

No. _____

In The
Supreme Court of the United States



JUDY A. BRANNBERG, MSc.
JOHN DEWEY INSTITUTE AND ALEXANDRIA SCHOOL OF INNOVATION,

Applicants,

v.

COLORADO CIVIL RIGHTS DIVISION
COLORADO DEPARTMENT OF EDUCATION
CDE COMMISSIONER SUSANA CORDOVA
COLORADO STATE BOARD OF EDUCATION
DOUGLAS COUNTY SCHOOL DISTRICT RE-1
JEFFERSON COUNTY PUBLIC SCHOOLS
STERLING RANCH DEVELOPMENT CORP.

Respondents.



To the Honorable Neil M. Gorsuch
Associate Justice of the United States Supreme Court
Circuit Justice for the Tenth Circuit



Emergency Application for Writ of Injunction

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QUESTIONS PRESENTED

Question One: Whether pursuant to the Federal Rules of Civil Procedure 65; Rules 22 and 23 of this Court; the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 705; Douglas County School District, hereinafter (“DCSD”); Jefferson County Public Schools, hereinafter (“Jeffco”); Colorado State Board of Education, hereinafter (“State Board”); Colorado Department of Education, hereinafter (“CDE”); CDE Commissioner Susana Cordova; and Sterling Ranch Development Corp., hereinafter (“Sterling Ranch”) are enjoined and prohibited through preliminary injunction filed on April 18, 2024, in Colorado Supreme Court Case Number 24SC181 and Denver District Court Case Number 2023CV610, from consummating and/or approving any and all new Colorado charter schools, pending final judgment by jury trial for Denver District Court Case 2023CV610, Colorado Court of Appeals 2024CA133, Colorado Supreme Court 2024SC181, and this U.S. Supreme Court Appeal, because of (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits.

Question Two: Whether Respondents/Defendants DCSD, Jeffco, State Board, CDE, and Sterling Ranch, et al. have created an Unconstitutional Monopoly and are allowed to secretly and non-transparently execute, coverup, and **fail to investigate** the following Federal crimes, antitrust violations, and employment

discrimination to deny and thwart the creation of Applicants' 17 charter schools in 2014, 2017, 2018, 2019, and 2023; her third-party employment; and building and land ownership, which caused an unsafe learning environment and severe safety breach that resulted in the May 7, 2019, STEM School Highlands Ranch, hereinafter ("STEM School") shooting and tragic murder, an event of Mass

Destruction and Domestic Terrorism as defined by F.B.I.:¹

1. Federal Antitrust Enforcement Enacted in 1890, the Sherman Act
2. 18 U.S. Code § 2331(5) Domestic Terrorism
3. Federal Whistle Blower Protection Act
4. 18 U.S.C. § 873 Blackmail and extortion laws
5. 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022
6. 18 U.S. Code § 201 – Bribery of Public Officials and Witnesses 2022
7. 18 U.S.C. § 1349 – Attempt and Conspiracy
8. Harassment – Title VII of Civil Rights Act of 1964
9. Third-party Contractual/Tortious Interference
10. 18 U.S.C. § 471 Forgery
11. 18 U.S.C. §§ 1503, 1512, 1513 Obstruction Of Justice
12. Libel Per Se/Libel Per Quod
13. 10 U.S. Code § 919b – Art. 119b. Child Endangerment
14. 18 U.S.C. § 371 – Conspiracy to Commit Offense or to Defraud the United States

Question Three: Whether the Colorado Revised Statutes C.R.S. § 22-30.5-108(3)(d) — “The decision of the State Board of Education shall be final” and not subject to Judicial Review.²

Question Four: Whether pursuant to the U.S. EEOC Policy Statement on

¹ <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>

² A similar (not identical) question was asked the Supreme Court in Case Number 22-1106. There is no conflict with Res Judicata because Alexandria School of Innovation is a new party in 2024. Additionally, in 2023, another new party, Jeffco, committed the exact same Statutory Non-Compliance violations as DCSD and the State Board did in 2018 and 2019, which was argued before the U.S. Supreme Court in 22-1106. Additionally, there are all new claims in this case. *See* pp. 11-16 below.

Control by Third Parties over the Employment Relationship Between an Individual and His/Her Direct Employer,³ EEOC Dec. 87-2, ¶ 6869 (CCH)(1987), the Colorado Civil Rights Division, hereinafter (“CCRD”)/Colorado Civil Rights Commissioners, hereinafter (“CCRC”) have jurisdiction over this charter school third-party employment discrimination appeal.

Question Five: Whether the STEM School shall be returned to Applicant’s leadership because DCSD, STEM, CCRD, et al. breached/forged their contract.

In 2014, 2017, 2018 and 2019, and 2023, third-party employer DCSD, and in 2014 and 2023 third-party employer Jeffco, in conspiracy with the State Board, CDE, and Sterling Ranch, et al. secretly and non-transparently executed Federal crimes, Unconstitutional antitrust violations, and employment discrimination, to thwart the creation of the applicant and charter school entrepreneur’s 17 charter schools; her employment; and land, building, property ownership. Employment, land, building, and property ownership are terms, conditions, and privileges of charter school employment and U.S. Constitutional rights. From 2014 to the present, the applicants complained and warned DCSD, Jeffco, the State Board, CDE, the Colorado Supreme Court Office of Attorney Regulation Counsel, hereinafter (“OARC”), the CCRD, and the Douglas County Sheriff, who **failed to investigate** crimes, employment discrimination, and anti-trust violations which created an unsafe learning environment for all DCSD, Colorado, and U.S.A.

³<https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>

students. Respondents/Defendants muzzled Applicant's warnings, threatened her, and then in unlawful and Unconstitutional retaliation, voted to deny her 17 charters in 2014, 2017, 2018, 2019, and 2023, to illegally protect their Unconstitutional Monopoly and coverup the largest and most corrupt public education scandal in U.S.A. History, which denied the applicant Federal due process of law and equal protection of the laws, resulting in the tragic school shooting at the STEM School on May 7, 2019, the school she co-founded in 2009. Because the State Board decision was final and not subject to Judicial Review, an Unconstitutional Monopoly was created.

PARTIES TO THE PROCEEDING

The Applicants are Charter School Entrepreneur Judy Brannberg, hereinafter ("JBrannberg"); Alexandria School of Innovation, hereinafter ("ASI") a STEM-based charter school; and John Dewey Institute ("JDI"), a never-before-seen, unique, innovative and creative charter school-embedded-inside-a-charter school (at ASI), educating students on the Autism Spectrum in the Least Restrictive Environment ("LRE").

The Respondents/Defendants are DCSD, State Board, CDE, CDE Commissioner Susana Cordova, Jeffco, Sterling Ranch, and CCRD/CCRC.

In the lower court, Denver District Court Case Number 2023CV610, (*see* Appendix D), there are 14 Defendants, including board directors, plus their 25+ attorneys, who secretly and non-transparently executed Federal crimes, antitrust violations, and employment discrimination to deny and thwart the creation of Applicants' 17 charter schools in 2014, 2017, 2018, 2019, and 2023 including:

1. Jefferson County Public Schools (“Jeffco”), boards and attorneys, et al.
2. State Board of Education, (“State Board”), boards and attorneys, et al.
3. Colorado Department of Education (“CDE”), Commissioner Susana Cordova et al.
4. Douglas County School District (“DCSD”), boards and attorneys, et al.
5. STEM School Highlands Ranch, (“STEM”), boards and attorneys, et al.
6. Colorado Civil Rights Division (“CCRD”), boards and attorneys, et al.
7. Colorado Educational and Cultural Facility Authority (“CECFA”), boards, et al.
8. Sterling Ranch Development Corp., owners/developers, and attorneys, et al.
9. UMB Financial Corporation – UMB Bank, et al.
10. Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”), Colorado Supreme Court and attorneys, et al.
11. Douglas County Sheriff’s Office, Douglas County Sheriff Darren Weekly, et al.
12. Attorney John A. Cimino
13. Colorado Supreme Court Justices, who oversee/have jurisdiction over the OARC
14. Colorado Attorney General’s Office, who oversee the State Board, CCRD, CDE

DECISIONS AND PROCEEDINGS

The following proceedings and decisions are related:

Colorado Supreme Court – 2024SC133

ORDER - Applicants’ 2024.03.20. Petition for Writ of Certiorari to the Colorado Supreme Court 2024SC133; Colorado Court of Appeals 2024CA133; District Court, City and County of Denver 2023CV610; DENIED by ORDER OF COURT Colorado Supreme Court Case Number 2024SC181, BY THE COURT, EN BANC, APRIL 29, 2024. Respondents’ CCRD and DCSD. (*See Appendix A.*)

Colorado Supreme Court – 2024SC133

ORDER - Applicants’ 2024.04.18. Motion and Memorandum for Preliminary Injunction filed in Colorado Supreme Court Case 2024SC181; Certiorari to the Colorado Court of Appeals 2024CA133; District Court, City and County of Denver, 2023CV610; DENIED by ORDER OF COURT, Colorado Supreme Court Case Number 2024SC181, APRIL 29, 2024, CCRD, DCSD, CDE, State Board, Jeffco, and Sterling Ranch. (*See Appendix B.*)

Denver District Court – 2023CV610

PROCEEDING - 2024.01.11. AMENDED COMPLAINT OF JUDICIAL REVIEW for 2023CV610. This case is ongoing, but on pause, pending this U.S. Supreme Court Application for Writ of Injunction. (*See Appendix C.*)

PROCEEDING - 2023.11.28. - Plaintiffs' Response in Opposition to Defendant Douglas County Sheriff's Office Motion to Dismiss (*See Appendix D*)

Colorado Supreme Court – 21SC885

ORDER - 21SC885 – 2022.10.11 Order of Colorado Supreme Court (*See Appendix E*)

ORDER - 21SC885 – 2022.10.13 Order of Colorado Supreme Court (*See Appendix F*)

ORDER - 21SC885 – 2022.10.25 Order of Colorado Supreme Court (*See Appendix G*)

ORDER - 21SC885 – 2022.10.28 Order of Colorado Supreme Court (*See Appendix H*)

JURISDICTION

Pursuant to Federal Rules of Civil Procedure 65, the Court has jurisdiction to grant injunctive relief. Pursuant to Rules 22 and 23 of this Court, this Court has jurisdiction.

Pursuant to the All Writs Act, 28 U.S.C. § 1651, this Court has original jurisdiction. The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 705, when an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, (this Supreme Court Application for Writ of Injunction), may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 393.)

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicants/Petitioners each represent that they do not have any parent entities and do not issue stock.

