

Supreme Court, U.S.
FILED
JUL 31 2024
OFFICE OF THE CLERK

No. 24A61

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

— ❖ —
**FIRST SUPPLEMENTAL MEMORANDUM WITH NEW
INTERVENING MATTER REGARDING EMERGENCY
APPLICATION FOR STAY AND RECALL OF THE MANDATE
AND INJUNCTION PENDING REVIEW**

— ❖ —
Judy A. Brannberg, MSc., *Pro Se*
8201 South Santa Fe Drive, Lot 52
Littleton, CO 80120
Email: judy.brannberg@gmail.com
Telephone: (303) 522-2158

RECEIVED
AUG - 6 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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, and 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

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

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)

JURISDICTION

Pursuant to the Rules Of The Supreme Court of the United States 15.8:

“Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party’s last filing.”

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.)

TABLE OF CONTENTS

PARTIES TO THE PROCEEDING	i
CORPORATE DISCLOSURE STATEMENT.....	iii
DECISIONS AND RELATED PROCEEDINGS.....	iv
JURISDICTION.....	vi
TABLE OF CONTENTS.....	vii
 I. Rules	
A. Pursuant to the Rules Of The Supreme Court of the United States 15.8.....	1
 II. History	
A. On 6/7/2024, the Applicant filed a PETITION FOR A WRIT OF CERTIORARI to the Supreme Court of the United States for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.	1
B. On 7/15/2024, the Applicant filed an EMERGENCY APPLICATION FOR STAY AND RECALL OF THE MANDATE AND INJUNCTION PENDING REVIEW, with the Supreme Court of the United States Case Number 24A61 which ensured that all lower court cases, actions, orders, and judgments are stayed and recalled.....	1
 III. New Intervening Matter Not Available at the Time of Applicant’s Last Filing, pursuant to the Rules of the Supreme Court of the United States 15.8.....	
A. New Intervening Matter Number One.....	2
B. New Intervening Matter Number Two.....	3
C. New Intervening Matter Number Three.....	5
D. New Intervening Matter Number Four.....	8
E. New Intervening Matter Number Five.....	8
F. New Intervening Matter Number Six.....	9

G. New Intervening Matter Number Seven.....10

IV. The Emergency Application for Stay and Recall of the Mandate recalls/reverses all lower court 2023CV610 actions, orders, and judgments, which were executed after the Applicant filed the Petition For A Writ Of Certiorari in the Supreme Court of the United States for Case Number 23-1292, which was filed on 6/7/24, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.....10

V. If the Supreme Court of the United States does not grant this Emergency Application For Stay And Recall Of The Mandate, the additional thirteen 2023CV610 lower court Defendants listed below will also follow Defendant Sterling Ranch’s example and will wrongly file Motions seeking their fees and costs.....11

VI. Thirteen 2023CV610 lower court Defendants executed Unconstitutional Federal crimes, antitrust violations, and employment discrimination.....12

VII. On July 27, 2023, for SCOTUS Case Number 22-1106, the Applicant filed a similar SCOTUS Supplemental Brief, alerting the SCOTUS of the CORA evidence obtained from DCSD, Jeffco, DC Sheriff, Sterling Ranch, et al. and 25+ attorneys showing criminal conspiracy executed by them to thwart the creation of Applicant’s 17 schools in 2014, 2017, 2018, 2019, and 2023.....13

VIII. 2023CV610 Defendant Sterling Ranch Development Company Attorneys conferred with the Applicant, via phone and email to ask her position about Defendants Sterling Ranch filing a 2023CV610 Motion seeking their attorney fees and court costs, (see Appendix 2), because they are aggressively covering up their Unconstitutional Federal crimes, antitrust violations, and third-party employment discrimination, which they used to thwart the creation of Applicant’s schools at the Sterling Ranch location in 2018, 2019, and 2023, which is explained in the Petition for Certiorari, Case Number 23-1292 and below with particularity.....14

IX. The Crime Ring which operates unbridled in Colorado is exposed in the Petition for Writ of Certiorari filed on 6/7/2024, to the Supreme Court of the United States for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.....18

X. The June 28, 2024, lower court, Denver District Court Case 2023CV610 Judge’s Order was wrong on several points. (See Appendix 3.).....19

A. Denver District Court Case 2023CV610 is paused/stayed because of the appeal Petition for Certiorari to the U.S. Supreme Court filed on 6/7/2024 for Case Number 23-1292.....20

B. Denver District Court Case 2023CV610 Defendant Attorney John A. Cimino has not started or finished the Motions Practice of Denver District Court Case 2023CV610 and is in Contempt of Court.....21

XI. 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.....23

XII. Question Four, perhaps the most important of the five questions, which states the following, is substantial because of the following reasons.....24

A. Since 2014, DCSD, Jeffco, and the CCRD have falsely and wrongly denied that they have jurisdiction over this case because it is a third-party employment case..25

B. On 2/15/2007 JBrannberg enrolled in CCRD protected activity¹ for the protected class of religion, because DCSD refused to rehire her because she practiced her religion, despite excellent employment reviews from her tenure at TRHS in 2000-2005.....27

C. DCSD Board President Peterson promised retaliation for complaints.....27

D. U.S. Congressman’s Former Director gave DCSD Public Comment.....28

E. 2023 DCSD Board voted unanimously to deny Plaintiffs’ Charters.....29

F. On 6/15/2023, the Applicant opened a new CCRD on-line retaliation complaint for Case Number 20237.....29

XIII. Question Two, perhaps the second most important of the five questions, which states the following, is substantial because of the following reasons.....29

XIV. Question Three, which states the following, is substantial because of the following reasons.....32

XV. Question One, which states the following, is substantial because of the following reasons.....32

XVI. Question Five, which states the following, is substantial because of the following reasons.....34

¹ASIJDIADDROA11084-11101

XVII. Second Supplemental Memorandum Regarding Emergency Application for Stay and Recall of the Mandate and Injunction Pending Review may be filed at later date.....34

XVIII. Conclusion.....35

APPENDIX TABLE OF CONTENTS.....ix

TABLE OF AUTHORITIES.....x

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....x

OTHER AUTHORITIES.....xi

RULES.....xii

APPENDIX.....Attached

CERTIFICATE OF SERVICE.....Attached

APPENDIX TABLE OF CONTENTS

Appendix 1
ORDER - 2024.07.17 - CCA133App. 1

Appendix 2
Sterling Ranch Conferral Gmail.....App. 3

Appendix 3
ORDER – 2024.06.28 – 2023CV610.....App. 5

Appendix 4
ORDER – 2024.07.10 – 2023CV610.....App. 11

Appendix 5
OMNIBUS ORDER RE: MOTIONS TO DISMISS.....App. 27

Appendix 6
EMAILS – DCSD Supt_Board Solicited Cease and Desist.....App. 41

Appendix 7
Brannberg CORA Request to State Board of Education_CDE.....App. 49

Appendix 8
UMB Conferral Gmail.....App. 52

Appendix 9
DCSD_STEM Conferral Gmail.....App. 54

Appendix 10
DC Sheriff Conferral Gmail.....App. 57

Appendix 11
Sterling Ranch Motion for Attorneys’ Fees And Bill Of Costs.....App. 60

Appendix 12
August 1, 2024, Colorado Attorney General’s Office CORA Response.....App. 76

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Sibley Memorial Hospital</i> , 488 F.2d 1338, 1341-1342.....	24, 25
<i>Food Mktg. Inst. v. Argus Leader Media</i> , 139 S. Ct. 5 (2018).....	3, 4
<i>Rogers v Western-Southern Life Insurance Co.</i> 12F.3d 668, 675, 7th Cir.1993	27
<i>Ridley v. Costco Wholesale Corp.</i> , 217 F. App'x130, 135 (3d Cir. 2007).....	9, 13, 17, 19, 30, 31

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution

U.S. Const. Amend. XIV, § 1 ("Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.") (ratified July 9, 1868)	4, 11, 12, 13, 14, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33
U.S. Const. Amend. XIV, § 1 ("Due Process of Law") (ratified July 9, 1868).....	4, 11, 12, 13, 14, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33
U.S. Const. Amend. XIV, § 1 ("Equal Protection of the Laws") (ratified July 9, 1868)	4, 11, 12, 13, 14, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33

United States Code (U.S.C.)

10 U.S. Code § 919b – Art. 119b. Child Endangerment	9, 24, 30
18 U.S. Code § 201 – Bribery of public officials 2022.....	16, 24, 30
18 U.S.C. § 371 – Conspiracy to commit offense or to defraud United States.....	9, 12, 13, 15, 16, 24, 30
18 U.S.C. § 471 Forgery.....	8, 16, 24, 30, 33

18 U.S.C. § 873 Blackmail and extortion laws.....24, 30

18 U.S.C. § 1349 – Attempt and Conspiracy.....9, 12, 13, 15, 16, 24, 30

18 U.S.C. § 1503, 1512-1513 Obstruction of Justice.....24, 27, 30

18 U.S. Code § 2331(5) Domestic Terrorism.....23, 30

42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022, Discrimination.....
4, 11, 12, 13, 14, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33

Harassment – Title VII of the Civil Rights Act of 1964.....24, 30

Federal Antitrust Enforcement Enacted 1890, the Sherman Act, Monopoly.....
11, 12, 13, 14, 16, 17, 18, 19, 22, 23, 24, 28, 29, 30, 31

Federal Title VII of Civil Rights Act 1964.....
4, 7, 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 26

Federal Whistle Blower Protection Act.....23, 30

Colorado Revised Statutes (C.R.S.)

C.R.S. § 22-30.5-108(3)(d).....12, 23, 29

C.R.S. § 24-34-402.....13, 18, 24, 25, 29

Other Authorities

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>
23, 30

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); ASIJDIADDROA51201-51212
<https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>4, 10, 13-14, 16-19, 23-26, 29-30, 33, 34

Rules

Administrative Procedure Act, 5 U.S.C. § 705.....23, 31

All Writs Act, 28 U.S.C. § 1651.....22, 31

American Bar Association's Model Rules of Professional Conduct 3.3.....5

Colorado Appellate Rules (“C.A.R.”) 41(c)(3)(B).....19, 20, 23

C.R.C.P. 242.32.....6

Federal Rules of Civil Procedure 65.....22, 31

Rules Of The Supreme Court of the United States 15.8.....1, 2

U.S. Supreme Court Rules 22 and 2322, 31

**Judy A. Brannberg, v. Colorado Civil Rights Division, et al., Case
Number 24A61, First Supplemental Memorandum Regarding
Emergency Application for Stay and Recall of the Mandate and
Injunction Pending Review**

I. Rules

A. Pursuant to the Rules Of The Supreme Court of the United States 15.8:

“Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party’s last filing.”

II. History

A. On 6/7/2024, the Applicant filed a PETITION FOR A WRIT OF CERTIORARI to the Supreme Court of the United States for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

The Supreme Court of the United States has not yet ruled on the PETITION FOR CERTIORARI. Therefore, lower cases Denver District Court Case Number 2023CV610, Colorado Court of Appeals Case Number 2024CA133, and Colorado Supreme Court Case 2024SC181 are stayed and paused pending the appeal with the Supreme Court of the United States Conference of 9/30/2024 and cannot do legal business until further orders/judgments from Conference of 9/30/2024.

B. On 7/15/2024, the Applicant filed an EMERGENCY APPLICATION FOR STAY AND RECALL OF THE MANDATE AND INJUNCTION PENDING REVIEW, with the Supreme Court of the United States Case Number 24A61 which ensured that all lower court cases, actions, motions, orders, and judgments are stayed and recalled/reversed. Pages 7 and 8 stated:

“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 6/7/2024, placed on the docket on 6/11/2024, 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.”

III. New Intervening Matter Not Available at the Time of Applicant’s Last Filing, pursuant to the Rules of the Supreme Court of the United States 15.8

A. New Intervening Matter Number One

On July 17, 2024, after the Applicant filed the Emergency Application For Stay And Recall Of The Mandate And Injunction Pending Review, on July 15, 2024, the Colorado Court of Appeals issued an ORDER OF COURT which stated: See Appendix 1.

“Upon consideration of the motion to stay this appeal, the Court notes that the mandate issued on April 29, 2024, and **no further action will be taken**. The United State (sic) Supreme Court will issue any relevant orders directly to the Court if a petition for certiorari to that court is granted. BY THE COURT”

B. New Intervening Matter Number Two

On 7/26/2024, totally unexpected and in violation to the aforementioned 7/17/2024 Colorado Court of Appeals ORDER, two lower court 2023CV610 Defendant Attorneys for Sterling Ranch Development Company conferred with the Applicant, via phone and email to ask her position about Defendants Sterling Ranch filing a 2023CV610 Motion seeking their attorney fees and court costs. *See* Appendix 2.

Of course the Applicant opposed their Motion on the following grounds:

The Supreme Court of the United States has not yet ruled on the 1.) Petition For A Writ Of Certiorari, Case Number 23-1292 which was filed on 6/7/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, and neither has the SCOTUS ruled on the 2.) Emergency Application For Stay And Recall Of The Mandate, Case Number 24A61, (linked to 23-1292), and 3.) on 7/17/24, the Colorado Court of Appeals, said “no further action will be taken.”

Pursuant to the Emergency Application For Stay And Recall of the Mandate, Case Number 24A61, all lower court cases are currently stayed, on pause, and no lower court motions for 2023CV610 can be filed to interrupt the U.S. Supreme Court appeal, as all lower court cases, actions, motions, and judgments are stayed pending review from the United States Supreme Court. *See, e.g., Food Mktg. Inst. v.*

Argus Leader Media, 139 S. Ct. 5 (2018) (re-calling and staying court of appeals' mandate pending the timely filing of a petition for a writ of certiorari, which Applicant filed on 6/7/2024, for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

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 5/9/2024,¹ to ensure the safety of all Colorado pupils, who are currently not safe without the stay of the Emergency Writ of Injunction. Respondents DCSD, State Board of Education, Colorado Department of Education, Sterling Ranch, et al. 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 5/7/2024 for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024. **Third**, the Applicant filed the

¹ See 23A1007, filed on 5/9/2024, to Supreme Court Justice Neil M. Gorsuch, denied on 5/21/2024, refiled and resubmitted to Justice Clarence Thomas on 5/22/2024, distributed for Conference of 6/13/20 and denied by the Court on 6/17/24. The denial from Justice Thomas 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 a Writ of 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.

