

District Court, County of Arapahoe, Colorado Court Address: 7325 S. Potomac St. Centennial, Colorado 80112	▲ COURT USE ONLY ▲
Plaintiff(s): Daniel Taylor, Robin O’Meara, Deborah Parker, John Rasmussen, Gwen Alexander, John Guise and Forrest McClure, as Eligible Electors of Heather Gardens Metropolitan District, Daniel Taylor and Robin O’Meara, as HGMD directors subject to recall, v. Defendant(s): A.J. Beckman, as Designated Election Official.	
Daniel J. Taylor, Reg. No. 19493 3900 E. Mexico Ave., Suite 610 Denver, Colorado 80210 Office: 720-707-0087 Fax: 720-707-0429 Cell: 303-552-7660 DanielTaylor@CoTaxAtty.com	Case No. 1983 CV 105; Division 15
REQUEST FOR DESIGNATION OF RECORD AND AMENDED REQUEST FOR RESTRAINING ORDER	

Plaintiffs are eligible electors of the Heather Gardens Metropolitan District (HGMD) (hereinafter “Protesters”) and HGMD directors subject to recall, Daniel Taylor and Robin O’Meara, and hereby request an order designating the record for the within C.R.C.P. Rule 106(4)(a) appeal as follows:

The Defendant, Designated Election Official A.J. Beckman, attached an Addendum 1 – List of Admitted Hearing Exhibits, to his Order on Protests to Sufficiency Determination of Recall Petitions. The list of exhibits numbered the exhibits offered by the recall committee as exhibits RC 1 and RC 2, the exhibits offered by the protesters as exhibits P 1 through P 9, and exhibits considered by the DEO to be part of the record as DEO 1 through DEO 12.

When Protesters began to offer documents filed with the DEO as exhibits, such as the signed recall petitions filed with the DEO, the DEO declared these documents as part of the record not requiring admission. However, not all of the documents filed with the DEO were listed on the DEO’s exhibit list Addendum 1.

Documents included by the DEO are:

- | Exhibit No. | Document |
|--------------------|------------------------------------|
| DEO 1 | Original Recall Petitions |
| DEO 2 | Sufficiency Determination: Taylor |
| DEO 3 | Sufficiency Determination: Effler |
| DEO 4 | Sufficiency Determination: O'Meara |

DEO 5 Sufficiency Determination: Baldwin
 DEO 6 Protest of Daniel Taylor
 DEO 7 Protest of John Rasmussen
 DEO 8 Protest of Deborah Parker
 DEO 9 Protest of Robin O'Meara
 DEO 10 Protest of Gwendolyn Alexander
 DEO 11 Protest of John Guise
 DEO 12 Protest of Forrest McClure

Plaintiffs request the following documents be included as the record for appeal:

Exhibit 1	Notice Providing Proposed Form of Petition	
Exhibit 2	Notice Exhibit A - Taylor	
Exhibit 3	Notice Exhibit B - Effler	
Exhibit 4	Notice Exhibit C - O'Meara	
Exhibit 5	Notice Exhibit D - Baldwin	
Exhibit 6 A	Original Objection to Petition - Taylor	
Exhibit 6 B	Original Objection to Petition - O'Meara	
Exhibit 7	Objection with Affidavit	
Exhibit 8	Letter Disapproving Form - Taylor	
Exhibit 9 A	Letter Disapproving Form – O'Meara Nov 27	
Exhibit 9 B	Letter Disapproving Form – O'Meara Dec 15	
Exhibit 9 C	Letter Disapproving Form – O'Meara Dec 19	
Exhibit 10	Letter Disapproving Form - Effler	
Exhibit 11	Letter Disapproving Form - Baldwin	
Exhibit 12	Revised Petition to Recall - Taylor	
Exhibit 13	Revised Petition to Recall – O'Meara	
Exhibit 14 A	Revised Petition to Recall - Effler	
Exhibit 14 B	Second Revised Petition to Recall – O'Meara	
Exhibit 15	Revised Petition to Recall - Baldwin	
Exhibit 16	Letter Approving Petition - Taylor	
Exhibit 17	Letter Approving Form – O'Meara	
Exhibit 18	Letter Approving Form – Effler	
Exhibit 19	Letter Approving Form – Baldwin	
Exhibit 20	Signatures – Taylor -A1-Audet	May be the same as DEO 1
Exhibit 21	Taylor -A2-Karnopp	May be the same as DEO 1
Exhibit 22	Taylor -A3-Audet	May be the same as DEO 1
Exhibit 23	Taylor -A4-Audet	May be the same as DEO 1
Exhibit 24	Taylor -A5-Audet	May be the same as DEO 1
Exhibit 25	Taylor -A6-Audet	May be the same as DEO 1
Exhibit 26	Taylor -A7-Audet	May be the same as DEO 1
Exhibit 27	Taylor-A8-Karnopp	May be the same as DEO 1
Exhibit 28	Taylor-A9-Karnopp	May be the same as DEO 1
Exhibit 29	Taylor-A10-Karnopp	May be the same as DEO 1
Exhibit 30	Taylor-A11-Karnopp	May be the same as DEO 1
Exhibit 31	Taylor-A12-Karnopp	May be the same as DEO 1

