

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p> <hr/> <p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p> <hr/> <p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2017-2018 #166 (“Policy Changes Pertaining to State Income Taxes”)</p> <p>Petitioner: Kevin Neal Patterson II and Eric Leveridge</p> <p>v.</p> <p>Respondents: Denise Burgess and Title Board: Suzanne Staiert, Jason Gelender, and Glenn Roper</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for Petitioner: Mark G. Grueskin, #14621 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 Phone: 303-573-1900 Facsimile: 303-446-9400 Email: mark@rklawpc.com</p>	<p>Case Nos. 2018SA000104 and 2018SA000105</p> <hr/>
<p>UNOPPOSED MOTION TO CONSOLIDATE APPEALS FROM TITLE BOARD – CASE NOS. 2018SA000104 AND 2018SA000105</p>	

Kevin Neal Patterson II and Eric Leveridge (“Petitioners”), by and through their undersigned counsel, seek – without opposition from either Respondent – the consolidation of Case Nos. 2018SA000104 and 2018SA000105, and in connection therewith do state:

1. These two matters are appeals from the Title Board (“Board”), wherein Petitioners presented Initiatives #162 and #166 (“Initiatives”) to the Board for title setting, and the Board found that each measure constituted a single subject and set titles.
2. Thereafter, Respondent Denise Burgess filed Motions for Rehearing to the Board’s titles, which motions were heard and granted on the ground that each Initiative contains multiple subjects.
3. Both Initiatives deal with the same changes to income tax payment in Colorado, including a new tax rate on income over \$500,000 and use of the resulting revenue to pay for an earned income tax credit for designated taxpayers.
4. Both initiatives contain the same provision to remove the revenue resulting from the measure from the revenue and spending limits found in Colo. Const., art. X, sec. 20 (“TABOR”).
5. Both Initiatives were held to contain the same second subject, a change to the State’s spending limit under TABOR.

6. No material factual distinctions exist between the two appeals.
7. The legal arguments in these two cases will be the same, word for word.
8. The undersigned conferred with counsel for Burgess and the Board who do not object to consolidation of these two matters.
9. Such consolidation will promote judicial efficiency and will not prejudice any party.
10. Petitioner requests that the Court consolidate these two appeals, Case Nos. 2018SA000104 and 2018SA000105, for purposes of briefing and decision.

Respectfully submitted this 13th day of April, 2018.

/s/ Mark Grueskin

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CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the **UNOPPOSED MOTION TO CONSOLIDATE APPEALS FROM TITLE BOARD – CASE NOS. 2018SA000104 AND 2018SA000105** was sent this day, April 13, 2018, via ICCES, to counsel for the Title Board and counsel for Denise Burgess:

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