Emergency Application For Stay And Recall Of The Mandate And Injunction
Pending Review on 7/15/2024, for Case Number 24A61.

C. New Intervening Matter Number Three

On July 31, 2024, at 11:48 a.m. as the Applicant was finishing writing this First Supplemental Memorandum, the Applicant received an additional Conferral on Extension of Deadline to File Motion for Attorney Fees and Bill of Costs, from Jacob Hollars, Attorney at Law, Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, CO 80203, 303.839.3707, JHollars@spencerfane.com, www.spencerfane.com who is representing UMB Financial Corporation/UMB Bank.

This latest email emphasizes the importance of the approval of the Emergency Application for Stay and Recall of the Mandate in order to recall/reverse all lower court 2023CV610 actions, motions, orders, and judgments which were executed after the Applicant filed the Petition For A Writ Of Certiorari in the Supreme Court of the United States for Case Number 23-1292, which was filed on 6/7/24, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024. *See* Appendix 8 – UMB Conferral.

Why is UMB Bank/CECFA is this case?

American Bar Association's Model Rules of Professional Conduct

(a) A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

C.R.C.P. 242.12: There is no rule of limitations for filing a complaint alleging theft of client funds or attorney fraud.²

In this case there is both attorney fraud and theft of client funds, which resulted in the tragic loss of life, and injury to eight others, at the STEM School shooting on May 7, 2019, so this Petition is timely filed.

On November 1, 2014,³ Bond Attorney Hester Parrot; CECFA Attorney Calvin Hanson; Underwriter Attorney Kent Veio; STEM School and Academy/Lighthouse Building Corp. Bond Counsel Barry Arrington; DCSD General Counsel Robert Sherman Ross, Jr.; and DCSD Charter School Director Thomas McMillen, Esq., and the parties that they represented all lied and used false evidence and criminal misconduct to secure and acquire a fraudulent, low-interest, \$14.6 million dollar BB+ CECFA bond, which STEM did NOT qualify for because of their unbelievable \$2 million dollar deficit at the time of bond closing. Additionally, STEM only had a 3- year signed contract and a Board Resolution for a signed 3-year contract from their Authorizer DCSD which expired on June 30, 2017. STEM could not show confidence to investors to secure the low interest CECFA \$14.6 million dollar BB+ Bond at the time of the Bond Closing on November 1, 2014, for the STEM School and Academy charter school and Lighthouse Building Corp, so the DCSD Board of Meghann Silverthorn and Kevin Larsen, together with Superintendent Liz Fagen,

² The rules for the discipline of lawyers, enacted by the Supreme Court, are contained in Chapter 20, C.R.C.P., Court Rules Book 1, C.R.S. The Colorado Rules of Professional Conduct, as amended and reenacted by the Colorado Supreme Court, apply. They are also found in Book 1.

³ Appendix Z14 - #107- 9.7.21 – Bond Attorneys Hester Parrot_Calvin Hanson_Kent Veio_Barry Arrington_Robert Sherman Ross_Thomas McMillen, ROA12579-12817; Appendix Z4 - #88 – 8.2.21 - When Kendrick Castillo was murdered on May 7, 2019, STEM School Highlands Ranch and DCSD DID NOT have, ROA11848-11989

Pat McGraw, DCSD/Jeffco Attorney Thomas McMillen, and STEM Director Penny Eucker engineered a secret, non-transparent bail-out of the multi-million dollar deficit without meeting the necessary 5-year contract contingencies to create an unsafe learning environment. The \$14.6 million dollar CECFA Bond was acquired illegally, criminally and fraudulently. STEM did not meet 4 of 7 contingencies necessary to secure a 5-year contract, which is a requirement for a low-interest BB+ Bond, including a legal Parent Complaint and Communication Policy. The Parent Complaint and Communication Policy which STEM had in place from 2014 to 2021, during the STEM School shooting on May 7, 2019, said that students would be expelled from the school if their parents complained or warned of unsafe learning conditions. Many parents tried to warn⁴ DCSD of the unsafe conditions but were gagged/suppressed because of the criminal policies in place during the shooting.⁵

Applicant Judy Brannberg warned⁶ Authorizer DCSD multiple times of the fraudulent bond which resulted in unsafe learning conditions, which caused the May 9, 2019, STEM School shooting at the school which Applicant and her husband co-founded in 2009. Instead of heeding her warnings, DCSD (and Jeffco) retaliated against her and voted to deny her 17 charters in 2014, 2017, 2018, 2019, and 2023, in order to coverup and hide the largest public education scandal in U.S. History, which is explained in the Petition for Certiorari 23-1292.

⁴ Appendix Z14 - #107- 9.7.21 – Bond Attorneys Hester Parrot_Calvin Hanson_Kent Veio_Barry Arrington_Robert Sherman Ross_Thomas McMillen, ROA12579-12817

⁵ ROA11848-11989

⁶ Appendix Z6 - #55 - 4.28.21 Ms. Judy Brannbergs WARNINGS Were Not Heeded, ROA12099-12196, ROA12127-12128

D. New Intervening Matter Number Four

On July 31, 2024, at about 1:27 p.m. the Applicant received another phone call, followed up with a subsequent email from Attorney Jack Peters, STEM School and DCSD et al. Attorney, Hall & Evans, LLC, 1001 Seventeenth Street, Suite 300, Denver, CO 80202, conferring for an Extension of Deadline to File Motion for Attorney Fees and Bill of Costs.

Once again this underscores the importance of the approval of the Emergency Application for Stay and Recall of the Mandate in order to recall/reverse all lower court 2023CV610 actions, motions, orders, and judgments which were executed after the Applicant filed the Petition For A Writ Of Certiorari in the Supreme Court of the United States for Case Number 23-1292, which was filed on 6/7/24, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024. *See* Appendix 9 - DCSD - STEM - Conferral.

E. New Intervening Matter Number Five

On July 31, 2024 at 5:06 p.m. the attorney for the Douglas County Sheriff's Office conferred with the Applicant and stated:

“We are considering whether to join in the motions for costs. That said, we are willing to forgo that if you will agree to explicitly leave the Douglas County Sheriff's Office out of any appeals on this matter. Please let us know. If you do not agree, then please let us know your position on a motion for an extension of time in which to file for costs.” *See* Appendix 10 - DC Sheriff Conferral.

The Applicant responded and stated:

“I do not oppose your Motion for an Extension of Time. I do not agree to explicitly leave the Douglas County Sheriff's Office out of any appeals on this matter.”

Once again, this provides a rare glimpse of the desperation by even the Douglas County Sheriff to coverup the largest public education scandal in U.S. History which resulted in the tragic murder on May 7, 2019.

On 2024.02.02, Applicant filed a Response in Opposition to Douglas County Sheriff's Department Motion To Dismiss First Amended Complaint New Evidence and filed a new Amended Complaint of Judicial Review with the email evidence showing Sheriff Weekly conspired with DCSD to coverup their crimes. The Judge for 23CV610 denied the Amended Complaint. The Applicant stated:

“Douglas County Sheriff Weekly conspired, colluded, **coordinated**⁷ and is in cahoots with DCSD and Jeffco to coverup crimes by all Defendants, which has caused a severe safety breach and child endangerment for all children in Douglas County, Colorado, and the Nation, explained below, and which caused Plaintiff Brannberg not to obtain charter approval in 2014, 2017, 2018, 2019, and 2023 for 17 schools. Crimes against publicly-funded charter schools are crimes against the United States, and defraud all students in the United States...Douglas County Sheriff Weekly derelicted his **duty to investigate**,⁸ refused to investigate, because he secretly colluded, conspired, and coordinated with DCSD to cover up DCSD, et al. crimes. This secret coordination, conspiracy, and collusion endangered children, and created a severe safety threat for all students in Douglas County, Colorado and the Nation.”

F. New Intervening Matter Number Six

On July 31, 2024, Attorneys for Sterling Ranch filed their Motion for Attorneys' Fees And Bill Of Costs. See Appendix 11 - Sterling Ranch Motion for

⁷ This is explained with particularity in Plaintiffs' 2024.02.02 Response in Opposition to DC Sheriff's Department Motion To Dismiss First Amended Complaint New Evidence and the 2024.02.02 Amended Complaint, with the new evidence, which was denied by the 2023CV610 Judge.

⁸*Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: “**failure to investigate** complaints about these actions **is unlawful retaliation**.”

Attorneys' Fees And Bill Of Costs. Sterling Ranch also filed multiple exhibits which are "protected" and not visible to the Applicant.

G. New Intervening Matter Number Seven

On July 31, 2024, the Applicant personally visited Denver District Court to learn if any further motions had been filed by the 2023CV610. She was told that the following parties had filed Motions, and were pending, but it would be several days before the Court would make those Motions available on the Court register of actions. However, the Court did release the names of the Defendants who had filed Motions for Extensions of Time including the following: 1.) Douglas County School District, 2.) STEM School Highlands Ranch, et al. and 3.) UMB Bank. If warranted Applicant will file a Second or Third Supplemental Memorandum once this new intervening matter is made transparent by the Court.

IV. The Emergency Application for Stay and Recall of the Mandate recalls/reverses all lower court 2023CV610 actions, motions, orders, and judgments, which were executed after the Applicant filed the Petition For A Writ Of Certiorari in the Supreme Court of the United States for Case Number 23-1292, which was filed on 6/7/24, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

The lower court Denver District Court Case Number 2023CV610 executed a flurry of illegal and unlawful orders on 7/10/24, which are in contempt with the 1.) Petition For A Writ of Certiorari to the Supreme Court of the United States for Case Number 23-1292 which was filed on 6/7/24, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024 and with the 2.) Emergency Application For Stay And Recall Of The Mandate And Injunction Pending Review filed on 7/15/24. Therefore, the following lower court orders, actions, motions, and

judgments, which were executed illegally and unlawfully after Applicant filed the Petition For A Writ of Certiorari to the Supreme Court of the United States for Case Number 23-1292, will be recalled/reversed when the Emergency Stay and Recall of the Mandate is granted:

See Appendix 3 - 2024.06.28 - 2023CV610 - ORDER

See Appendix 4 - 07/10/24 Order: Copy of Motion to Stay the Appellate Mandate Until the Petition For A Writ Certiorari in the United States Supreme Court is Ruled on, or, if Review is granted

See Appendix 5: 07/10/24 OMNIBUS ORDER RE: MOTIONS TO DISMISS

V. If the Supreme Court of the United States does not grant this Emergency Application For Stay And Recall Of The Mandate, the additional thirteen 2023CV610 lower court Defendants listed below will also follow Defendant Sterling Ranch's example and will wrongly file Motions seeking their fees and costs.

The following lower court defendants for 2023CV610 are attempting to cover-up and hide Unconstitutional Federal crimes, antitrust violations, and employment discrimination, explained in the Petition for Certiorari, Case Number 23-1292:

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"), and attorneys, et al.
7. Colorado Educational and Cultural Facility Authority ("CECFA"), boards and attorneys, 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 represent the State Board, CCRD, CDE

Defendant Attorneys

1. Robert P. Montgomery (STEM)
2. William E. Trachman (DCSD/Jeffco)
3. Thomas H. McMillen (DCSD/Jeffco)
4. Elliott V. Hood (DCSD/Jeffco)
5. Kristin C. Edgar (DCSD/Jeffco)
6. Mary K. Klimesh (DCSD)
7. Steve J. Colella (DCSD)
8. Julie C. Tolleson (State Board/Jeffco)
9. Jenna M. Zerylnick (State Board)
10. William P. Bethke (STEM)
11. Aubrey L. Elenis (CCRD)
12. Bruce A. James (Sterling Ranch)
13. Barry K. Arrington (STEM)
14. R. Craig Hess (Jeffco)
15. Calvin T. Hanson (CECFA)
16. Kent C. Veio (CECFA)
17. Hester M. Parrot (CECFA)
18. John A. Cimino (Brannberg)
19. David K. Williams (Brannberg)
20. Clifford G. Cozier (Brannberg)
21. Robert S. Ross (DCSD)
22. Michael A. Zywicki (STEM)
23. Jake E. Spratt (Sterling Ranch)
24. Steven A. Klenda (Brannberg)
25. Jessica E. Yates (OARC)
26. Molly H. Ferrer (Jeffco)
27. Justin P. Moore (OARC)
28. April M. McMurrey (OARC)

VI. Thirteen 2023CV610 lower court Defendants executed Unconstitutional Federal crimes, antitrust violations, and employment discrimination.

Please read the Petition for Certiorari, Case Number 23-1292, filed on 6/30/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, to thwart the creation of Applicant's 17 charters in 2023, 2019, 2018, 2017, and 2014 for explanations described with particularity.

Under current laws, Defendants from the public schools and their co-conspirators, are encouraged and allowed to get away with their Unconstitutional Federal crimes, antitrust violations, and employment discrimination, because there is an illegal, unlawful, and criminal public education monopoly because State Board decisions are final pursuant to C.R.S. § 22-30.5-108(3)(d) which states: "State Board's decision shall be final and not subject to appeal." This has created a lawless, unsafe, and dangerous safety breach in all U.S. public education schools.

Under current laws, District and State Boards are allowed to commit Federal 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and C.R.S. § 24-34-

402 Discriminatory or unfair third-party employment practices paired with sinister and lawless Federal crimes explained in the Motion and Memorandum for Preliminary Injunction, in the Colorado Supreme Court Petition for CERT 2024SC181, and the Petition for CERT to the Supreme Court of the U.S. Case Number 23-1292, filed on 6/30/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, without recourse, accountability, Judicial Review, and **without investigation**, which is **unlawful retaliation**.⁹

Students are not safe without Judicial Review, as parent/community voices are suppressed, gagged, and silenced to coverup unbridled carte blanche Federal crimes and a habitual pattern of Unconstitutional third-party employment discrimination, creating a lawless, unsafe and dangerous public education monopoly, which resulted in the tragic 5/7/2019 STEM School shooting and murder, the school which Applicant Judy A. Brannberg co-founded with her husband Barry R. Brannberg in November 2009.