Exhibit 32	Taylor-A13-Karnopp	May be the same as DEO 1
Exhibit 33	Taylor-A14-Karnopp	May be the same as DEO 1
Exhibit 34	Taylor-A15-Karnopp	May be the same as DEO 1
Exhibit 35	Signatures – O’Meara-C1-Karnopp	May be the same as DEO 1
Exhibit 36	O’Meara-C2-Karnopp	May be the same as DEO 1
Exhibit 37	O’Meara-C3-Karnopp	May be the same as DEO 1
Exhibit 38	O’Meara-C4-Karnopp	May be the same as DEO 1
Exhibit 39	O’Meara-C5-Karnopp	May be the same as DEO 1
Exhibit 40	O’Meara-C6-Karnopp	May be the same as DEO 1
Exhibit 41	O’Meara-C7-Karnopp	May be the same as DEO 1
Exhibit 42	O’Meara-C8-Karnopp	May be the same as DEO 1
Exhibit 43	O’Meara-C9-Audet	May be the same as DEO 1
Exhibit 44	O’Meara-C10-Audet	May be the same as DEO 1
Exhibit 45	O’Meara-C11-Audet	May be the same as DEO 1
Exhibit 46	O’Meara-C12-Audet	May be the same as DEO 1
Exhibit 47	O’Meara-C13-Audet	May be the same as DEO 1
Exhibit 48	O’Meara-C14-Audet	May be the same as DEO 1
Exhibit 49	O’Meara-C15-Karnopp	May be the same as DEO 1
Exhibit 50	Signatures – Effler-B1-Audet	May be the same as DEO 1
Exhibit 51	Effler-B2-Audet	May be the same as DEO 1
Exhibit 52	Effler-B3-Audet	May be the same as DEO 1
Exhibit 53	Effler-B4-Audet	May be the same as DEO 1
Exhibit 54	Effler-B5-Audet	May be the same as DEO 1
Exhibit 55	Effler-B6-Audet	May be the same as DEO 1
Exhibit 56	Effler -B7-Karnopp	May be the same as DEO 1
Exhibit 57	Effler -B8-Karnopp	May be the same as DEO 1
Exhibit 58	Effler -B9-Karnopp	May be the same as DEO 1
Exhibit 59	Effler -B10-Karnopp	May be the same as DEO 1
Exhibit 60	Effler -B11-Karnopp	May be the same as DEO 1
Exhibit 61	Effler -B12-Karnopp	May be the same as DEO 1
Exhibit 62	Effler -B13-Karnopp	May be the same as DEO 1
Exhibit 63	Effler -B14-Karnopp	May be the same as DEO 1
Exhibit 64	Effler -B15-Karnopp	May be the same as DEO 1
Exhibit 65	Signatures – Baldwin-D1-Audet	May be the same as DEO 1
Exhibit 66	Baldwin-D2-Audet	May be the same as DEO 1
Exhibit 67	Baldwin-D3-Audet	May be the same as DEO 1
Exhibit 68	Baldwin-D4-Karnopp	May be the same as DEO 1
Exhibit 69	Baldwin-D5-Audet	May be the same as DEO 1
Exhibit 70	Baldwin-D6-Karnopp	May be the same as DEO 1
Exhibit 71	Baldwin-D7-Karnopp	May be the same as DEO 1
Exhibit 72	Baldwin-D8-Audet	May be the same as DEO 1
Exhibit 73	Baldwin-D9-Karnopp	May be the same as DEO 1
Exhibit 74	Baldwin-D10-Karnopp	May be the same as DEO 1
Exhibit 75	Baldwin-D11-Karnopp	May be the same as DEO 1
Exhibit 76	Baldwin-D12-Karnopp	May be the same as DEO 1

