject: Letter withdrawing Initiative #62
Attachments: 2 11 16 letter to SOS withdrawing 2015-2016 #62.pdf; Karen Dike notarized signature page.pdf

Follow Up Flag: Follow up
Due By: Friday, February 12, 2016 8:00 AM
Flag Status: Flagged

Steven,
Attached is a letter notifying the Secretary of State of the withdrawal by the proponents of Initiative #62, with notarized signatures.
Please let me know if you have any further questions and please confirm that the measure has been withdrawn.
Thank you,
Martha

Martha M. Tierney
Tierney Lawrence LLC
Cell: 303.356.4870
www.tierneylawrence.com