

JUL 15 2024

~~No. 23~~ - 24A61

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In The  
Supreme Court of the United States

— ❖ —  
JUDY A. BRANNBERG, MSc.

*Applicant,*

v.

COLORADO CIVIL RIGHTS DIVISION  
DOUGLAS COUNTY SCHOOL DISTRICT RE-1

*Respondents.*

— ❖ —  
ON APPLICATION FOR STAY AND RECALL TO THE HONORABLE NEIL M.  
GORSUCH, JUSTICE OF THE SUPREME COURT OF THE UNITED STATES  
AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT

— ❖ —  
**EMERGENCY APPLICATION FOR STAY AND RECALL OF THE  
MANDATE PENDING THE DISPOSITION OF PETITION FOR  
CERTIORARI AND INJUNCTION PENDING REVIEW**

— ❖ —  
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## PARTIES TO THE PROCEEDING

The parties to the proceeding below are as follows:

The Applicant is Charter School Entrepreneur Judy A. Brannberg, hereinafter (“JBrannberg”). She is the Plaintiff in Denver District Case Court Number 2023CV610, Appellant in the Colorado Court of Appeals Case Number 2024CA133 and Petitioner in Colorado Supreme Court Case Number 2024SC181.

The Respondents/Defendants/Appellees are the Colorado Civil Rights Division, hereinafter (“CCRD”) and Douglas County School District, hereinafter (“DCSD”).

In the lower court, Denver District Court Case Number 2023CV610, 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 Applicant’s 17 charter schools in 2014, 2017, 2018, 2019, and 2023, including the following parties:

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

The following attorneys are parties to Denver District Court Case Number

2023CV610:

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

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 29.6, Applicant/Petitioner represent that she does not have any parent entities and does not issue stock.

**DECISIONS AND RELATED PROCEEDINGS**

The following proceedings and decisions are related:

**ORDER, 2024.04.29** – 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’ Colorado Civil Rights Division and Douglas County School District.....App. 1

**ORDER, 2024.04.29** – 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

**MANDATE, 2024.04.29** – Colorado Court of Appeals – 2024CA133, “This proceeding was presented to this Court on appeal from Denver District Court. Upon consideration thereof, the Court of Appeals hereby ORDERS that the APPEAL is DISMISSED without prejudice.” POLLY BROCK CLERK OF THE COURT OF APPEALS. DATE: APRIL 29, 2024. (Emphasis added by the Court).....App. 5

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**ORDER, 2024.07.09** – Colorado Supreme Court Case Number 2024SC181, “Upon consideration of the Motion to Stay the Appellate Mandate until the Petition for a Writ of Certiorari in the United States Supreme Court is ruled on, or, if Review is granted, until final disposition of the case by the United States Supreme Court, pursuant to C.A.R. 41(c)(3)(A) and (B) filed in the above cause, and now being sufficiently advised in the premises, IT IS ORDERED that said Motion shall be, and the same hereby is, DENIED”.....App. 26

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## 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.)

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DENIED” .....1

II. On April 29, 2024, the Colorado Supreme Court Case No. 2024SC181,  
“ORDERED that Applicants/Plaintiff’s Motion and Memorandum for Preliminary  
Injunction shall be, and the same hereby is, DENIED BY THE COURT” .....1

III. On April 29, 2024, the Colorado Court of Appeals Issued a MANDATE which  
stated that the **APPEAL IS DISMISSED** (Emphasis added by the Court).....2

IV. On May 9, 2024, Applicant filed an Emergency Writ of Injunction with the  
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Number 24SC181 and Denver District Court Case Number 2023CV610, from  
consummating and/or approving any and all new Colorado charter schools...”  
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VI. On May 22, 2024, the Emergency Writ of Injunction was (re)submitted to  
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VII. On June 7, 2024, Applicant filed a Petition For A Writ Of Certiorari in the  
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VIII. The June 7, 2024, Petition for a Writ of Certiorari, Case Number 2023-1292, presented five substantial questions, all which are vital and relevant to U.S. Supreme Court Case Number 2023-1292, Colorado Supreme Court Case 2024SC181, Colorado Court of Appeals Case No. 2024CA133, and Denver District Court Case No. 2023CV610 Division 275, including the following:.....3

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XV. Colorado Supreme Court Office of Attorney Regulation Counsel hereinafter, (“OARC”) Counsel Jessica Yates derelicted her duties, conducted dishonest, bogus, and sham “non-investigations” to coverup 30 attorneys’ crimes, failed to investigate, which was unlawful retaliation.....12

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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...22

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Appendix 2

ORDER, 2024.04.29 – 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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MANDATE, 2024.04.29 – Colorado Court of Appeals – 2024CA133, “This proceeding was presented to this Court on appeal from Denver District Court. Upon consideration thereof, the Court of Appeals hereby ORDERS that the APPEAL is DISMISSED without prejudice. POLLY BROCK CLERK OF THE COURT OF APPEALS. DATE: APRIL 29, 2024. (Emphasis added by the Court).....App. 5

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and now being sufficiently advised in the premises, IT IS ORDERED that said Motion shall be, and the same hereby is, DENIED”.....App. 26

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**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**U.S. Constitution**

U.S. Const. Amend. XIV, § 1 ("Nor shall any State deprive any person of life, liberty,  
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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>

.....21, 22

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>

.....4, 19, 20, 23

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

CFRPart1601, 29 CFR Part 1603, 29 CFR Part 1614, 29 CFR Part1620, 29 CFR Part 1625, 29 CFR Part 1626, 29 CFR Part1630, 29 CFR Part 1635  
<https://www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues> .....4, 5

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> .....4, 5

**Rules**

Administrative Procedure Act, 5 U.S.C. § 705.....1, 3  
 All Writs Act, 28 U.S.C. § 1651.....1, 3, 28  
 Colorado Appellate Rules (“C.A.R.”) 41(c)(3)(B).....6, 7, 8, 9  
 Colorado Code Judicial Conduct 2.11.....14, 15  
 C.R.C.P. 251.32.....14  
 Federal Rules of Civil Procedure 65.....1, 3  
 Regulations of Lawyers Statutes and Rules of Professional Conduct 3.3.....14, 19  
 U.S. Supreme Court Rules 22 and 23 .....1, 3  
 U.S. Supreme Court Rule 10.....29, 30

**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, the Applicant respectfully requests that the Court enter an order staying and recalling the Colorado Supreme Court and Colorado Court of Appeals Mandate, (Appendix 3), pending the disposition of Petition For Certiorari (Supreme Court of the United States Case Number 23-1292) and Injunction Pending Review (Supreme Court of the United States Case Number 23A1007).

### **STATEMENT OF THE CASE**

**The Colorado Supreme Court Justices are disqualified from rendering judgment because the Colorado Supreme Court Justices are Defendants in the lower court case in Denver District Court Case Number 2023CV610, and have jurisdiction and oversight of the Colorado Supreme Court Office of Attorney Regulation Counsel, hereinafter (“OARC), who is also a Defendant in 2023CV610, which is explained below with particularity.**

**I. On April 29, 2024, the Colorado Supreme Court Case No. 2024SC181 “ORDERED that Applicant’s Petition for Writ of Certiorari (to the Colorado Supreme Court) shall be, and the same hereby is, DENIED.”**

See Appendix 1

**II. On April 29, 2024, the Colorado Supreme Court Case No. 2024SC181, “ORDERED that Applicants/Plaintiff’s Motion and Memorandum for Preliminary Injunction shall be, and the same hereby is, DENIED BY THE COURT”**

See Appendix 2

The injunction enjoins and prohibits 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”): through preliminary injunction filed on 4/18/2024, 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...” because of the severe safety breach created with the absence of such Injunction.<sup>1</sup>

**III. On April 29, 2024, the Colorado Court of Appeals Issued a MANDATE which stated:**

“Colorado Court of Appeals hereby ORDERS that the APPEAL is DISMISSED without prejudice. POLLY BROCK, CLERK OF THE COURT OF APPEALS, DATE: APRIL 29, 2024.” (Emphasis added by the Court.)

See Appendix 3

**IV. On May 9, 2024, Applicant filed an Emergency Writ of Injunction with the Supreme Court of the United States which 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...”**

See Docket for Supreme Court of the United States Case Number 23A1007.

**V. On May 21, 2024, the Emergency Writ of Injunction was denied by Justice Neil M. Gorsuch**

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<sup>1</sup> Most Applicants file the Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review first and then file the Petition for Certiorari second, and the Emergency Writ of Injunction third. However, because of the severe safety threat to all Colorado pupils created in the absence of the Emergency Writ of Injunction, the Applicant was forced to file the Emergency Writ of Injunction first on May 09, 2024, to ensure the safety of all Colorado pupils, who are currently not safe without the stay of the Emergency Writ of Injunction. Respondents are not concerned about the safety and well-being of the students, but instead are protecting themselves from criminal charges, and the public exposure of illegal and Unconstitutional crimes and third-party employment discrimination. Second, Applicant filed the Petition for Certiorari on June 07, 2024. Third, the Applicant is now filing the Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review.

See Docket for Supreme Court of the United States Case Number 23A1007.

**VI. On May 22, 2024, the Emergency Writ of Injunction was (re)submitted to Justice Clarence Thomas, and DISTRIBUTED for Conference of June 13, 2024.**

See Docket for Supreme Court of the United States Case Number 23A1007.

**VII. On June 7, 2024, Applicant filed a Petition For A Writ Of Certiorari in the Supreme Court Of The United States for Case Number 2023-1292, which was placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of September 30, 2024.**

See Docket for Supreme Court of the United States Case Number 23-1292.

**VIII. The June 7, 2024, Petition for a Writ of Certiorari, Case Number 2023-1292, presented five substantial questions, all which are novel, vital and relevant to U.S. Supreme Court Case Number 2023-1292, Colorado Supreme Court Case 2024SC181, Colorado Court of Appeals Case No. 2024CA133, and Denver District Court Case No. 2023CV610 Division 275, including the following:**

**“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 4/18/2024, 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 U.S. Supreme Court Emergency Writ of Injunction 23A1007 denied by Justice Neil M. Gorsuch on 5/21/2024, submitted to Justice Clarence Thomas, on 5/22/2024, and DISTRIBUTED for Conference of 6/13/2024, **and filed for review in this Supreme Court Petition for Writ of Certiorari**, 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. (Emphasis added by Petitioner.)

**Question Two:** 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.

**Question Three:** Whether Emergency Writ of Injunction Respondents DCSD, Jeffco, State Board, CDE, and Sterling Ranch, et al. have created an Unconstitutional lawless Monopoly and are illegally allowed to deny and thwart the creation of Petitioners’ 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.,<sup>2</sup> because they secretly and non-transparently executed, covered up, and failed to investigate the following Unconstitutional Federal crimes, antitrust violations, and employment discrimination:

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 Four:** Whether pursuant to the 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), the Colorado Civil Rights Division, hereinafter (“CCRD”) has

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<sup>2</sup> <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>),



jurisdiction<sup>3</sup> over this charter school third party employment discrimination appeal.

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

**IX. Please notice that the aforementioned Question One, concerning the Injunction, was filed for review in the current Supreme Court Petition for Writ of Certiorari, on June 7, 2024 in the Petition For A Writ Of Certiorari in the Supreme Court Of The United States for Case Number 2023-1292, placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of September 30, 2024.**

The Petition for Certiorari to the Supreme Court Of The United States asking the Supreme Court to Review the Injunction, was filed on June 7, 2024. The Applicant asked Question One **before** Justice Clarence Thomas denied the Application for Emergency Writ of Injunction of June 17, 2024. Therefore the Emergency Writ of Injunction is stayed and intact. Therefore the Emergency Application For Stay And Recall Of The Mandate Is Pending the Disposition Of

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<sup>3</sup> The Colorado Civil Rights Division, ("CCRD") 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." Applicant Judy Brannberg is a third-party DCSD/Jeffco employee, therefore, the CCRD has jurisdiction with her CCRD Case Number E-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. Since 2014, the CCRD has repeatedly and wrongly denied that they have jurisdiction in this third-party employment discrimination case for a charter school. It is important for precedence to be set in this one-of-a-kind, novel case. Interestingly, Supreme Court of the United States Justice Clarence Thomas, wrote this Third-Party Employment Discrimination case law when he was Chairman of the EEOC. Justice Clarence Thomas is the foremost authority on third-party employment discrimination law. Read below the Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer authored by Justice Clarence Thomas, then Chairman of the EEOC: <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>

Petition For Certiorari and Injunction Pending further Review by the Supreme Court Of The United States.

**X. On June 17, 2024, the Application for Emergency Writ of Injunction was denied by Justice Clarence Thomas.<sup>4</sup>**

See Docket for Supreme Court of the United States Case Number 23A1007.

**XI. On July 9, 2024, the Applicant filed a Motion to the Colorado Supreme Court and the Colorado Court of Appeals To Stay the Appellate Mandate filed on April 29, 2024.**

On July 9, 2024, Applicant filed a Motion with the Colorado Supreme Court and the Colorado Court of Appeals pursuant to C.A.R. 41(c) Staying the Mandate, (3) Pending Petition for Writ of Certiorari in the United States Supreme Court, and in particularity (3) (A) and (B) listed below.

The Applicant's Motion stated:

"We move to stay the appellate mandate attached herein and issued by the Colorado Court of Appeals on April 29, 2024, (3 - 2024.04.29 - 2024CA133 - Mandate), until the Petition For A Writ Of Certiorari in the United States Supreme Court for Case Number 2023-1292, filed on June 7, 2024 and placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of September 30, 2024, (Exhibit 3 - 2024.07.02 - 2023-1292), is ruled on, or, if review is granted, until Final Disposition of the Case by the United States Supreme Court."