VII. On July 27, 2023, for SCOTUS Case Number 22-1106, the Applicant filed a similar SCOTUS Supplemental Brief, alerting the SCOTUS of the CORA evidence obtained in summer 2023 from DCSD, Jeffco, DC Sheriff, Sterling Ranch, et al. and 25+ attorneys showing criminal conspiracy executed by them to thwart the creation of Applicant's 17 schools in 2014, 2017, 2018, 2019, and 2023.

This critical criminal CORA evidence is more relevant today than it was when the Applicant filed it with the SCOTUS on July 27, 2023. *See* 07.27.23 - 22-1106 - Supplemental Brief, ROA ROA27587-27777, specifically pp Supp. App. 76-79

⁹*Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "**failure to investigate** complaints about these actions **is unlawful retaliation**."

for Sterling Ranch evidence. *See* Appendix Z87 - #126 - 9.29.21 – Highlighted NEW EVIDENCE Nasty Letter Gram = Coercion, ROA16082-16239; Appendix Z5 - #36. - 3.22.21 Sterling Ranch Statement of Discrimination, ROA11990-12098. All of the aforementioned evidence documents from Defendant Sterling Ranch, et al. are part of the current 50,000+ pages of ROA for Denver District Court Case 2023CV610, and which is included in Supreme Court of the United States Petition for Certiorari Case Number 23-1292.

VIII. 2023CV610 Defendant Sterling Ranch Development Company Attorneys conferred with the Applicant, via phone and email to ask her position about Defendants Sterling Ranch filing a 2023CV610 Motion seeking their attorney fees and court costs, (see Appendix 2 and 11), because they are aggressively covering up their Unconstitutional Federal crimes, antitrust violations, and third-party employment discrimination, which they used to thwart the creation of Applicant’s schools at the Sterling Ranch location in 2018, 2019, and 2023, which is explained in the Petition for Certiorari, Case Number 23-1292 and below with particularity.

Pursuant to their website:¹⁰ “Sterling Ranch, is ranked as the #1 selling master-planned community in Colorado and 39th in the nation. This remarkable community of new homes is positioned in an idyllic valley at the gateway to the Front Range, nestled between two state parks, three regional parks and a national forest. Our vision for Sterling Ranch has always been to create an incredible place to live, filled with wonderful families, while honoring the rolling terrain and the very essence of what makes Colorado, well ... Colorado.”

Question: What is lacking at this pristine Sterling Ranch community?

Answer: A neighborhood public school!

This makes Sterling Ranch extremely unattractive for young families with school-aged children. Repeatedly, in the past few years Douglas County voters have rejected proposed bonds to build new neighborhood schools in high growth areas

¹⁰ <https://sterlingranchcolorado.com/>

because Douglas County has an aging population, who vote against tax increases, especially now in rough economic times of high inflation.

However, Sterling Ranch had no excuse for not having a publicly-funded charter school for their community. In 2018, 2019, and 2023 Applicant Brannberg submitted excellent charter proposals for a K-12 STEM-focused, publicly-funded charter school called Alexandria School of Innovation (“ASI”) and in 2023, she included her innovative, cutting-edge school for students on the Autism Spectrum, embedded inside ASI called John Dewey Institute. Her 2023 Sterling Ranch school includes innovative and creative STEM research labs and even a planetarium, with an emphasis on aerospace engineering.

Why then did Sterling Ranch and DCSD deny the Applicant’s schools?

Because secretly and non-transparently, starting in 2018, the Superintendent of Douglas County School District Erin Kane, conspired with DCSD/Jeffco Attorney Thomas McMillen, and the full DCSD Board of Directors, including BOE President David Ray, to criminally solicit a fraudulent, manufactured Cease and Desist Letter which they called a “nasty gram” from Sterling Ranch Consultant Pat McGraw¹¹

¹¹ Pat McGraw, Former DCSD Chief Development and Innovation Officer and current Sterling Ranch Consultant is the ringleader/mastermind of the crime ring. Fortunately he left abundant emails and footprints with criminal evidence everywhere he went. The Applicant provided substantial evidence, explained with particularity in then Colorado Supreme Court Attorneys’ FUND FOR CLIENT PROTECTION ROA20261-20433, ROA37100-43991 to Governmental Regulatory Agencies, 1.) Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”), 2.) Colorado Civil Rights Division (“CCRD”), 3.) Douglas County Sheriff’s Office, and 4.) District Attorney John Kellner, proving her former Attorneys David K. Williams (<https://www.horancares.com/obituaries/daviddk-williamsjr> - Attorney DK Williams committed suicide on October 23, 2021, during the OARC “non-investigation”) 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, all who *failed to investigate*, (Infra p. 17, n. 13) because of the illegal public education monopoly, which did not allow Judicial Review, because the

and the Sterling Ranch Owners and Developers, to fraudulently make it appear as community opposition against the Applicant's schools, to secretly and non-transparently thwart the creation of the Applicant's schools in 2018, 2019, and 2023, because she practiced her religious faith, See ROA6796, 6767-6770 and the attached Appendix 6 - DCSD Supt_Board Solicited Cease and Desist, for a sampling of the secret email evidence, proving that DCSD Board, Superintendent Kane, staff, in conspiracy with Sterling Ranch, et al. denied and thwarted the creation of Applicant's DCSD schools in 2014, 2017, 2018, 2019, and 2023.

In 2018 and 2023, the Applicant took these illegal anti-trust, monopoly crimes, plus the third-party religious discrimination evidence to appeal at the State Board of Education,¹² and complained about their fraudulent, antitrust violations, criminal conspiracy with DCSD, and their third-party employment discrimination. Because the State Board of Education has an illegal monopoly, and the State Board decision was final and without Judicial Review, the State Board of Education blatantly covered up their Unconstitutional Federal crimes, antitrust violations, and employment discrimination, explained in Applicant's Petition for Certiorari, Case Number 23-1292, **refused to investigate**, and denied the appeal. *Ridley v.*

State Board decision is final. In January 2014, Pat McGraw, then employed at DCSD, solicited and disseminated from STEM School, a one-way forgery of the Applicant's original, mutual, confidential two-way Separation Agreement, which he used to criminally bribe DCSD to deny Applicant Brannberg's schools in 2014, 2017, 2018, 2019, and 2023.

¹² See ROA50800 for the August 15, 2018 - Video Download from the State Board of Education Appeal Hearing for DCSD; 50801 for the November 9, 2023 - Video Download from the State Board of Education Appeal Hearing for DCSD; and 50802 for the September 14, 2023 - Video Download from the State Board of Education Appeal Hearing for Jeffco. See ROA37000-37053 for the DCSD PowerPoint from the 2023.11.09 - State Board Appeal Hearing; ROA 37056-37078 for the 8.14.18 - ASI State Board of Education PowerPoint for DCSD and ROA 51078-51129 for the Jeffco PowerPoint from the September 14, 2023 State Board Appeal Hearing for Jeffco.

Costco Wholesale Corp., 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "failure to investigate complaints about these actions is unlawful retaliation."

Under current laws, the Douglas County School District governmental crime ring, (DCSD, Jeffco, State Board of Education, Colorado Department of Education, CECFA, OARC, CCRD, Sheriff, et al.) have been able to execute whatsoever crimes, third-party employment discrimination, and antitrust violations that they so choose, because the State Board of Education decision is final, without recourse, accountability, Judicial Review, and without investigation, which is unlawful retaliation.¹³ The CCRD has refused to investigate the rampant third-party DCSD employment discrimination, because they have falsely and wrongly stated that they do not have jurisdiction over third-party employment cases.

It's no wonder, that now Sterling Ranch illegally and unlawfully, in contempt with the Supreme Court appeal 1.) Petition For A Writ Of Certiorari, Case Number 23-1292, the 2.) Emergency Application For Stay And Recall Of The Mandate, Case Number 24A61, (linked to 23-1292), and the 3.) 7/17/24 Colorado Court of Appeals, ORDER which said "no further action will be taken" filed a Motion for Attorney's fees and Court costs. They want to continue to exert financial and criminal pressure on Applicant Judy Brannberg to make her disappear, so their crimes and third party employment discrimination, exposed in this Supreme Court of the United States Petition for Certiorari and this First Supplemental Memorandum Regarding Emergency Application for Stay and Recall of the Mandate and Injunction Pending

¹³*Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "failure to investigate complaints about these actions is unlawful retaliation."

Review, filed 7/15/24 are not exposed to the voters. The law firm representing Sterling Ranch, Brownstein Hyatt Farber Schreck, have recruited their junior attorneys to do their dirty-work to dispose of Applicant Judy Brannberg, so that the community will vote to approve a bond for a public school.

IX. The Crime Ring which operates unbridled in Colorado, is exposed in the Petition for Writ of Certiorari filed on 6/7/2024, to the Supreme Court of the United States for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

Since 2014, the 14 Defendants in 2023CV610, aka a sophisticated governmental “crime ring” including Douglas County School District, Colorado Civil Rights Division, Jefferson County Public Schools, the State Board of Education, Colorado Department of Education, Commissioner Susana Cordova, STEM School Highlands Ranch, Colorado Educational and Cultural Facility Authority, Sterling Ranch Development Corp., UMB Financial Corporation/UMB Bank, the Colorado Supreme Court Office of Attorney Regulation Counsel/Colorado Supreme Court, Douglas County Sheriff’s Office/DC Sheriff Darren Weekly, Attorney John A. Cimino, Colorado Supreme Court Justices, who oversee/have jurisdiction over the OARC, and the Colorado Attorney General’s Office, who represent the State Board, CCRD, CDE have been allowed to shrewdly and lawlessly execute Unconstitutional Federal crimes, antitrust violations, and employment discrimination, explained in the Petition for Certiorari, Case Number 23-1292 in order to thwart the creation of seventeen of Applicant’s 2014, 2017, 2018, 2019, and 2023 charter applications.

Not anymore. We are exposing their illegal and unlawful crime ring under the glaring spotlight of the U.S. Supreme Court Case Numbers 23-1292, 24A61, and

23A1007. We ask that the laws would be changed so that District and State Boards are not allowed to commit Federal 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and C.R.S. § 24-34-402 Third-party Discriminatory or unfair employment practices paired with sinister and lawless Federal crimes explained in the Motion and Memorandum for Preliminary Injunction, in the Colorado Supreme Court Petition for CERT 2024SC181, and the Petition for CERT to the Supreme Court of the U.S. Case Number 23-1292, filed on 6/30/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, without recourse, accountability, Judicial Review, and **without investigation**, which is **unlawful retaliation**.¹⁴

The Applicant requests that all 14 Defendants in Denver District Court Case 2023CV610 would have their Unconstitutional Federal crimes, antitrust violations, and employment discrimination exposed and investigated under the glaring spotlight of Supreme Court Case 23-1292, to break the illegal public education monopoly and ensure that third-party employers are not allowed to discriminate against third-party charter school employees in the future.¹⁵

X. The June 28, 2024, lower court, Denver District Court Case 2023CV610 Judge's Order was wrong on several points. See Appendix 3.

The 2023CV610 6/7/2024 ORDER wrongly and falsely stated:

¹⁴Ridley v. Costco Wholesale Corp., 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "**failure to investigate** complaints about these actions **is unlawful retaliation**."

¹⁵ Why haven't similar cases like this come before the Supreme Court? Because it has required extreme fortitude, grit, and perseverance to painstakingly endure the illegal and unlawful rejection of seventeen excellent charter school applications from 2014 to the present, by a corrupt and sophisticated public education monopoly/crime ring. It requires a herculean task to write one charter application, much less seventeen unique, excellent, innovative, and creative applications.

“The Court has reviewed the attached Petition and C.A.R. 41 (to the extent applicable). The Court, in its discretion, finds that the certiorari petition does not present a substantial question(s). Accordingly, this case is not stayed pending a ruling from the United States Supreme Court.”

A. Denver District Court Case 2023CV610 is paused/stayed because of the appeal Petition for Certiorari to the U.S. Supreme Court filed on 6/7/2024 for Case Number 23-1292.

On June 28, 2024, Denver District Court Case 2023CV610 filed a Judge’s Order, which the Applicant did not receive until mid-July because she was on a much needed vacation without internet access. Additionally, because she is Pro Se, Denver District Court does not provide an email avenue for court notifications to Pro Se litigants and the Court did not provide a paper copy notification until late July.

Because the Applicant filed an appeal Petition for Certiorari to the U.S. Supreme Court on 6/7/2024 for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, she was told numerous times by the clerk for 2023CV610 that her case was stayed and “paused.”

The Judge’s orders by Denver District lower court case number 23CV610, undermine, are in willful disobedience to, contempt, and/or are in open disrespect to the 1.) Supreme Court of the United States Appeal Petition for Certiorari, Case Number 23-1292, filed on 6/7/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, the 2.) Emergency Application For Stay And Recall Of The Mandate And Injunction Pending Review, Case Number 24A61, filed 7/15/2024, which is linked to Case Number 23-1292, and this 3.) First

Supplemental Memorandum Regarding Emergency Application for Stay and Recall of the Mandate and Injunction Pending Review.

See Appendix 3 - 2024.06.28 - 2023CV610 - ORDER

See Appendix 4 - 07/10/24 Order: Copy of Motion to Stay the Appellate Mandate Until the Petition For A Writ Certiorari in the United States Supreme Court is Ruled on, or, if Review is granted

See Appendix 5: 07/10/24 OMNIBUS ORDER RE: MOTIONS TO DISMISS

Therefore, Applicant Judy A. Brannberg respectfully asks the Court to enter an administrative stay and then a recall of the mandate, pending the Court's decision on her request for appellate relief. The Emergency Application for Stay and Recall of the Mandate, paired together with the Petition for Certiorari, will ensure that all lower court 2023CV610 and 2024CCA133 cases, actions, motions, orders, and judgments are stayed and recalled/reversed pending this review and investigation from the United States Supreme Court.

B. Denver District Court Case 2023CV610 Defendant Attorney John A. Cimino has not started or finished the Motions Practice of Denver District Court Case 2023CV610 and he is in Contempt of Court, therefore 2023 CV610 cannot be dismissed.

Additionally, one of the Defendants for 2023CV610, Attorney John A. Cimino, who was bought out by DCSD to thwart the creation of her schools and to sabotage her legal cases (*see* pages 15, 16, footnote 11), has never filed a Motion to Dismiss and so Plaintiff Judy Brannberg was told by the clerks at 2023CV610, that the case was not "ripe," was stayed/on pause, and no orders for case 2023CV610 would be issued until her Former Attorney John A. Cimino wrote his Motion to Dismiss, and

started/finished the motions process, which he still, to this day is in contempt of court and has not started nor finished.

