

DISTRICT COURT, CITY & COUNTY OF DENVER,
COLORADO
1437 Bannock Street
Denver, CO 80203

Plaintiffs:

VET VOICE FOUNDATION, RANDY EICHNER, JOHN ERWIN, AND AMANDA IRETON,

v.

Defendant:

JENA GRISWOLD, in her official capacity as Colorado Secretary of State

and

Intervenor Defendants

VERA ORTEGON and WAYNE WILLIAMS.

COURT USE ONLY

Case No. 2022CV33456

Trm./Div.: 215

ORDER CERTIFYING ORDER ON MOTION FOR DETERMINATION OF LAW FOR INTERLOCUTORY APPEAL

Having reviewed Plaintiffs’ Motion for Certification of Interlocutory Appeal, the Court makes the following findings and certifies the Order on Motion for Determination of Law for immediate appellate review pursuant to C.A.R. 4.2.

First, an immediate review of the Court’s January 3, 2024 Order on Motion for Determination of Law will promote a more orderly disposition or establish a final disposition of the litigation. As noted by Plaintiffs, if signature verification is not severable from the balance of C.R.S. § 1.7.5-107.3, then it is likely that Plaintiffs will discontinue the litigation. If signature verification is severable, this will inform the parties and the Court as to potential remedies that may be afforded after a trial on the merits.

Second, the Court's order involves a controlling (as described above) and unresolved question of law. No Colorado appellate court has determined whether signature verification is severable from the balance of C.R.S. § 1.7.5-107.3.

Accordingly, both prongs of C.A.R. 4.2 are satisfied and the Court thus certifies the question to the Colorado Court of Appeals.

Pursuant to C.A.R. 4.2(d), Plaintiffs must file a petition to appeal with the Clerk of the Court of Appeals within 14 days of the date of this order.

ENTERED this 19th day of January, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. Eric Elliff".

J. Eric Elliff
District Court Judge

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