See Appendix 4 - 2024.07.09 - 2024CA133 Motion to Stay Appellate Mandate

**A. Applicant's Motion was filed to the Colorado Supreme Court and Colorado Court of Appeals pursuant to "C.A.R. 41(c) Staying the Mandate. (3) Pending Petition for Writ of Certiorari in the United States Supreme Court, which states:**

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<sup>4</sup> The denial was anticipated because in 50 years, no Supreme Court of the United States Justice has ever overruled another Justice, which is why Applicant filed the Petition for Certiorari before the denial by Justice Thomas, to ensure that the Emergency Injunction would be stayed, remain intact and get a further review in the Petition for Certiorari Case Number 2023-1292.

“(A) A party may move to stay the appellate mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court. The motion must be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.

(B) The court, or a judge or justice thereof, may stay issuance of the mandate until the petition for writ of certiorari is filed, or if review is timely sought, until the petition is ruled on, or, if review is granted, until final disposition of the case by the United States Supreme Court.”

**B. The Motion was served contemporaneously with all parties and all Courts.**

Pursuant to C.A.R. 41(c)(3)(A), the July 9, 2024 Motion was served to the following Courts including: Colorado Supreme Court Case No. 2024SC181; Colorado Court of Appeals Case No. 2024CA133; Denver District Court Case No. 2023CV610 Division 275; and the U.S. Supreme Court Case No. 2023-1292.

See Appendix 4 - 2024.07.09 - 2024CA133 Motion to Stay Appellate Mandate

See Appendix 7 - 2024.07.09 - SCOTUS Cover Letter

All parties listed in the Certificate of Service, were served.

**C. Accordingly, the Motion and also the EMERGENCY APPLICATION FOR STAY AND RECALL OF THE MANDATE ensures that all lower court cases, actions, and judgments are stayed pending the disposition of petition for certiorari and injunction pending review from the United States Supreme Court.**

The Motion and also this Emergency Application For Stay And Recall Of The Mandate pauses all lower court cases, actions, and judgments, including Colorado Supreme Court Case No. 2024SC181; Colorado Court of Appeals Case No. 2024CA133; and Denver District Court Case No. 2023CV610 Division 275, and that the Mandate issued on April 29, 2024, is Recalled.

See Appendix 4 - 2024.07.09 - 2024CA133 Motion to Stay Appellate Mandate

Accordingly, this Emergency Application For Stay And Recall Of The Mandate ensures that the Emergency Writ of Injunction is reviewed by U.S. Supreme Court Justices in the Petition of Certiorari Case Number 23-1292, filed on June 7, 2024, placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of 9/30/2024, and that the Emergency Injunction will remain intact and not expire, (be stayed), pending the disposition of petition for certiorari and injunction pending review from the United States Supreme Court.

**D. Accordingly, this Emergency Application is for Stay and RECALL of the Mandate.**

Denying Applicant's application to recall and stay of the Colorado Court of Appeals and Colorado Supreme Court mandate would effectively moot this appeal—even though there is a reasonable probability that, given the opportunity, this Court will grant certiorari and reverse the judgment below. Therefore the Stay and RECALL are necessary and paired together, to ensure that all lower court cases, actions, and judgments are stayed pending the disposition of petition for certiorari and injunction pending review from the United States Supreme Court.

**E. Pursuant to C.A.R 41(3)(A), the certiorari petition presented five substantial questions, all which are novel, vital, and relevant to U.S. Supreme Court Case Number 2023-1292, Colorado Supreme Court Case 2024SC181, Colorado Court of Appeals Case No. 2024CA133, and Denver District Court Case No. 2023CV610 Division 275. See VIII above.**

Pursuant to 17 USC § 802(f)(1), a novel question of law is a question that has not been previously determined in rulings, determinations, or decisions described in section 803(a). Each of our questions presented are novel and of such importance that they should be settled by this Court. This is an unusual, unprecedented, once-

in-a-century legal case. Without Petition for Certiorari to the U.S. Supreme Court, parent and charter school entrepreneur voices are threatened to extinction by recalcitrant State and District School Boards, and their attorneys, who currently have the final word with all State Board decisions, which has created an Unconstitutional, dangerous, and lawless public education monopoly, and has endangered the safety and well-being of all U.S. school pupils.

**F. Pursuant to C.A.R 41(3)(A), there is good cause for a stay.**

The State and District Boards tried to keep the Applicant out of education, out of the schools, and out of the legal system. She came anyway. History will be forever changed because of this case. The Applicant is pioneering a path for all charter entrepreneurs to follow in the future. There is good cause for a stay to break the Unconstitutional, dangerous, and lawless public education monopoly.

**G. The Motion and this Emergency Application for Stay and Recall of the Mandate was/is pending the disposition of Petition for Certiorari and Injunction Pending Review**

Pursuant to C.A.R. 41(c)(3)(B): “The court, or a judge or justice thereof, may stay issuance of the mandate until the petition for writ of certiorari is filed, or if review is timely sought, until the petition is ruled on, or, if review is granted, until final disposition of the case by the United States Supreme Court.”

**H. Notification was made to the Clerk of the Appellate Court, Polly Brock.**

Pursuant to C.A.R. 41(c)(3)(B):

“A stay pending the filing of a petition for writ of certiorari must not exceed 90 days, unless the period is extended for good cause or unless the party who obtained the stay files a petition for the writ and so notifies the clerk of the appellate court, in writing, within the period of the stay, in which case the stay continues until disposition of the petition.”

Pursuant to the above C.A.R. 41(c)(3)(B), Appellant Judy A. Brannberg, notified the Clerk of the Appellate Court, POLLY BROCK, in writing, within the period of the stay, in which case, the stay continues until disposition of the petition.

See Appendix 5 - 2024.07.09 - CCA Clerk Polly Brock Notification -

**I. On July 9, 2024, Applicant's Motion To Stay The Appellate Mandate was denied on no written grounds by the Colorado Supreme Court, less than two hours after it was filed.**

See Appendix 6 - 2024.07.09 - 2024SC181 - Order of the Court

**XII. The Motion was denied because Colorado Supreme Court Justices have a Conflict of Interest, and are Defendants in Denver District Court Case Number 2023CV610. The Colorado Supreme Court Justices have oversight and jurisdiction over Denver District Court Case Number 2023CV610 and Defendant Colorado Supreme Court Office of Attorney Regulation Counsel.**

1.) Applicant's Petition for Writ of Certiorari to Colorado Supreme Court (*see* Docket for Supreme Court of the United States Case Number 23-1292 and Appendix 1.); 2.) Applicant's Colorado Supreme Court Motion and Memorandum for Preliminary Injunction (*see* Docket for Supreme Court of the United States Case Number 23A1007 and Appendix 2);, and 3.) Applicant's Motion to Stay the Mandate Pending Petition for Writ of Certiorari in the United States Supreme Court, (*see* Appendix 6, filed on July 9, 2024), were all denied by the Colorado Supreme Court because the Colorado Supreme Court Justices have a Conflict of Interest in this case, because they are named as Defendants in Denver District Court Case No. 2023CV610, and have jurisdiction and oversight of the Colorado Supreme Court OARC, who are also Defendants in 2023CV610. (*See* Docket for Supreme Court of the United States Case Number 23A1007, Appendix C, App 41-43.)

Of course, the Colorado Supreme Court is disqualified from rendering any judgment in this case. Because of their conflict of interest, they want nothing more than for the Applicant to disappear, so that they can hide their sinister, nefarious, Unconstitutional Federal crimes, antitrust violations, and employment discrimination, all used to thwart the creation of Applicant's 17 charter schools in 2014, 2017, 2018, 2019, 2023, and to sabotage Applicant's legal cases, who **failed to investigate**. *Ridley v. Costco Wholesale Corp.* They are afraid that this case will be used to break the powerful, Unconstitutional Public Education Monopoly.

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

The Colorado Supreme Court and Colorado Supreme Court OARC **failed to investigate**<sup>5</sup> the charges against 30 of their board certified attorneys, (listed herein), 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, in order to coverup their misconduct and crimes, 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**.)”

**XIV. DCSD Bought Out Applicant's Former Attorneys D.K. Williams, John A. Cimino, and Steven A. Klenda to thwart creation of schools and**

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<sup>5</sup> This was argued in Applicants' Colorado Supreme Court Petition for Certiorari, 2024SC131, filed on March 20, 2024, in the Colorado Supreme Court.

sabotage her legal cases, who failed to investigate, which was unlawful retaliation.<sup>6</sup>

Applicant provided substantial evidence<sup>7, 8</sup> 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. Williams<sup>9</sup> 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.

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 governmental corruption which has infiltrated the highest court in Colorado, the Colorado Supreme Court.

**XV. Colorado Supreme Court Office of Attorney Regulation Counsel hereinafter, (“OARC”) Counsel Jessica Yates derelicted her duties, conducted dishonest, bogus, and sham “non-investigations” to coverup 30 attorneys’ crimes,<sup>10</sup> failed to investigate,<sup>11</sup> which was unlawful retaliation.**

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<sup>6</sup> *Id*,

<sup>7</sup> Explained with particularity, Colorado Supreme Court Attorneys’ FUND FOR CLIENT PROTECTION ASIJDIAADDROA20261-20433

<sup>8</sup> ASIJDIAADDROA37100-43991

<sup>9</sup> <https://www.horancares.com/obituaries/daviddk-williamsjr> - Attorney DK Williams committed suicide on October 23, 2021, during the OARC “non-investigation.”

<sup>10</sup> ASIJDIAADDROA27587-27777

<sup>11</sup> *Id.*, ASIJDIAADDROA43815-43990, *Supra* pp 2, 3 D.



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,<sup>12</sup> which also explains that the Colorado Supreme Court Justices have a financial interest in this case and are therefore further disqualified.

The OARC failed to investigate the following attorneys, which the Colorado Supreme Court has jurisdiction over, which was unlawful retaliation. These attorney crimes were also explained with particularity in the Supplemental Brief filed in U.S. Supreme Court Case No. 22-1106, in July 27, 2023, Supp. App. 58-63.

The Colorado Supreme Court Justices together with Colorado Supreme Court Office of Attorney Regulation Counsel Jessica E. Yates, committed Federal 18 U.S.C. § 1503 Obstruction of Justice to cover up the most egregious, largest, crime-infested public education scandal in U.S. History which started in 2014 and has continued to the present. OARC Counsel Yates and the Colorado Supreme Court non-transparently covered-up the Board, Staff, and Attorney crimes from the pupils, district, and the community, in order to thwart the creation of Applicant's 17 charter schools, her employment, and her property, land, and building ownership, which is contrary to their best interests, pursuant to C.R.S. § 22-30.5-108(3)(a).

**XVI. The following attorneys executed and/or covered up crimes, fraud, and theft of client funds.**

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<sup>12</sup>ASIJDIADDROA49458-49930

Attorneys 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
- #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 Charge 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)

**XVII. 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.”

**XVIII. The Colorado Supreme Court is Disqualified from Rendering Judgment because they are Defendants in the District Court Case 2023CV610.**

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 with Colorado Supreme Court 2024SC181 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.<sup>13</sup>

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](mailto:leeann.morrill@coag.gov). Attorney Morrill checks in and reports to her bosses, the Colorado Supreme Court Justices, who have

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<sup>13</sup>[https://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.](https://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.)

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, employment 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.

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."

**XIX. Request that the United States Supreme Court grant the Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review because of the Colorado Supreme Court Justices' Conflict of Interest.**

For this reason alone, we request that the Colorado Supreme Court recuse and 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 30 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.

**XX. The Colorado Supreme Court illegally “struck,” banned all evidence incriminating the Supreme Court, OARC, and Applicants’ attorneys and illegally 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* No. 23A1007, Appendix D, App. 51-77 and Appendix 8 in this Stay of Mandate Appendix. )

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 A. 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.**<sup>14</sup> Fraud upon the Court will be found where the **sophisticated 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.<sup>15</sup> In 2023CV610, there are 30 attorneys and 10+

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<sup>14</sup>*Addington v. Farmers Elevator Mut. Co.*, 650 F.2d 663, 668 (6th Cir. 1981).

<sup>15</sup>*Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

publicly-funded governmental agency and private organization Defendants involved in the “fraudulent scheme” and complex and sophisticated 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.<sup>16</sup> Fraud upon the Court is usually found in only the most egregious of circumstance, bribery of a judge or jury, the Colorado 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 DCSD, et al. to deny Plaintiffs’ charters, by fabricating or **striking evidence**, directly attacking the judicial machinery,<sup>17</sup> 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 twelve ASI/JDI 2023 Charter Applications by DCSD and the State Board;

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<sup>16</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

<sup>17</sup>*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. at 245-246

- 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 30 attorneys, who knew about the many Fraud upon the Court crimes and repeatedly failed to take remedial measures,<sup>18</sup> which caused the tragic May 7, 2019, STEM School shooting, murder, and slaughter, a Domestic Terrorism event of mass destruction.<sup>19</sup>

**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 judgments on the merits of Attorney Fraud upon the Court

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<sup>18</sup>Attorney Rules of Professional Conduct 3.3

<sup>19</sup>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>



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 9)  
Colorado Supreme Court 21SC885 – 2022.10.13 - Order of the Court (Appendix 10)  
Colorado Supreme Court 21SC885 – 2022.10.25 - Order of the Court (Appendix 11)  
Colorado Supreme Court 21SC885 – 2022.10.28 - Order of the Court (Appendix 12)

**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/guides<sup>20</sup> 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.**”

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.<sup>21</sup>

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<sup>20</sup> 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>

<sup>21</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

**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 ownership<sup>22</sup> in 2014, 2017, 2018, 2019, 2023, and to cover up unconscionable defendant crimes.

**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

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<sup>22</sup> Employment, property, land, building ownership are 14<sup>th</sup> Amendment Constitutional rights.