The Judge for 2023CV610 has not written any orders concerning Attorney Cimino's contempt of court to not file a Motion to Dismiss nor to start/finish the Motion's Practice. Defendant Attorney John A. Cimino is in contempt of court.

The Judge for 2023CV610 cannot dismiss the case without first addressing that one of the Defendants, Attorney John A. Cimino has not started nor finished the Motion's Practice. Furthermore, Plaintiff/Applicant Judy Brannberg did indeed serve Attorney John A. Cimino pursuant to the Court Orders and has been waiting for the Court to take further action against Attorney Cimino for being in Contempt of Court.

The 2023CV610 lower court Judge's ORDERS on 2024.06.28 (Appendix 3) and two on 2024.07.10, (Appendix 4 and 5) were a frantic, hurried attempt to coverup the 14 defendants' crime ring, of which she has become an active participant, together with the other corrupt governmental regulatory agencies including the following, 1.) Colorado Supreme Court Office of Attorney Regulation Counsel, board, attorneys, ("OARC"), 2.) Colorado Civil Rights Division ("CCRD"), boards, attorneys, 3.) Douglas County Sheriff's Office and Sheriff Darren Weekly, 4.) District Attorney John Kellner, 5.) State Board of Education, boards and attorneys, 6.) Douglas County School District, 7.) Jefferson County Public Schools, boards and attorneys, 8.) Colorado Department of Education ("CDE") Commissioner Susana Cordova, 9.) STEM School Highlands Ranch, ("STEM"), boards and

attorneys, 10.) Colorado Educational and Cultural Facility Authority (“CECFA”), boards and attorneys, 11.) Colorado Supreme Court Justices, who oversee/have jurisdiction over the OARC and 12.) Colorado Attorney General’s Office, who represent the State Board, CCRD, CDE.

As stated in the July 15, 2024, Stay and Recall of the Mandate on page 1:

“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.”

XI. 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

The 6/7/2024 ORDER was also wrong/incorrect because the Petition for Certiorari to the U.S. Supreme Court on 6/7/2024 for Case Number 23-1292, did indeed ask five substantial questions, pursuant to C.A.R. 41, listed below which are explained with particularity below, 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.,¹⁶ 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

¹⁶ <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>),

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 jurisdiction¹⁷ 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.”

XII. Question Four, perhaps the most important of the five questions, which states the following, is substantial because of the following reasons:

“**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.”

A. Since 2014, DCSD, Jeffco, and the CCRD have falsely and wrongly denied that they have jurisdiction over this case because it is a third-party employment case.

¹⁷ 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>

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.

In 2014, 2017, 2018, 2019, and 2023, DCSD had free reign to discriminate against Applicant Judy A. Brannberg because 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 now in 2024 for precedence to be set in this one-of-a-kind, novel case in the PETITION FOR A WRIT OF CERTIORARI to the SCOTUS for Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

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>

B. On 2/15/2007 JBrannberg enrolled in CCRD protected activity¹⁸ for the protected class of religion, because DCSD refused to rehire her because she practiced her religion, despite excellent, outstanding employment reviews¹⁹ from her tenure at TRHS in 2000-2005.

Federal Title VII of the Civil Rights Act of 1964, prohibits discriminatory or unfair employment practices in the U.S., based on race, color, religion, sex, or national origin and retaliation²⁰ against employees who complain about discrimination or participate in CCRD investigations similar to what the Applicant participated in 2007, 2016-2018, and 2023-present. Applicants litigiously complained and opposed DCSD employment discrimination in their Colorado Supreme Court Case 2021SC885²¹ and U.S. Supreme Court Petition for CERT No.22-1106, (pp i, vii, ix, 5-8, 12-47), however it was not a claim in the case.

C. DCSD Board President Peterson promised retaliation for complaints.

On 12/21/2022, when the Applicant, and her team met with DCSD Board President Peterson to discuss their DCSD 2023 applications, he stated publicly:

¹⁸ASIJDIADDROA11084-11101

¹⁹ASIJDIADDROA9807; 9838; ASIJDIADDROA9787-9890

²⁰C.R.S. §8-4-120

²¹2021SC885, Respondents' Answer Brief pp 5-11, 25-38

"...because Judy has a case in front of the Colorado Supreme Court involving DCSD, some on the DCSD Board would hold that against her application."²²

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

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

On 5/23/2023, U.S. Congressman Buck's Former District Director Robin Coran gave Public Comment before the DCSD Board voted to deny Plaintiffs' eight charters, and gave first-hand testimony of DCSD Board discrimination, which she was unable to do before because of her employment:

"On or about 3/1/2017, Congressman Ken Buck's office was contacted by ASI Founder JBrannberg, who requested a Letter of Support. At that time, I didn't know JBrannberg, so I contacted DCSD President Meghann Silverthorn, whom I knew casually from attending local events and asked for a reference about JBrannberg. During our conversation, Ms. Silverthorn called Judy Brannberg a religiously offensive discriminatory slur²³ and basically implied our office should not provide a letter of support. After I spoke with Ms. Silverthorn, I called a longtime friend and Douglas County political activist and told her what Ms. Silverthorn said. She, knowing Judy Brannberg and her good character for many years, gave me a great recommendation. Immediately Congressman's Office provided the Letter of Support..."²⁴

DCSD ***failed to investigate***, denounce, or grant relief to Applicant Brannberg for discrimination damages caused by DCSD President Silverthorn, which caused DCSD (and Jeffco) to deny her seventeen charters and employment in 2014, 2017, 2018, 2019, 2023.

²²ASIJDIADDROA37054-37055

²³As Courts observe, a single epithet is enough. *Rogers v Western-Southern Life Insurance Co.* 12F.3d 668, 675, 7th Cir.1993

²⁴ASIJDIADDROA20100-20102

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

On 5/23/2023, just as DCSD President Peterson promised on 12/21/2022, the DCSD Board voted unanimously to deny Plaintiffs' eight charters because she complained and opposed DCSD Employment Discrimination publicly in her Colorado and U.S. Supreme Court briefs. This is illegal and unlawful retaliation.

F. On 6/15/2023, the Applicant opened a new CCRD on-line retaliation complaint for Case Number 20237.

Every child/pupil in America will be impacted by this landmark case, which has every Teacher's Union in America shaking in their boots, because it will destroy the Public Education Monopoly who have intensely discriminated against Applicant Judy Brannberg because she practices her simple and genuine Evangelical Christian religion. The Defendants used Unconstitutional Federal crimes, antitrust violations, and employment discrimination, explained in the Petition for Certiorari, Case Number 23-1292 to keep the Applicant out of the schools, out of public education, and out of the legal system, but she came anyway.

XIII. Question Two, perhaps the second most important of the five questions, which states the following, is substantial because of the following reasons:

“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.”

This question is similar, but not the same as the question which was asked originally by the Colorado Court of Appeals in 2021, Case Number 2020CA641 and the Colorado Supreme Court Case Number 21SC885 and which was appealed to the U.S. Supreme Court in No. 22-1106. Applicant Brannberg was

the Respondent in Colorado Supreme Court Case Number 21SC885, and not the Petitioner. The Colorado Court of Appeals originally identified the need for Judicial Review because of the corrupt and sophisticated governmental crime ring, specifically over statutory non-compliance. This question will break the public school monopoly because it will allow the State Board of Education decisions to be subject to Judicial Review. As it stands now, all public education students are not safe, because parent and community voices are suppressed, gagged, and silenced to coverup unbridled carte blanche Federal crimes and a habitual pattern of Unconstitutional third-party employment discrimination, creating a lawless, unsafe and dangerous public education monopoly, which resulted in the tragic 5/7/2019 STEM School shooting and murder, the school which Applicant Judy A. Brannberg co-founded with her husband Barry R. Brannberg in November 2009.

Under current laws, District and State Boards are allowed to commit Federal 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and C.R.S. § 24-34-402 Discriminatory or unfair third-party employment practices paired with sinister and lawless Federal crimes explained in the Colorado Supreme Court Motion and Memorandum for Preliminary Injunction, in the Colorado Supreme Court Petition for CERT 2024SC181, and the Petition for CERT to the Supreme Court of the U.S. Case Number 23-1292, filed on 6/30/2024, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, without recourse, accountability, Judicial Review, and **without investigation**, which is **unlawful retaliation**.²⁵

²⁵*Ridley v. Costco Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "**failure to investigate** complaints about these actions **is unlawful retaliation**."

XIV. Question Three, which states the following, is substantial because of the following reasons:

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.,²⁶ 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

As stated throughout this memo, the 14 Defendants in 2023CV610 were allowed to execute the aforementioned Unconstitutional Federal crimes, antitrust violations, and employment discrimination, **without investigation**, which is **unlawful retaliation**²⁷ and without Judicial review, explained in the Petition for

²⁶ <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>),

²⁷*Ridley v. Wholesale Corp.*, 217 F. App'x130, 135 (3d Cir. 2007) fn. 111: "**failure to investigate** complaints about these actions **is unlawful retaliation.**"

Certiorari, Case Number 23-1292, to thwart creation of Applicant Judy A.

Brannberg's seventeen charter schools in 2014, 2017, 2018, 2019, and 2023 because of the lawless public education monopoly. We are asking that the U.S. Supreme Court bring these Unconstitutional Federal crimes, antitrust violations, and employment discrimination into the glaring spotlight of investigation, so that lasting changes may be made in our public education system to break the lawless public education monopoly.

XV. Question One, which states the following, is substantial because of the following reasons:

“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 One allows the 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,** (Case Number 23-1292, which was placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024), 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.)

Children/pupils/students are not safe without the stay of the Emergency Writ of Injunction that will be further reviewed in the Supreme Court Petition for Writ of Certiorari, Case Number 23-1292, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024, so that impactful changes may be made in our public education system. Respondents DCSD, State Board of Education, Colorado Department of Education, Sterling Ranch, et al. 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.

XVI. Question Five, which states the following, is substantial because of the following reasons:

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

We are asking for full restitution and restoration of our jobs and schools, because DCSD, CCRD, STEM, et al. breached/forged Applicant's contract. Please review the Notice of Claim, which was filed to this Court in a Supplemental Brief as part of U.S. Supreme Court Case Number 22-1106, (*see* ROA27587-27777.) *See* U.S. Supreme Court Case Number 22-1106, Supp. App. 1-161. Please review the additional Notices of Claim timely filed to all governmental defendants from 2023CV610, which are also part of the Record on Appeal, (*see* ROA49200-50750.)

XVII. Second Supplemental Memorandum Regarding Emergency Application for Stay and Recall of the Mandate and Injunction Pending Review may be filed at later date.

On July 29, 2024, pursuant to Colorado Open Records Act § 24-72-201 et seq., Applicant Judy A. Brannberg executed a records request from the Colorado State Board of Education and CDE Attorneys, to determine if there have been any violations of Emergency Writ of Injunction, that will be further reviewed in the Supreme Court Petition for Writ of Certiorari, Case Number 23-1292, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

Children/pupils/students are not safe without the stay of the Emergency Writ of Injunction that will be further reviewed in the Supreme Court Petition for Writ of Certiorari, Case Number 23-1292, placed on the docket on 6/11/2024, and DISTRIBUTED for Conference of 9/30/2024.

The State Board of Education and CDE reported (*see* Appendix 12) that there have been no violations of the Emergency Writ of Injunction, which underscores the seriousness of the injunction, which they are in compliance with currently. In the event that Defendants from 2023CV610 violate the Emergency Writ of Injunction, we will file a Second or Third Supplemental Memorandum Regarding Emergency Application for Stay and Recall of the Mandate and Injunction Pending Review at a later date. The Applicant is carefully monitoring them for compliance. *Please see* Appendix 7 - Brannberg CORA Request to State Board of Education_CDE.

XVIII. Conclusion

Applicant Judy A. Brannberg respectfully asks the Court to enter an administrative stay and then a recall of the mandate, pending the Court's decision on her request for appellate relief. The Emergency Application for Stay and Recall of the Mandate, paired together with the Petition for Certiorari, will ensure that all lower court 2023CV610 and 2024CCA133 cases, actions, motions, orders, and judgments are stayed and recalled/reversed from the date that Applicant filed the appeal Petition For A Writ Of Certiorari to the Supreme Court of the United States for Case Number 23-1292 on 6/7/2024, which is pending review from the United States Supreme Court.

RESPECTFULLY SUBMITTED this 2nd day of August, 2024.

Judy A. Brannberg

Judy A. Brannberg, MSc, Pro Se
8201 S. Santa Fe Drive #52 | Littleton, CO 80120
303.522.2158 | Judy.brannberg@gmail.com

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

— ❖ —
**FIRST SUPPLEMENTAL MEMORANDUM WITH NEW
INTERVENING MATTER REGARDING EMERGENCY
APPLICATION FOR STAY AND RECALL OF THE MANDATE
AND INJUNCTION PENDING REVIEW**

APPENDIX

— ❖ —
Judy A. Brannberg, MSc., *Pro Se*
8201 South Santa Fe Drive, Lot 52
Littleton, CO 80120
Email: judy.brannberg@gmail.com
Telephone: (303) 522-2158

Appendix 1 – ORDER - 2024.07.17 - CCA133

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 17, 2024 CASE NUMBER: 2024CA133
Denver District Court 2023CV610	
<p>Plaintiff-Appellant:</p> Judy A Brannberg, MSc, v. <p>Defendants-Appellees:</p> Colorado Civil Rights Division and Douglas County School District.	Court of Appeals Case Number: 2024CA133
ORDER OF COURT	

Upon consideration of the motion to stay this appeal, the Court notes that the mandate issued on April 29, 2024, and no further action will be taken. The United State Supreme Court will issue any relevant orders directly to the Court if a petition for certiorari to that court is granted.

BY THE COURT

Appendix 2 - Sterling Ranch Conferral Gmail



Judy Brannberg <judy.brannberg@gmail.com>

2023CV000610 - Brannberg, Judy A et al v. Jefferson Cnty Public Schools et al_
Conferral re Fees and Costs

1 message

Donchez, Denver E. <DDonchez@bhfs.com>

Fri, Jul 26, 2024 at 1:36 PM

To: "judy.brannberg@gmail.com" <judy.brannberg@gmail.com>

Cc: "Pray, Jonathan G." <JPray@bhfs.com>

Good afternoon, Ms. Brannberg,

In light of the Court's July 10, Omnibus Order, the Sterling Ranch Defendants will be filing a Motion seeking its fees and costs. We thus seek to confer on your position to this Motion. Please let us know if you oppose.