Exhibit 77	Baldwin-D13-Karnopp	May be the same as DEO 1
Exhibit 78	Baldwin-D14-Karnopp	May be the same as DEO 1
Exhibit 79	Baldwin-D15-Karnopp	May be the same as DEO 1
Exhibit 80 A	Letter of Sufficiency - Taylor	May be the same as DEO 2
Exhibit 80 B	Letter of Sufficiency – O’Meara	May be the same as DEO 4
Exhibit 80 C	Letter of Sufficiency - Effler	May be the same as DEO 3
Exhibit 80 D	Letter of Sufficiency - Baldwin	May be the same as DEO 5
Exhibit 81	Objection to Revised Petition	
Exhibit 82	Arthur Richardson 2-15-24 Protest Letter	
Exhibit 83	Craig Baldwin 2-9-24 Protest Letter	
Exhibit 84	Daniel Taylor 2-9-24 Protest Letter	May be the same as DEO 6
Exhibit 85	Deborah Parker 2-15-24 Protest Letter	May be the same as DEO 8
Exhibit 86	McClure – Baldwin Protest Letter	May be the same as DEO 12
Exhibit 87	McClure – Taylor Protest Letter	May be the same as DEO 12
Exhibit 88	McClure – Effler Protest Letter	May be the same as DEO 12
Exhibit 89	McClure – O’Meara Protest Letter	May be the same as DEO 12
Exhibit 90	Guise – Protest Letter	May be the same as DEO 11
Exhibit 91	Rasmussen – Protest Letter	May be the same as DEO 7
Exhibit 92	Herbert – Protest Letter	
Exhibit 93	Mavis Richardson – Protest Letter	
Exhibit 94	Michael Thoma Protest Letter	
Exhibit 95	Robin O’Meara Protest Letter	May be the same as DEO 9
Exhibit 96	Victoria Spillane Protest Letter	
Exhibit 97	Protest Denial - Baldwin	
Exhibit 98	Protest Denial – McClure re Baldwin	
Exhibit 99	Protest Denial – McClure re Effler	
Exhibit 100	Protest Denial – McClure re O’Meara	
Exhibit 101	Protest Denial – McClure re Taylor	
Exhibit 102	Protest Denial – Guise re Baldwin	
Exhibit 103	Protest Denial – Guise re O’Meara	
Exhibit 104	Protest Denial – Guise re Taylor	
Exhibit 105	Protest Denial – Richardson re O’Meara 1	
Exhibit 106	Protest Denial – Richardson re O’Meara 2	
Exhibit 107	Protest Denial – Richardson re O’Meara 3	
Exhibit 108	Protest Denial – Richardson re O’Meara 4	
Exhibit 109	Protest Denial – Richardson A	
Exhibit 110	Protest Denial - Spillane	
Exhibit 111	Protest Denial - Thoma	
Exhibit 112	Protest Letter 2-16-24 Taylor	
Exhibit 113	Objection Letter to Ivey & DEO	
Exhibit 114	CRCP 106 Appeal for McClure & Guise	
Exhibit 115	Status Conf Setting – O’Meara-Baldwin	
Exhibit 116	Status Conf Setting – O’Meara-Effler	
Exhibit 117	Status Conf Setting – O’Meara-Taylor	
Exhibit 118	Status Conf Setting – O’Meara-O’Meara	