2. **No final judgments 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”<sup>23</sup> 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.

**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.<sup>24</sup>

**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 Complaint<sup>25</sup> 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,

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<sup>23</sup>*Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

<sup>24</sup> *In re Roussos*, 541 B.R. at 729.

<sup>25</sup>This was refiled with 2023CV610 on November 21, 2023

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,<sup>26</sup> 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 30 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.<sup>27</sup>

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.**

### **ARGUMENT - REASONS FOR GRANTING THE APPLICATION**

The Applicant is entitled to a stay and recall of the mandate pending the filing and disposition of a petition for a writ of certiorari, which was executed on June 7, 2024, upon the showing of:

- (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and
- (3) a likelihood that irreparable harm will result from the denial of a stay.

*Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). If it is a close call, "the Circuit Justice or the Court will balance the equities and weigh the relative harms to the

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<sup>26</sup> See attached Appendices E, F, G H, Colorado Supreme Court Orders 21SC885

<sup>27</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

Applicant and to the respondent.” *Id.* (citing *Lucas v. Townsend*, 486 U.S. 1301, 1304 (1988) (Kennedy, J., in chambers)).

Furthermore, this Court’s Circuit Justices have authority to issue injunctions under the All Writs Act, 28 U.S.C. § 1651(a), when “[a]pplicants are likely to succeed on the merits of their . . . claim,” when they would be “irreparably harmed,” and when it would not harm the public interest. *Tandon v. Newsom*, 141 S. Ct. 1294, 1297 (2021) (per curium) (citing *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 68 (2020) (per curium)).

This case presents the exact situation Justice Scalia described for granting such injunctions: the case here presents “critical and exigent circumstances,” the legal rights at issue are “indisputably clear,” and an injunction is necessary to aid the Court’s jurisdiction. *Ohio Citizens for Responsible Energy, Inc. v. Nuclear Regul. Comm’n*, 479 U.S. 1312 (1986) (Scalia, J., in chambers).

A Circuit Justice may grant an application for an injunction without it serving as “an expression of the Court’s views on the merits.” *Little Sisters of the Poor Home for the Aged, Denver, Colorado v. Sebelius*, 571 U.S. 1171 (2014) (Mem). All that is needed is a “fair prospect” that four other justices will grant reversal and that irreparable harm is “likely.” *Lucas v. Townsend*, 486 U.S. 1301, 1304 (1988) (Kennedy, J., in chambers).

This Court recently noted that the presentation of a serious question is significant in weighing whether to grant injunctive relief pending appeal. *Whole Woman’s Health v. Jackson*, 141 S. Ct. 2494, 2495 (2021).

This is especially true when the questions are novel, as in our case. *Id.* at 2496 (Roberts, C.J., dissenting).

**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 (parents and students), workers (teachers, staff, and district boards), and suppliers (tech, construction, education, etc.), as explained in this 1.) Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review, in the 2.) Emergency Writ of Injunction placed on the docket on May 9, 2024, and the 3.) Petition For A Writ Of Certiorari which was filed June 7, 2024, docketed on June 11, 2024, and DISTRIBUTED for Conference of September 30, 2024 for Case Number 2023-1292.

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

As set forth in this Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review, the Applicant and all public school pupils 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 pending the disposition of Petition For Certiorari (Supreme Court of the United States Case

Number 23-1292) and Injunction Pending Review (Supreme Court of the United States Case Number 23A1007).

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

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 pending the disposition of Petition For Certiorari (Supreme Court of the United States Case Number 23-1292) and Injunction Pending Review (Supreme Court of the United States Case Number 23A1007), 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**<sup>28</sup> and because of the illegal and Unconstitutional public school monopoly and criminal misconduct, used to bribe, deny and thwart creation of Plaintiffs' 17 schools.

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."

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<sup>28</sup>*Id.*



District and State Boards were/are allowed to commit C.R.S. § 24-34-402 Discriminatory or unfair employment practices and the egregious 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**.<sup>29</sup> 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.

The Colorado Supreme Court is disqualified from rendering any judgment in this case because they illegally and unlawfully denied Applicant's cases to coverup and hide the Governmental Regulatory Agencies' (CCRD, OARC, et al's), Unconstitutional Federal crimes, antitrust violations, and employment discrimination, all used to thwart the creation of Applicant's 17 charter schools in 2014, 2017, 2018, 2019, and 2023. sabotage her legal cases, who **failed to investigate**. *Ridley v. Costco Wholesale Corp.*

#### **D. The Applicant Has A Substantial Likelihood Of Success On The Merits**

Pursuant to Supreme Court Rule 10, the Court should take up cases where: (1) a court of appeal has "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power[,]" (2) a court of appeal "has decided an important question of federal law that has not been, but should be, settled by this

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<sup>29</sup>*Id.*

Court[,]” and (3) “has decided an important federal question in a way that conflicts with relevant decisions of this Court.”

The Denver District Court Case Number 2023CV610, Colorado Court of Appeals Case Number 2024CA133, and Colorado Supreme Court Case Number 2024SC181’s decisions seriously undermine the Rule of Law and denied the Applicant Federal due process of law and equal protection of the laws. All five questions presented to the Supreme Court of the United States are novel and of such importance that they should be settled by this Court.

The main goal now of the Defendants-Appellees-Respondents is not the safety and well-being of the students, but to protect themselves from criminal charges, and the public exposure of their illegal and Unconstitutional crimes. Defendants-Appellees-Respondents are doing everything in their power to cover-up and hide their Unconstitutional Federal crimes, antitrust violations, and employment discrimination, and will continue to do so, if the Supreme Court of the United States fails to grant this Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review.

Therefore, Applicant has a substantial likelihood of success on the merits and we request Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review, so that Respondents, including Governmental Agencies, and publicly-funded schools will not be allowed to get away with their Unconstitutional Federal crimes, antitrust violations, and employment discrimination.

## CONCLUSION

We ask that the Supreme Court of the United States approve this Emergency Application for Stay and Recall of the Mandate pending the disposition of Petition for Certiorari and Injunction Pending Review because the Colorado Supreme Court Justices are Defendants in 2023CV610 and have a Conflict of Interest. The Colorado Supreme Court is illegally protecting their Unconstitutional Monopoly, with Unconstitutional employment discrimination, Federal crimes, and attorney misconduct by 30 of their Colorado Supreme Court OARC bar-certified 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 the Applicant co-founded. The Applicant respectfully requests that the Court enter an order to Stay and Recall the Mandate Pending the Disposition of Petition for Certiorari and Injunction Pending Review.

RESPECTFULLY SUBMITTED this 15th day of July 2024

*Judy A. Brannberg*

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In The  
Supreme Court of the United States

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❖  
JUDY A. BRANNBERG, MSc.

*Applicant,*

v.

COLORADO CIVIL RIGHTS DIVISION  
DOUGLAS COUNTY SCHOOL DISTRICT RE-1

*Respondents.*

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❖  
ON APPLICATION FOR STAY AND RECALL TO THE HONORABLE NEIL M.  
GORSUCH, JUSTICE OF THE SUPREME COURT OF THE UNITED STATES  
AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT

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❖  
**APPENDIX**  
**EMERGENCY APPLICATION FOR STAY AND RECALL OF THE**  
**MANDATE PENDING THE DISPOSITION OF PETITION FOR**  
**CERTIORARI AND INJUNCTION PENDING REVIEW**

\_\_\_\_\_  
❖  
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# Appendix 1

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Certiorari to the Court of Appeals, 2024CA133 District Court, City and County of Denver, 2023CV610	Supreme Court Case No: 2024SC181
<b>Petitioner:</b>  Judy A. Brannberg,  <b>v.</b>  <b>Respondents:</b>  Colorado Civil Rights Division and Douglas County School District.	<b>ORDER OF COURT</b>

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, APRIL 29, 2024.



# Appendix 2

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: April 29, 2024 CASE NUMBER: 2024SC181
Certiorari to the Court of Appeals, 2024CA133 District Court, City and County of Denver, 2023CV610	
<b>Petitioner:</b>  Judy A. Brannberg,  <b>v.</b>  <b>Respondents:</b>  Colorado Civil Rights Division and Douglas County School District.	Supreme Court Case No: 2024SC181
<b>ORDER OF COURT</b>	

Upon consideration of the Plaintiffs' Motion and Memorandum for Preliminary Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, DENIED.

BY THE COURT, APRIL 29, 2024.

# Appendix 3

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: April 29, 2024 CASE NUMBER: 2024CA133
Denver District Court 2023CV610	
<b>Plaintiff-Appellant:</b>  Judy A Brannberg, MSc,  v.  <b>Defendants-Appellees:</b>  Colorado Civil Rights Division and Douglas County School District.	Court of Appeals Case Number: 2024CA133
MANDATE	

This proceeding was presented to this Court on appeal from Denver District Court.

Upon consideration thereof, the Court of Appeals hereby **ORDERS** that the **APPEAL** is **DISMISSED** without prejudice.

POLLY BROCK  
CLERK OF THE COURT OF APPEALS

DATE: APRIL 29, 2024

# Appendix 4

FILED IN DENVER  
DISTRICT COURT

JUL 09 2024

FILED IN THE  
COURT OF APPEALS  
STATE OF COLORADO

JUL - 9 2024

DENVER COUNTY  
COUNTY CLERK  
COPY

**COLORADO COURT OF APPEALS**

Case Number 2024CA133

2 East 14<sup>th</sup> Avenue, Denver, CO 80203

**DISTRICT COURT, DENVER COUNTY, COLORADO**

Case Number 2023CV610, Division 275

1437 Bannock Street, Rm 256, Courtroom 275, Denver, CO, 80202

**COLORADO SUPREME COURT**

Case Number 2024SC181

2 East 14<sup>th</sup> Avenue, Denver, CO 80203 | 720-625-5150

**ON PETITION TO THE SUPREME COURT OF THE  
UNITED STATES FOR A WRIT OF CERTIORARI TO THE  
COLORADO SUPREME COURT**

U.S. SUPREME COURT Case Number 2023-1292 from the  
COLORADO SUPREME COURT Case Number 2024SC181

**Plaintiffs-Appellants-Petitioners:**

Judy A. Brannberg, MSc,  
Jeffco Alexandria School of Innovation ("ASI") and  
John Dewey Institute ("JDI") at  
Red Rocks Ranch ("RRR") and  
Leyden Rock ("LR") and  
DCSD ASI and JDI at  
Ridgegate,  
Crystal Valley,  
Sterling Ranch, and  
Highlands Ranch

**Attorney for Plaintiffs-Appellants-Petitioners:**

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Clark, Court of Appeals

RECEIVED IN THE  
SUPREME COURT

JUL 09 2024

OF THE STATE OF COLORADO  
Cheryl L. Stevens, Clerk

COURT USE  
ONLY

U.S. Supreme Court  
Case No. 2023-1292

Colorado Supreme  
Court  
Case No. 2024SC181

Colorado  
Court of Appeals  
Case No. 2024CA133

Denver District Court  
Case No. 2023CV610  
Division 275

Colorado Civil Rights  
Division  
Case Number E-20237

Colorado State  
Board of Education  
23-CS-1A and B (DCSD)  
23-CS-2A and B (Jeffco)

<p><b>COLORADO COURT OF APPEALS</b>  <b>Case Number 2024CA133</b>  2 East 14<sup>th</sup> Avenue, Denver, CO 80203</p> <p><b>DISTRICT COURT, DENVER COUNTY, COLORADO</b>  <b>Case Number 2023CV610, Division 275</b>  1437 Bannock Street, Rm 256, Courtroom 275, Denver, CO, 80202</p> <p><b>COLORADO SUPREME COURT</b>  <b>Case Number 2024SC181</b>  2 East 14<sup>th</sup> Avenue, Denver, CO 80203   720-625-5150</p> <hr/> <p><b>ON PETITION TO THE SUPREME COURT OF THE UNITED STATES FOR A WRIT OF CERTIORARI TO THE COLORADO SUPREME COURT</b>  U.S. SUPREME COURT Case Number 2023-1292 from the COLORADO SUPREME COURT Case Number 2024SC181</p>	<p><b>COURT USE ONLY</b></p>
<p><b>Plaintiffs-Appellants-Petitioners:</b>  Judy A. Brannberg, MSc,  Jeffco Alexandria School of Innovation (“ASI”) and  John Dewey Institute (“JDI”) at  Red Rocks Ranch (“RRR”) and  Leyden Rock (“LR”) and  DCSD ASI and JDI at  Ridgegate,  Crystal Valley,  Sterling Ranch, and  Highlands Ranch</p> <p><b>Attorney for Plaintiffs-Appellants-Petitioners:</b>  JUDY A. BRANNBERG, Pro Se  8201 South Santa Fe Dr.  Lot #52  Littleton, CO 80120  303.522.2158  <a href="mailto:judy.brannberg@gmail.com">judy.brannberg@gmail.com</a></p>	<p><b>U.S. Supreme Court</b>  Case No. 2023-1292</p> <p><b>Colorado Supreme Court</b>  Case No. 2024SC181</p> <p><b>Colorado Court of Appeals</b>  Case No. 2024CA133</p> <p><b>Denver District Court</b>  Case No. 2023CV610  Division 275</p> <p><b>Colorado Civil Rights Division</b>  Case Number E-20237</p> <p><b>Colorado State Board of Education</b>  23-CS-1A and B (DCSD)  23-CS-2A and B (Jeffco)</p>

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Colorado Supreme Court

CHIEF JUSTICE HONORABLE BRIAN D. BOATRIGHT,

HONORABLE ASSOCIATE JUSTICES MARIA E.

BERKENKOTTER, RICHARD L. GABRIEL, MELISSA HART,

WILLIAM W. HOOD, III, MONICA M. MÁRQUEZ, CARLOS A.