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Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”).....2

 D. The Colorado Supreme Court OARC **failed to investigate**, which was
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 E. DCSD Bought Out Applicant’s Former Attorneys D.K. Williams, John A.
Cimino, and Steven A. Klenda to thwart creation of her schools and sabotage
her legal cases, who ***failed to investigate***, which was **unlawful and**
Unconstitutional retaliation.....3

 F. OARC Counsel Jessica Yates derelicted her duties, conducted dishonest,
bogus, and sham “investigations” to coverup 25+ attorneys’ crimes, and
failed to investigate, which was **unlawful retaliation**.....4

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COLORADO SUPREME COURT STRUCK, BANNED ALL EVIDENCE INCRIMINATING THE SUPREME COURT, OARC, AND APPLICANTS’ ATTORNEYS AND COVERED UP DISTRICT, STATE, ATTORNEY, BOARD CRIMES, EMPLOYMENT DISCRIMINATION AND UNCONSTITUTIONAL MONOPOLY (The following is the condensed version of the 2023CV610 - 2023.11.28. - Plaintiffs’ Response in Opposition to Defendant Douglas County Sheriff’s Office Motion to Dismiss. *See* Appendix E.).....7

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B. Attorney Fraud Upon The Court has not been litigated before in any of Applicants’ prior legal cases.....11

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REASON TWO: On October 11, 13, 25, and 28, 2022, the Colorado Supreme Court Case 2021SC885 banned Plaintiff Judy Brannberg from arguing Attorney Fraud upon the Court.....11

REASON THREE: The Colorado Supreme Court sternly **threatened, coerced, and harassed** Applicant Brannberg, because she complained about fraudulent, illegal Attorney criminal misconduct, the OARC Investigation, and Attorney Fraud upon the Court crimes.....12

REASON FOUR: Pursuant to § 18-3-207 CRS – Colorado Criminal “**Extortion**” Laws, a conditional threat, with the words “**IF**,” is a threat to do harm “**IF**” the person being threatened **does not comply** with the person making the threat.....12

REASON FIVE: Pursuant to FBI official website/guides of the U.S. Government: “If someone communicates any statement or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that **manipulates the US legal system, THAT’S A THREAT.**”12

REASON SIX: The Colorado Supreme Court and OARC should have taken immediate, swift action to punish and discipline the attorney misconduct and Fraud upon the Court.....13

REASON SEVEN: Attorney Fraud upon the Court in 2021SC885, directed at the “judicial machinery” fraudulently coerced and influenced the court itself or a member of the court, such that the impartial nature of the court was compromised.13

REASON EIGHT: Because Judy Brannberg was Pro Se, the Colorado Supreme Court bullied her and attorneys were allowed to get away with their crimes, without consequence, because no Court defended/protected Applicant Judy Brannberg.....13

REASON THIRTEEN: Pursuant to C.R.C.P 251. 32: No Rule of Limitations for Attorney **Theft or Fraud**.....13

REASON FOURTEEN: Colorado Supreme Court Case 2021SC885 “**Suppressed,**” gagged, and muzzled, the most flagrant and incriminating evidence which Plaintiff Brannberg filed, exposing attorney crimes of Fraud upon the Court and **theft of client funds**, including the following documents, which revealed that Plaintiff Brannberg spent over \$137,516.41 of her own money, paid to three attorneys: Steven A. Klenda, John A. Cimino, and D.K. Williams.....13

REASON FIFTEEN: The OARC illegally **pried and spied** into Judy Brannberg’s bank statements, credit card receipts, and copies of canceled checks written to three attorneys, which provided definitive evidence of unconscionable Attorney Theft of Client Funds and Fraud upon the Court crimes, which was then “**Suppressed**” by the Colorado Supreme Court.....13

REASON SIXTEEN: Applicant Brannberg paid over \$200,000.00 total to 10+ attorneys, some who **stole and embezzled** her money because they were **bought out by DCSD** to sabotage legal cases, to thwart the creation of her 17 schools, employment, property, land, building ownership in 2014, 2017, 2018, 2019, 2023, and to cover up unconscionable defendant crimes.....13

DOMESTIC TERRORIST EDWARD SNOWDEN EXILED TO RUSSIA WHILE U.S. ATTORNEYS/DOMESTIC TERRORISTS ALLOWED TO LIVE/WORK IN THE U.S.........14

REASON SEVENTEEN: While Domestic Terrorist Edward Snowden was exiled to Russia, U.S. Attorneys/Domestic Terrorists were allowed to continue to live/work in the U.S. with access to confidential documents to carry out Domestic Terrorism crimes on innocent U.S. public school children and charter entrepreneur and victim Judy Brannberg, all which caused unsafe learning environment, which resulted in the STEM School shooting on 5/7/2019.....14

REASON NINETEEN: The doctrine of res judicata bars subsequent litigation where four elements are met. In 2023CV610, **none of the four elements were met** in the above prior cases.....14

REASON TWENTY: 2023CV610 is the first legal case in which Plaintiffs have argued freely, without attorney and judicial interference, Attorney Fraud upon the Court, and government corruption, which includes 14 new Defendants, and their attorneys, who were part of the massive unconscionable attorney **fraudulent scheme** crime ring, defrauding the “judicial machinery”14

REASON TWENTY-ONE: The September 14, 2023, (Jeffco) and November 9, 2023, (DCSD) ASI and JDI State Board Appeals were the first appeals in which Plaintiff Brannberg complained about Attorney Fraud upon the Court to the State Board of Education, who retaliated against her for blowing the whistle on District and State Board Attorney crimes, and subsequently voted to deny her 12 charter appeals, both in Jeffco and DCSD.....14, 15

REASON TWENTY-THREE: There is no statute of limitations for a claim of **Fraud upon the Court** and a court may consider such a claim even if no adversarial parties are before the court.....15

REASON TWENTY-FOUR: Breach of Contract is considered a criminal felony offense **when it involves Fraud upon the Court, as in this case.** Bribery in Colorado is charged as a class 3 Felony.....15

REASON TWENTY-FIVE: In January 2020, after DCSD released a 2000+ page CORA, Plaintiff Brannberg and her Former Attorney John A. Cimino drafted an Amended Complaint to include the new evidence of forgery and bribery discovered in the 2020 CORA, but Attorney Cimino refused to file the Amended Complaint because he was bought out by third-party employer DCSD to cover up the Fraud upon the Court crimes, to sabotage her legal cases, and to thwart the creation of her schools, employment, and property, land, building ownership in 2014, 2017, 2018, during DCSD Attorney/Domestic Terrorist Thomas McMillen’s tenure and in 2019 and 2023 during Jeffco Attorney/Domestic Terrorist Thomas McMillen’s tenure at Jeffco.....15

REASON TWENTY-SEVEN: Plaintiff/Applicant Brannberg was banned and prohibited by the Colorado Supreme Court from presenting this new attorney Fraud upon the Court evidence in Case 21SC885, because Colorado Supreme Court and the Colorado Supreme Court OARC, criminally conspired, were in cahoots, and worked in tandem to cover up the 25+ attorney crime ring.....15

REASON TWENTY-EIGHT: Corrupt Attorney Fraud upon the Court Crimes, from 2014 to the present directed at the “judicial machinery” fraudulently coerced or influenced the Court and members of the Court, such that the impartial nature of the Court for 2021SC885, was compromised.....15

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B. Defendants’ Federal crimes and discrimination caused an unsafe learning environment which resulted in the May 7, 2019 school shooting.....17

C. On February 15, 2007, JBrannberg enrolled in CCRD protected activity.....17

D. DCSD Board President Peterson promised retaliation for complaints.....18

E. U.S. Congressman’s Former Director gave DCSD Public Comment.....18

F. 2023 DCSD Board voted unanimously to deny Plaintiffs’ Charters.....19

G. On June 15, 2023, JBrannberg opened a new CCRD on-line retaliation complaint for Case Number 20237.....19

H. Pursuant to 24-4-106(11), the Court of Appeals has jurisdiction, because the CCRD/CCRC refused to issue an order on December 22, 2023, and incorrectly said it was because they lacked jurisdiction.....19

I. On January 16, 2024, when the CCRD/CCRC filed their REPLY IN SUPPORT OF ITS MTD, pursuant to C.R.S. § 24-4-106(11) they insisted Plaintiffs’ file a Notice of Appeal to the Colorado Court of Appeals, to meet C.R.S. § 24-34-307 deadline of 49 days, after the date of service of the final order, which was the date of discovery of the final order issued on December 22, 2023, when CCRD/CCRC filed their MTD for 2023CV610.....19, 20

J. On January 25, 2024, Plaintiffs filed a Notice of Appeal with the Court of Appeals, in compliance with C.R.S. § 24-4-106(11).....20

K. On March 1, 2024, the Court issued orders: “that the appeal is DISMISSED without prejudice, for lack of a final, appealable judgment.”.....20

L. It is moot that no final appealable judgment exists from the Commission, because the CCRD/CCRC stated on 7/15/2023, (which JBrannberg did not receive until 12/22/2023) that they were unable to investigate this matter.....20

M. CCRD/CCRC has jurisdiction pursuant to U.S. EEOC Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer, EEOC Dec. 87-2, ¶6869(CCH)(1987)....20

N. Sufficient Nexus Points – all which exist at DCSD and Jeffco.....21

O. On 1/23/2020, after 2 years of refusing to release a CORA, spending thousands of dollars in legal fees, and exhausting all legal remedies pursuant to C.R.S. § 24-72-204 3.a.II.A.,DCSD released the CORA containing 2616 pages of JBrannberg’s permanent DCSD Employment Records, personnel files.....21

P. In the 1/23/20 CORA, DCSD illegally disseminated to JBrannberg a forged one-way, Confidential Separation Agreement. The original, two-way, mutual Agreement stated, “any dissemination of any draft is a violation of this agreement.”22

Q. JBrannberg’s 2/15/2007, CCRD Complaint is classified as an EEOC Materially Adverse Action.....22

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T. DCSD’s Permanent JBrannberg Employment Files contained an arsenal of 2616 pages of EEOC Materially Adverse Actions from 2007.....23

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Appendix A

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Appendix B

ORDER, Colorado Supreme Court Case Number 2024SC181, Applicants’ 2024.04.18. Motion and Memorandum for Preliminary Injunction filed in the Supreme Court Case 2024SC181; Certiorari to the Colorado Court of Appeals 2024CA133; District Court, City and County of Denver, 2023CV610; DENIED by ORDER OF COURT, Colorado Supreme Court Case Number 2024SC181, APRIL 29, 2024, Colorado Civil Rights Division, Douglas County School District, Colorado Department of Education, Colorado State Board, Jefferson County Public Schools and Sterling Ranch.....App. 3

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691 F.2d21

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Vanguard Justice Society, Inc.
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U.S. Constitution

U.S. Const. amend. XIV, § 1 ("Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.") (ratified July 9, 1868)
.....passim, 2, 3, 4, 7, 11, 14, 16, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37

U.S. Const. amend. XIV, § 1 ("Due Process of Law") (ratified July 9, 1868)
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U.S. Const. amend. XIV, § 1 ("Equal Protection of the Laws") (ratified July 9, 1868)
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Other Authorities

Department of Justice, Federal Bureau of Investigation, THREAT INTIMIDATION GUIDE. If someone communicates any statement or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that manipulates the US legal system, that's a threat.

