

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 03-Z-1482 (CBS)

MARYANNE KELLER,  
PAULINE YORK,  
DIANA DEGETTE,  
DOUGLAS GARRETT,  
JOHN W. SINGLETARY, and  
LILA PEDROZA,

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
10/15/04  
GREGORY C. LANGHAM,  
CLERK

Plaintiffs,

v.

DONETTA DAVIDSON, SECRETARY OF STATE,  
COLORADO GENERAL ASSEMBLY, and  
BILL OWENS, GOVERNOR OF THE STATE OF COLORADO,

Defendants.

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**ORDER**

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Before **EBEL**, Circuit Judge, and **PORFILIO**, Senior Circuit Judge of the United States Court of Appeals for the Tenth Circuit, and **WEINSHIENK**, Senior District Judge of the United States District Court for the District of Colorado.

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On January 23, 2004, we entered a Memorandum Opinion and Order denying the Colorado General Assembly and Governor Owens' Motion to File Amended Counterclaims and staying these proceedings until the Colorado Supreme Court's ruling in Salazar v. Davidson, 79 P.3d 1221 (Colo. 2003) became final. In a Memorandum Opinion and Order we also stated that "[i]f the Salazar opinion becomes final in its current version, we will then dismiss the federal claims on the basis of issue preclusion

and we will dismiss the pendant state claims as moot.” Keller v. Davidson, 299 F. Supp. 2d 1171, 1183 (D. Colo. 2004).

The General Assembly’s petition for certiorari from the United States Supreme Court was denied on June 7, 2004, and the 25-day period in which to file a petition for rehearing from the Supreme Court has now lapsed. See Sup. Ct. R. 44 (2). The Colorado court’s decision in Salazar v. Davidson is therefore now final. Accordingly, we hereby

GRANT Davidson’s motion for substitution of counsel, DISMISS the Defendants’ counterclaims as barred by issue preclusion, and DISMISS Plaintiffs’ claims, and DENY any outstanding motions in this case, as moot.

Dated at Denver, Colorado, this 15<sup>th</sup> day of October, 2004.

BY THE COURT:

ZITA L. WEINSHIENK, Senior Judge  
United States District Court

DAVID M. EBEL, Judge  
United States Court of Appeals  
for the Tenth Circuit

JOHN C. PORFILIO, Senior Judge  
United States Court of Appeals  
for the Tenth Circuit