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**Defendant-Appellee-Respondent Number Fifteen:** Colorado

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**Motion To Stay The Appellate Mandate Until the Petition For A Writ Of Certiorari in the United States Supreme Court is Ruled on, or, if Review is granted, until Final Disposition of the Case by the United States Supreme Court, Pursuant to C.A.R. 41(c)(3)(A) and (B)**

Pursuant to Colo. R. App. 41(c) Staying the Mandate, (3)Pending Petition for Writ of Certiorari in the United States Supreme Court, and in particularity (3) (A) and (B) listed below, we “move to stay the appellate mandate attached herein and issued by the Colorado Court of Appeals on April 29, 2024, (Exhibit 1 - 2024.04.29 - 2024CA133 - Mandate), until the Petition For A Writ Of Certiorari in the United States Supreme Court for Case Number 2023-1292, filed on June 7, 2024 and placed on the docket on June 11, 2024, (Exhibit 2 - 2024SC181 - SCOTUS Notification) and DISTRIBUTED for Conference of 9/30/2024, (Exhibit 3 - 2024.07.02 - 2023-1292), is ruled on, or, if review is granted, until Final Disposition of the Case by the United States Supreme Court.”

**“Colo. R. App. 41(c)Staying the Mandate.**

**(3)Pending Petition for Writ of Certiorari in the United States Supreme Court.**

**(A)** A party may move to stay the appellate mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court. The motion must be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.

**(B)** The court, or a judge or justice thereof, may stay issuance of the mandate until the petition for writ of certiorari is filed, or if review is timely sought, until the petition is ruled on, or, if review is granted, until final disposition of the case by the United States Supreme Court.”

Pursuant to Colo. R. App. 41(c)(3)(A), written above, this motion has been served contemporaneously with all Courts, including the Colorado Court of Appeals Case No. 2024CA133, Colorado Supreme Court Case No. 2024SC181,

Denver District Court Case No. 2023CV610 Division 275, and the U.S. Supreme Court Case No. 2023-1292, (Exhibit 4 - SCOTUS Cover Letter), including all parties listed below in the Certificate of Service, which will place on pause all lower court cases. Accordingly, all lower court cases, are stayed pending a ruling from the United States Supreme Court.

Additionally, pursuant to Colo. R. App. 41(3)(A), the certiorari petition presents five substantial questions, all which are vital and relevant to U.S. Supreme Court Case Number 2023-1292, Colorado Supreme Court Case 2024SC181, Colorado Court of Appeals Case No. 2024CA133, and Denver District Court Case No. 2023CV610 Division 275, and that there is good cause for a stay including the following:

**“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 4/18/2024, 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 U.S. Supreme Court Emergency Writ of Injunction 23A1007 denied by Justice Neil M. Gorsuch on 5/21/2024, submitted to Justice Clarence Thomas, on 5/22/2024, and DISTRIBUTED for Conference

of 6/13/2024, and filed for review in this Supreme Court Petition for Writ of Certiorari, 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 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.

**Question Three:** Whether Emergency Writ of Injunction Respondents DCSD, Jeffco, State Board, CDE, and Sterling Ranch, et al. have created an Unconstitutional lawless Monopoly and are illegally allowed to deny and thwart the creation of Petitioners’ 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., (<https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>), because they secretly and non-transparently executed, covered up, and failed to investigate the following Unconstitutional Federal crimes, antitrust violations, and employment discrimination:

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 Four:** Whether pursuant to the 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), the Colorado Civil Rights Division, hereinafter (“CCRD”) has jurisdiction over this charter school third party employment discrimination appeal. <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>

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

Therefore, we motion that pursuant to C.A.R. 41(c)(3)(B):

“The court, or a judge or justice thereof, may stay issuance of the mandate until the petition for writ of certiorari is filed, or if review is timely sought, until the petition is ruled on, or, if review is granted, until **final disposition of the case by the United States Supreme Court.**”

#### **Notification To The Clerk Of The Appellate Court, Polly Brock**

Additionally, we motion that pursuant to C.A.R. 41(c)(3)(B):

“A stay pending the filing of a petition for writ of certiorari must not exceed 90 days, unless the period is extended for good cause or unless the party who obtained the stay files a petition for the writ and so notifies the clerk of the appellate court, in writing, within the period of the stay, in which case the stay continues until disposition of the petition.”

Pursuant to the above C.A.R. 41(c)(3)(B), Plaintiff-Appellant-Petitioner

Judy A. Brannberg, hereby notifies the Clerk of the Appellate Court, POLLY

BROCK, (Exhibit 1 - 2024.04.29 - 2024CA133 - Mandate), in writing, (Exhibit 5 -

2024.07.09. CCA Clerk Polly Brock Notification), within the period of the stay, in which case, the stay continues until disposition of the petition.

Plaintiff-Appellant-Petitioner respectfully requests that the Court enter an order staying the Appellate Mandate until the Petition For A Writ Of Certiorari in the United States Supreme Court is ruled on, or, if review is granted, until final disposition of the case by the United States Supreme Court, pursuant to C.A.R. 41(c)(3)(A) and (B).

Thank you very much for granting this timely motion.

RESPECTFULLY SUBMITTED this 9th day of July, 2024.

*Judy A. Brannberg*

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**CERTIFICATE OF SERVICE**

Pursuant to the Colorado State Board of Education's November 10, 2021 Revised State Board of Education Administrative Procedures for Charter School Appeals on July 9th, 2024, this document has been filed with the Colorado State Board of Education at the following email address: [state.board.efilings@cde.state.co.us](mailto:state.board.efilings@cde.state.co.us), with a carbon copy to [soc@cde.state.co.us](mailto:soc@cde.state.co.us).

In addition, electronic copies were emailed to the following email addresses:

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THOMAS H. MCMILLEN (Jeffco and DCSD) #14218, JULIE C. TOLLESON (Jeffco and State Board of Education) #24885

1829 Denver West Dr., Bldg. 27, Golden, CO 80401

**Defendant | Respondent Number Two: Colorado State Board of Education**

Board of Directors Chair Rebecca McClellan, Vice-Chair Lisa Escárcega, Steve Durham, Karla Esser, Kathy Plomer; Debora Scheffel; Angelika Schroeder; Rhonda Solis; Stephen Varela

**Defendant | Respondent Number Three: Colorado Department of Education (“CDE”)**

CDE Commissioner Susana Cordova

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**Defendant | Respondent Number Four: Douglas County School District (“DCSD”)**

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DCSD Attorney ANDREW D. RINGEL

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WILLIAM E. TRACHMAN (DCSD) # 45684

620 Wilcox Street, Castle Rock, CO 80104

**Defendant | Respondent Number Five: STEM School Highlands Ranch, Lighthouse Building**

Corp, LightHouse on a Hill dba STEM Academy, Koson Network of Schools / Koson Schools

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**Defendant | Respondent Number Six: Colorado Civil Rights Division**

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**Defendant | Respondent CCRD/CCRC Attorneys**

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**Defendant | Respondent Number Seven: Colorado Educational and Cultural Facility Authority (“CECFA”)**

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**Defendant | Respondent Number Eight: Sterling Ranch Development Corp.**

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**Defendant | Respondent Sterling Ranch Development Company Attorneys**

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**Defendant | Respondent Number Nine: UMB Financial Corporation – UMB Bank**

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TAMARA DIXON, VP of UMB Bank, Dissemination Agent  
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**Defendant | Respondent Number Ten:** Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”) 1300 Broadway St. 500, Denver, CO 80203 | 303.457.5800  
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**Defendant Colorado Supreme Court OARC Attorneys**  
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**Defendant | Respondent Number Eleven:** Douglas County Sheriff’s Office  
Douglas County Sheriff Darren Weekly, Economic Crime Unit  
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Attorneys for Douglas County Sheriff’s Office  
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**Defendant | Respondent Number Fourteen:** Colorado Supreme Court Justices  
Chief Justice Brian D. Boatright, Justice Maria E. Berkenkotter,  
Justice Richard L. Gabriel, Justice Melissa Hart, Justice William W. Hood, III,  
Justice Monica M. Márquez, Justice Carlos A. Samour, Jr.,  
1300-1376 Lincoln St, Denver, CO 80203

**Defendant | Respondent Number Fifteen:** Colorado Attorney General’s Office  
Colorado Attorney General Honorable ATTORNEY PHILIP WEISER  
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720-508-6172 | [blake.mccracken@coag.gov](mailto:blake.mccracken@coag.gov)

RESPECTFULLY SUBMITTED this 9th day of July 2024.

*Judy A. Brannberg*

---

Judy A. Brannberg, MSc, Pro Se Representative  
8201 S. Santa Fe Drive #52 | Littleton, CO 80120  
303.522.2158 | [Judy.brannberg@gmail.com](mailto:Judy.brannberg@gmail.com)

# Appendix 5



# ALEXANDRIA

## School of Innovation

Colorado Court Of Appeals  
Polly Brock, Clerk Of The Court Of Appeals  
Case Number 2024CA133  
2 East 14<sup>th</sup> Avenue, Denver, CO 80203  
[polly.brock@judicial.state.co.us](mailto:polly.brock@judicial.state.co.us)  
720-625-5150

July 9, 2024

**Re: Notification to Clerk of the Appellate Court, Polly Brock, of Motion to Stay the Appellate Mandate, Case Number 2024CA133, for the Petition for the Writ of Certiorari, Case No. 23-1292, which was filed with the Supreme Court Of The United States (“SCOTUS”) on June 7, 2024, placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of 9/30/2024.**

Dear POLLY BROCK, CLERK OF THE COURT OF APPEALS:

Pursuant to C.A.R. 41(c)(3)(B) which states:

“A stay pending the filing of a petition for writ of certiorari must not exceed 90 days, unless the period is extended for good cause or unless the party who obtained the stay **files a petition for the writ and so notifies the clerk of the appellate court, in writing,** within the period of the stay, in which case the stay continues until disposition of the petition.”

Pursuant to the above C.A.R. 41(c)(3)(B), Plaintiff-Appellant-Petitioner Judy A.

Brannberg, hereby notifies the Clerk of the Appellate Court, POLLY BROCK, (see Exhibit 1 - 2024.04.29 - 2024CA133 - Mandate), in writing, (Exhibit 5 – 2024.07.09 CCA Clerk Polly Brock Notification), within the period of the stay, in which case, the stay continues until disposition of the petition, that she filed a Petition for the Writ of Certiorari to the SCOTUS on June 7, 2024, placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of 9/30/2024.

Pursuant to the above C.A.R. 41(c)(3)(B), “the stay continues until disposition of the petition.”

Please find the attached “Motion To Stay The Appellate Mandate Until the Petition For A Writ Of Certiorari in the United States Supreme Court is Ruled on, or, if Review is granted, until Final Disposition of the Case by the United States Supreme Court, Pursuant to C.A.R. 41(c)(3)(A) and (B),” with the following attached exhibits:

- 1 - 2024.07.08 - 2024CA133 Motion to Stay Appellate Mandate
- 2 - 2024.07.08 - 2024CA133 - Proposed Order
- 3 - 2024.04.29 - 2024CA133 - Mandate - Exhibit 1
- 4 - 2024.06.17 - 2024SC181 – SCOTUS Notification - Exhibit 2
- 5 - 2024.07.02 – 2023-1292 DISTRIBUTED for Conference - Exhibit 3
- 6 - 2024.07.09. SCOTUS Cover Letter - Exhibit 4
- 7 - 2024.07.09. CCA Clerk Polly Brock Notification – Exhibit 5

Thank you very much.

Respectfully Submitted,



Judy A. Brannberg, MSc  
STEM School, Alexandria School of Innovation and John Dewey Institute Co-Founder  
8201 South Santa Fe Dr. Lot #52  
Littleton, CO 80120  
303.522.2158 | [judy.brannberg@gmail.com](mailto:judy.brannberg@gmail.com)

# Appendix 6



Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 9, 2024 CASE NUMBER: 2024SC181
Certiorari to the Court of Appeals, 2024CA133 District Court, City and County of Denver, 2023CV610	
<b>Petitioner:</b>  Judy A. Brannberg,  v.  <b>Respondents:</b>  Colorado Civil Rights Division and Douglas County School District.	Supreme Court Case No: 2024SC181
ORDER OF COURT	

Upon consideration of the Motion to Stay the Appellate Mandate until the Petition for a Writ of Certiorari in the United States Supreme Court is ruled on, or, if Review is granted, until final disposition of the case by the United States Supreme Court, pursuant to C.A.R. 41(c)(3)(A) and (B) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is,  
  
DENIED.

BY THE COURT, JULY 9, 2024.

# Appendix 7



# ALEXANDRIA

## School of Innovation

July 9, 2024

U.S. Supreme Court of the United States of America  
Attention: Clerk's Office Honorable Scott S. Harris  
Attention: Case Analyst Honorable Susan Frimpong  
Attention: Case Analyst Honorable Donald Barker  
1 First Street NE  
Washington, D.C. 20543

VIA CERTIFIED MAIL

**Re: Motion to Stay the Appellate Mandate for Case No. 23-1292, filed on June 7, 2024, placed on the docket on June 11, 2024, and DISTRIBUTED for Conference of 9/30/2024**

Dear Ms. Frimpong, et al.:

Please place the enclosed "Motion To Stay The Appellate Mandate Until the Petition For A Writ Of Certiorari in the United States Supreme Court is Ruled on, or, if Review is granted, until Final Disposition of the Case by the United States Supreme Court, Pursuant to C.A.R. 41(c)(3)(A) and (B)," with enclosed exhibits, in the file folder for the U.S. Supreme Court Justices to review at the scheduled Conference date on 9/30/204, for Case Number 22-1292.

Thank you very much.