<https://www.fbi.gov/file-repository/threat-intimidation-guide-english-022322.pdf/view#:~:text=If%20someone%20communicates%20any%20statement,legal%20system%2C%20that's%20a%20threat>

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National Defense Authorization Act, the FBI and Department of Homeland Security, in consultation with the Director of National Intelligence, have developed standard definitions of terminology related to domestic terrorism and uniform methodologies for tracking domestic terrorism incidents. <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>

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U.S. Equal Employment Opportunity Commission (“EEOC”) Enforcement Guidance on Retaliation and Related Issues - U.S. Equal Employment Opportunity Commission, Title VII, EPA, ADEA, Rehabilitation Act, ADA, GINA, 29 CFR Part 1601, 29 CFR Part 1603, 29 CFR Part 1614, 29 CFR Part 1620, 29 CFR Part 1625, 29 CFR Part 1626, 29 CFR Part 1630, 29 CFR Part 1635
<https://www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues>

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U.S. Equal Employment Opportunity Commission (“EEOC”) Policy Statement On Control by Third Parties Over the Employment Relationship Between an Individual and His/Her Direct Employer, *Title VII, EPA, ADEA, ADA, GINA, 29 CFR 1601, 29 CFR Part 1620, 29 CFR Part 1625*. EEOC Dec. 87-2, ¶ 6869 (CCH (1987); ASIJDIAADDROA51201-51212
<https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>

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To The Honorable Neil M. Gorsuch, Circuit Justice For The Tenth Circuit:

Pursuant to the Federal Rules of Civil Procedure 65; Rules 22 and 23 of this Court; the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 705, applicants respectfully move that this Court enjoin and prohibit DCSD, Jeffco, State Board, CDE, CDE Commissioner Susana Cordova, and Sterling Ranch, from consummating and/or approving any and all new Colorado charter schools, pending final judgment by jury trial in Denver District Court Case 2023CV610, (Colorado Court of Appeals 2024CA133, Colorado Supreme Court 2024SC181, and this U.S. Supreme Court Appeal), because Applicants’ appeals for proposed new DCSD charter schools located in Sterling Ranch, Crystal Valley, Ridgegate, Highlands Ranch, and Jeffco Schools located at Leyden Rock and Red Rocks Ranch, in Colorado, U.S.A., are still pending and final judgments have not been rendered in Denver District Court Case Number 2023CV610.

Applicants are seeking preliminary injunctive relief and demonstrate herein: (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits.

STATEMENT OF THE CASE – The Colorado Supreme Court Is Disqualified From Rendering Judgment For This Case Because Supreme Court Justices Are Defendants In 2023CV610

A. Applicants’ Motion and Memorandum for Preliminary Injunction Denied

On April 29, 2024, Applicants’ April 18, 2024, Motion and Memorandum for

Preliminary Injunction, was filed in Colorado Supreme Court Case 2024SC181; Certiorari to Colorado Court of Appeals 2024CA133; District Court, City County of Denver, 2023CV610 was DENIED by ORDER OF COURT, (*See Appendix B.*)

Applicants were denied preliminary injunctive relief on no written grounds.

B. Applicants' Petition for Writ of Certiorari to Colorado Supreme Court was Denied

On April 29, 2024, Applicants' March 20, 2024, Petition for Writ of Certiorari to the Colorado Supreme Court 2024SC133 (Colorado Court of Appeals 2024CA133, District Court, City and County of Denver 2023CV610), was DENIED by ORDER OF COURT Colorado Supreme Court Case Number 2024SC181, BY THE COURT, EN BANC, APRIL 29, 2024. Respondents' Colorado Civil Rights Division and Douglas County School District. (*See Appendix A.*) Applicants were denied relief on no written grounds, once again.

C. The Colorado Supreme Court has a Conflict of Interest because Supreme Court Justices are Defendants in 2023CV610 and have oversight and jurisdiction over Defendant Colorado Supreme Court Office of Attorney Regulation Counsel ("OARC").

Both Applicants' Motion and Memorandum for Preliminary Injunction (*see Appendix B*) and Applicants' Petition for Writ of Certiorari to Colorado Supreme Court (*see Appendix A*) were denied because the Colorado Supreme Court Justices have a Conflict of Interest in this case, because they are named Defendants in Denver District Court Case No. 2023CV610, with Colorado Supreme Court Office of Attorney Regulation Counsel. (*See Appendix C, pp. 5-7, 11, 15, 21-25, 31, 33, 35-37.*)

D. The Colorado Supreme Court OARC failed to investigate, which was unlawful and Unconstitutional retaliation.

The Colorado Supreme Court OARC **failed to investigate**¹ the charges against 25+ of their attorneys, including Federal crimes of 18 U.S.C. § 471 Forgery, 18 U.S. Code § 201 – Bribery of public officials and witnesses, fraud upon the court, antitrust Unconstitutional Monopoly, and employment discrimination, which was **unlawful retaliation**. *Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111:

“(upholding a jury verdict finding that although demotion was not retaliatory, the post-demotion transfer to warehouse, counseling notices for minor incidents, and **failure to investigate** complaints about these actions were **unlawful retaliation**.)”

E. DCSD Bought Out Applicant’s Former Attorneys D.K. Williams, John A. Cimino, and Steven A. Klenda to thwart creation of schools and sabotage her legal cases, who **failed to investigate, which was **unlawful retaliation**.**²

Applicant provided substantial evidence^{3, 4} to Governmental Regulatory Agencies, 1.) Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”), 2.) Colorado Civil Rights Division, and 3.) Douglas County Sheriff’s Office, proving her former Attorneys David K. Williams⁵ and John A. Cimino were bought out by DCSD Development and Innovation Officer/Sterling Ranch Consultant Pat McGraw and her former Attorney Steven A. Klenda was bought out by DCSD Attorney Will Trachman to thwart creation of her schools, sabotage her legal cases, who **failed to investigate**.

¹ This was argued in Applicants’ Colorado Supreme Court Petition for Certiorari, 2024SC131, filed on March 20, 2024, in the Colorado Supreme Court.

² *Supra*, pp 2, 3 D.

³ Explained with particularity, Colorado Supreme Court Attorneys’ FUND FOR CLIENT PROTECTION ASIJDIAADDROA20261-20433

⁴ ASIJDIAADDROA37100-43991

⁵ <https://www.horancares.com/obituaries/daviddk-williamsjr> - Attorney DK Williams committed suicide on October 23, 2021, during the OARC “non-investigation.”

DCSD Attorney buy-outs were mentioned in Applicants', 2023 Petition for Certiorari to the U.S. Supreme Court, 22-1106, p. 28, but were not a claim.

Since 2014, Applicant JBrannberg has spent more than \$200,000.00 of her own personal money on legal fees to obtain justice/charter approval, and therefore is now representing her case *pro se*, because of unbridled, Unconstitutional corruption which has infiltrated the highest court in Colorado, the Colorado Supreme Court.

F. OARC Counsel Jessica Yates derelicted her duties, conducted dishonest, bogus, and sham “non-investigations” to coverup 25+ attorneys’ crimes,⁶ failed to investigate,⁷ which was unlawful retaliation.

This is explained with particularity in Plaintiffs’ Response in Opposition to the Colorado Supreme Court OARC Motion to Dismiss for 2023CV610, filed on January 16, 2024, and also in the OARC Notice of Claim filed on December 5, 2023,⁸ which also explains that the Colorado Supreme Court Justices have a financial interest in this case and are therefore disqualified. The OARC **failed to investigate** the following attorneys, which the OARC has jurisdiction over, which was **unlawful retaliation**.⁹ The following attorneys executed and/or covered up crimes, fraud, and theft of client funds. They muzzled, harassed, silenced, coerced, and improperly influenced the impartial nature of the Court, therefore Fraud upon the Court has been established, so judgments may be attacked, and overturned. (The Record on Appeal for 23CV610 is 50,000+ pages.)

#1 – JBrannberg v. Robert Montgomery (DCSD) OARC Charge no.: 20 – 932
#2 - JBrannberg v. William Trachman (DCSD) OARC Charge no.: 20-933

⁶ASIJDIADDROA27587-27777

⁷*Id.*, ASIJDIADDROA43815-43990, *Supra*, pp 2, 3

D. ⁸ASIJDIADDROA49458-49930

⁹ *Supra*, pp 2, 3 D.

- #3 - JBrannberg v. Thomas McMillen (DCSD) OARC Charge no.: 20-934
- #4 - JBrannberg v. Elliott Hood (DCSD) OARC Charge no: 20-935
- #5 - JBrannberg v. Kristin C. Edgar (DCSD) OARC Charge no: 20-936
- #6 - JBrannberg v. Mary Kay Klimesh (DCSD) OARC Charge no: 20-937
- #7 - JBrannberg v. Steve Colella (DCSD) OARC Charge no: 20-938
- #8 - JBrannberg v. Julie Tolleson (State Board/Jeffco) OARC Charge no.: 20-939
- #9 - JBrannberg v. Jenna Zerylnick (State Board) OARC Charge no: 20-940
- #10 - JBrannberg v. William Bethke (STEM School) OARC Charge no.: 20-941
- #11 - JBrannberg v. Aubrey L. Elenis (CCRD/CCRC) OARC Charge no.: 20-942
- #12 - JBrannberg v. Bruce A. James (Sterling) OARC Charge no.: 20-943
- #13 - JBrannberg v. Barry Arrington (STEM School) OARC Charge no.: 20-1046
- #14 - JBrannberg v. R. Craig Hess (Jeffco) OARC Charge no.: 20-1047
- #15 - JBrannberg v. Calvin C. Hanson (CECFA) OARC Charge no.: 21-2454
- #16 - JBrannberg v. Kent C. Veio (CECFA) OARC Charge no.: 21-2455
- #17 - JBrannberg v. Hester Parrot (CECFA) OARC Charge no.: 21-2453
- #18 - JBrannberg v. John A. Cimino OARC Charge Number: 21-2118
- #19 - JBrannberg v. D.K. Williams OARC Charge Number: 21-2114
- #20 - JBrannberg v. Clifford G. Cozier OARC Charge Number: 21-2097
- #22 - JBrannberg v. Robert S. Ross Jr. (DCSD) OARC Charge Number: 21-2637
- #23 - JBrannberg v. Michael A. Zywicki (STEM) OARC Chрге Number: 21-2647
- #24 - JBrannberg v. Jake Spratt (Sterling Ranch) OARC Charge Number: 21-2648
- #25 - JBrannberg v. Steven Klenda OARC Charge No: 22-1810
- #26 - JBrannberg v. OARC Jessica E. Yates (OARC) Attorney Regulation Counsel
- #27 - JBrannberg v. CCRD Jennifer McPherson (CCRD) Deputy Director
- #28 - JBrannberg v. Molly Ferrer (Jeffco) Attorney/Legal Counsel
- #29 – JBrannberg v. Justin P. Moore (OARC) Attorney
- #30 – JBrannberg v. April M. McMurrey (OARC)

Pursuant to C.R.C.P 251.32: “There is no rule of limitations for filing a complaint alleging theft of client funds or fraud.”

In this case, there is both theft of client funds and fraud. Breach of Contract is considered a criminal felony offense when it involves fraud.

Pursuant to Regulations of Lawyers Statutes and Rules of Professional Conduct 3.3: “(a) A lawyer shall not knowingly:(4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.”