Best regards,

Denver E. Donchez

Brownstein Hyatt Farber Schreck, LLP

675 15th Street, Suite 2900

Denver, CO 80202

303.223.1199 tel

DDonchez@BHFS.com

Pronouns: She, Her, Hers

Brownstein - we're all in.

Appendix 3 – ORDER - 2024.06.28 - 2023CV610 - Shortened

DISTRICT COURT, DENVER COUNTY, COLORADO		
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202		
Plaintiff(s) JUDY A BRANNBERG et al.	DATE FILED: June 28, 2024 1:19 PM	
v.	CASE NUMBER: 2023CV610	
Defendant(s) JEFFERSON CNTY PUBLIC SCHOOLS et al.		
		⚠ COURT USE ONLY ⚠
		Case Number: 2023CV610 Division: 275 Courtroom:
Order: Copy of Petition For A Writ of Certiorari to SCOTUS (Supreme Court Filing)		

The motion/proposed order attached hereto: SO ORDERED.

The Court has reviewed the attached Petition and C.A.R. 41 (to the extent applicable). The Court, in its discretion, finds that the certiorari petition does not present a substantial question(s). Accordingly, this case is not stayed pending a ruling from the United States Supreme Court.

Issue Date: 6/28/2024



KANDACE CECILIA GERDES
District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: 1437 Bannock Street, Room 256 Denver, Colorado 80202	FILED IN DENVER DISTRICT COURT JUN 11 2024 DENVER, COLORADO COUNTER CLERK <i>SM</i> ↑ Court Use Only ↑
Petitioner/Plaintiff: Judy A. Braniberg, MS2 Respondent/Co-Petitioner/Defendant: Colorado Civil Rights Division Douglas County School District	Case Number: 2023 CV 610 - 2024 CA 133 2024 SC 181 Courtroom: 275
Filing Party's Information: (Name and Mailing Address) Judy A. Braniberg, MS2 8201 S Santa Fe Dr #52 Littleton, CO 80120 Phone number: 303-522-2158	
Petition For A Writ of Certiorari to SCOTUS	

Date: June 11 2024

Printed Name Judy A. Braniberg
 Signature *Judy A. Braniberg*

No. 23-

IN THE
Supreme Court of the United States

JUDY A. BRANNBERG, MSC

23CV610, Ctrm 275
Petitioner,

v.

COLORADO CIVIL RIGHTS DIVISION AND
DOUGLAS COUNTY SCHOOL DISTRICT RE-1

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

JUDY A. BRANNBERG, MSC
8201 South Santa Fe Drive, Lot 52
Littleton, CO 80120
(303) 522-2158
judy.brannberg@gmail.com

Petitioner Pro Se



QUESTIONS PRESENTED

The questions presented are:

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

Appendix 4 - ORDER – 2024.07.10 – 2023CV610

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202	
Plaintiff(s) JUDY A BRANNBERG et al.	DATE FILED: July 10, 2024 4:35 PM
v.	CASE NUMBER: 2023CV610
Defendant(s) JEFFERSON CNTY PUBLIC SCHOOLS et al.	
	△ COURT USE ONLY △
	Case Number: 2023CV610 Division: 275 Courtroom:
Order: Copy of Motion to Stay the Appellate Mandate Until the Petition For A Writ 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	

The motion/proposed order attached hereto: REVIEWED.

Issue Date: 7/10/2024



KANDACE CECILIA GERDES
District Court Judge

COLORADO COURT OF APPEALS

Case Number 2024CA133

2 East 14th 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 14th 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:

JUDY A. BRANNBERG, Pro Se
8201 South Santa Fe Dr.
Lot #52
Littleton, CO 80120
303.522.2158
judy.brannberg@gmail.com

Clerk, Colorado 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)

Defendant-Appellee-Respondent Number One: Jefferson County Public Schools (“Jeffco”) Board President Stephanie Schooley, Directors Susan Miller, Mary Parker, Paula Reed, Danielle Varda
1829 Denver West Dr., Bldg. 27, Golden, CO 80401
MOLLY FERRER, #37857, Counsel for Jeffco
303-982-6544 | Molly.Ferrer@jeffco.k12.co.us

Defendant-Appellee-Respondent 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-Appellee-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-Appellee-Respondent Number Three: Colorado Department of Education (“CDE”) CDE Commissioner Susana Cordova

201 East Colfax Avenue, Denver, CO 80203
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 | michelle.berge@coag.gov
720-508-6172 | blake.mccracken@coag.gov

Defendant-Appellee-Respondent 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, Denver, CO 80203

Defendant-Appellee-Respondent Number Four: Douglas County School District (“DCSD”) Board Directors President Mr. Mike Peterson and Directors Susan Meek, Becky Myers, Jason Page, David Ray, Christy Williams, Kaylee Winegar, 620 Wilcox Street, Castle Rock, CO 80104

DCSD Attorney ANDREW D. RINGEL, 303-628-3453 |
ringela@hallevans.com | Hall & Evans, LLC,
1001 Seventeenth St, Suite 300,
Denver, CO 80202

Defendant-Appellee-Respondent DCSD Attorneys

STEVE J. COLELLA, (DCSD) #45503, KRISTIN C. EDGAR (DCSD and Jeffco) #35686, 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-Appellee-Respondent Number Five: STEM School Highlands Ranch, Lighthouse Building Corp, LightHouse on a Hill dba STEM Academy, Koson Network of Schools / Koson Schools Board Directors President/Chair Kelly Reyna, Vice President Carla Gustafson, Secretary Michelle Horne, Board Directors Nicole Smith, Rudy Lukez, Ishmeet Kalra, Linda Davison, Ryan Theret, Erin Quigley, 8773 S Ridgeline Blvd., Highlands Ranch, CO 80129, Attorney DAVID M. JONES, #35677 | jonesd@hallevans.com Hall & Evans, LLC, 1001, Seventeenth Street, Suite 300, Denver, CO 80202

Defendant-Appellee-Respondent STEM School Highlands Ranch Attorneys BARRY K. ARRINGTON, STEM Attorney, #16486, WILLIAM P. BETHKE, STEM Attorney, #11802 MICHAEL A. ZYWICKI, STEM Attorney, #35543 8773 S Ridgeline Blvd, Highlands Ranch, CO 80129

Defendant-Appellee-Respondent Number Six: Colorado Civil Rights Division Colorado Civil Rights Commissioners, Sergio Raudel Cordova, Charles Garcia, Geta Asfaw, Mayuko Fieweger, Cherylin Peniston, Jeremy Ross, Daniel S. Ward VINCENT MORSCHER #34816, Sr Assistant Attorney General Employment Practices Civil Rights, DOMINICK SCHUMACHER #59805, Assistant Attorney General II, Employment Practices & Civil Rights Unit, 1300 Broadway St. 500, Denver, CO 80203 720-508-6588 | Vincent.Morscher@coag.gov 720-508-6619 | Dominick.Schumacher@coag.gov

Defendant-Appellee-Respondent CCRD/CCRC Attorney

AUBREY L. ELENIS (CCRD/CCRC) #42341 1560 Broadway Suite 825, Denver, CO 80202

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

Board of Directors Chair Margaret Henry, Board Members Indira Duggirala, Cameron Mascoll, Marianne Virgili, Morris W. Price, Keo Frazier, and Jenny Gentry, 1800 Glenarm Place, Suite 1201, Denver, CO 80202, Joseph J. Bronesky, Sherman & Howard 675 Fifteenth Street, Suite 2300, Denver, CO 80202 303.299.8450 | jbronesky@shermanhoward.com

Defendant-Appellee-Respondent CECFA Attorneys

CALVIN C. HANSON, (CECFA) | #13267, HESTER M. PARROT (CECFA) #35816, KENT C. VEIO (CECFA) #21030 1800 Glenarm Place, Suite 1201, Denver, CO 80202

Defendant-Appellee-Respondent Number Eight: Sterling Ranch Development Corp., 8155 Piney River Avenue, Suite 200, Littleton, CO 80125, Owners Harold Smethills, Diane Smethills, Brock Smethills JONATHAN G. PRAY, #36576

Brownstein Hyatt Farber Schreck, LLP, 675 Fifteenth Street, Ste 2900 Denver, Colorado 80202, 303.223.1100 | jpray@bhfs.com

Defendant-Appellee-Respondent Sterling Ranch Development Company Attorneys

JACOB E. SPRATT, Attorney, #42544
BRUCE A. JAMES, Attorney, #15348
8155 Piney River Avenue, Suite 200, Littleton, CO 80125

Defendant-Appellee-Respondent Number Nine: UMB Financial Corporation / UMB Bank

JACOB HOLLARS, #50352, KERSTEN HOLZHUETER #18841
Spencer Fane LLP, 1700 Lincoln Street, Ste 2000, Denver, CO 80203
303.839.3707 | JHollars@spencerfane.com

Defendants-Appellees-Respondent

JOHN WAHL, Vice President and Regional Manager
TAMARA DIXON, VP of UMB Bank, Dissemination Agent
1670 Broadway, Denver, CO 80202

Defendant-Appellee-Respondent Number Ten: Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”)

LEEANN MORRILL, First Assistant Attorney General & General Counsel to the Attorney General Public Officials Unit
(720) 508-6159 | leeann.morrill@coag.gov
1300 Broadway St., Denver, CO 80203

Defendant-Appellee-Respondent Colorado Supreme Court OARC Attorneys

JESSICA E. YATES (OARC) #38003, JUSTIN P. MOORE (OARC) #32173, APRIL M. MCMURREY (OARC) #34194

Defendant-Appellee-Respondent Number Eleven: Douglas County Sheriff's Office, Douglas County Sheriff Darren Weekly, Economic Crime Unit, 4000 Justice Way, Castle Rock, CO 80109

Attorneys for Douglas County Sheriff's Office
Kelly Dunnaway, #31896 | kdunnawa@douglas.co.us
Andrew C. Steers, #40139 | asteers@douglas.co.us
100 Third Street, Castle Rock, 80104 | 303.660.7414

Defendant-Appellee-Respondent Number Twelve:

JOHN A. CIMINO #14032
1700 Monaco Pkwy, Denver, CO 80220
720.434.0434 (cell) | jcimino2014@aol.com

Defendant-Appellee-Respondent Number Fourteen:

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.
SAMOUR, JR., 1300-1376 Lincoln St, Denver, CO 80203

Defendant-Appellee-Respondent 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 | 1300 Broadway Street, 10th Floor,
Denver, CO 80203, First Asst Attorney General K-12 MICHELLE M.
BERGE, #39299, Asst Attorney General K-12 Education Unit BLAKE
MCCRACKEN, 1300 Broadway Street, Denver, CO 80203
720-508.6186 | michelle.berge@coag.gov
720-508-6172 | blake.mccracken@coag.gov

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

Judy A. Brannberg, MSc, Pro Se Representative
8201 S. Santa Fe Drive #52 | Littleton, CO 80120
303.522.2158 | judy.brannberg@gmail.com

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, with a carbon copy to soc@cde.state.co.us.

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

THE HONORABLE COLORADO ATTORNEY GENERAL PHILIP J. WEISER
THE HONORABLE COLORADO SOLICITOR GENERAL SHANNON WELLS
STEVENSON
1300 Broadway Street, 10th Floor, Denver, CO 80203
720-508-6179 | shannon.stevenson@coag.gov

Defendant | Respondent 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

Defendant | Respondent 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 | 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

201 East Colfax Avenue, Denver, CO 80203

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 | michelle.berge@coag.gov

720-508-6172 | blake.mccracken@coag.gov

Defendant | Respondent 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, Denver, CO 80203

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

620 Wilcox Street, Castle Rock, CO 80104

DCSD Attorney ANDREW D. RINGEL

303-628-3453 | ringela@hallevans.com

Hall & Evans, LLC, 1001 Seventeenth Street, Suite 300, Denver, CO 80202

Defendant | Respondent DCSD Attorneys

STEVE J. COLELLA, (DCSD) #45503, KRISTIN C. EDGAR (DCSD and Jeffco) #35686

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

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

8773 S Ridgeline Blvd., Highlands Ranch, CO 80129

Attorney DAVID M. JONES,

Hall & Evans, LLC, 1001 Seventeenth Street, Suite 300, Denver, CO 80202

Defendant | Respondent STEM School Highlands Ranch Attorneys

BARRY K. ARRINGTON, STEM Attorney, #16486
WILLIAM P. BETHKE, STEM Attorney, #11802
MICHAEL A. ZYWICKI, STEM Attorney, #35543
8773 S Ridgeline Blvd, Highlands Ranch, CO 80129

Defendant | Respondent Number Six: Colorado Civil Rights Division

VINCENT MORSCHER #34816
Senior Assistant Attorney General Employment Practices and Civil Rights
DOMINICK SCHUMACHER #59805, Assistant Attorney General II Employment Practices &
Civil Rights Unit
1300 Broadway St. 500, Denver, CO 80203 | 720-508-6588 | Vincent.Morscher@coag.gov

Defendant | Respondent CCRD/CCRC Attorneys

AUBREY L. ELENIS (CCRD/CCRC) #42341 | 1560 Broadway Suite 825, Denver, CO 80202

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

1800 Glenarm Place, Suite 1201, Denver, CO 80202
JOSEPH J. BRONESKY, Sherman & Howard
675 Fifteenth Street, Suite 2300, Denver, Colorado 80202
303.299.8450 | jbronesky@shermanhoward.com

Defendant | Respondent CECFA Attorneys

CALVIN C. HANSON, (CECFA) | #13267, HESTER M. PARROT (CECFA) #35816
KENT C. VEIO (CECFA) #21030
1800 Glenarm Place, Suite 1201, Denver, CO 80202

Defendant | Respondent Number Eight: Sterling Ranch Development Corp.