Respectfully Submitted,

Judy A. Brannberg, MSc  
STEM School, Alexandria School of Innovation and John Dewey Institute Co-Founder  
8201 South Santa Fe Dr. Lot #52  
Littleton, CO 80120  
303.522.2158 | [judy.brannberg@gmail.com](mailto:judy.brannberg@gmail.com)

# Appendix 8

<p><b>DISTRICT COURT, DENVER COUNTY, COLORADO</b>  1437 Bannock Street, Rm 256, Courtroom 275, Denver, CO, 80202</p> <p><b>Plaintiffs:</b> Judy A. Brannberg, MSc, Jeffco Alexandria School of Innovation ("ASI") and John Dewey Institute ("JDI") at Red Rocks Ranch ("RRR") and Leyden Rock ("LR") and DCSD ASI and JDI at Ridgegate, Crystal Valley, Sterling Ranch, and Highlands Ranch</p> <p><b>Attorney for Plaintiffs:</b>  <b>JUDY A. BRANNBERG, Pro Se</b>  8201 South Santa Fe Dr. #52, Littleton, CO 80120  303.522.2158   <a href="mailto:judy.brannberg@gmail.com">judy.brannberg@gmail.com</a></p>	<p>FILED IN DENVER  DISTRICT COURT</p> <p>NOV 28 2023</p> <p>DENVER, COLORADO  COUNTER CLERK <i>LL</i></p> <p><b>COURT USE ONLY</b></p>
<p><b>Defendant Number One:</b> Jefferson County Public Schools ("Jeffco")  1829 Denver West Dr., Bldg. 27, Golden, CO 80401  <b>MOLLY FERRER, #37857, Counsel for Jeffco</b>  303-982-6544   <a href="mailto:Molly.Ferrer@jeffco.k12.co.us">Molly.Ferrer@jeffco.k12.co.us</a></p> <p><b>Defendant Jeffco Attorneys</b>  <b>MOLLY H. FERRER (Jeffco) #37857</b>  <b>R. CRAIG HESS (Jeffco) #26398</b>  <b>THOMAS H. MCMILLEN (Jeffco and DCSD) #14218</b>  <b>JULIE C. TOLLESON (Jeffco and State Board of Education) #24885</b>  1829 Denver West Dr., Bldg. 27, Golden, CO 80401</p> <p><b>Defendant Number Two:</b> Colorado State Board of Education  Board of Directors Chair Rebecca McClellan, Vice-Chair Lisa Escárcega, Steve Durham, Karla Esser, Kathy Plomer; Debora Scheffel; Angelika Schroeder; Rhonda Solis; Stephen Varela</p> <p><b>Defendant Number Three:</b> Colorado Department of Education ("CDE")  CDE Commissioner Susana Cordova  201 East Colfax Avenue, Denver, CO 80203  <b>TERESA THOMSON WALSH, Senior Assistant Attorney General,</b>  Colorado Attorney General's Office, #32510  720.508.6372   <a href="mailto:teresa.walsh@coag.gov">teresa.walsh@coag.gov</a>  <b>MICHELLE M. BERGE, First Assistant Attorney General K-12</b>  <b>BLAKE MCCrackEN, Assistant Attorney General K-12</b>  Education Unit, #39299, 1300 Broadway St.  Denver, CO 80203  720-508.6186   <a href="mailto:michelle.berge@coag.gov">michelle.berge@coag.gov</a>  720-508-6172   <a href="mailto:blake.mccracken@coag.gov">blake.mccracken@coag.gov</a></p>	<p><b>Case No:</b>  2023CV610</p> <p><b>Division:</b>  275</p>

<p><b>DISTRICT COURT, DENVER COUNTY, COLORADO</b> 1437 Bannock Street, Rm 256, Courtroom 275, Denver, CO, 80202</p> <p><b>Plaintiffs:</b> Judy A. Brannberg, MSc, Jeffco Alexandria School of Innovation (“ASI”) and John Dewey Institute (“JDI”) at Red Rocks Ranch (“RRR”) and Leyden Rock (“LR”) and DCSD ASI and JDI at Ridgeway, Crystal Valley, Sterling Ranch, and Highlands Ranch</p> <p><b>Attorney for Plaintiffs:</b> JUDY A. BRANNBERG, Pro Se 8201 South Santa Fe Dr. #52, Littleton, CO 80120 303.522.2158   <a href="mailto:judy.brannberg@gmail.com">judy.brannberg@gmail.com</a></p>	<p><b>COURT USE ONLY</b></p>
<p><b>Defendant Number One:</b> Jefferson County Public Schools (“Jeffco”) 1829 Denver West Dr., Bldg. 27, Golden, CO 80401 MOLLY FERRER, #37857, Counsel for Jeffco 303-982-6544   <a href="mailto:Molly.Ferrer@jeffco.k12.co.us">Molly.Ferrer@jeffco.k12.co.us</a></p> <p><b>Defendant Jeffco Attorneys</b> MOLLY H. FERRER (Jeffco) #37857 R. CRAIG HESS (Jeffco) #26398 THOMAS H. MCMILLEN (Jeffco and DCSD) #14218 JULIE C. TOLLESON (Jeffco and State Board of Education) #24885 1829 Denver West Dr., Bldg. 27, Golden, CO 80401</p> <p><b>Defendant Number Two:</b> Colorado State Board of Education Board of Directors Chair Rebecca McClellan, Vice-Chair Lisa Escárcega, Steve Durham, Karla Esser, Kathy Plomer; Debora Scheffel; Angelika Schroeder; Rhonda Solis; Stephen Varela</p> <p><b>Defendant Number Three:</b> Colorado Department of Education (“CDE”) CDE Commissioner Susana Cordova 201 East Colfax Avenue, Denver, CO 80203 TERESA THOMSON WALSH, Senior Assistant Attorney General, Colorado Attorney General's Office, #32510 720.508.6372   <a href="mailto:teresa.walsh@coag.gov">teresa.walsh@coag.gov</a> MICHELLE M. BERGE, First Assistant Attorney General K-12 BLAKE MCCrackEN, Assistant Attorney General K-12 Education Unit, #39299, 1300 Broadway St. Denver, CO 80203 720-508.6186   <a href="mailto:michelle.berge@coag.gov">michelle.berge@coag.gov</a> 720-508-6172   <a href="mailto:blake.mccracken@coag.gov">blake.mccracken@coag.gov</a></p>	<p><b>Case No:</b> 2023CV610</p> <p><b>Division:</b> 275</p>

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ROBERT P. MONTGOMERY (DCSD) #49502

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**Defendant Number Five: STEM School Highlands Ranch,**

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**Defendant Number Nine:** UMB Financial Corporation  
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**Defendant Colorado Supreme Court OARC Attorneys**

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**Defendant Number Thirteen:**

U.S. Supreme Court Of The United States Of America  
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HONORABLE ASSOCIATE JUSTICES CLARENCE THOMAS,  
SAMUEL A. ALITO, JR.,  
SONIA SOTOMAYOR,  
ELENA KAGAN,  
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Case Number 22-1106, Docketed on May 10, 2023 with  
Supplemental Brief filed on July 27, 2023

**Defendant Number Fourteen:** Colorado Supreme Court  
1300-1376 Lincoln St,  
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**Defendant Number Fifteen:** Colorado Attorney General's Office  
Colorado Attorney General Honorable ATTORNEY PHILIP WEISER  
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720-508-6172 | [blake.mccracken@coag.gov](mailto:blake.mccracken@coag.gov)

**Plaintiffs' Response in Opposition to Defendant Douglas County Sheriff's Office ("DCSO") Motion to Dismiss, with Colorado Supreme Court 2021SC885 Orders Striking, Banning, and Prohibiting Attorney Fraud on the Court Claims and Filings, with Threats, Coercion, and Harassment to Plaintiffs, with new DCSO, Colorado State Board of Education, CDE, DCSD, and Jeffco, Notices of Claim, the Office of Attorney Regulation Counsel ("OARC") COLORADO SUPREME COURT COLORADO ATTORNEYS' FUND FOR CLIENT PROTECTION STATEMENT OF CLAIMS, and 10.28.20 - DC Sheriff Investigator's Progress Report – 201900124545, all Incorporated Herein**

Plaintiffs Judy A. Brannberg, MSc, Jeffco Alexandria School of Innovation (“ASI”) and John Dewey Institute (“JDI”) at Red Rocks Ranch (“RRR”) and Leyden Rock (“LR”) and DCSD ASI and JDI at Ridgeway, Crystal Valley, Sterling Ranch, and Highlands Ranch file their Response in Opposition thereof to Defendant Douglas County Sheriff’s Office Motion to Dismiss with Memorandum Authority, with Colorado Supreme Court 2021SC885 Orders striking, banning and prohibiting Attorney Fraud on the Court Claims and Filings, with New DCSO, State Board, CDE, DCSD, Jeffco Notices of Claim, and OARC COLORADO SUPREME COURT COLORADO ATTORNEYS’ FUND FOR CLIENT PROTECTION STATEMENT OF CLAIMS, and DC Sheriff Investigator’s Progress Report – 201900124545 Incorporated Herein, and state:

### **INTRODUCTION<sup>1</sup>**

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

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<sup>1</sup> The Complaint of Judicial Review 2023CV610 has explanatory footnotes for this section.

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**), purported as the mutual, two-way CONFIDENTIAL SEPARATION AGREEMENT, (**with mutual promises and undertakings described in this Agreement**), to **bribe** the DCSD, Jeffco, and State Boards 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 Investigations, and to **bribe** the Sheriff's Investigation 201900124545, and thereby criminally breached the contract because of Fraud on the Court.

### **ATTORNEY FRAUD ON THE COURT**

**Fraud upon the Court makes void the orders and judgments of that court.**<sup>2</sup> Fraud on 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.<sup>3</sup> 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

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

<sup>3</sup>*Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

member of the court, such that the impartial nature of the court has been compromised.<sup>4</sup> Fraud on the Court is usually found in only the most egregious of circumstance, bribery of a judge or jury.

In this case the District and State Board Directors' votes, Court Cases, CCRD Investigation, and Sheriff's Investigation were criminally **bribed** by DCSD, et al. to deny Plaintiffs' charters, by fabricating evidence, directly attacking the judicial machinery,<sup>5</sup> including:

- The Secret Fraudulent and Forged Separation Agreement;
- The Secret Fraudulent \$14.6 million dollar CECFA Bond which caused the May 7, 2019, STEM School shooting, slaughter, and murder;
- The Secret Fraudulent \$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 qualify for;
- The Secret Fraudulent "nasty gram letter" solicited by Supt. Erin Kane, the entire DCSD Board, and DCSD Attorney Tom McMillen to fraudulently appear as community opposition to stop Judy Brannberg's school locations at Sterling Ranch;
- The Secret Fraudulent and 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 on 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 on the Court crimes and repeatedly failed to take remedial measures,<sup>6</sup> which caused the tragic May 7, 2019, STEM School shooting, murder, and slaughter, a Domestic Terrorism event of mass destruction.<sup>7</sup>

**ATTORNEY FRAUD ON THE COURT HAS NOT BEEN LITIGATED BEFORE IN ANY OF PLAINTIFF'S PRIOR LEGAL CASES**

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<sup>4</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

<sup>5</sup>*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. at 245-246

<sup>6</sup>Attorney Rules of Professional Conduct 3.3

<sup>7</sup>As required by the 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>

**REASON ONE:** 2023CV610 is the first bite of a brand new “apple” with the present cause of action of Attorney Fraud on 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** from arguing Attorney Fraud on the Court. Therefore, no final judgements on the merits of Attorney Fraud on 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 on the Court has been argued in any of Plaintiffs’ Court cases.

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

Please see the attached Court Orders from 2021SC885 banning, prohibiting, and striking all claims of Attorney Misconduct from 21SC885, including Attorney Fraud on the Court,

Attorney Forgery, Attorney Bribery, and Attorney Breach of Contract in the following:

- 21SC885 – 2022.10.11 - Order of the Court
- 21SC885 – 2022.10.13 - Order of the Court
- 21SC885 – 2022.10.25 - Order of the Court
- 21SC885 – 2022.10.28 - Order of the Court

**21SC885 – 2022.10.11. - Order of the Court stated:** “The “motions” and attachments are not permitted filings under the Colorado Rules of Appellate Procedure, nor do they request actionable relief that the Court could grant. The documents and attachments filed by Respondent, Ms. Brannberg, are, therefore, **STRICKEN. The Court FURTHER ORDERS that it will NOT ACCEPT** any documents filed in the above-captioned matter concerning **alleged attorney misconduct or the Colorado Attorneys’ Fund for Client Protection** from Respondent, Ms. Brannberg. Such claims should be filed with the Office of Attorney Regulation Counsel and are not proper in a certiorari proceeding.”

**21SC885 – 2022.10.13 - Order of the Court:** “Consistent with the Court’s order of October 11, 2022, notifying Ms. Brannberg that it would not accept any documents filed in the above-captioned matter concerning alleged attorney misconduct or the Colorado Attorneys’ Fund for Client Protection, the Court **FURTHER ORDERS that it will NOT ACCEPT** the documents Ms. Brannberg filed with the Court on October 12, 2022.”

**21SC885 – 2022.10.25 - Order of Court:** “The Court DENIES Ms. Brannberg’s motion to file an ancillary copy of her stricken claims because, consistent with this Court’s previous order of October 11, 2022, they exceed the scope of the certiorari proceeding. The Court granted the petitions for writ of certiorari filed in the above-captioned case to address the following issue: Whether the last sentence of section 22-30.5-108(3)(d) — “The decision of the state board shall be final and not subject to appeal”—applies to all state board decisions under section 108(3). The Court **NOTIFIES** Ms. Brannberg that, consistent with its previous orders indicating the same, it will NOT ACCEPT any documents filed in the above-captioned matter that do not pertain to the certiorari proceeding.”

