

District Court, Arapahoe County, Colorado Court Address: 7325 S. Potomac St. #100 Centennial, CO 80112 303-645-6600	DATE FILED: November 16, 2023 10:35 AM FILING ID: D7E66C57225C3 CASE NUMBER: 1983CV105
<hr/> IN RE: HEATHER GARDENS METROPOLITAN DISTRICT	
<hr/> Attorney for Recall Petition Committee: (Name & Address) Martha J. Karnopp, Atty. Reg. #: 6471 13631 E. Marina Dr. #106 Aurora, CO 80014 Phone Number: 303-766-7727 E-mail: karnopplaw@gmail.com	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 1983CV105 Ctrm/Div:15
MOTION TO INTERVENE	

The Recall Petition Committee (consisting of the following individual members: John Harvey, Allen Lindeman, and Bonnie Fleming), by and through undersigned counsel, files this Motion to Intervene in conjunction with its Notice providing proposed form of Recall Petition and Request for Appointment of Designated Election Official Who Shall Perform the Duties Set Forth for the Recall. In support of its Motion, the Recall Petition Committee states as follows:

Certification Regarding Duty to Confer

Pursuant to C.R.C.P. 121, Sec. 1-15(8), counsel certifies that in good faith she informed Jennifer Ivey, counsel for Heather Gardens Metropolitan District, by telephone regarding the Motion and had a brief conversation.

MOTION

1. The Recall Petition Committee desires to exercise its legal right to pursue the recall of four directors of the District.

2. Pursuant to C.R.S. Sec. 32-1-909(2) the proposed form of a recall petition shall be filed with the Court. See also: C.R.S. Sec. 32-1-103(2). This is a mandatory step.
3. Within five business days of receipt of the proposed form of recall petitions for special district directors, the Court shall issue an order appointing a designated election official who shall perform the duties set forth for the recall. C.R.S. Sec 32-1-909(2). Again, this is a mandatory step that must take place within the organizational case of the District.
4. By law, the Recall Petition Committee must intervene in this case in order to exercise its legal rights.
5. There is no provision in the law or related argument that requires the District to approve in advance or otherwise agree with the initiation of the recall process.

WHEREFORE, for the reasons set forth above, the Recall Petition Committee respectfully requests that this Court enter the attached Order Granting Intervention to the Recall Petition Committee for the purposes of satisfying its legal requirements for the recall process. As part of those requirements, the Recall Petition Committee further requests the Court to acknowledge receipt of the proposed form of recall petition and appoint a designated election official to perform the duties set forth for the recall. The appropriate Notice shall be filed contemporaneously with this Motion.

Respectfully submitted this 15th day of November, 2023.

[Original signature on file in attorney's office.]

/s/ Martha J. Karnopp
Martha J. Karnopp, Reg. No 6471
Attorney for Recall Petition Committee

CERTIFICATE OF SERVICE

I certify that on November 15, 2023, a true and correct copy of the foregoing MOTION TO INTERVENE was filed and served *via Colorado Courts E-Filing* on the following parties and counsel of record:

Jennifer L. Ivey
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/s/ Martha J. Karnopp
Martha J. Karnopp