G. The Colorado Supreme Court is Disqualified from Rendering Judgment

Pursuant to the Colorado Code Judicial Conduct (“CCJC”) 2.11: “(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the

following circumstances:(1) **The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.**

In this case, the Colorado Supreme Court Justices are Defendants for District Court, City and County of Denver 2023CV610 and therefore, they have a personal knowledge of the facts that are in dispute in the proceeding, and facts with Colorado Supreme Court 2024SC133 and Colorado Court of Appeals 2024CA133. Defendant OARC investigates and prosecutes allegations of violations of the Rules of Professional Conduct by attorneys in Colorado, under the jurisdiction of the Colorado Supreme Court.¹⁰

In this case, District Court City and County of Denver 2023CV610, the OARC/Colorado Supreme Court Justices are represented by LEEANN MORRILL, First Assistant Attorney General & General Counsel to the Attorney General Public Officials Unit, (720) 508-6159, leeann.morrill@coag.gov. Attorney Morrill checks in and reports to her bosses, the Colorado Supreme Court Justices, who have jurisdiction and oversee the OARC and their legal counsel, for direction on how to respond in this case. The Justices are fully aware of the crimes, discrimination, and the Unconstitutional monopoly. Therefore, pursuant to CCJC 2.11, the Justices may not hear cases in which they have either personal knowledge of the disputed facts, a personal bias concerning a party to the case, earlier involvement in the case as a lawyer, **or a financial interest in any party or subject matter of the case.**

¹⁰https://coloradosupremecourt.com/Complaints/Complaints_Disc.asp#:~:text=Complaints%2FDiscipline%20%2D%20Attorney%20Regulation%20Counsel&text=The%20Office%20of%20Attorney%20Regulation,over%20formal%20complaints%20against%20attorneys.

Pursuant to Comment [1]: “Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply. The term "recusal" is sometimes used interchangeably with the term "disqualification.”

H. Emergency Request that the United States Supreme Court approve Preliminary Injunctive Relief Because of Colorado Supreme Court Conflict of Interest

For this reason alone, we request that the Colorado Supreme Court recuse or disqualify themselves and that the United States Supreme Court approve preliminary injunctive relief. The Colorado Supreme Court, is illegally protecting their Unconstitutional Monopoly and covering up the largest and most corrupt public education scandal in U.S.A. History, with attorney misconduct by the above 25+ of their attorneys, who denied the applicant Federal due process of law and equal protection of the laws, creating an unsafe learning environment in all DCSD, Colorado, and U.S.A. public schools, which resulted in the tragic school shooting at the STEM School on May 7, 2019, the school Applicants co-founded in 2009.

COLORADO SUPREME COURT “STRUCK,” BANNED ALL EVIDENCE INCRIMINATING THE SUPREME COURT, OARC, AND APPLICANTS’ ATTORNEYS AND COVERED UP DISTRICT, STATE BOARD, ATTORNEY, CRIMES, EMPLOYMENT DISCRIMINATION AND THEIR UNCONSTITUTIONAL MONOPOLY (This is the condensed version of the 2023CV610 - 2023.11.28. - Plaintiffs’ Response in Opposition to Defendant Douglas County Sheriff’s Office Motion to Dismiss. *See Appendix D.*)

In November 2009 Appellant Judy A. Brannberg and her husband Barry R. Brannberg Co-Founded and wrote the STEM School charter which was approved 7-0 by the DCSD Board of Directors. In Fall 2011, they launched and opened the largest ever first-year charter school in DCSD and Colorado History with 478 students. Barry R. Brannberg was employed as the President and Business

Manager of the STEM School and Judy Brannberg was employed as the Executive Director and Grant Writer/Development Director of STEM Academy, aka LightHouse on a Hill, the Charter Management Organization (“CMO”) for both entities, who also managed all after-school programming.

On March 31, 2013, in order to protect their excellent charter management history, their stellar reputations, and to protect their ability to start further schools, Barry R. Brannberg and Judy Brannberg signed a mutual, **two-way** Confidential Separation Agreement, (**with mutual promises and undertakings described in this Agreement**), which stated that “**any dissemination of any draft would be a violation of this agreement.**”

In January 2014, November 8, 2017 (from DCSD to CCRD), March 27, 2018, and on January 20, 2020, DCSD and Jeffco Attorney Thomas McMillen and DCSD and Jeffco Attorney Elliott Hood on January 20, 2023, **criminally disseminated**, with the intent to defraud, a one-way forgery (**with no promises and undertakings for Applicant**), purported as the mutual, two-way Confidential Separation Agreement, (**with mutual promises and undertakings described in this Agreement for Applicant**), to **bribe** the DCSD, Jeffco, and State Board to deny and thwart the creation of Judy Brannberg’s schools, employment, property, land, building ownership during 17 applications in 2014 ASI DCSD, and 2014 ASI Jeffco; 2017 ASI DCSD, 2018 ASI DCSD, 2019 JDI DCSD; to **bribe** State Board Appeals in 2018, 2019, and 2023; to **bribe** Court Cases 2023CV610; 2019CV550 in Denver District Court; 2020CA0641 in the Colorado Court of Appeals; 21SC885 in

the Colorado Supreme Court; and U.S. Supreme Court Petition for CERT Case No. 22-1106; 15CV30586 Douglas County District Court (3 x's), to **bribe** the CCRD, OARC, and Sheriff's Investigations, and criminally breached the contract because of Fraud upon the Court. Governmental Regulatory Agencies CCRD, OARC, Sheriff, and State Board ***failed to investigate***, which was ***unlawful retaliation***. *Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111.

A. Attorney Fraud Upon The Court

Fraud upon the Court makes void the orders and judgments of that court.¹¹ Fraud upon the Court will be found where the **fraudulent scheme**, considered unconscionable, defrauds the “judicial machinery” or is perpetrated by an officer of the court such that the court cannot perform its function as a neutral arbiter of justice.¹² In 2023CV610, there are 25+ attorneys and 10+ publicly-funded governmental agency and private organization Defendants involved in the “fraudulent scheme” and complex crime ring all explained herein. Fraud directed at the “judicial machinery” can mean conduct that fraudulently coerces or influences the court itself or a member of the court, such that the impartial nature of the court has been compromised.¹³ Fraud upon the Court is usually found in only the most egregious of circumstance, bribery of a judge or jury, (Supreme Court), in this case.

In this case the DCSD, Jeffco, and State Board Directors' votes, Supreme Court Cases, CCRD, OARC, and Sheriff's Investigations were criminally **bribed** by

¹¹*Addington v. Farmers Elevator Mut. Co.*, 650 F.2d 663, 668 (6th Cir. 1981).

¹²*Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

¹³*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

DCSD, et al. to deny Plaintiffs' charters, by fabricating or **striking evidence**, directly attacking the judicial machinery,¹⁴ including:

- The Secret Fraudulent and Forged Separation Agreement;
- The Secret Fraudulent \$14.6 million dollar CECFA Bond which caused the STEM School unsafe learning environment which resulted in the May 7, 2019, STEM School shooting, slaughter, and murder;
- The Secret, Fraudulent, undercover, \$2 Million Dollar STEM School Bankruptcy Bailout by the DCSD Board, Superintendent, Charter Staff, and Attorneys with a fraudulent, low interest \$14.6 million CECFA Bond, financed by UMB Bank which STEM could not legally qualify for;
- The Secret Fraudulent "nasty gram letter" solicited by Supt. Erin Kane, the entire DCSD Board, and DCSD Attorney/Domestic Terrorist Tom McMillen to fraudulently appear as community opposition to stop Judy Brannberg's school locations at Sterling Ranch;
- The Secret Fraudulent/Altered ASI/JDI 2023 Charter Applications by DCSD;
- The Secret Fraudulent Actions by Defendants directly attacking the judicial machinery.

Final judgments are not often overturned based upon a Fraud upon the Court claim and will typically only occur in extraordinary cases such as this one involving 10+ public and private entities, with an additional 25+ attorneys, who knew about the many Fraud upon the Court crimes and repeatedly failed to take remedial measures,¹⁵ which caused the tragic May 7, 2019, STEM School shooting, murder, and slaughter, a Domestic Terrorism event of mass destruction.¹⁶

¹⁴*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. at 245-246

¹⁵Attorney Rules of Professional Conduct 3.3

¹⁶National Defense Authorization Act, the FBI and Department of Homeland Security, in consultation with the Director of National Intelligence, have developed standard definitions of terminology related to domestic terrorism and uniform methodologies for tracking domestic terrorism incidents. <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>

B. Attorney Fraud Upon The Court has not been litigated before in any of Applicants' prior legal cases

REASON ONE: 2023CV610 is the first bite of a brand new “apple” with the present cause of action of Attorney Fraud upon the Court.

Res judicata, also known as claim preclusion, prohibits lawsuits involving the same cause of action and the same parties if the court has entered a final judgment on the merits. In the previous legal case, 2021SC885, at the Colorado Supreme Court, Plaintiff Judy Brannberg, *Pro Se*, was banned, prohibited, and criminal **evidence was stricken**, by the Colorado Supreme Court from arguing Attorney Fraud upon the Court, because the Colorado Supreme Court criminally conspired with the OARC to coverup attorney crimes, which is a Conflict of Interest.

Therefore, no final judgements on the merits of Attorney Fraud upon the Court were rendered. There is no issue or claim preclusion in 2023CV610. This is the first time that an issue and claim for Attorney Fraud upon the Court, attorney crimes, employment discrimination, and the Unconstitutional Monopoly have been argued.

REASON TWO: On October 11, 13, 25, and 28, 2022, the Colorado Supreme Court Case 2021SC885 banned Plaintiff Judy Brannberg from arguing Attorney Fraud upon the Court, and **struck all Colorado Supreme Court OARC documents**.

Please see the Court Orders from Colorado Supreme Court Case Number 2021SC885 striking all OARC claims of Attorney Misconduct from 21SC885, including Attorney Fraud upon the Court, Attorney Forgery, Attorney Bribery, and Attorney Breach of Contract in the following:

Colorado Supreme Court 21SC885 – 2022.10.11 - Order of the Court (Appendix E)
Colorado Supreme Court 21SC885 – 2022.10.13 - Order of the Court (Appendix F)
Colorado Supreme Court 21SC885 – 2022.10.25 - Order of the Court (Appendix G)
Colorado Supreme Court 21SC885 – 2022.10.28 - Order of the Court (Appendix H)

REASON THREE: The Colorado Supreme Court sternly **threatened, coerced, and harassed** Applicant Brannberg, because she complained about the fraudulent, illegal Attorney criminal misconduct, the OARC Investigation, that her attorneys were bought out by DCSD, and the factual Attorney Fraud upon the Court crimes.

The Court Order stated that “**IF** Ms. Brannberg continues to file” (documents about Attorney Fraud upon the Court, Forgery, Bribery, or attorney crimes...) “**the Court may be required to take future restrictive actions**” which is a **threat** because she uncovered/exposed attorney crimes, Fraud upon the Court previously hidden from any Court, which should have been punished swiftly by the Colorado Supreme Court. (See Appendix H.) No punishment was executed because the Court has a conflict of interest and Unconstitutionally covered up OARC Attorney crimes.

REASON FOUR: Pursuant to § 18-3-207 CRS – Colorado Criminal “Extortion” Laws, a conditional threat, with the words “**IF**,” is a threat to do harm “**IF**” the person being threatened **does not comply** with the person making the threat. Depending on the circumstances, conditional threats can be illegal as well and can carry additional charges for **blackmail or extortion**.

The illegal threats were executed in the above Supreme Court Orders to silence and stop all of Applicant’s OARC Complaints of Attorney criminal misconduct of Fraud upon the Court, so that attorneys could get away with crimes, which the OARC failed to investigate and illegally covered up. (See Appendix H.)