8155 Piney River Avenue, Suite 200, Littleton, CO 80125
JONATHAN G. PRAY, #36576
BROWNSTEIN HYATT FARBER SCHRECK, LLP
675 Fifteenth Street, Suite 2900, Denver, Colorado 80202
303.223.1100 | jpray@bhfs.com

Defendant | Respondent Sterling Ranch Development Company Attorneys

JACOB E. SPRATT, Attorney, #42544, BRUCE A. JAMES, Attorney, #15348
8155 Piney River Avenue, Suite 200, Littleton, CO 80125

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

JACOB HOLLARS, #50352, KERSTEN HOLZHUETER #18841
Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, CO 80203
303.839.3707 | JHollars@spencerfane.com

Defendants | Respondents

JOHN WAHL, Vice President and Regional Manager
TAMARA DIXON, VP of UMB Bank, Dissemination Agent
1670 Broadway, Denver, CO 80202

Defendant | Respondent Number Ten: Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”)
1300 Broadway St. 500, Denver, CO 80203 | 303.457.5800
LEEANN MORRILL, First Assistant Attorney General & General Counsel to Attorney General Public Officials Unit (720) 508-6159 | leeann.morrill@coag.gov
Defendant Colorado Supreme Court OARC Attorneys
JESSICA E. YATES (OARC) #38003 | JUSTIN P. MOORE (OARC) #32173

Defendant | Respondent Number Eleven: Douglas County Sheriff’s Office
Douglas County Sheriff Darren Weekly, Economic Crime Unit
4000 Justice Way, Castle Rock, CO 80109
Attorneys for Douglas County Sheriff’s Office
KELLY DUNNAWAY, #31896 | kdunnawa@douglas.co.us
ANDREW C. STEERS, #40139 | asteers@douglas.co.us
100 Third Street, Castle Rock, 80104
303.660.7414

Defendant | Respondent Number Twelve:
JOHN A. CIMINO #14032
1700 Monaco Pkwy Denver, CO 80220
720.434.0434 (cell) | jcimino2014@aol.com

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
Colorado Solicitor General SHANNON WELLS STEVENSON (Attorney for
720.508.6179 | shannon.stevenson@coag.gov
Colorado Department of Law Ralph L. Carr Judicial Building
1300 Broadway Street, 10th Floor, Denver, CO 80203
MICHELLE M. BERGE, #39299, First Asst Attorney General K-12
BLAKE MCCrackEN, Asst Attorney General K-12 Education Unit
1300 Broadway St., Denver, CO 80203
720-508.6186 | michelle.berge@coag.gov
720-508-6172 | 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

**Appendix 5 - 2024.07.10 - 2023CV610 - OMNIBUS ORDER RE-
MOTIONS TO DISMISS**

DISTRICT COURT, CITY & COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	DATE FILED: July 10, 2024 5:43 PM CASE NUMBER: 2023CV610 <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiffs: JUDY BRANNBERG; et al. v. Defendants: JEFFERSON COUNTY PUBLIC SCHOOLS; et al.	Case Number: 23CV610 Courtroom: 275
OMNIBUS ORDER RE: MOTIONS TO DISMISS	

This matter is before the Court on the numerous Motions to Dismiss filed in this case.¹ The Court having reviewed the pleadings, the file, applicable law, and being fully advised in the premises, hereby FINDS and ORDERS as follows:

¹ The following reflects the briefing related to the Motions to Dismiss:

Douglas County Sheriff's Office

- Motion filed 11/15/23
- Response filed 11/28/23
- Reply filed 12/5/23
- MTD First Amended Complaint 1/26/24
- Response to MTD FAC filed 2/1/24
- Reply to MTD FAC filed 2/7/24

Sterling Ranch Development Company

- Motion filed 12/5/23
- Response filed 12/12/23
- Reply filed 12/19/23
- MTD Amended Complaint filed 2/2/24

STEM School Highlands Ranch, Lighthouse Build Corp, Lighthouse on a Hill d/b/a STEM Academy, Koson Network of Schools/Koson Schools

- Motion filed 12/12/23
- Response filed 12/20/23
- Reply filed 1/10/24
- Supplement filed 2/2/24

Douglas County School District

- Motion filed 12/12/23
- Response filed 12/20/23
- Reply filed 1/10/24
- Supplement filed 2/2/24

BACKGROUND

1. Procedural History

This matter originated with the September 27, 2023 filing by Plaintiffs Judy Brannberg (“Brannberg”), Alexandria School of Innovation (“ASI”), and John Dewey Institute at Red Rocks and Leyden Rock’s (“JDI”) (collectively, “Plaintiffs”) of a “Notice of Appeal for Judicial Review,” purporting to seek review of two decisions by Defendant Colorado State Board of Education (“State Board”) and Defendant Jefferson County Public Schools (“JeffCo”) as respondents.

Thereafter, on October 27, 2023, Plaintiffs filed their “Complaint of Judicial review Pursuant to § 24-4-106, C.R.S. and Request for Stay With the Notices of Claim Filed Herein,” naming, in addition to the State Board and JeffCo, as Defendants: the Colorado Department of Education (“CDE”); the Douglas County School District (“DCSD”); the STEM School Highlands Ranch (“STEM School”); the Colorado Civil Rights Division (“CCRD”); the Colorado Educational and Cultural Facility Authority (“CECFA”); the Sterling Ranch Development Corporation (“Sterling Ranch”); UMB Financial Corporation (“UMB”); the Colorado Supreme Court Office of Attorney Regulation (“OARC”); the Douglas County Sheriff’s Office (“DCSO”); John Cimino (“Cimino”); the Supreme Court of the United States;² and 100 Jane Doe Defendants.

After the Motions to Dismiss were filed in late 2023, on January 12, 2024, this Court accepted Plaintiffs’ January 11, 2024 “Amended Complaint for Judicial Review Pursuant to C.R.C.P. 15 To Add New Causes Of Action, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8” (“FAC”), and ordered that those Defendants which had filed motions to dismiss that had been fully briefed could, if they saw

UMB Bank

Motion filed 12/20/23
Response filed 1/2/24
Reply filed 1/30/24

Colorado State Bd of Ed, Colo Dept of Ed., Jeff Co School District, CEFCA

Motion filed 12/21/23
Responses filed to JeffCo and CEFCA on 1/16/24
Response filed to Colorado State Bd. Of Ed and Colo. Dept. of Ed. 1/22/24
Reply filed by CEFCA on 1/23/24
Reply filed by JeffCo on 1/30/24
Reply filed by Colorado State Bd/Dept of Ed on 1/29/24

Colorado Civil Rights Division

Motion filed 12/22/23
Response filed 1/9/24
Reply filed 1/16/24

Colorado Office of Attorney Regulation

Motion filed 12/22/23
Response on 1/16/24
Reply on 1/30/24

² Plaintiffs voluntarily dismissed the Supreme Court of the United States on December 12, 2023.

fit, file a supplement to their motions addressing any new claims added by the FAC. Only Defendants DCSD and Stem School filed such a supplement, though Defendants DCSO and Sterling Ranch filed new motions to dismiss directed at the FAC.³

2. *Plaintiffs' First Amended Complaint ("FAC")*

Plaintiffs' FAC additionally names as Defendants: JeffCo, State Board, CDE, DCSD, STEM School, CCRD, CECFA, Sterling Ranch, UMB, OARC, DCSO, the Colorado Supreme Court ("COSC"), and the Colorado Attorney General's Office ("COAG"). Plaintiffs' FAC sets forth twelve claims:

- (1) a claim for violation of the Sherman Act;
- (2) a claim for violation of 18 U.S.C. § 2331(5), Domestic Terrorism;
- (3) a retaliation claim under the Occupational Safety and Health Act ("OSHA");
- (4) a claim for violation of 18 U.S.C. § 873, Blackmail;
- (5) a discrimination claim under Title VII of the Civil Rights Act of 1964 ("Title VII");
- (6) a claim for violation of 18 U.S.C. § 201, Bribery of Public Officials and Witnesses;
- (7) a claim for violation of 18 U.S.C. § 1349, Conspiracy;
- (8) a claim for harassment under Title VII, the Age Discrimination Act of 1967 ("ADEA"), and the Americans with Disabilities Act of 1990 ("ADA");
- (9) a claim for tortious interference with prospective business advantage;
- (10) a claim for violation of 18 U.S.C. § 471;
- (11) a claim for violation of 18 U.S.C. § 1503, Obstruction of Justice; and
- (12) a claim for libel.

Plaintiffs seek the following relief:

- (1) an order reversing the State Board's September 2023 decisions affirming the denial of the ASI and JDI charter applications, with directions to remand the applications to JeffCo and DCSD for approval, along with instructions to approve eight additional charter applications as well as orders to donate land for the construction of such schools and to cause such schools to be constructed;
- (2) an order appropriating certain funds under the State Board's insurance policy to finance said schools;
- (3) an order reinstating Plaintiff Brannberg, and her husband, Barry Brannberg, to leadership positions in the STEM School;
- (4) an order transferring ownership of the STEM School building to Plaintiff Brannberg and her husband, Barry Brannberg;

³ DCSO's January 26, 2024 motion to dismiss Plaintiffs' first amended complaint has been fully briefed; Plaintiffs did not respond to Sterling Ranch's February 2, 2024 motion.

- (5) an order for “remedial measures” against certain attorneys;
- (6) an order directing payment from the Colorado Attorney’s Fund for Client Protection;
- (7) an order “overturning” the CCRD, “plus settlement;” and
- (8) an order directing payment and appropriating land from Sterling Ranch for the development of another school.

In addition to the enumerated relief requested, as detailed above, Plaintiffs’ FAC has the following requests embedded in the allegations:

- (1) an order from this Court overturning the *Colorado State Board of Education v. Brannberg*, 525 P.3d 290 (Colo. 2023) (see *Id.* at p. 25, ¶ 97); and
- (2) an order from this Court voiding and overturning the decision in Douglas County District Court case number 15CV30586, in which Plaintiff Judy Brannberg unsuccessfully sued a STEM School official for libel. (See *Id.* at p. 34, ¶149).

3. Summary of Allegations⁴

The Court has spent considerable time parsing out Plaintiffs’ forty-plus page FAC, to determine exactly what is being alleged.⁵ After examining Plaintiffs’ FAC, the following is a general summary of what the Court concludes are Plaintiffs’ allegations.

Plaintiff Judy Brannberg was involved in the creation and establishment of STEM School Highlands Ranch in 2009. FAC, p. 20, ¶ 76. In 2013, she and her husband executed a Separation Agreement, terminating their relationship with STEM School Highlands Ranch. *Id.* at ¶ 78. Plaintiffs allege that the Separation Agreement contained a provision providing that “any dissemination of any draft [of the Agreement] would be a violation of this agreement.” *Id.* Plaintiffs further allege that in 2014, 2017, 2018, 2020, and 2023 attorneys for DCSD and JeffCo

⁴ The Court notes at the outset that all named Plaintiffs, except Judy A. Brannberg, are required to have counsel. In Colorado, a nonprofit corporation may appear in court only through a licensed attorney. *Bennie v. Triangle Ranch Co.*, 216 P. 718 (Colo. 1923); *BQP Industries, Inc. v. State Board of Equalization*, 694 P.2d 337 (Colo. App. 1984). A corporation may not proceed *pro se* because it is an artificial entity created by law. Unlike a natural person, it is legally impossible for a corporation to appear or act in a judicial proceeding in person. *BQP Industries, Inc., supra*. Moreover, “[t]o allow a corporation to maintain litigation and appear in court represented by corporate officers or agents only would lay open the gates to the practice of law for entry to those corporate officers or agents who have not been qualified to practice law and who are not amenable to the general discipline of the court.” *Union Savings Ass'n v. Home Owners Aid, Inc.*, 262 N.E.2d 558 (Ohio 1970).

There are two statutorily created exceptions to this rule. The first allows a corporate officer to represent a closely held corporation in actions where the amount in controversy is less than \$15,000.00. See § 13-1-127, C.R.S. The second exception applies only to actions brought in *small* claims court. See § 13-6-407, C.R.S.

Since the amount in controversy exceeds \$15,000.00 and the case was filed in district court, the Court finds that Plaintiffs Alexandria School of Innovation, John Dewey Institute at Red Rocks Ranch, and Leyden Rock were required to be represented by an attorney in this proceeding and could accordingly be dismissed from this action on that basis.

⁵ In its Order dated January 4, 2024, the Court struck Plaintiffs’ Amended Complaint as failing to comply with C.R.C.P. 15, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8.

disseminated a fraudulent version of the Separation Agreement “with no promises and undertakings,” in order to “bribe” DCSD, JeffCo, and the State Board in an effort to defeat her seventeen charter school applications on behalf of ASI and JDI. *Id.* at p. 21, ¶ 80. Plaintiffs further allege that this fraudulent Separation Agreement was used to “bribe” the Denver District Court in case number 2019CV550, the Colorado court of appeals in 2020CA641, and the Colorado supreme court in 21SC885, as well as the United States Supreme Court, as the adverse decision in Denver 2019CV550 was appealed through successive courts of review. *Id.* at pp. 21-22, ¶ 81. Plaintiffs also allege that the Separation Agreement was used to “bribe” the CCRD. *Id.* at pp. 34-35, ¶¶ 152-53.

Plaintiffs also appear to contend that a bond issued by CECFA to STEM School, financed by UMB, was fraudulent. *Id.* at p. 23, ¶ 89; *see also Id.* at pp. 38-39, ¶ 164. Plaintiffs further allege that the parties to this lawsuit, and their attorneys, are engaged in a coordinated conspiracy to defraud the Court and frustrate Plaintiff Judy Brannberg’s applications for new charter schools. *See, e.g., Id.* at pp. 22, 23, ¶¶ 85, 89, 90. Plaintiffs further lay blame on Defendants for the May 7, 2019 STEM school shooting. *Id.* at p. 23, ¶ 89. Plaintiffs alleged that the OARC engaged in a cover-up of the foregoing “crimes of Fraud on the Court, forgery, bribery, breach of contract, et al.” *Id.* at p. 36, ¶ 158. Plaintiffs also allege that the DCSO failed to conduct further investigation into JeffCo and DCSD because the Sheriff conspired with DCSD to cover up their crimes. *Id.* at pp. 36-37, ¶ 160. Lastly, Plaintiffs allege that their former attorney, Defendant Cimino, was “bought out” by DCSD in order to defeat her claims in Denver 2019CV550 and Douglas County District Court Case 2015CV30586. *Id.* at p. 39, ¶ 166.

