

<p>COURT OF APPEALS, STATE OF COLORADO</p> <p>2 East 14<sup>th</sup> Avenue Denver, CO 80203</p>	
<p>Appeal from the District Court, City and County of Denver County The Honorable Martin F. Egelhoff, Judge Case No. 04-CV-3756</p>	
<p>CITY AND COUNTY OF DENVER, a Home Rule municipal corporation of the State of Colorado; and JOHN W. HICKENLOOPER, as Mayor of the City and County Of Denver,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF COLORADO; and BILL OWENS, in his official capacity as Governor of the State of Colorado,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case No.: 05-CA-000149</p>
<p>JOHN W. SUTHERS, Attorney General STEPHEN G. SMITH, Assistant Attorney General* 1525 Sherman Street, 5<sup>th</sup> Floor Denver, CO 80203 303-866-5142 Registration Number: 9189 *Counsel of Record</p>	
<p><b>MOTION TO DISMISS APPEAL</b></p>	

Defendant-Appellants State of Colorado and Governor Bill Owens (“the State”), through counsel, file this Motion to Dismiss Appeal pursuant to C.A.R. 27. As grounds therefor, the State would show:

1. On January 21, 2005 the State filed its Notice of Appeal from the Denver District Court's December 9, 2004 *Order (Re: Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Partial Summary Judgment)*.

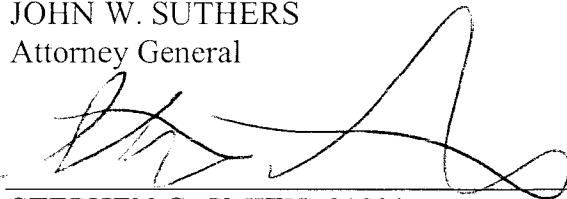
2. The State now believes that justice is best served by dismissing its appeal from the District Court's December 9, 2004 Order.

3. The undersigned counsel has conferred with Assistant City Attorney Kory Nelson and is authorized to state Court that Denver does not object to dismissal of this appeal.

WHEREFORE, Defendant-Appellants the State of Colorado and Governor Bill Owens respectfully request that the Court dismiss appeal no. 05-CA-000149, each party to bear its own costs therein.

Respectfully submitted this 26th day of April, 2005

JOHN W. SUTHERS  
Attorney General



---

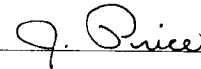
STEPHEN G. SMITH, 9189\*  
Assistant Attorney General  
ROBERT H. DODD, Jr., 27869\*  
Business & Licensing Section  
Attorneys for State of Colorado and Governor Bill  
Owens  
\*Counsel of Record

Certificate of Service

I certify that on April 26<sup>th</sup>, 2005, I mailed the foregoing Notice of Appeal, with attachments, by U.S. Mail, postage paid, to the following:

Kory Neslon, Esq.  
Office of the Denver City Attorney  
201 West Colfax, 1207  
Denver, CO 80202

Clerk, Courtroom 7  
Denver District Court  
1437 Bannock Street  
Room 215  
Denver, CO 80202

A handwritten signature in cursive script, appearing to read "J. Price", is written above a horizontal line.