**21SC885 – 2022.10.28 – Order of the Court:** “Because Ms. Brannberg continues to file voluminous, improper, irrelevant, and frivolous documents into the above-captioned certiorari proceeding despite the Court’s previous orders indicating that it will only accept filings pertaining to the narrow issue before the Court, Ms. Brannberg and the John Dewey Institute are, hereby, **NOTIFIED that the Court WILL NOT ACCEPT** any requests to provide specific documents, transcripts, or to supplement the record. Such requests are untimely and exceed the scope of C.A.R. 10. The Court **FURTHER ORDERS** that if Ms. Brannberg continues to file frivolous, improper, irrelevant, or voluminous documents that strain Court resources, despite being ordered not to, the Court may be required to take further future restrictive actions.”

**REASON THREE:** The Colorado Supreme Court sternly threatened, coerced, and harassed Plaintiff Brannberg, because she complained about fraudulent, illegal Attorney criminal misconduct, the OARC Investigation, and Attorney Fraud on the Court crimes. The Court Order stated that “**IF** Ms. Brannberg continues to file” (documents about Attorney Fraud on the Court, Forgery, Bribery, or attorney crimes...) “the Court may be required to take future restrictive actions” which is a threat because she uncovered/revealed attorney crimes and Fraud on the Court which previously were hidden from any Court, and should have been punished swiftly by the Supreme Court.

**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 all of the above Supreme Court Orders and designed by them to create fear of complaining about Fraud on the Court by Plaintiff Judy Brannberg, and to stop all Plaintiff’s future complaints of attorney criminal misconduct of Fraud on the Court, so that attorneys could get away with their crimes.

**REASON FIVE:** Pursuant to FBI official website/guides<sup>8</sup> of the U.S. Government: “If someone communicates any statement or indication of an intention to inflict pain, injury,

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<sup>8</sup> <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>

damage, or other hostile action in an illegal manner, to include in a manner that **manipulates the US legal system, THAT'S A THREAT.**” Judy Brannberg unwillingly **was forced to comply** to the hidden, deceitful, Colorado Supreme Court and OARC attorney criminal corruption.

**REASON SIX:** The Colorado Supreme Court and OARC should have taken immediate, swift action to punish and discipline the attorney misconduct and Fraud on the Court. The Court should have overturned 2021SC885. Instead, they secretly covered up attorney crimes and threatened Plaintiff Brannberg. The Colorado Supreme Court premeditatively, forcefully, and criminally, obstructed justice and covered up 25+ attorney Fraud on the Court crimes from public scrutiny because of the corrupt, “fraudulent scheme” and complex crime ring explained herein.

**REASON SEVEN:** Attorney Fraud on 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.<sup>9</sup>

**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 one defended and protected Plaintiff Judy Brannberg. She did her best to stand up against the fraudulent crime schemes...alone. The Colorado Supreme Court severely threatened, harassed and coerced, Plaintiff Brannberg, to silence, gag, and suppress all current and future complaints of attorney crimes, governmental corruption, Fraud on the Court, and Domestic Terrorism.

**REASON NINE:** On October 4, 2022, Plaintiff Judy Brannberg filed the following attachments to pleadings for Colorado Supreme Court Case 2021SC885, but the following documents, attached herein, with criminal evidence of Attorney Fraud on the Court/Attorney Misconduct, were illegally/unlawfully **“STRICKEN”** from the Record to obstruct justice and hide the crimes:

21SC885 - 2022.10.04. - Stricken - #1 - 11.15.16 Amended NOC

21SC885 - 2022.10.04. - Stricken - #2 - Table of Contents of Evidentiary Briefs and Exhibits for Investigations with the Colorado Supreme Court Office of Attorney Regulation Counsel, District Attorney, Douglas County Sheriff, Colorado Civil Rights Division.<sup>10</sup>

21SC885 - 2022.10.04. - Stricken - #3 - 11.12.19 - CCRD CCRC NOC

21SC885 - 2022.10.04. - Stricken - #4 - 10.25.19. Jeffco - Amended NOC

21SC885 - 2022.10.04. - Stricken - #5 - 10.25.19. STEM - Amended NOC

21SC885 - 2022.10.04. - Stricken - #6 - 10.25.19 DCSD - State Board Amended NOC

21SC885 - 2022.10.04. - Stricken - #7 - Colorado Supreme Court Colorado Attorney's Fund for Client Protection

21SC885 - 2022.10.04. - Stricken - #8 - MOTION FOR CLAIMS FOR REIMBURSEMENT OF LOSSES BECAUSE OF DISHONEST ATTORNEY CONDUCT

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<sup>9</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

<sup>10</sup>[https://drive.google.com/drive/folders/1ZnNkbgdglQLf\\_gj9y-uydcXdacft71beJ?usp=sharing](https://drive.google.com/drive/folders/1ZnNkbgdglQLf_gj9y-uydcXdacft71beJ?usp=sharing)



**REASON TEN:** On October 7, 2022, Plaintiff Judy Brannberg filed the following attachments to pleadings for Colorado Supreme Court Case 2021SC885, but the following documents with criminal evidence of Attorney Fraud on the Court/Attorney Misconduct by Plaintiff's Former Attorney Steven Klenda, which were filed to the OARC, were "**STRICKEN**" from the Record:

21SC885 - 2022.10.07. - Stricken - #1 - #169 - 7.12.22 OARC Complaint  
21SC885 - 2022.10.07. - Stricken - #3 - Klenda Engagement Letter  
21SC885 - 2022.10.07. - Stricken - #4 - Klenda Complaint to OARC  
21SC885 - 2022.10.07. - Stricken - #5 - Klenda Notarized  
21SC885 - 2022.10.07. - Stricken - #6 - Klenda Motion to Get Reimbursed

**REASON ELEVEN:** On October 7, 2022, the Colorado Supreme Court "struck from the Record" 21SC885 - 2022.10.07. - Stricken - #1 - #169 - 7.12.22, the OARC Complaint, filed on July 7, 2022, which is a 175-page Complaint, written/filed by Plaintiff Brannberg, delineating 25+ attorney crimes of Fraud on the Court, Forgery, Bribery, et al., which is attached to this Response so that the Judge may review evidence. The complaint was suppressed by Colorado Supreme Court 2021SC885, the OARC Investigation, District Attorney, Sheriff, and the CCRD.

**REASON TWELVE:** On October 7, 2022, some evidence which Plaintiff Brannberg filed with the Colorado Supreme Court Case Number 21SC885, was labeled "suppressed" and is not currently transparent to the Public. The Colorado Supreme Court Case 21SC885, went to great lengths and took extreme measures to **SUPPRESS** and **COVERUP EVIDENCE of Attorney Fraud on the Court Crimes, Forgery, Bribery, and theft of client funds,** to the extent that the Court banned and prohibited Plaintiff Judy Brannberg from arguing Attorney Fraud on the Court in her previous legal case Colorado Supreme Court Case Number 21SC885.

**REASON THIRTEEN:** Pursuant to C.R.C.P 251. 32: No Rule of Limitations for Attorney **Theft or Fraud,** "There is no rule of limitations for filing a complaint alleging theft of client funds or fraud." In this case, there is both attorney theft of client funds and attorney fraud."

**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 on 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.

**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 on the Court crimes, which was then "**Suppressed**" by the Colorado Supreme Court, to cover up the botched and 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:** Plaintiff Brannberg paid about \$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<sup>11</sup> in 2014, 2017, 2018, 2019, 2023, and to cover up unconscionable defendant crimes. The list of attorneys and money paid to them, is in each of Plaintiff Brannberg's 2023 DCSD and Jeffco 12 Charter School Applications, in the Introduction Section on pages 11, 12, which the DCSD Attorneys, Board, Superintendent, and Staff, refused to give to Charter Application Review Team ("CART") reviewers and State Board in order to suppress/hide DCSD Fraud on the Court crimes.

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

**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 the tragic STEM School shooting on May 7, 2019.

**REASON EIGHTEEN:** The doctrine of res judicata bars subsequent litigation where four elements are met, **none of which were met** in any of Judy Brannberg's prior legal cases:

- **15CV30586 Douglas County District Court 3 X's** - Plaintiffs did not know about bribery, forgery, or Attorney Fraud on the Court crimes at the time of 15CV30586. Defendants STEM School, STEM Academy, Douglas Zimmerman, and VisionLink executed Attorney Fraud on the Court crimes secretly and non-transparently from Plaintiff, to thwart the creation of her 2014, 2017, 2018, 2019 and 2023 schools, employment, and property ownership, sabotage her legal cases and CCRD, OARC, and Sheriff's Investigations. It was a planned, deliberate, secret, non-transparent, internal attorney criminal hit job, engaging 25+ attorneys.
- **2019CV550 in Denver District Court** - Attorney Cimino refused to file the Amended Complaint with Forgery/Fraud on the Court crimes because he was bought out by DCSD.
- **2020CA0641 in the Colorado Court of Appeals** - Attorney Steven Klenda refused to file Attorney Fraud on the Court Crimes, Forgery, Bribery, etc. in his Colorado Court of Appeals Briefs 2020CA0641, to protect his friend, DCSD Attorney Will Trachman, DCSD Supt. Erin Kane, and DCSD Board President Meghann Silverthorn, and stated, "Crime reflects poorly" on attorneys, et al.<sup>12</sup> (See OARC Klenda Complaint incorporated herein.)
- **21SC885 in the Colorado Supreme Court** - Attorney Fraud Crimes/Misconduct were

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<sup>11</sup> Employment, property, land, building ownership are 14<sup>th</sup> Amendment Constitutional rights.

<sup>12</sup>DCSD Board President Meghann Silverthorn, Supt. Erin Kane, Attorneys Steven Klenda, Will Trachman and Sheriff Weekly are Leadership Program of the Rockies ("LPR") Graduates.

banned by the Court to cover up the botched OARC, Sheriff's, CCRD, and DA's Investigations, intentionally covering up 25+ Attorney Fraud on the Court and Theft crimes.

- **U.S. Supreme Court Petition for CERT Case No. 22-1106** - The U.S. Supreme Court hears less than 1% of their Petitions for CERT, and even less with Pro Se cases, and did not elect to hear Plaintiffs' case, so complaints of Attorney Fraud on the Court were not heard.

**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 on the Court.
2. **No final judgement were made** on the merits for Attorney Fraud on the Court.
3. **No parties were identical**, in the aforementioned cases.

In 15CV30586 in Douglas County District Court, the parties were: STEM School, STEM Academy, Doug Zimmerman and his company VisionLink. It was unknown at the time of 15CV30586, that STEM and DCSD had secretly disseminated the one-way forgery, purported as the two-way Mutual Original in January 2014, to thwart the creation of Judy Brannberg's schools in 2014 (DCSD and Jeffco); 2017, 2018, 2019, and 2023.

In 2019CV550, 2020CA064, 21SC885, U.S. Supreme Court Petition for CERT Case No. 22-1106, the parties were DCSD and the Colorado State Board of Education.

In 2023CV610, there are 15, most new defendants, including the following:

- Defendant Number One:** Jefferson County Public Schools
- Defendant Number Two:** Colorado State Board of Education
- Defendant Number Three:** Colorado Department of Education
- Defendant Number Four:** Douglas County School District
- Defendant Number Five:** STEM School Highlands Ranch, Lighthouse Building Corp et al.
- Defendant Number Six:** Colorado Civil Rights Division
- Defendant Number Seven:** Colorado Educational and Cultural Facility Authority
- Defendant Number Eight:** Sterling Ranch Development Corp.
- Defendant Number Nine:** UMB Financial Corporation
- Defendant Number Ten:** Colorado Supreme Court Office of Attorney Regulation Counsel
- Defendant Number Eleven:** Douglas County Sheriff's Office
- Defendant Number Twelve:** Attorney John A. Cimino
- Defendant Number Thirteen:** U.S. Supreme Court of the U.S.A.
- Defendant Number Fourteen:** Colorado Supreme Court
- Defendant Number Fifteen:** Colorado Attorney General's Office

4. The prior causes of action **were not for Attorney Fraud on the Court**. 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 on the Court, and government corruption, which includes 15 new Defendants, and their attorneys, who were part of the massive unconscionable attorney **fraudulent scheme** crime ring, defrauding the “judicial machinery.”<sup>13</sup>

**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 on 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. In Plaintiff Brannberg’s previous State Board appeals in 2018 and 2019, Plaintiff Brannberg did not argue Fraud on the Court. This was the first bite of the apple before the State Board and first bite in the Complaint for Judicial Review, exposing governmental corruption and unconscionable Fraud on the Court crimes.

**REASON TWENTY-TWO:** The Colorado Charter Schools Act,<sup>14</sup> does not bar submission of a new charter school to the same Authorizer more than one time and neither does it bar an appeal to the State Board of Education more than one time. Res judicata, also known as claim preclusion, is not mentioned in the Colorado Charter Schools Act. On the contrary, charter applicants are encouraged to work with their Authorizer, filing multiple applications, until the Authorizer is satisfied, and the charter applicant receives approval, which is what Charter Entrepreneur Judy Brannberg has endeavored to do since 2009, with each submission of stellar, excellent, high-quality, and innovative charter applications – some models never seen before in 2014, (DCSD and Jeffco), 2017, 2018, 2018, 2019 (DCSD), 2023 (8 in DCSD and 4 in Jeffco.)

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

**REASON TWENTY-FOUR:** Breach of Contract is considered a criminal felony offense **when it involves Fraud on the Court, as in this case.** Bribery in Colorado is charged as a class 3 Felony. The minimum penalty for a class 3 felony conviction for bribery is 4 years in prison and a fine of \$3,000. Forgery is a class 5 felony to falsify legal documents. Under C.R.S. 18-5-102, forgery carries 1-3 years in Colo. State Prison, and/or a fine of \$1,000 to \$100,000.