STANDARD OF REVIEW

Under C.R.C.P. 12(b)(1), a trial court determines subject matter jurisdiction by examining the substance of the claim based on the facts alleged and the relief requested. *City of Aspen v. Kinder Morgan, Inc.*, 143 P.3d 1076, 1078 (Colo. App. 2006). The plaintiff has the burden of proving jurisdiction. *Id.*; *Jim Hutton Educ. Found. v. Rein*, 2018 CO 38M, ¶ 17. A trial court may consider any competent evidence pertaining to a 12(b)(1) motion without converting the motion into a summary judgment motion. *Lee v. Banner Health*, 214 P.3d 589, 593 (Colo. App. 2009) (citing *Trinity Broad. of Denver, Inc. v. City of Westminster*, 848 P.2d 916, 924 (Colo. 1993)). Therefore, unlike with motions to dismiss under C.R.C.P. 12(b)(5), trial courts are not required to accept the allegations of the complaint as true when addressing 12(b)(1) motions. *Medina v. State*, 35 P.3d 443, 452 (Colo. 2001). A hearing is unnecessary if there are no disputes of jurisdictional fact or if the trial court assumes all the facts in the complaint are true and still concludes there is no subject matter jurisdiction. *Id.*

Under C.R.C.P. 12(b)(5), if a plaintiff is entitled to relief under any legal theory, then the complaint is sufficient. *Denver & R. G. W. R. R. v. Wood*, 476 P.2d 299 (Colo. App. 1970). In assessing such a motion, a court must accept all matters of material fact as true and view the allegations in the light most favorable to the plaintiff. *Asphalt Specialties, Co. v. City of Commerce City*, 218 P.3d 741 (Colo. App. 2009). All inferences are to be drawn in favor of the plaintiff. *Medina*, 35 P.3d at 452. The claim for relief must satisfy the plausibility standards under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). *Warne v. Hall*, 373 P.3d 588, 589-90 (Colo. 2016). The tenet that a court must accept as true all the allegations

contained in a complaint is, however, inapplicable to legal conclusions. *Id.* at 591. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678. Stated differently, a court need not accept as true legal conclusions couched as factual allegations. *Id.*

ANALYSIS

1. *Claims seeking Criminal Charges*

The Court first addresses Plaintiffs’ pleading of numerous criminal statutes as claims for relief. These claims are: (1) second claim for relief - domestic terrorism; (2) fourth claim for relief - blackmail; (3) sixth claim for relief - bribery; (4) seventh claim for relief - conspiracy; (5) tenth claim for relief - forgery; and (6) eleventh claim for relief - obstruction of justice.

Setting aside other reasons which may prohibit relief as to these claims, the most fundamental issue is that Plaintiffs lack standing to institute federal criminal proceedings. “Private citizens generally have no standing to institute federal criminal proceedings.” *Winslow v. Romer*, 759 F. Supp. 670, 673 (D. Colo. 1991). Indeed,

[c]riminal statutes cannot be enforced by civil actions. Serious constitutional problems are encountered in any attempt to impose criminal sanctions by way of civil procedures. Equally important is the firmly established principle that criminal statutes can only be enforced by the proper authorities of the United States Government and a private party has no right to enforce these sanctions.

Id. at 673-74 (quoting *Bass Angler Sportsman Soc’y v. United States Steel Corp.*, 324 F. Supp. 412, 415 (S.D. Ala. 1971), *aff’d*, 447 F.2d 1304 (5th Cir. 1971)).

Absent some indication of Congressional intent to permit private enforcement, such attempts are foreclosed. “As we recently have emphasized, ‘the fact that a federal statute has been violated and some person harmed does not automatically give rise to a private cause of action in favor of that person.’” *Touche Ross & Co. v. Redington*, 442 U.S. 560, 568 (1979) (quoting *Cannon v. University of Chicago*, 441 U.S. 677, 688 (1979)).

The Court has reviewed the criminal statutes Plaintiffs⁶ cited and none indicate an intent to create a private right of action.⁷ Plaintiffs have provided no support for the proposition that any of these federal crimes imply a private right of action, and the Court has found none. As a matter of law, none of the statutes contain even a hint, let alone a clear legislative indication, of an intent to create a private right of action. *Gerrity Oil & Gas Corp. v. Magness*, 946 P.2d 913, 923 (Colo. 1997); *Macurdy v. Faure*, 176 P.3d 880, 882 (Colo. App. 2007). Consequently, claims two (domestic

⁶ *I.e.*, 18 U.S.C. § 2331(5) (Domestic Terrorism, defined); 18 U.S.C. § 873 (Blackmail); 18 U.S.C. § 201 (Bribery of Public Officials and Witnesses); 18 U.S.C. § 1349 (Attempt and Conspiracy); 18 U.S.C. § 471 (Forgery of an Obligation of Security of the United States); 18 U.S.C. § 1503 (Influencing or Injuring Officer or Juror).

⁷ 18 U.S.C. § 2333 provides for a private right of action for American nationals injured as a result of *international* terrorism, not domestic.

terrorism), four (blackmail), six (bribery), seven (conspiracy), ten (forgery), and eleven (obstruction of justice), are dismissed with prejudice.

2. *Sherman Act Claim*

The Court next addresses Plaintiffs' first FAC claim, the alleged violation of the Sherman Antitrust Act of 1890. *See* FAC, p. 8, ¶¶9-11. The Sherman Antitrust Act of 1890, 15 U.S.C. §§ 1-7, does not provide for a private cause of action for its violations. Rather, it is the duty of the United States attorneys to enforce its provisions. *See* 15 U.S.C. § 4.⁸ This Court, therefore, lacks jurisdiction. Pursuant to C.R.C.P. 12(b)(1), this Claim is dismissed with prejudice.

3. *Remaining Claims*

Plaintiffs' remaining claims are: (1) third claim for relief - anti-retaliation claim under OSHA; (2) fifth claim for relief - Title VII discrimination; (3) eighth claim for relief - harassment, under Title VII, the ADEA, and the ADA; (4) ninth claim for relief - tortious interference with prospective business advantage; and (5) twelfth claim for relief - libel. The Court addresses each claim in turn.

a. *Anti-retaliation Claim under OSHA*

Plaintiffs' third claim for relief alleges that "Defendants retaliated against Judy Brannberg because she blew the whistle on crimes, and Defendants stopped her from providing alternative education and competing against District schools in 2014, 2017, 2018, 2019, and 2023, which caused the tragic 5/17/19 shooting." FAC, p. 9, ¶ 17.

29 U.S.C. §660 (c) prohibits retaliatory discharge or discrimination against an employee who filed a complaint with the Occupational Safety and Health Administration or participated in any proceeding under OSHA. 29 U.S.C. § 660(c)(2) provides that, if such a person believes they have been retaliated against for the foregoing, they may file a complaint with the Secretary of the Occupational Safety and Health Administration, and that the Secretary may thereafter bring an action in federal court. There is, therefore, no private right of action for retaliation under OSHA.⁹ *See, e.g., Johnson v. Interstate Management Company, LLC*, 849 F.3d 1093, 1097 (D.C. Cir. 2017); *George v. Aztec Rental Center Inc.*, 763 F.2d 184, 186 (5th Cir. 1985). Accordingly, Plaintiffs' third claim for relief is dismissed with prejudice.

b. *Title VII Discrimination Claim*

Plaintiffs' fifth claim alleges that "Defendants DCSD, STEM, Jeffco, State Board, Sterling Ranch, et al. thwarted the creation of Plaintiffs['] schools in 2014, 2017, 2018, 2019, and 2023 using Federal violations of 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022, in order to protect the DCSD, Jeffco, State Board monopoly, and to stop Judy Brannberg's schools from

⁸ Although the Clayton Antitrust Act of 1914, 15 U.S.C. §§ 12-27 provides for a private cause of action, that Act vests the United States district courts with exclusive jurisdiction to hear such claims. *Vendo Co. v. Lektro-Vend Corp.*, 433 U.S. 623, 632 (1977) ("The private action for damages conferred by the Clayton Act is a 'uniquely federal right or remedy,' in that actions based upon it may be brought only in the federal courts.").

⁹ Nor would this Court have jurisdiction over such a claim if there were. *See* 29 U.S.C. § 660(c)(3) ("In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.").

competing with District schools, which is a violation of the Federal Antitrust Enforcement Enacted (sic) in 1890.” FAC, pp. 9-10, ¶ 24.

Title VII prohibits discriminatory employment practices predicated based on race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a). Even if denying a charter school application constitutes an adverse employment action under Title VII, Plaintiffs have alleged that the motivation for doing so was not discriminatory animus, but to “protect the DCSD, Jeffco, State Board monopoly.”

Consequently, Plaintiffs have failed to state a claim for relief under Title VII. Plaintiffs’ fifth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

c. Harassment under Title VII, the ADEA, and the ADA

Plaintiffs’ eighth claim for relief is harassment in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA). Specifically, Plaintiffs claim “Defendants harassed and silenced Judy Brannberg and disrupted potential economic relationships between Plaintiff Brannberg and the parents of children seeking to enroll their children in ASI and JDI, so that the consumers of educational services cannot (and further would decline) to do business with Plaintiffs in 2014, 2017, 2018, 2019, and 2023.” FAC, p.12; ¶ 33.

Title VII prohibits discriminatory employment practices predicated based on race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a). Even if denying a charter school application constitutes an adverse employment action under Title VII, Plaintiffs have alleged that the motivation for doing so was to “disrupt potential economic relationships ... so that the consumers of educational services cannot do business with Plaintiffs.” FAC, p. 12; ¶ 33. Consequently, Plaintiffs have failed to state a claim for relief under Title VII.

Plaintiffs also argue that Defendants violated the ADEA. 29 U.S.C. § 621 provides that the purpose of the ADEA is “to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.” Plaintiffs have failed to allege any discrimination based on age in the FAC.

Finally, Plaintiffs argue that Defendants violated the ADA. The stated purposes of the ADA are:

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate

commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

42 U.S.C. § 12101.

The FAC lacks any factual allegations to support an ADA violation claim. Consequently, for the above stated reasons, Plaintiffs' eighth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

d. *Tortious Interference with Prospective Business Advantage*

Plaintiffs' ninth claim for relief alleges that "Defendants' conduct as described herein disrupted the potential economic relationship between Plaintiffs and the parents of children seeking to enroll at ASI/JDI. Plaintiffs had established relationships with numerous members of the public who had previously consumed, and who again would consume educational services of a charter school founded by Plaintiff Brannberg to Judy Brannberg's substantial benefit." FAC, pp. 12-13, ¶ 36.

In an abundance of caution, the Court reviews both tortious interference with contract and tortious interference with prospective business advantage.

To establish a claim for tortious interference with contract, Colorado courts have relied on the definition of the tort of intentional interference with contractual relations contained in § 766 of the Restatement (Second) of Torts (1979); stating:

One who intentionally and improperly interferes with the performance of a contract (except a contract to marry) between another and a third person by inducing or otherwise causing the third person not to perform the contract, is subject to liability to the other for the pecuniary loss resulting to the other from the failure of the third person to perform the contract.

Slater Numismatics, LLC v. Driving Force, LLC, 310 P.3d 185, 188 (Colo. App. 2012).

To be liable for intentional interference with contract, a defendant must: (1) be aware of a contract between two parties, (2) intend that one of the parties breach the contract; (3) and induce the party to breach or make it impossible for the party to perform the contract. *Id.* (citing *Krystkowiak v. W.O. Brisben Cos.*, 90 P.3d 859 (Colo. 2004)). In addition, the defendant must have acted improperly in causing the result. *Id.*

Generally, the factors to be considered when deciding whether interference was improper are listed in section 767, which states:

In determining whether an actor's conduct in intentionally interfering with a contract or a prospective contractual relation of another is improper or not, consideration is given to the following factors:

- (a) the nature of the actor's conduct,

- (b) the actor's motive,
- (c) the interests of the other with which the actor's conduct interferes,
- (d) the interests sought to be advanced by the actor,
- (e) the social interests in protecting the freedom of action of the actor and the contractual interests of the other,
- (f) the proximity or remoteness of the actor's conduct to the interference, and
- (g) the relations between the parties.

Harris Group, Inc. v. Robinson, 209 P.3d 1188, 1196 (Colo. App. 2009).

Colorado also recognizes the tort of intentional interference with a prospective business advantage. *See Memorial Gardens, Inc. v. Olympian Sales & Management Consultants, Inc.*, 690 P.2d 207 (Colo. 1984); *Dolton v. Capitol Federal Savings & Loan Ass'n*, 642 P.2d 21 (Colo. App. 1981). Colorado courts have relied upon the definition found in § 766B Restatement (Second) of Torts (1979); stating:

One who intentionally and improperly interferes with another's prospective contractual relation (except a contract to marry) is subject to liability to the other for the pecuniary harm resulting from loss of the benefits of the relation, whether the interference consists of

- (a) inducing or otherwise causing a third person not to enter into or continue the prospective relation or
- (b) preventing the other from acquiring or continuing the prospective relation.

Harris Group, Inc., 209 P.3d at 1195–96.

To prove this form of the tort, it is not necessary to show that an underlying contract exists, but, rather, the plaintiff must show that intentional and improper interference prevented a contract from being formed. *Id. citing, Dolton v. Capitol Fed. Sav. & Loan Ass'n*, 642 P.2d 21, 23 (Colo. App. 1981).

In sum, the goal to be achieved by these forms of the tort is to protect the integrity of contracts. *See Mem'l Gardens, Inc.*, 690 P.2d at 210. However, that interest is not absolute, and must be balanced against the interests of the parties and society. *Id.*

The Court has scoured Plaintiffs' FAC (166 separate paragraphs) and can find no specific facts that support either of these claims. Consequently, Plaintiffs have failed to sufficiently state a claim for relief under both tortious interference with contract and tortious interference with prospective advantage. Plaintiffs' ninth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

e. *Libel*

Plaintiffs' twelfth claim alleges that "Defendants and Attorneys disseminated a one-way forgery purported as the mutual two-way Agreement, which falsely and illegally gave permission to Defendants to disparage Plaintiff Brannberg's good character and excellent Charter Management history, which cause them to not obtain charter approval in 2014, 2017, 2018, 2109, and 2023 for 17 schools." FAC, p. 14, ¶ 44.