REASON FIVE: Pursuant to FBI official website/guides¹⁷ of the U.S. Government: “If someone communicates any statement or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that **manipulates the US legal system, THAT'S A THREAT**.”

¹⁷ Department of Justice, Federal Bureau of Investigation, Threat Intimidation Guide. If someone communicates any statement or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that manipulates the US legal system, **that's a threat**.
<https://www.fbi.gov/file-repository/threat-intimidation-guide-english-022322.pdf/view#:~:text=If%20someone%20communicates%20any%20statement,legal%20system%20C%20that's%20a%20threat>

Applicant Brannberg unwillingly was forced to comply to the hidden, deceitful, Colorado Supreme Court and OARC attorney criminal corruption.

REASON SIX: Colorado Supreme Court and OARC should have taken immediate, swift action to punish and discipline attorney misconduct, Fraud upon the Court.

The Colorado Supreme Court should have overturned 2021SC885. Instead, they secretly covered up attorney crimes and threatened, coerced, and harassed Applicant Brannberg to silence OARC and Colorado Supreme Court crimes.

REASON SEVEN: Attorney Fraud upon the Court in 2021SC885, directed at the “judicial machinery” fraudulently coerced and influenced the court itself or a member of the court, such that the impartial nature of the court was compromised.¹⁸

REASON EIGHT: Because Judy Brannberg was *Pro Se*, the Colorado Supreme Court bullied her and attorneys were allowed to get away with their crimes, without consequence, because no Court defended/protected Applicant Judy Brannberg.

REASON FOURTEEN: Colorado Supreme Court Case 2021SC885 “**Suppressed,**” gagged, and muzzled, the most flagrant and incriminating evidence which Plaintiff Judy Brannberg filed, exposing attorney crimes of Fraud upon the Court and **theft of client funds**, including the documents, which revealed that Plaintiff Brannberg spent over \$137,516.41 of her personal money, paid to three attorneys: Steven A. Klenda, John A. Cimino and D.K. Williams.

REASON FIFTEEN: The OARC illegally **pried and spied** into Judy Brannberg’s bank statements, credit card receipts, and copies of canceled checks written to three attorneys, which provided definitive evidence of unconscionable Attorney Theft of Client Funds and Fraud upon the Court crimes, which was then “**Suppressed**” by the Colorado Supreme Court, to cover up the non-existent criminal OARC Investigation, including funds **stolen and embezzled** by Attorney David K. Williams, (who committed suicide during the OARC Investigation), Attorney John A. Cimino, and Attorney Steven A. Klenda.

REASON SIXTEEN: Applicant Brannberg paid over \$200,000.00 total to 10+ attorneys, some who **stole and embezzled** her money because they were **bought out by DCSD** to sabotage legal cases, to thwart the creation of her 17 schools, employment, property, land, building ownership¹⁹ in 2014, 2017, 2018, 2019, 2023, and to cover up unconscionable defendant crimes.

¹⁸*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

¹⁹ Employment, property, land, building ownership are 14th Amendment Constitutional rights.

DOMESTIC TERRORIST EDWARD SNOWDEN EXILED TO RUSSIA WHILE U.S. ATTORNEYS/DOMESTIC TERRORISTS ARE ALLOWED TO LIVE/WORK IN THE U.S.

REASON SEVENTEEN: While Domestic Terrorist Edward Snowden was exiled to Russia, U.S. Attorneys/Domestic Terrorists Thomas McMillen were allowed to continue to live/work in the U.S. with access to confidential documents to carry out Domestic Terrorism crimes on innocent U.S. public school children and charter entrepreneur and victim Judy Brannberg, all which caused unsafe learning environment, which resulted in the tragic STEM School shooting on May 7, 2019.

REASON NINETEEN: The doctrine of res judicata bars subsequent litigation where four elements are met. In 2023CV610, **none of the four elements were met** in the above prior cases:

1. **No decisions were rendered** in the above legal cases for Attorney Fraud upon the Court, Attorney crimes, discrimination, or Unconstitutional Monopoly
2. **No final judgement were made** on the merits for Attorney Fraud upon the Court, Attorney crimes, discrimination, and Unconstitutional Monopoly
3. **No parties were identical**, in the aforementioned cases.
4. **No prior and present causes of action are the same.** The US Supreme Court has ruled that collateral estoppel may preclude a later claim involving the same set of facts but a different statute. In *B & B Hardware v. Hargis Industries*, 575 U.S. ___ (2015), the court held that a later claim under a different section of federal trademark law was precluded by an earlier ruling, since both of the statutes involved the alleged use of a mark in a way that is “likely to cause confusion.”

REASON TWENTY: 2023CV610 is the first legal case in which Plaintiffs have argued freely, without attorney and judicial interference, Attorney Fraud upon the Court, and government corruption, which includes 14 new Defendants, and their attorneys, who were part of the massive unconscionable attorney **fraudulent scheme** crime ring, defrauding the “judicial machinery”²⁰ with unbridled crimes, employment discrimination, and Unconstitutional Monopoly.

REASON TWENTY-ONE: The 9/14/2023, (Jeffco) and 11/9/2023, (DCSD) ASI and JDI State Board Appeals were the first appeals in which Applicants complained about Attorney Fraud upon the Court to the State Board, who retaliated against her for blowing the whistle on District and State Board Attorney crimes, and subsequently voted to deny her 12 charter appeals, both in Jeffco and DCSD.

²⁰*Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

REASON TWENTY-THREE: There is no statute of limitations for a claim of **Fraud upon the Court** and a court may consider such a claim even if no adversarial parties are before the court.²¹

REASON TWENTY-FOUR: Breach of Contract is considered a criminal felony offense **when it involves Fraud upon the Court, as in this case.**

REASON TWENTY-FIVE: In January 2020, after DCSD released a 2000+ page CORA, Plaintiff Brannberg and her Former Attorney John A. Cimino drafted an Amended Complaint to include the new evidence of forgery and bribery discovered in the 2020 CORA, but Attorney Cimino refused to file the Amended Complaint²² because he was bought out by third-party employer DCSD to cover up the Fraud upon the Court crimes, to sabotage her legal cases, and to thwart the creation of her schools, employment, and property, land, building ownership in 2014, 2017, 2018, during DCSD Attorney/Domestic Terrorist Thomas McMillen's tenure and in 2019, 2023 during Jeffco Attorney/Domestic Terrorist Thomas McMillen's Jeffco tenure.

REASON TWENTY-SEVEN: Plaintiff Brannberg was banned and prohibited by the Colorado Supreme Court from presenting this new attorney Fraud upon the Court evidence in Case 21SC885,²³ because the Colorado Supreme Court and the Colorado Supreme Court OARC, criminally conspired, were in cahoots, and worked in tandem to cover up the massive 25+ attorney crime ring listed on page 4 and 5.

Applicants provided compelling evidence to the OARC that exposed DCSD crimes that proved her attorneys were bought out by DCSD. (See pp. 3. and 4. E.)

REASON TWENTY-EIGHT: Corrupt Attorney Fraud on the Court Crimes, from 2014 to the present directed at the "judicial machinery" fraudulently coerced or influenced the Court and members of the Court, such that the impartial nature of the Court for 2021SC885, was compromised.²⁴

These facts should have been transparently shared with the public in 2021SC885, but were covered up by the OARC and Colorado Supreme Court, to silence Applicant JBrannberg's warnings, **because of their Conflict of Interest.**

FACTUAL BACKGROUND

²¹ *In re Roussos*, 541 B.R. at 729.

²²This was refiled with 2023CV610 on November 21, 2023

²³ See attached Appendices E, F, G H, Colorado Supreme Court Orders 21SC885

²⁴*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

A. Unconstitutional, most corrupt public education scandal in U.S. history

On March 14, 2023, Charter Entrepreneur and Applicant Judy Brannberg, submitted twelve new charter applications to DCSD and Jeffco, for ASI a STEM-based school, and JDI, an innovative/unique school-embedded-inside-a-school (at ASI) for students on the Autism Spectrum, all which were denied and subsequently appealed to the State Board, and denied in Fall 2023.

On October 27, 2023, Applicants filed a Complaint of Judicial Review pursuant C.R.S. § 24-4-106 for 2023CV610 in Denver District Court against Jeffco and State Board, with fourteen indispensable parties, including DCSD and Jeffco, plus 25+ attorneys listed on pages 4 and 5 named in 2023CV610, exposing the largest and most corrupt public school scandal in U.S. history. At the root of Complaint claims, was a repetitious pattern of violations of Federal Title VII of the Civil Rights Act of 1964 and C.R.S. § 24-34-402 Discriminatory or unfair employment practices, paired with sinister Federal crime claims listed on page ii²⁵ executed by taxpayer-funded public school boards, staff, superintendents, and their attorneys. The underlying purpose of denying Plaintiffs' 17 charter schools in 2014, 2017, 2018, 2019, 2023, was to stop Plaintiffs' schools from competing with DCSD/Jeffco District schools, to protect Defendants' illegal and unlawful public school monopoly, all violations of Colorado Consumer Protection Act, C.R.S. § 6-1-105 Section C.R.S. § 6-4-105 Monopolization and Federal Antitrust Enforcement

²⁵Pursuant to C.R.S. § 24-10-119, Claims filed under Federal law are not required to meet the criteria set forth in the Colorado Governmental Immunity Act (CGIA). C.R.S. counterparts are listed in Table of Contents. <https://osc.colorado.gov/sorm/liability-claims/cgia-summary>

Enacted in 1890, Sherman Act. *See* Appendix C - 2023CV610 2024.01.11 - Amended Complaint of Judicial Review.

B. Defendants' Federal crimes and discrimination caused an unsafe learning environment which resulted in the May 7, 2019 school shooting

When Defendants executed their Federal crimes and discriminatory or unfair employment practices, they failed to consider the ensuing safety risks/breach, which resulted in the tragic May 7, 2019, STEM School shooting/murder.²⁶

C. On February 15, 2007 JBrannberg enrolled in CCRD protected activity

for the protected class of religion,²⁷ because DCSD refused to rehire her because of her religion, despite excellent employment reviews²⁸ from her tenure at TRHS in 2000-2005. Federal Title VII of the Civil Rights Act of 1964, prohibits discriminatory or unfair employment practices in the U.S., based on race, color, religion, sex, or national origin and retaliation²⁹ against employees who complain about discrimination or participate in CCRD investigations similar to what JBrannberg participated in 2007, 2016-2018, and 2023-present. Plaintiffs litigiously complained and opposed DCSD employment discrimination in their Colorado Supreme Court Case 2021SC885³⁰ and U.S. Supreme Court Petition for CERT No. 22-1106, (pp i, vii, ix, 5-8, 12-47), however it was not a claim in the case.

D. DCSD Board President Peterson promised retaliation for complaints

On December 21, 2022, when JBrannberg, and her team met with DCSD

²⁶Explained with particularity, #107ASIJDIADDROA15199-15437; #88ASIJDIADDROA11848-11989

²⁷ASIJDIADDROA11084-11101

²⁸ASIJDIADDROA9807; 9838; ASIJDIADDROA9787-9890

²⁹C.R.S. §8-4-120

³⁰2021SC885, Respondents' Answer Brief pp 5-11, 25-38

Board President Mike Peterson to discuss the 2023 applications, he stated publicly:

"...because Judy has a case in front of the Colorado Supreme Court involving DCSD, some on the DCSD Board would hold that against her application."³¹

This was a Federal violation of Title VII of Civil Rights Act of 1964 retaliation and criminal Obstruction of Justice, witness, victim, or informant tampering/retaliation (18 U.S.C. §§ 1503, 1512-1513).