**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

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<sup>13</sup> *Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960).

<sup>14</sup> 2018 Colorado Revised Statutes Title 22 – Education School Districts Article 30.5 - Charter Schools Part 1 - Charter Schools Act, C.R.S. 22-30.5-101 through C.R.S. § 22-30.5-120.

<sup>15</sup> *In re Roussos*, 541 B.R. at 729.

Cimino refused to file the Amended Complaint<sup>16</sup> because he was bought out by third-party employer DCSD to cover up the Fraud on 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.

**REASON TWENTY-SIX:** On February 10, 2020, after the conferral to Amend the Complaint with DCSD Attorney Elliott Hood and State Board Attorney Julie Tolleson, Plaintiff's Former Attorney John Cimino stalwartly **refused to file the Amended Complaint** (because he was bought out by DCSD), to cover up governmental corruption, forgery, bribery claims by DCSD, et al. and their attorneys, so Plaintiff Brannberg never had the opportunity to argue Forgery, Bribery, Fraud on the Court, in 2019CV550 Court Case in Denver District Court or beyond.

**REASON TWENTY-SEVEN:** Plaintiff Brannberg was banned and prohibited by the Colorado Supreme Court from presenting this new attorney Fraud on the Court evidence in Case 21SC885, 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. See Appendix ZZW – 60 - 08.16.23 Opening Brief ASI Jeffco, ASIJDI ADD ROA28115-28139, 28127-28130, Appendix ZZ - ADD ROA – 41 - 13 - 6.20.23 JBrannberg NOC

“Starting on or about October 7, 2022, Judy Brannberg filed the following COLORADO SUPREME COURT COLORADO ATTORNEYS’ FUND FOR CLIENT PROTECTION STATEMENT OF CLAIMS because her attorneys were **bought out by DCSD** to sabotage her legal cases and to thwart the creation of her schools, her employment, and property, land, building ownership in 2014, 2017, 2018, 2019:

**Attorney Steven A. Klenda - #29196**

Appendix ZZ - Add ROA - 08 - Notarized Klenda 10.07.22 \_Redacted (Filed herein.)

Appendix ZZ - Add ROA - 08a - 10.7.22 - CSC Attorney's Fund Claim (Filed herein.)

**Attorney David K. Williams - # 34629 (committed suicide during OARC investigation)**

Appendix ZZ - Add ROA - 09 - Notarized Williams 10.10.22\_Redacted (Filed herein.)

Appendix ZZ - Add ROA - 09a - 10.10. 22 - STATEMENT OF CLAIM (Filed herein.)

**Attorney John A. Cimino - # 14032**

Appendix ZZ - Add ROA - 10 - Notarized Cimino 10.11.22\_Redacted (Filed herein.)

Appendix ZZ - Add ROA - 10a - 10. 11.22 Brannberg\_Cimino Application (Filed herein.)

**Attorney Embezzlement and Theft of Client Totals from Attorneys**

Attorney Steven A. Klenda: \$29,676.41

Attorney John A. Cimino: \$66,890.00

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<sup>16</sup>This was refiled with 2023CV610 on November 21, 2023, “ASI Opening Brief DCSD at Ridgeway, Crystal Valley, Sterling Ranch, Highlands Ranch With 2-2-2020 DRAFT AMENDED 2019CV550 COMPLAINT Incorporated Herein”

Attorney David K. Williams: \$40,950.00  
Attorney Losses / Totals: \$137,516.41

Judy Brannberg provided compelling evidence to the OARC that exposed DCSD crimes that proved that her attorneys were bought out by DCSD and used attorney Fraud on the Court, Breach of Contract in her U.S. Supreme Court Petition for CERT No. 22-1106.”

**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.<sup>17</sup> 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 Plaintiff Brannberg.

### **THERE WAS NO FAILURE TO STATE A CLAIM**

On November 15, 2023, the DCSO filed their Motion to Dismiss, which they alleged did not state a claim. Motions to dismiss for failure to state a claim, such as that from the DCSO, are viewed with disfavor and are rarely granted under “notice pleadings.” *Davidson v. Dill*, 180 Colo. 123, 503 P.2d 157 (1972); *Dunlap v. Colo. Springs Cablevision, Inc*, 829 P.2d 1286 (Colo. 1992); *Story v. Bly*, 217 P.3d 872 (Colo. App. 2008), aff’d, 241 P.3d 529 (Colo. 2010); *Denver Post Corp. v. Ritter* 255 P.3d 1083 (Colo. 2011).

### **CONTRARY TO THE DCSO MOTION TO DISMISS, PLAINTIFF DID INDEED FILE A CLAIM AGAINST THE DCSO ON PAGES 89, 90 OF THE COMPLAINT FOR JUDICIAL REVIEW 2023CV610, ASKING THAT THE DCSO INVESTIGATION BE MADE VOID/OVERTURNED BECAUSE OF ATTORNEY FRAUD ON THE COURT**

**“REASON NUMBER THIRTY-SIX:** Starting in March 2020, Judy Brannberg filed more than 120 evidentiary briefs (some 400+ pages and most 100+ pages) to the OARC, Douglas County Sheriff, District Attorney, and CCRD and over 1000 exhibits with complaints of attorney Fraud on the Court, Forgery, Bribery, and Theft of Client Funds.

**REASON NUMBER THIRTY-SEVEN:** The 120+ Evidentiary Briefs and 1000+ Exhibits were filed with the following investigations starting in October 2019 when the Douglas County Sheriff opened their criminal investigation for Case Number 2019-124545:

**Douglas County Sheriff’s Office, Economic Crime Unit – Sheriff Darren Weekly, Lt. Joel White, Investigator 4000 Justice Way, Castle Rock, CO 80109, Case Number 2019-124545**

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<sup>17</sup>*Bulloch v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

**Office of the District Attorney for the 18th Judicial District, District Attorney John Kellner**  
6450 S Revere Pkwy, Centennial, CO 80111, Case Number 2019-124545  
**Colorado Supreme Court Office of Attorney Regulation (“OARC”) Investigations**  
OARC Jessica E. Yates (OARC) Attorney Regulation Counsel  
1300 Broadway, Suite 500, Denver, CO 80203  
**Colorado Civil Rights Division, Aubrey L. Elenis, Esq., Director and Jennifer McPherson,**  
Esq. Deputy Director, 1560 Broadway, Suite 1050, Denver, Colorado 80202  
Charge Number: 00011155 and FE2018320786.

**REASON NUMBER THIRTY-EIGHT:** Judy Brannberg’s 120+ evidentiary briefs, some over 400 pages and most over 100 pages to above investigations with 1000+ exhibits, are publicly transparent at: [https://drive.google.com/drive/folders/1ZnNkbdglQLf\\_gj9y-uydcXdacft71beJ?usp=sharing](https://drive.google.com/drive/folders/1ZnNkbdglQLf_gj9y-uydcXdacft71beJ?usp=sharing)

### **DOUGLAS COUNTY SHERIFF, DA, OARC, AND THE CCRD**

**REASON NUMBER FORTY-ONE:** All of the aforementioned governmental agency investigation orders from the DC Sheriff, District Attorney John Kellner, OARC, and the CCRD are **made void and overturned** because of attorney Fraud on the Court, breach of contract, forgery, bribery, and theft of client funds, who covered up and suppressed Jeffco, DCSD, et al. crimes, and governmental corruption, because of the massive attorney crime ring:

**Douglas County Sheriff’s Office, Economic Crime Unit – Sheriff Darren Weekly**  
**Office of the District Attorney for the 18th Judicial District – District Attorney John Kellner**  
**Colorado Supreme Court Office of Attorney Regulation (“OARC”) Investigations – OARC**  
Jessica E. Yates (OARC) Attorney Regulation Counsel  
**Colorado Civil Rights Division – Aubrey L. Elenis, Esq., Director and Jennifer McPherson,**  
Esq. Deputy Director, 1560 Broadway, Suite 1050, Denver, Colorado 80202

### **DOUGLAS COUNTY SHERIFF’S OFFICE**

**REASON NUMBER FORTY-TWO:** On April 25, 2023, Douglas County Sheriff Weekly washed his hands of crimes<sup>18</sup> and failed to conduct further investigations of Jeffco, DCSD crimes with the new evidence because he criminally colluded and conspired with DCSD to coverup Defendants’ crimes which created a safety breach in DCSD, Jeffco and Colorado, and U.S. schools and communities.”<sup>19</sup>

### **NEW NOTICES OF CLAIM FILED HEREIN WITH EVIDENCE OF A BOTCHED SHERIFF’S INVESTIGATION AND ATTORNEY FRAUD ON THE COURT, WHICH CAUSED THE MAY 7, 2019 SHOOTING**

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<sup>18</sup> Appendix ZZ - ADD ROA – 41 - 13 - 6.20.23 JBrannberg NOTICE OF CLAIM, p 30 ASIJDI ADD ROA 22887-22889

<sup>19</sup> 2023CV610 - 2023.10.27 - COMPLAINT OF JUDICIAL REVIEW, pp. 79, 80

It was Plaintiff's deliberate **intent NOT to ask** the Sheriff's Office for a monetary claim, because she believes that law enforcement is underfunded, and should have abundant resources to preserve and protect our communities, pupils, and schools. However, because the DCSO brought this to our attention, we are forced to file new Notices of Claim against the DCSO, State Board of Education, Colorado Department of Education, DCSD, and Jeffco, with new evidence just discovered in the DC Sheriff Report<sup>20</sup> that was emailed to Judy Brannberg, on 10.28.20, definitively showing Attorney Fraud on the Court, which is why we are asking that the Sheriff's Investigator's Progress Report be **made void and overturned** because of attorney Fraud on the Court, breach of contract, forgery, bribery, and theft of client fund, who covered up and suppressed Jeffco, DCSD, et al. crimes, and governmental corruption, because of the massive attorney crime ring.

**ALL DCSO MONITARY CLAIMS GO DIRECTLY TO JOHN AND MARIA CASTILLO  
OR TO CHARITIES OF THEIR CHOICE**

Therefore, we request that all finances from the new Douglas County Sheriff's Office Notice of Claim go directly to John and Maria Castillo, parents of STEM School Hero Kendrick Castillo or for them to distribute to charities of their choice, to prevent Domestic Terrorism.

**NEWLY ELECTED SHERIFF DARREN WEEKLY INHERITED A "CAN OF WORMS"  
WHICH HE REFUSED TO OPEN AND INVESTIGATE**

Sheriff Weekly was elected into office on or about November 2022, with the duty for law enforcement on a county level, ensuring that all local, state, and federal laws are followed. He manages an office in charge of protecting people and property and maintaining order. As Sheriff Weekly stated to Plaintiff Judy Brannberg on April 25, 2023, he was not a part of the STEM

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<sup>20</sup>10.28.20 - DC Sheriff Investigator's Progress Report - 201900124545



School murder investigation, nor was he a part of Plaintiff Brannberg's botched DCSO forgery, bribery, Fraud on the Court Investigation. In April/May 2023, Sheriff Weekly derelicted his duty, when he pushed all new evidence off of his desk,<sup>21</sup> and refused to accept new evidence of Attorney Fraud on the Court crimes, which caused the STEM School shooting on May 7, 2019.

**ERRORS IN THE BOTCHED SHERIFF'S FORGERY/FRAUD ON THE COURT INVESTIGATOR'S PROGRESS REPORT EXPLAINED IN THE NEW ATTACHED DCSO NOTICE OF CLAIM INCORPORATED HEREIN**

On Tuesday, November 7, 2023, Plaintiff Judy Brannberg conferred with DCSO Attorneys Andrew Steers and Kelly Dunnaway about their Motion to Dismiss and emailed them a copy of the October 28, 2020, "Investigator's Progress Report" for Case Number 10-28-20 CR# 19-124545. The attached Report shows that DCSO Reporting Officer Richard O'Connell and David Wayne Beyer botched the DCSD Investigation and did not conduct "another reading of both versions of the document to see if there is any specific non-disclosure clause with respect to STEM"<sup>22</sup>... which there are. At the request of the DCSO 2023.11.15 MOTION TO DISMISS COMPLAINT for 2023CV610, the newly discovered errors and further evidence of the botched DCSO Investigation are explained in the attached, **new**, DCSO Notice of Claim, which definitively states a claim against the DCSO.

RESPECTFULLY SUBMITTED this 28th day of November 2023.

*Judy A. Brannberg*

Judy A. Brannberg, MSc, Pro Se Representative  
8201 S. Santa Fe Drive #52 | Littleton, CO 80120  
303.522.2158 | [Judy.brannberg@gmail.com](mailto:Judy.brannberg@gmail.com)

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<sup>21</sup>Appendix ZZW – 34 – 07.10.23 – Part II - AMENDMENT TO THE JUNE 20, 2023, NOTICE OF CLAIM, p 16

<sup>22</sup>10.28.20 - DC Sheriff Investigator's Progress Report – 201900124545, page 3

## CERTIFICATE OF SERVICE

Pursuant to the Colorado State Board of Education's November 10, 2021 Revised State Board of Education Administrative Procedures for Charter School Appeals on November 28th, 2023, this Motion has been filed with the Colorado State Board of Education at the following email address: [state.board.efilings@cde.state.co.us](mailto:state.board.efilings@cde.state.co.us), with a carbon copy to [soc@cde.state.co.us](mailto:soc@cde.state.co.us).