Exhibit 119	Status Conf Setting – Parker -Baldwin	
Exhibit 120	Status Conf Setting – Parker -Effler	
Exhibit 121	Status Conf Setting – Parker -O’Meara	
Exhibit 122	Status Conf Setting – Parker -Taylor	
Exhibit 123	Status Conf Setting – Rasmussen-Baldwin	
Exhibit 124	Status Conf Setting – Rasmussen-Effler	
Exhibit 125	Status Conf Setting – Rasmussen-O’Meara	
Exhibit 126	Status Conf Setting – Rasmussen-Taylor	
Exhibit 127	Allen Lindeman Subpoena	
Exhibit 128	Betty Bergeron Subpoena	
Exhibit 129	Bonnie Fleming Subpoena	
Exhibit 130	Holly Shearer Subpoena	
Exhibit 131	Jill Bacon Subpoena	
Exhibit 132	John Harvey Subpoena	
Exhibit 133	Linda Savage Subpoena	
Exhibit 134	Martha Karnopp Subpoena	
Exhibit 135	Mike Pula Subpoena	
Exhibit 136	Roxanne Baxter Subpoena	
Exhibit 137	Susan Miller Subpoena	
Exhibit 138	Karnopp Email re Brief in Support of Motion	
Exhibit 139	Brief in Support of Motion to Quash	
Exhibit 140	Karnopp Email – Motion Served	
Exhibit 141	Motion to Quash by Karnopp	
Exhibit 142	DEO’s Briefing Order	
Exhibit 143	Motion to Quash by HGA	
Exhibit 144	Brief in Opposition to Motion to Quash	
Exhibit 145	Brief in Opposition to HGA Motion to Quash	
Exhibit 146	March 12 DEO Email re March 8 Order	
Exhibit 147	DEO Order on Motions to Quash	
Exhibit 148	Zoom Recording March 13, 2-2024 or a transcript thereof	
Exhibit 149	Zoom Recording March 15, 2024 or a transcript thereof	

WHEREFORE, Protesters respectfully request that this honorable court order the DEO to certify the record herein, including the above listed documents, as well as the documents, photographs, and video included in Addendum 1 of the DEO’s order.

Additionally, the DEO appeared before the HGMD Board of Directors on April 18, 2024, to present the certificates of petition sufficiency pursuant to statute. However, the DEO further stated that HGMD was required to convene a regular or special meeting within 30 days to establish a date for the recall election, and that the judicial review requested did not apply to the recall of directors Craig Baldwin and Rita Effler. No such basis was given for this determination, but the assertion has caused a highly volatile dispute within the community.

Plaintiffs, as eligible electors of HGMD, protested the sufficiency of the recall petitions for each of the four directors subject to recall, were heard at the evidentiary hearing, and have appealed the DEO's decision pursuant to C.R.C.P. Rule 106(4)(b). These plaintiffs are entitled to judicial review, and the DEO has given no reason that C.R.S. §32-1-910(4)(a)(II) does not apply to them as well as it does to Directors Taylor and O'Meara who requested judicial review pursuant to C.R.C.P. Rule 104(4)(b) within the shortened time of 5 days as required by C.R.S. §32-1-910(3)(f). To quell the dissention caused by this statement, plaintiffs request that the court issue a temporary restraining order prohibiting the HGMD Board of Directors from holding the meeting to set the recall election date until within 30 days from the date this court issues its final order finding the petitions sufficient.

Respectfully Submitted,

Daniel J. Taylor

Daniel J. Taylor, Attorney for Plaintiffs
and Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2024, a true and correct copy of the foregoing Request for Designation of Record and Amended Request for Temporary Restraining Order was served electronically to the following:

Mark G, Grueskin
Recht Kornfeld, P.C.
1600 Stout Street, Suite 1400
Denver, Colorado 80202

Daniel J. Taylor