E. U.S. Congressman's Former Director gave DCSD Public Comment

On May 23, 2023, Former U.S. Congressman Buck's Former District Director Robin Coran gave Public Comment before the DCSD Board voted to deny Plaintiffs' eight charters, and gave **first-hand testimony** of DCSD Board employment discrimination, which she was unable to do before because of her employment:

"On or about 3/1/2017, Congressman Ken Buck's office was contacted by ASI Founder Judy Brannberg, who requested a Letter of Support. At that time, I didn't know JBrannberg, so I contacted DCSD President Meghann Silverthorn, whom I knew casually from attending local events and asked for a reference about JBrannberg. During our conversation, Ms. Silverthorn called JBrannberg a religiously offensive discriminatory slur³² and basically implied our office should not provide a letter of support. After I spoke with Ms. Silverthorn, I called a longtime friend and Douglas County political activist and told her what Ms. Silverthorn said. She, knowing JBrannberg and her good character for many years, gave me a great recommendation. Immediately Congressman's Office provided the Letter of Support..."³³

DCSD **failed to investigate**, denounce, or grant relief to JBrannberg for discrimination damages caused by DCSD President Silverthorn, which was **unlawful retaliation**, and caused DCSD (and Jeffco) to deny her 17 charters and

³¹ASIJDIADDROA37054-37055

³²As Courts observe, a single epithet is enough. *Rogers v Western-Southern Life Insurance Co.* 12F.3d 668, 675, 7th Cir.1993

³³ASIJDIADDROA20100-20102

employment in 2014, 2017, 2018, 2019, 2023.³⁴

F. 2023 DCSD Board voted unanimously to deny Plaintiffs' Charters

On May 23, 2023, just as DCSD President Peterson promised on December 21, 2022, the DCSD Board voted unanimously to deny Plaintiffs' eight charters because she complained and opposed DCSD Employment Discrimination publicly in her Colorado and U.S. Supreme Court briefs, which is retaliation.

G. On June 15, 2023, Applicant JBrannberg opened a new CCRD on-line retaliation complaint for Case Number 20237.

H. Pursuant to 24-4-106(11), the Court of Appeals has jurisdiction, because the CCRD/CCRC refused to issue an order on December 22, 2023, and incorrectly said it was because they lacked jurisdiction.

Pursuant to C.R.S. § 24-34-307(2): “(1) Any complainant or respondent claiming to be aggrieved by a final order of the commission, **including a refusal to issue an order**, may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement in a proceeding as provided in this section.(2) Such proceeding shall be **brought in the court of appeals** by appropriate proceedings under section 24-4-106(11).

I. On January 16, 2024, when the CCRD/CCRC filed their REPLY IN SUPPORT OF ITS MTD, pursuant to C.R.S. § 24-4-106(11) they insisted Plaintiffs' file a Notice of Appeal to the Colorado Court of Appeals, to meet C.R.S. § 24-34-307 deadline of 49 days, after the date of service of the final order, which was the date of discovery of the final order issued on December 22, 2023, when CCRD/CCRC filed their MTD for 2023CV610.

J. On January 25, 2024, Plaintiffs filed a Notice of Appeal with the Court of Appeals, in compliance with C.R.S. § 24-4-106(11).

K. On March 1, 2024, the Court issued orders: “that the appeal is DISMISSED without prejudice, for lack of a final, appealable judgment.”

L. It is moot that no final appealable judgment exists from the Commission, because the CCRD/CCRC stated on 7/15/2023, (which JBrannberg did not receive until 12/22/2023) that they were unable to

³⁴*Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111

investigate this matter:³⁵

“...It appears that the Division lacks jurisdiction over your allegations pursuant to the Colorado Anti-Discrimination Act (CADA), and therefore, **the Division is unable to investigate this matter.** Specifically, the allegations of discrimination at issue are outside of the required employer-employee relationship which must exist according to the provisions of CADA.” (See Exhibit 4.)

M. CCRD/CCRC does have jurisdiction pursuant to U.S. EEOC Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer, EEOC Dec. 87-2, ¶6869(CCH)(1987) fn. 33:

“It is Commission’s (“EEOC”) view that a **sufficient nexus** will exist where the third party (DCSD, Jeffco) have the ability to thwart the creation or continuance of a direct employment relationship or where it has the ability to affect terms, conditions, or privileges of employment.”³⁶

JBrannberg is a third-party DCSD/Jeffco employee, therefore, CCRD/CCRC has jurisdiction with her CCRD Case Number 20237, for C.R.S.§24-34-402.

Discriminatory or Unfair Employment Practices. Employment, property, land, building ownership are U.S. Constitutional rights, (U.S. Constitution, Amendment 14 Citizenship Rights. Ratified 7/9/1868), and are terms, conditions or privileges of employment at a charter school. See *Sibley Memorial Hospital*, 488 F.2d 1341-1342.

N. Sufficient Nexus Points – all which exist at DCSD and Jeffco.³⁷

Situations where courts have found a sufficient nexus include: 1.) control over access to premises or interference with access to a potential client; *Sibley Memorial Hospital*, 488 F.2d 1338; *Beverley*, 591 F .Supp. 1321; *Pao*, 547 F. Supp.

³⁵ *Ridley v. Costco Wholesale Corp.*, 217 F. App’x130, 135 (3d Cir. 2007) fn. 111: “**failure to investigate** complaints about these actions **is unlawful retaliation.**”

³⁶See <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>; ASIJD I ADD ROA51201-51216

³⁷*Id.* fn. 34-40; See 2024CA133 Show Cause Response, pp 24-26

484; *Dutra*, 410 F. Supp. 513, 2.) ability to appropriate funds; *Vanguard Justice Society*, 471 F. Supp. 670; *Curran*, 435 F. Supp. 1063, 3.) enforcement of state laws; *KDM School Bus Co.*, 612 F. Supp. 368 (ADEA); *Barone*, 602 F. Supp. 481, 4.) control over a benefit of employment; *Spirit*, 691 F.2d 1054; *Barone*, 602 F. Supp. 481; *Puntolillo*, 375 F. Supp. 1089, 5.) control over granting or renewing an employment contract, *Gomez*, 687 F.2d 1019; *Lutcher*, 633 F.2d 880.

O. On 1/23/2020, after 2 years of refusing to release a CORA, spending thousands of dollars in legal fees, and exhausting all legal remedies pursuant to C.R.S. § 24-72-204 3.a. II.A., DCSD released the CORA containing 2616 pages of JBrannberg’s permanent DCSD Employment Records, Personnel Files. ³⁸

JBrannberg discovered her 2/15/2007, CCRD Complaint against DCSD, proving she enrolled in CCRD Protected Activity on 2/15/2007 and that DCSD **hid a Materially Adverse Action**, (explained below) which is retaliatory and why DCSD denied her employment and charters in 2014, 2017, 2018, 2019, 2023. In the DCSD Position Statement³⁹ filed on 11/8/2017 to the CCRD, five times DCSD retaliated against JBrannberg because of the hidden 2007 Complaint and adversely labeled her “litigious” because of her discrimination complaints.

P. In the 1/23/20 CORA, DCSD illegally disseminated to JBrannberg a forged one-way, Confidential Separation Agreement. The original, two-way, mutual Agreement stated “any dissemination of any draft is a violation of this agreement.” ⁴⁰

The 1/23/2020, dissemination by DCSD Attorney Elliott Hood of the forged, one-way Agreement, **placed it within the statute of limitations** for criminal

³⁸ ASIJDIADDROA9212-11829

³⁹ASIJDIADDROA44962-45639

⁴⁰ASIJDIADDROA16715, ¶11

forgery, bribery, and breach of contract. The Original (unaltered) Agreement stated in ¶11, “any dissemination of any draft, is a violation of this agreement.”⁴¹

Q. JBrannberg’s 2/15/2007, CCRD Complaint⁴² is classified as an EEOC Materially Adverse Action⁴³

DCSD unlawfully hid the 2/15/2007, CCRD Complaint in JBrannberg’s permanent employment file, labeled her “litigious,” and in retaliation denied her employment, terms, conditions, or privileges of employment, and 17 charters in 2014, 2017, 2018, 2019, 2023, including land, buildings, and property.

R. EEOC Types of Materially Adverse Actions⁴⁴

The most obvious types of adverse actions are denial of promotion, **refusal to (re)hire**,⁴⁵ *Roberts v. Roadway Express, Inc.*, 149 F.3d 1098, 1104 (10th Cir. 1998) denial of job benefits, demotion, suspension, and discharge. *Millea v. Metro-N. R.R. Co.*, 658 F.3d 154, 165 (2d Cir. 2011), fn. 111:

“Applying the Title VII retaliation standard for materially adverse action in an FMLA retaliation claim, the court held that a letter of reprimand, (in this case JBrannberg’s 2/15/2007 CCRD Complaint against DCSD), is **materially adverse** even if it does not directly or immediately result in any loss of wages or benefits, and does not remain in the employment file **permanently**.”

S. DCSD did hide the Materially Adverse 2/15/2007 CCRD Complaint⁴⁶ in JBrannberg’s Permanent Employment/Personnel File which caused DCSD to deny her charters and employment in 2014, 2017, 2018, 2019, 2023, which

⁴¹*Id.*

⁴²ASIJDIAADDROA11084-11201

⁴³See U.S. EEOC Enforcement Guidance on Retaliation and Related Issues: <https://www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues>

⁴⁴ *Id.* See 2. Types of Materially Adverse Actions, fn. 109

⁴⁵DCSD **refused to (re)hire** JBrannberg as School Leader of her charter schools in 2014, 2017, 2018, 2019, and as CEO in 2023 because they retaliated against her for complaining and opposing DCSD employment discrimination and enrolling in CCRD “protected activity” for “protected class of religion” on 2/15/2007.

⁴⁶ASIJDIAADDROA9137-9156

did result in the loss of wages and benefits, including loss of property, land, building ownership for 17 schools, which are U.S. Constitution, Amendment 14 Citizenship Rights.⁴⁷

T. DCSD’s Permanent JBrannberg Employment/Personnel Files contained an arsenal of 2616 pages of EEOC Materially Adverse Actions from 2007.

On 1/23/2020, after two years of refusing to release a CORA, DCSD finally released 2616 pages⁴⁸ of DCSD Materially Adverse Actions, which explained that DCSD/Jeffco unfairly and unlawfully attacked JBrannberg’s religion to thwart creation of her 17 charter schools in 2014, 2017, 2018, 2019, 2023, *Ridley v. Costco Wholesale Corp.*, 217 F. App’x130, 135 (3d Cir. 2007) fn. 111:

“(upholding a jury verdict finding that although demotion was not retaliatory, the post-demotion transfer to warehouse, counseling notices for minor incidents, and ***failure to investigate*** complaints about these actions were ***unlawful retaliation.***)”

U. DCSD *failed to investigate* the 2007-present discrimination complaints, which was *unlawful retaliation.*⁴⁹

In May 2018, DCSD Board President David Ray publicly stopped JBrannberg from presenting her PowerPoint⁵⁰ exposing DCSD discrimination and crimes during DCSD’s Community Meeting pursuant to C.R.S. 22-30.5-107(2). The DCSD Board, Superintendent and Staff ***failed to investigate***, and on the contrary, hid discrimination and forgery/bribery crimes from parents and community, which was ***unlawful retaliation.***⁵¹

⁴⁷*Supra*, p. xviii and xix.