In addition, electronic copies were emailed to the following email addresses:

Colorado Attorney General  
Honorable Attorney Philip J. Weiser  
Colorado Department of Law, Ralph L. Carr Judicial Building  
1300 Broadway Street, 10<sup>th</sup> Floor  
Denver, CO 80203

Colorado Solicitor General Attorney Shannon Wells Stevenson  
Colorado Department of Law  
1300 Broadway Street, 10<sup>th</sup> Floor  
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[Shannon.stevenson@coag.gov](mailto:Shannon.stevenson@coag.gov)

**Defendant Number One:** Jefferson County Public Schools (“Jeffco”)  
1829 Denver West Dr., Bldg. 27, Golden, CO 80401  
MOLLY FERRER, #37857, Counsel for Jeffco  
303-982-6544 | [Molly.Ferrer@jeffco.k12.co.us](mailto:Molly.Ferrer@jeffco.k12.co.us)

**Defendant Jeffco Attorneys**  
MOLLY H. FERRER (Jeffco) #37857  
R. CRAIG HESS (Jeffco) #26398  
THOMAS H. MCMILLEN (Jeffco and DCSD) #14218  
JULIE C. TOLLESON (Jeffco and State Board of Education) #24885  
1829 Denver West Dr., Bldg. 27, Golden, CO 80401

**Defendant Number Two:** Colorado State Board of Education  
Board of Directors Chair Rebecca McClellan, Vice-Chair Lisa Escárcega,  
Steve Durham, Karla Esser, Kathy Plomer; Debora Scheffel; Angelika  
Schroeder; Rhonda Solis; Stephen Varela

**Defendant Number Three:** Colorado Department of Education (“CDE”)  
CDE Commissioner Susana Cordova  
201 East Colfax Avenue, Denver, CO 80203  
TERESA THOMSON WALSH, Senior Assistant Attorney General,  
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MICHELLE M. BERGE, First Assistant Attorney General K-12  
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**Defendant State Board of Education Attorneys**

JULIE C. TOLLESON (State Board of Education and Jeffco) #24885  
JENNA M. ZERYLNICK (State Board) #42553  
201 East Colfax Avenue,  
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**Defendant Number Four: Douglas County School District (“DCSD”)**

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303.387.0198 | [mklimesh@dcsdk12.org](mailto:mklimesh@dcsdk12.org)  
DCSD Attorney ANDREW D. RINGEL  
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**Defendant DCSD Attorneys**

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ELLIOTT V. HOOD (DCSD and Jeffco) #45060  
MARY KAY KLIMESH (DCSD) #48266  
THOMAS H. MCMILLEN (DCSD and Jeffco) #14218  
ROBERT P. MONTGOMERY (DCSD) #49502  
ROBERT SHERMAN ROSS JR. (DCSD) #42249  
WILLIAM E. TRACHMAN (DCSD) # 45684  
620 Wilcox Street, Castle Rock, CO 80104

**Defendant Number Five: STEM School Highlands Ranch,**

Lighthouse Building Corp, LightHouse on a Hill dba STEM Academy,  
Koson Network of Schools / Koson Schools  
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**Defendant STEM School Highlands Ranch Attorneys**

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**Defendant Number Six:** Colorado Civil Rights Division  
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**Defendant CCRD/CCRC Attorneys**  
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**Defendant Number Seven:** Colorado Educational and Cultural  
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**Defendant Number Eight:** Sterling Ranch Development Corp.  
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**Defendant Number Nine:** UMB Financial Corporation  
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KERSTEN HOLZHUETER #18841  
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**Defendants**

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**Defendant Number Ten:** Colorado Supreme Court Office of  
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**Defendant Colorado Supreme Court OARC Attorneys**

JESSICA E. YATES (OARC) #38003  
JUSTIN P. MOORE (OARC) #32173

**Defendant Number Eleven:** Douglas County Sheriff’s Office  
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**Defendant Number Twelve:**

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**Defendant Number Thirteen:**

U.S. Supreme Court Of The United States Of America  
CHIEF JUSTICE HONORABLE JOHN G. ROBERTS, JR.,  
HONORABLE ASSOCIATE JUSTICES CLARENCE THOMAS,  
SAMUEL A. ALITO, JR.,  
SONIA SOTOMAYOR,  
ELENA KAGAN,  
NEIL M. GORSUCH,  
BRETT M. KAVANAUGH,  
AMY CONEY BARRETT,  
KETANJI BROWN JACKSON  
1 First Street NE, Washington, D.C. 20543  
Case Number 22-1106, Docketed on May 10, 2023 with  
Supplemental Brief filed on July 27, 2023

**Defendant Number Fourteen:** Colorado Supreme Court  
1300-1376 Lincoln St,  
Denver, CO 80203

**Defendant Number Fifteen:** Colorado Attorney General's Office  
Colorado Attorney General Honorable ATTORNEY PHILIP WEISER  
Colorado Solicitor General SHANNON WELLS STEVENSON  
720.508.6179 | [shannon.stevenson@coag.gov](mailto:shannon.stevenson@coag.gov)  
Colorado Department of Law  
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**Non-Defendant**

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Colorado School Districts Self Insurance Pool ("CSDSIP")  
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Direct: 720-570-4564 | [ashley@csdsip.net](mailto:ashley@csdsip.net)

# Appendix 9

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 11, 2022 CASE NUMBER: 2021SC885
Certiorari to the Court of Appeals, 2020CA641 District Court, Denver County, 2019CV550	
<b>Petitioners:</b>  Colorado State Board of Education and Douglas County School District RE 1,  v.  <b>Respondents:</b>  Judy A. Brannberg and John Dewey Institute, Inc.	Supreme Court Case No: 2021SC885
ORDER OF COURT	

The Court has reviewed the following documents and their corresponding attachments filed by Respondent, Ms. Brannberg: (1) “Motion for Claims for Reimbursement of Losses Because of Dishonest Attorney Conduct ...,” filed on October 4, 2022, (2) “Motion for Claims – Motion Number One ...,” filed on October 7, 2022 and “Motion for Claims – Deceased Attorney David K. Williams”, filed on October 10, 2022.

The “motions” and attachments are not permitted filings under the Colorado Rules of Appellate Procedure, nor do they request actionable relief that the Court could grant. The documents and attachments filed by Respondent, Ms. Brannberg, are, therefore, STRICKEN.



The Court FURTHER ORDERS that it will NOT ACCEPT any documents filed in the above-captioned matter concerning alleged attorney misconduct or the Colorado Attorneys' Fund for Client Protection from Respondent, Ms. Brannberg. Such claims should be filed with the Office of Attorney Regulation Counsel and are not proper in a certiorari proceeding.

BY THE COURT, OCTOBER 11, 2022.

# Appendix 10

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 13, 2022 CASE NUMBER: 2021SC885
Certiorari to the Court of Appeals, 2020CA641 District Court, Denver County, 2019CV550	
<b>Petitioners:</b>  Colorado State Board of Education and Douglas County School District RE 1,  v.  <b>Respondents:</b>  Judy A. Brannberg and John Dewey Institute, Inc.	Supreme Court Case No: 2021SC885
ORDER OF COURT	

Upon consideration of Attorney Steven Klenda’s “Motion to Withdraw” and Respondent Ms. Brannberg’s response thereto filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, GRANTED.

Consistent with the Court’s order of October 11, 2022, notifying Ms. Brannberg that it would not accept any documents filed in the above-captioned matter concerning alleged attorney misconduct or the Colorado Attorneys’ Fund for Client Protection, the Court FURTHER ORDERS that it will NOT ACCEPT the documents Ms. Brannberg filed with the Court on October 12, 2022.

BY THE COURT, OCTOBER 13, 2022.

# Appendix 11

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 25, 2022 CASE NUMBER: 2021SC885
Certiorari to the Court of Appeals, 2020CA641 District Court, Denver County, 2019CV550	
<b>Petitioners:</b>  Colorado State Board of Education and Douglas County School District RE 1,  v.  <b>Respondents:</b>  Judy A. Brannberg and John Dewey Institute, Inc.	Supreme Court Case No: 2021SC885
ORDER OF COURT	

The Court has reviewed the following motions filed in the above-captioned matter by Ms. Brannberg on October 24, 2022:

1. "Motion to Make Judy Brannberg an Official Party of 21SC885,"
2. "Motion for Enlargement of Time of Ninety Days,"
3. "Motion to File an Ancillary Copy of 'STRICKEN' Claims with 21SC885 to Satisfy Charter School Transparency Requirements," and
4. "Motion to include 2019 JDI State Board Appeal Briefs in the 21SC885 Record on Appeal."

Upon consideration of these motions and now being sufficiently advised in the premises, the Court ORDERS the following:

1. The Court TAKES NO ACTION on the motion to make Ms. Brannberg an official party. Ms. Brannberg is already named as a respondent in the above-captioned case.
2. The Court DENIES the request for a 90-day extension of time in which to file an answer brief but GRANTS an extension of time up to and including January 3, 2022 in which to file an answer brief.
3. The Court DENIES Ms. Brannberg's motion to file an ancillary copy of her stricken claims because, consistent with this Court's previous order of October 11, 2022, they exceed the scope of the certiorari proceeding. The Court granted the petitions for writ of certiorari filed in the above-captioned case to address the following issue:

Whether the last sentence of section 22-30.5-108(3)(d) — “The decision of the state board shall be final and not subject to appeal”— applies to all state board decisions under section 108(3).

The Court NOTIFIES Ms. Brannberg that, consistent with its previous orders indicating the same, it will NOT ACCEPT any documents filed in the above-captioned matter that do not pertain to the certiorari proceeding.

4. The Court construes Ms. Brannberg's “Motion to Include 2019 JDI State Board Appeals...” as a motion to supplement the record on appeal. The

Court DENIES the motion, as the complete and certified transcript of record was received by the Court pursuant to C.A.R. 54(a).

BY THE COURT, OCTOBER 25, 2022.



# Appendix 12

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 28, 2022 CASE NUMBER: 2021SC885
Certiorari to the Court of Appeals, 2020CA641 District Court, Denver County, 2019CV550	
<b>Petitioners:</b>  Colorado State Board of Education and Douglas County School District RE 1,  v.  <b>Respondents:</b>  Judy A. Brannberg and John Dewey Institute, Inc.	Supreme Court Case No: 2021SC885
ORDER OF COURT	

The Court has reviewed the following documents filed in the above-captioned case:

1. Motion for Request for 21SC885 Record on Appeal Pursuant to C.A.R. 54;
2. Motion for John Dewey Institute to be Represented Pro Se by Mrs. Judy Brannberg...; and
3. Motion to Supplement the 21SC885 ROA with the 2008 Alexandria School Innovation State Board Appeals Briefs and 2018 ASI Charter Application ROA.

And now, being sufficiently advised in the premises, ORDERS the following:

1. Because it appears Ms. Brannberg is an officer of the John Dewey Institute, the requirements of § 13-1-127(2), C.R.S., (2022) are met, and no monetary amount is at issue, Ms. Brannberg may file an answer brief on behalf of the John Dewey Institute. The answer brief(s) remains due on or before January 3, 2023.

2. The Court GRANTS Ms. Brannberg's request to be provided with the complete appellate record as certified by the lower court in accordance with C.A.R. 10.
3. The Court DENIES the request to provide Ms. Brannberg with specific documents and any transcripts of oral argument given in the lower court. Any documents relevant to the above-captioned matter are already contained in the certified appellate record.
4. The Court DENIES the "Motion to Supplement the 21SC885 ROA with the 2008 Alexandria School Innovation...."

Because Ms. Brannberg continues to file voluminous, improper, irrelevant, and frivolous documents into the above-captioned certiorari proceeding despite the Court's previous orders indicating that it will only accept filings pertaining to the narrow issue before the Court, Ms. Brannberg and the John Dewey Institute are, hereby, NOTIFIED that the Court WILL NOT ACCEPT any requests to provide specific documents, transcripts, or to supplement the record. Such requests are untimely and exceed the scope of C.A.R. 10. The Court FURTHER ORDERS that if Ms. Brannberg continues to file frivolous, improper, irrelevant, or voluminous documents that strain Court resources, despite being ordered not to, the Court may be required to take further future restrictive actions.

BY THE COURT, OCTOBER 28, 2022.

In The  
Supreme Court of the United States

\_\_\_\_\_  
❖  
\_\_\_\_\_  
JUDY A. BRANNBERG, MSc.

*Applicant,*

v.

COLORADO CIVIL RIGHTS DIVISION  
DOUGLAS COUNTY SCHOOL DISTRICT RE-1

*Respondents.*

\_\_\_\_\_  
❖  
\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_  
❖  
\_\_\_\_\_

I, Judy A. Brannberg, charter school entrepreneur and *Pro Se*, hereby certify that all parties required to be served have been served with copies of this Emergency Application For Stay and Recall of the Mandate Pending the Disposition of Petition for Certiorari and Injunction Pending Review, via email and priority USPS mail, this July 15, 2024.

Dated July 15, 2024

/s/ Judy A. Brannberg

Judy A. Brannberg, MSc., *Pro Se*  
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Littleton, CO 80120  
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Telephone: (303) 522-2158

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## CERTIFICATE OF SERVICE – PARTIES SERVED

Pursuant to the Colorado State Board of Education's November 10, 2021 Revised State Board of Education Administrative Procedures for Charter School Appeals on July 15th, 2024, this document has been filed with the Colorado State Board of Education at the following email address: [state.board.efilings@cde.state.co.us](mailto:state.board.efilings@cde.state.co.us), with a carbon copy to [soc@cde.state.co.us](mailto:soc@cde.state.co.us).

In addition, electronic copies were emailed and to the following email addresses.

Pursuant to U.S. Supreme Court Rule 29.3 service of one paper copy was sent to all parties, Priority Mail, at the following physical addresses:

HONORABLE COLORADO ATTORNEY GENERAL PHILIP J. WEISER  
COLORADO SOLICITOR GENERAL SHANNON WELLS STEVENSON  
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