⁴⁸*See* 2024CA133 Show Cause Response, pp 33-49

⁴⁹ *Supra*, pp 2, 3 D.

⁵⁰ *See* PowerPointASIJDIADDROA7504-7509; Q&AASIJDIADDROA46792-46808.

⁵¹ *Supra*, pp 2, 3 D.

V. In 2018 the State Board *failed to investigate*,⁵² hid DCSD/Jeffco Employment Discrimination and crimes.

On 8/15/2018, during the State Board Appeal Hearing, JBrannberg loudly complained and warned the State Board⁵³ about DCSD et al. C.R.S. § 24-34-402 Discriminatory and Unfair Employment violations. Before the State Board voted to deny her appeal, Director Steve Durham unlawfully stated DCSD employment discrimination was “tangential” and *failed to investigate* which was *unlawful retaliation*.⁵⁴ If the State Board had investigated JBrannberg’s 2018 warnings of DCSD C.R.S. § 24-34-402 Discriminatory and Unfair Employment, denounced, and granted relief for the DCSD et al. root cause of employment discrimination, which drove all the other corrupt DCSD, STEM, et al. crimes directed at JBrannberg, rendering the facility unsafe, the tragic STEM School shooting on May 7, 2019, would have been prevented.

W. In 2023, State Board and CDE Commissioner Susana Cordova, *failed to investigate* DCSD/Jeffco employment discrimination and crimes and aggressively hid them, which was *unlawful retaliation*.⁵⁵

CDE Commissioner Susana Cordova eliminated all discriminatory and criminal evidence from the ROA for DCSD and Jeffco’s State Board appeals.⁵⁶

*Please listen/watch 2023 Appeal Hearing videos.*⁵⁷ *See 2023 PowerPoints*⁵⁸ as the

⁵² *Id.*

⁵³ ASIJDIADDROA50800 8/15/2018 Video State Board Appeal Hearing; ASIJDIADDROA51000-51022 8/15/18 PowerPoint

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ 2023CV610 Plaintiffs’ Response in Opposition to Ste Board/CDE MTD, p 15-20

⁵⁷ ASIJDIADDROA50802-9/14/23 Jeffco; ASIJDIADDROA50801-11/9/23 DCSD

⁵⁸ ASIJDIADDROA51078-51129 Jeffco; ASIJDI ADD ROA51023-51077 DCSD

State Board *failed to investigate*, which was *unlawful retaliation*,⁵⁹ and aggressively hid DCSD/Jeffco, et al. discriminatory and unfair employment.

UNCONSTITUTIONAL MONOPOLY

Antitrust cases tend to be complex, but although this case contains complexities, at its core are some simple truths. Jeffco is the second largest District in Colorado with 69,000 students across 155 schools. With 14,000 employees, Jeffco is the largest employer in Jefferson County. DCSD is the third largest education operator in Colorado with 62,341 total students and other support services.⁶⁰

There are 261 charter schools in Colorado, including 15 in Jefferson County and 18 in Douglas County, educating over 130,000 students in Colorado, which is 15% of all public school students. Nationwide, public charter schools currently serve 3.7 million students in 8,000 schools and campuses. During the 2021-22 school year, charter schools enrolled 7.4% of all public school students in the U.S.A.

DCSD and Jeffco public charter schools and their public neighborhood school counterparts are fierce rivals who compete vigorously for school students. They do so by competing on innovative and creative school designs to meet the individualized learning styles of each student, resulting in higher student performance, more rigorous school environments, and higher parent satisfaction. They also compete on customer service, school quality, and data analytics. What one school excels at, the other mimics and advances, all to the benefit of student and parent consumers. "A rising tide lifts all boats" is an aphorism associated with the

⁵⁹ *Supra*, pp 2, 3 D.

⁶⁰ https://nces.ed.gov/ccd/districtsearch/district_detail.asp?Search=2&ID2=0803450

idea that all public schools will benefit from charter schools because their innovation and creativity impact all schools.

This competition has other beneficiaries too. Teachers and education providers benefit because schools compete on quality and service, which requires skilled and talented teachers and admin. Competing to hire and retain the best teachers improves wages and benefits. This results in higher student test scores and greater parent and student satisfaction. DCSD, Jeffco, State Board, CDE, CDE Commissioner Susana Cordova, and Sterling Ranch, et al. now wish to undo that.

Starting in 2014, rather than competing honestly and fairly to create extraordinary, excellent schools, Defendants DCSD, Jeffco, et al. used sinister, unthinkable, and never-before-seen-in-our country and culture, the following Federal crimes, (see list on page ii), Unconstitutional Monopoly, and employment discrimination, listed below, to bribe, stop, deny, and thwart the creation of Applicant and Charter Entrepreneur Judy Brannberg's charter approval for 17 new charter schools in 2014, 2017, 2018, 2019 and 2023.

In 2023, the aforementioned Federal and Colorado crimes, plus employment discrimination, were used by DCSD and Jeffco to bribe, deny, and thwart the creation of eight new charters at DCSD, and four new Jeffco charters, for her innovative and creative STEM model called ASI, which she first filed to DCSD in 2009 and a brand new, never-before-seen model, called JDI, for students on the autism spectrum embedded inside her STEM model, which allow students on the autism spectrum to be educated in the Least Restrictive Environment ("LRE"), all-

the-while enjoying the benefits of business/industry and higher education sponsored research labs and STEM programming, together with their neuro-typical peers.

Governmental Regulatory Agencies of DCSD, Jeffco, CCRD/CCRC, Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”), Colorado State Board, CDE, and the Douglas County Sherriff all **failed to investigate** complaints about these illegal and unlawful actions, crimes, and employment discrimination **which is retaliation**,⁶¹ and the reason for the current appeals. This is explained with particularity in the March 20, 2024, 24SC181 Petition for Certiorari to the Colorado Supreme Court.

ARGUMENT - PLAINTIFFS’ MOTION AND MEMORANDUM FOR PRELIMINARY INJUNCTION

COMES NOW, Applicants Judy Brannberg and DCSD ASI and JDI at Ridgagate, Crystal Valley, Sterling Ranch, and Highlands Ranch, and Jeffco Leyden Rock, and Red Rocks Ranch, in the above styled and numbered proceeding, and files this MOTION AND MEMORANDUM FOR PRELIMINARY INJUCTION, pursuant to Rule F.R.C.P. 65 and in support thereof show as follows:

On April 18, 2024, Plaintiffs filed their Motion and Memorandum for Preliminary Injunction against Defendants DCSD, Sterling Ranch, Jeffco, State Board, CDE, seeking a preliminary injunction pursuant to C.R.C.P. 65(a) and (b).

A. Irreparable Injury In The Absence Of Such An Order

This will prevent irreparable harm and a severe safety breach caused by the illegal, and Unconstitutional public school monopoly, to Colorado consumers

⁶¹ See *Ridley v. Costco Wholesale Corp.*, 217 F. App’x130, 135 (3d Cir. 2007) fn. 111.

(parents and students), workers (teachers, staff, and district boards), and suppliers (tech, construction, education, etc.), as explained in this Motion.

Plaintiffs respectfully request that this Court: a. Set a date for a hearing on the Plaintiffs' motion for a preliminary injunction; b. Enter an Order for reasonable expedited discovery; c. Preliminarily enjoin pending final judgment of trial by jury for Denver District Court Case 2023CV610, Colorado Court of Appeals 2024CA133, and Colorado Supreme Court 2024SC181, and this appeal to the U.S. Supreme Court, prohibiting DCSD, Sterling Ranch, Jeffco, State Board, and CDE, from pursuing charter approval for any and all new charter schools located in DCSD, Jeffco, and/or Colorado, including locations at Sterling Ranch, Crystal Valley, Ridgeway, Highlands Ranch, Red Rocks Ranch or Leyden Rock. This Injunction Order will prohibit DCSD, Sterling Ranch, Jeffco, State Board, and CDE, et al. from allowing any and all new Colorado charters to be executed, including those solicited by DCSD using an RFP process at Sterling Ranch, until the Courts have issued final judgments for the jury trial for Plaintiffs' appeals for Denver District Court 2023CV610, Colorado Court of Appeals 2024CA133, Colorado Supreme Court 2024SC181, and this appeal to the U.S. Supreme Court. After that period, the trial court may issue a permanent injunction or dissolve the temporary injunction.

B. The Threatened Injury To The Moving Party Outweighs The Harm To The Opposing Party Resulting From The Order

As set forth in this Motion, Applicants will suffer immediate irreparable and substantial harm and injury, including an unsafe learning environment for all Colorado/U.S.A. pupils, if DCSD, Jeffco, State Board, and/or CDE are allowed to

approve additional Colorado charter schools before the trial by jury issues final judgments for Denver District Court Case 2023CV610, Colorado Court of Appeal 2024CA133, Supreme Court 2024SC181, and appeal to the U.S. Supreme Court.

C. The Injunction Is Not Adverse To Public Interest because any new 2024 charter applications will attempt to coverup DCSD, Jeffco, CDE, State Board, et al. crimes, discrimination and Unconstitutional Monopoly

In March 2024, Defendant DCSD is in control of approving new charters in Sterling Ranch, including charter schools at Sterling Ranch solicited by DCSD using an RFP process, and have acted, are acting, and/or will act in a manner that is illegal, oppressive and or fraudulent if allowed to approve any new charter schools at the Sterling Ranch, DCSD, Colorado, and U.S.A. locations in 2024, and beyond, prior to the jury trial final judgments for Denver District Court 2023CV610, Colorado Court of Appeals 2024CA133, and Colorado Supreme Court 2024SC181, and the U.S. Supreme Court.

Moreover, Applicants reasonably believe that Respondents/Defendants DCSD, Sterling Ranch, et al. will hurriedly, rush to judgment and attempt now to approve new charter schools, including charter schools at Sterling Ranch solicited by DCSD using an RFP process, other than Plaintiffs' ASI and JDI Schools which are currently in appeal, in order to coverup and hide their illegal crimes/misconduct, employment discrimination, and illegal, unlawful, Unconstitutional monopoly explained herein, which all governmental regulatory **agencies failed to investigate** the complaints about these illegal and unlawful actions, crimes, and employment discrimination **which is retaliation**. *See Ridley v. Costco Wholesale*

On March 20, 2024, Plaintiffs filed an appeal in Colorado Supreme Court, Case No. 2024SC181, uncovering the largest and most corrupt public school scandal in U.S. history, exposing DCSD crimes of forgery, bribery, breach of contract, fraud upon the court, harassment, DCSD criminal conspiracy/collusion with Jeffco, witness/informant intimidation, tampering, whistle blower retaliation, statutory procedural non-compliance, employment discrimination and retaliation, antitrust violations, attorney suicide, CECFA/UMB Bank bond fraud, a DCSD \$2 million dollar secret, non-transparent, under-the-table, illegal STEM \$2 million bankruptcy bailout, obstruction of justice, domestic terrorism, and child endangerment.

On April 29, 2024, the Colorado Supreme Court immediately denied Applicants' Petition for Certiorari to coverup crimes, employment discrimination, and Unconstitutional Antitrust violations. (*See Appendix A.*)

In addition, DCSD bought out Plaintiff Judy Brannberg's Former Attorneys David K. Williams, John A. Cimino, and Steven A. Klenda to bribe, deny, stop, and thwart creation of her schools and sabotage her legal cases. **DCSD failed to investigate** complaints about these actions, including employment discrimination, **which is unlawful retaliation**.⁶² Plaintiff Judy Brannberg provided substantial evidence⁶³ to Colorado Supreme Court Office of Attorney Regulation Counsel, CCRD, and the Douglas County Sheriffs' Office, proving her Attorneys David K. Williams and John A. Cimino were bought out by DCSD Development and

⁶² *Id.*

⁶³ Explained with particularity, Colorado Supreme Court Attorneys' FUND FOR CLIENT PROTECTION ASIJDIAADDROA20261-20433

Innovation Officer/Sterling Ranch Consultant Pat McGraw and Attorney Steven A. Klenda was bought out by DCSD Attorney Will Trachman to bribe, stop, deny, and thwart creation of her schools and sabotage her legal cases. DCSD, OARC, CCRD, Jeffco, State Board, and the Douglas County Sheriff **failed to investigate complaints about these actions, which is unlawful retaliation.** (See *Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111).

These illegal crimes, employment discrimination, and Unconstitutional Monopoly caused the STEM School unsafe learning environment and a severe safety breach which **resulted** in the May 7, 2019, STEM School shooting and tragic murder. (Explained with particularity, #107ASIJDIADDROA15199-15437 and #88ASIJDIADDROA11848-11989.)

Pupils will suffer immediate irreparable and substantial harm, including a safety breach, and injury if DCSD, Jeffco, Colorado State Board, and/or the CDE are allowed to approve additional Colorado charter schools before the trial by jury issues final judgments for Denver District Court Case 2023CV610, Colorado Court of Appeals 2024CA133, and Colorado Supreme Court 2024SC181, and appeal to the U.S. Supreme Court, because governmental regulatory agencies (DCSD, Jeffco, State Board, OARC, CCRD, Sheriff), **failed to investigate** complaints about these actions, and employment discrimination **which is unlawful retaliation**⁶⁴ and because of the illegal and Unconstitutional public school monopoly and criminal misconduct, used to bribe, deny and thwart creation of Plaintiffs' 17 schools.

⁶⁴*Id.*

The illegal and unlawful, Unconstitutional public education monopoly caused a continuing safety breach in education for Douglas County, Colorado, and U.S.A. students because C.R.S. § 22-30.5-108(3)(d) states: “State Board’s decision shall be final and not subject to appeal.” District and State Boards were allowed to commit C.R.S. § 24-34-402 Discriminatory or unfair employment practices and the sinister crimes explained in the Motion and Memorandum for Preliminary Injunction and in the Supreme Court Petition for CERT 2024SC181, without recourse, without accountability, **without Judicial Review**, and **without investigation, which is unlawful retaliation**.⁶⁵ Students are not safe without Judicial Review, as parent/community voices are suppressed, gagged, and silenced under current laws, to coverup unbridled carte blanche crimes and employment discrimination.

C.1. 2023, 2018 DCSD/Sterling Ranch Unconstitutional Monopoly Exposed

In the Motion and Memorandum for Preliminary Injunction, Applicants focus on DCSD Unconstitutional misconduct committed in 2018 and 2023, when they submitted the ASI/JDI Charter application to DCSD for schools at the Sterling Ranch location, which DCSD and the State Board, et al. have worked secretly, fraudulently, non-transparently, and deceptively to coverup and hide from the pupils, school district, community, (including the press), which is not in their best interests, C.R.S. § 22-30.5-108(3)(a).

On May 11, 2018, DCSD Interim Superintendent Erin Kane and the entire DCSD Board comprised of DCSD BoE President David Ray, Board Directors Krista

⁶⁵*Id.*

Holtzman, Wendy Vogel, Anne-Marie Lemieux, Kevin Leung, Ciao Ciao Schor, and Anthony Graziano, **secretly, fraudulently, non-transparently, and** **deceptively** colluded, conspired, and coordinated with Sterling Ranch Owners and Developers Harold, Brock, and Diane Smethills, and secretly and non-transparently sent an email to Former DCSD Innovation and Development Director/Sterling Ranch Consultant Pat McGraw, to fraudulently solicit from Sterling Ranch, a manufactured “nasty gram”⁶⁶ to bribe, stop, deny, and thwart the creation of Judy Brannberg’s charter school at the Sterling Ranch location Unconstitutionally and illegally. This was not discovered until a CORA was executed after the 2018 DCSD vote to deny Plaintiffs’ charters.

On May 14, 2018, at the orders of DCSD Superintendent Erin Kane, DCSD Attorney/Charter School Director Thomas McMillen, and the DCSD Board President David Ray, Board Directors Krista Holtzman, Wendy Vogel, Anne-Marie Lemieux, Kevin Leung, Ciao Ciao Schor, and Anthony Graziano, Sterling Ranch Attorneys Bruce James and Jake Spratt and Sterling Ranch Owners and Developers Harold, Diane and Brock Smethills, sent Charter Entrepreneur Judy Brannberg a manufactured “Cease and Desist” Letter⁶⁷ which was secretly, fraudulently, and deceptively solicited by the entire DCSD Board, Superintendent Erin Kane, DCSD Attorney/Charter Director Thomas McMillen to appear as random “community opposition” to illegally bribe, stop, deny, and thwart the creation of Judy Brannberg’s schools from competing with DCSD Schools, and at the

⁶⁶ ASIJDI ADD ROA6796-6797, 6772

⁶⁷ASIJDI ADD ROA6769

Sterling Ranch location, which was third-party interference.

DCSD's deceptive, non-transparent trade practices are Unconstitutional violations of the Federal Antitrust Enforcement Enacted in 1890, the Sherman Act, which prohibits conspiracy and agreement among competitors DCSD Board, Staff, and Superintendent together with Sterling Ranch Owners/Developers, Consultant, and Attorneys to engage in anticompetitive activity, explained this this Motion.

DCSD and Sterling Ranch's secret and fraudulent criminal conduct, illegally violated antitrust laws and bribed, stopped, and denied Plaintiffs from providing an alternative education service to the general public in Sterling Ranch. Defendants' deceptive trade practices significantly impacted the public in that Defendants, through wrongful/criminal conduct, stopped Plaintiffs from providing an alternative education service to the general public in 2014, 2017, 2018, 2019, and 2023. As a result of Defendants' deceptive trade practices, and illegal Unconstitutional monopoly, Applicants were injured in the course of their business.

On March 14, 2023, Plaintiffs submitted eight new charter applications to DCSD for schools at Sterling Ranch, Crystal Valley, Ridgegate, Highlands Ranch, and at Jeffco for Red Rocks Ranch, and Leyden Rock.

C.2. Breach of Contract – STEM School Leadership Returned to Applicants

Because DCSD breached our contract with the STEM School in January 2014, November 8, 2017 (from DCSD to CCRD), March 27, 2018, and on January 20, 2020 we request that the STEM School be returned to our leadership for the Highlands Ranch campus. These eight DCSD charter schools and four Jeffco charter

schools are currently on appeal before Denver District Court Case 2023CV610, exposing and uncovering DCSD and Jeffco crimes and their illegal public school Unconstitutional monopoly, and illegal and unlawful employment discrimination to bribe, deny, stop, and thwart the creation of Applicants' 17 charter schools.

In October 2019, investigations were opened with the Douglas County Sheriff, CCRD/CCRC, and later in March 2020, with the Colorado Supreme Court OARC. All the above governmental regulatory agencies derelicted their duties and **failed to investigate** DCSD, et al. crimes paired with employment discrimination, **which is retaliation**.⁶⁸

IV. The Moving Party Has A Substantial Likelihood Of Success On The Merits

In Summer 2023, Plaintiffs executed a CORA, which proved that in April/May 2023,⁶⁹ the DCSD Board and staff illegally colluded and conspired with the Douglas County Sheriff Darrin Weekly, to cover-up and hide DCSD crimes, who **refused to investigate** DCSD crimes **which is retaliation**.

On January 17, 2024, Judy Brannberg personally met with an F.B.I. Agent at 8000 E 36th Ave, Denver, CO 80238, to report Federal crimes because DC Sheriff Darren Weekly derelicted his duty, **failed to investigate** and secretly colluded, conspired, and coordinated with DCSD staff and board to coverup crimes, **which is unlawful retaliation**, to bribe, stop, deny, and thwart the creation of Plaintiff's 17 charters, and coverup and hide DCSD Board, Superintendent, and Staff crimes,

⁶⁸ *Supra*, pp 2, 3 D.

⁶⁹Explained with particularity, 2024CA133 2024.02.20 Show Cause Response, pp 87-94

which resulted in an unsafe learning environment for all pupils.

Therefore, Plaintiffs file this Preliminary Injunction, a petition prohibiting DCSD, Jeffco, Sterling Ranch, Colorado schools, from pursuing charter approval for any and all new charter schools, including charter schools at Sterling Ranch solicited by DCSD using an RFP process, until a final judgment after jury trial is completed for Denver District Court Case 2023CV610, Colorado Court of Appeals Case Number 2024CA133, and Colorado Supreme Court Case Number 2024SC181, and this appeal to the U.S. Supreme Court, because the Unconstitutional monopoly crimes caused the STEM School unsafe learning environment and severe safety breach which resulted in the May 7, 2019, STEM School shooting and murder. Students are not safe because the governmental regulatory agencies derelicted their duties and **failed to investigate, which is retaliation.**⁷⁰

Their main goal now is not the safety and well-being of the students, but to protect themselves from criminal charges, and the public discovery of illegal and Unconstitutional crimes. We request immediate charter approval for Plaintiffs' eight DCSD and four Jeffco schools, plus the donation of land, and execution of Notices of Claim, to build schools at Sterling Ranch, Ridgegate, Crystal Valley, Highlands Ranch, Red Rocks Ranch, and Leyden Rock. Pending the jury trial and final judgments, the court may issue a permanent injunction or dissolve the temporary injunction.

⁷⁰ *Supra*, pp 2, 3 D.

CONCLUSION

We ask that the United States Supreme Court approve this Emergency Request for Preliminary Injunctive Relief because of the Colorado Supreme Court Justices' Conflict of Interest. The Colorado Supreme Court is illegally protecting their Unconstitutional Monopoly and covering up the largest and most corrupt public education scandal in U.S.A. History, with Unconstitutional employment discrimination, Federal crimes, and attorney misconduct by 25+ of their OARC attorneys, who denied the applicant Federal due process of law and equal protection of the laws, creating an unsafe learning environment in all DCSD, Colorado, and U.S.A. public schools, which resulted in the tragic school shooting at the STEM School on May 7, 2019, the school Applicants co-founded. The Applicants seeking a preliminary injunctive relief have demonstrated: (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits. The court reserves jurisdiction to modify this injunction as the ends of justice may require.

RESPECTFULLY SUBMITTED this 9th day of May 2024

Judy A. Brannberg

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