Plaintiffs claim libel *per se* and libel *per quod*. The Court must determine whether the statement (which is not pled in the FAC) constitutes libel *per se*¹⁰ or libel *per quod*¹¹.

At the early common law all libel, of whatever kind, was actionable without the pleading or proof of special damages. Gradually, however, there developed in American jurisprudence a distinction between libel *per se* and libel *per quod* to the effect that any libel which carried its defamatory imputation on its face was actionable without an allegation or proof of damages. But any libel which did not carry such imputation on its face was held to be actionable only where special damages were pleaded and proved. Later, further gloss was added to this area of the law, and today the rule accepted by the majority of courts may be stated as follows:

'Any libel which carrie[s] its defamatory imputation upon its face [is] still held to be actionable without proof of damage. But any libel which [does] not [is] held to be actionable only where slander would be actionable-which is to say, when special damage was pleaded and proved, or the case fell into one of the four exceptional slander categories, of the imputation of crime, loathsome disease, defamation affecting business, or unchastity on the part of a woman.'

Bernstein v. Dun & Bradstreet, Inc., 368 P.2d 780, 783 (Colo. 1962) (internal citations omitted).

In this case, Plaintiff s' FAC does not identify or provide the defamatory statement with which they take issue nor plead any special damages. Consequently, Plaintiffs have failed to sufficiently state a claim for relief under libel *per se* or libel *per quod*, given that the FAC does not identify the defamatory statement nor plead special damages. Plaintiffs' twelfth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

¹⁰ For a statement to be libelous *per se*, the statement must contain defamatory words specifically directed at the person claiming injury. The words must be unmistakably recognized as injurious to the reputation, without extrinsic proof. When the words are construed according to their natural and ordinary meaning, there is no need for examination of innuendo. § 32:16. Libel *per se*, 7A Colo. Prac., Personal Injury Torts and Insurance § 32:16 (3d ed.).

¹¹ Where inducement, innuendo, or colloquium are necessary to demonstrate the defamation, Colorado requires the pleading and proof of special damages as well as the extrinsic facts required to show the defamation. § 32:17. Libel *per quod*, 7A Colo. Prac., Personal Injury Torts and Insurance § 32:17 (3d ed.).

4. *Notice of Appeal for Judicial Review*

Finally, the Court turns to Plaintiffs' initial filing in this case. Plaintiffs initiated this action by filing a "Notice of Appeal for Judicial Review" on September 27, 2023, where they represented that they were seeking judicial review of two orders from the State Board regarding the denial of charter school applications. Plaintiffs' FAC makes no explicit mention of such claims, and the Court therefore considers the request for judicial review abandoned. *See Prairie Mountain Publ'g Co., LLP v. Regents of Univ. of Colorado*, 2021 COA 26, n.3 citing *Moody v. People*, 159 P.3d 611, 614 (Colo. 2007) ("Arguments not advanced on appeal are generally deemed waived."). While Plaintiffs still seek relief in the form of an order from this Court reversing the State Board determinations, Plaintiffs now seem to weave that requested relief within the twelve FAC claims. *See* FAC, p. 26, ¶ 100 ("The State Board decision should not be final, pursuant to C.R.S. § 22-30.5-108(3)(d), because the illegal Federal Antitrust crimes, have created a severe safety risk for all pupils, and threats to all public education."). The FAC does not suggest that Plaintiffs intend to maintain any judicial review claim(s) pursuant to C.R.S. § 24-4-106.

To the extent, however, the FAC can be interpreted as still asserting a claim for judicial review pursuant to C.R.S. § 24-4-106, this Court lacks jurisdiction to entertain such claim. *Colorado State Bd. of Ed. v. Brannberg*, 2023 CO 11 (holding that, under C.R.S. § 22-30.5-108(3)(d), no appellate jurisdiction exists to review a State Board denial of a charter school application). Plaintiffs' theory that this Court could overturn the Colorado supreme court's holding on this question because of alleged antitrust violations and alleged fraud upon the court has no legal basis.

Finally, the Court looks to the doctrine of *stare decisis*, a judge-made doctrine that requires courts to follow preexisting rules of law. *Love v. Klosky*, 2018 CO 20 ¶¶ 2-4. This is the preferred course for courts, because it promotes the even handed, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process. *Id.* As the Colorado supreme court recently stated, no appellate jurisdiction exists to review a State Board of Education denial of a charter school application. *Colorado State Bd. of Ed. v. Brannberg*, 2023 CO 11. The Colorado supreme court did not leave any question open as to the lack of appellate jurisdiction. This Court is bound by the doctrine of *stare decisis* to follow the standing opinions of our Supreme Court. *See Heafer v. Denver-Boulder Bus Co.*, 489 P.2d 315, 316 (Colo. 1971) ("Although urged to break the constraint of *stare decisis*, the trial court here was eminently correct in recognizing that it was not within its discretion to reject the holdings of this Court on this proposition."). Accordingly, the Notice of Appeal for Judicial Review, is dismissed with prejudice.

CONCLUSION

As to Defendants' Motions to Dismiss the claims in Plaintiffs' First Amended Complaint for Judicial Review Pursuant to C.R.C.P. Rule 15 To Add New Causes of Action, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8, filed January 11, 2024, the Court orders as follows as to all Defendants:

The First Claim for Relief is dismissed with prejudice as this Court is without jurisdiction and Plaintiffs lack the authority to enforce the Sherman Anti-Trust Act.

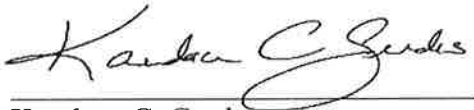
The Second, Third, Fourth, Sixth, Seventh, Tenth, and Eleventh Claims for relief are dismissed with prejudice as there is no private right of action.

The Fifth, Eighth, Ninth, and Twelfth Claims for relief are dismissed without prejudice. In addition to the foregoing reasons for their infirmity, such claims should never have been joined in an action for judicial review under C.R.S. § 24-4-106. The APA provides that a person may commence an action for judicial review. It is a special, limited action. Actions for judicial review do not have periods of discovery, nor do they conclude with a trial. The Court has limited statutory remedies, all of which direct that the lower administrative body take specific action. Consequently, claims for judicial review are not compatible with typical civil claims. Neither the APA nor the Rules of Civil Procedure contemplate such “hybrid” actions. Plaintiff must seek relief in separate actions if she wishes to pursue such civil claims as well as judicial review.

Finally, the initial pleading filed into this case, Notice of Appeal for Judicial Review, is dismissed with prejudice as the Court is bound to follow the doctrine of *stare decisis*.

SO ORDERED this 10th day of July, 2024.

BY THE COURT:



Kandace C. Gerdes
District Court Judge

cc: all parties

Appendix 6 - DCSD Superintendent and Board Solicited Cease and Desist

Kristin C. Edgar

From: Thomas McMillen <thomas.mcmillen@dcsdk12.org>
Sent: Wednesday, June 27, 2018 2:43 PM
To: Kristin C. Edgar
Subject: Fwd: Sterling Ranch - New Proposed Location

email to Pat McGraw

Tom McMillen, JD
Director, Choice Programming
Douglas County School District
303-387-9513 (office)
720-612-8966 (cell)
thmcmillen@dcsdk12.org



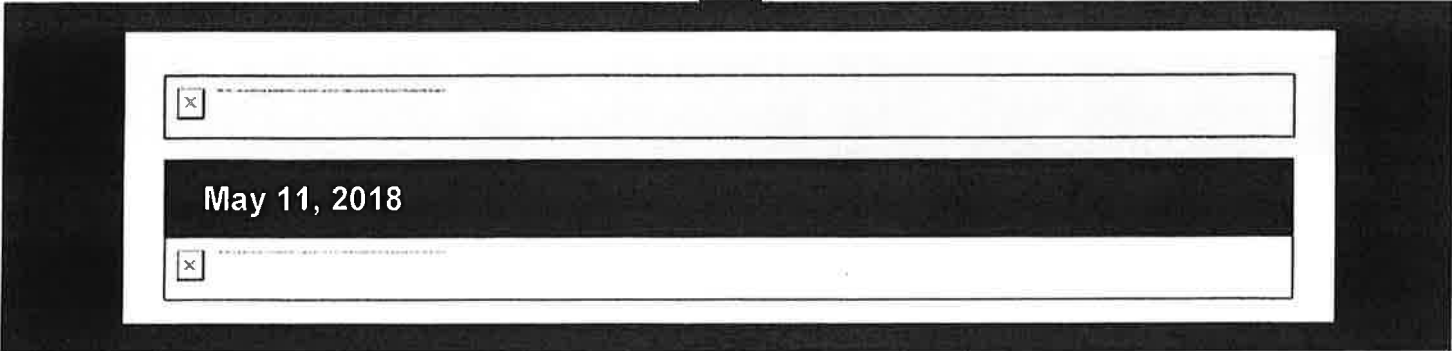
----- Forwarded message -----

From: Thomas McMillen <thomas.mcmillen@dcsdk12.org>
Date: Fri, May 11, 2018 at 9:13 AM
Subject: Fwd: Sterling Ranch - New Proposed Location
To: Pat McGraw <jp6mcgraw@gmail.com>

Hey Pat: forwarding this to you for sharing with Sterling ranch. Can you please ask Sterling ranch to send them a nasty letter telling them to issue a correction?

----- Forwarded message -----

From: Alexandria School of Innovation <judy.brannberg@alexandriak12.org>
Date: Fri, May 11, 2018 at 8:30 AM
Subject: Sterling Ranch - New Proposed Location
To: <thomas.mcmillen@dcsdk12.org>



Kristin C. Edgar

From: Thomas McMillen <thomas.mcmillen@dcsdk12.org>
Sent: Wednesday, June 27, 2018 2:24 PM
To: Kristin C. Edgar
Subject: Fwd: Sterling Ranch - New Proposed Location

Email #1

Tom McMillen, JD
Director, Choice Programming
Douglas County School District
303-387-9513 (office)
720-612-8966 (cell)
thmcmillen@dcsdk12.org



----- Forwarded message -----

From: Thomas McMillen <thomas.mcmillen@dcsdk12.org>
Date: Fri, May 11, 2018 at 9:09 AM
Subject: Re: Sterling Ranch - New Proposed Location
To: Erin Kane <Erin.Kane@dcsdk12.org>

Yes, when I send them their cart report I will also send a nasty gram telling them to quit. I will also reach out to Pat and have Sterling ranch do the same...

On Fri, May 11, 2018 at 8:41 AM Erin Kane <Erin.Kane@dcsdk12.org> wrote:

----- Forwarded message -----

From: Erin Kane <Erin.Kane@dcsdk12.org>
Date: Fri, May 11, 2018 at 8:41 AM
Subject: Fwd: Sterling Ranch - New Proposed Location
To: Steve Colella <scolella@dcsdk12.org>

Redacted pursuant to C.R.S. 24-72-204(3)(a)(IV)

----- Forwarded message -----

From: Alexandria School of Innovation <judy.brannberg@alexandriak12.org>
Date: Fri, May 11, 2018 at 8:30 AM
Subject: Sterling Ranch - New Proposed Location
To: erin.kane@dcsdk12.org



From: "Thomas McMillen" <thomas.mcmillen@dcsdk12.org>
To: jp6mcgraw@gmail.com
CC:
Date: 5/11/2018 9:13:14 AM
Subject: Fwd: Sterling Ranch - New Proposed Location

Hey Pat: forwarding this to you for sharing with Sterling ranch. Can you please ask Sterling ranch to send them [redacted] letter telling them to issue a correction?

-----Forwarded message -----
From: Alexandria School of Innovation <judy.branberg@alexandriak12.org>
Date: Fri, May 11, 2018 at 8:30 AM
Subject: Sterling Ranch - New Proposed Location
To: <thomas.mcmillen@dcsdk12.org>



From: "Thomas McMillen" <thomas.mcmillen@dcsdk12.org>
To: Erin.Kane@dcsdk12.org
CC:
Date: 5/11/2018 9:09:33 AM
Subject: Re: Sterling Ranch - New Proposed Location

Yes, when I send them their cart report I will also send a [REDACTED] gram telling them to quit. I will also reach out to Pat and have Sterling ranch do the same...

On Fri, May 11, 2018 at 8:41 AM Erin Kane <Erin.Kane@dcsdk12.org> wrote:

----- Forwarded message -----
From: **Erin Kane** <Erin.Kane@dcsdk12.org>
Date: Fri, May 11, 2018 at 8:41 AM
Subject: Fwd: Sterling Ranch - New Proposed Location
To: Steve Colella <scolella@dcsdk12.org>

I am concerned about this false message. Anything we can do?

----- Forwarded message -----
From: **Alexandria School of Innovation** <judy.branenberg@alexandriak12.org>
Date: Fri, May 11, 2018 at 8:30 AM
Subject: Sterling Ranch - New Proposed Location
To: erin.kane@dcsdk12.org

[REDACTED]

From: "Erin Kane" <Erin.Kane@dcscdk12.org>
To: wwvogel@dcscdk12.org
CC: boe.list@dcscdk12.org
scolella@dcscdk12.org
Date: 5/11/2018 10:37:09 AM
Subject: Re: Sterling Ranch - New Proposed Location

We already have. :-)

On Fri, May 11, 2018 at 10:12 AM, Wendy Vogel <wwvogel@dcscdk12.org> wrote:
Thank you for this information. Will someone on staff be reaching out to the Brannbergs to ask that they remove the false statement that CART, DAC, LRPC, and FOC recommended this new proposed location? Wendy

On Fri, May 11, 2018 at 8:46 AM, Erin Kane <Erin.Kane@dcscdk12.org> wrote:

[REDACTED]

----- Forwarded message -----
From: **Alexandria School of Innovation** <judy.branenberg@alexandriak12.org>
Date: Fri, May 11, 2018 at 8:30 AM
Subject: Sterling Ranch - New Proposed Location
To: erin.kane@dcscdk12.org



Judy Brannberg <judy.brannberg@alexandriak12.org>

Sterling Ranch - Alexandria School of Innovation

1 message

James, Bruce A. <BJames@bhfs.com>

Mon, May 14, 2018 at 3:47 PM

To: "Judy.brannberg@alexandriak12.org" <Judy.brannberg@alexandriak12.org>

Cc: "jimmy@sterlingranchcolorado.com" <jimmy@sterlingranchcolorado.com>, "Harold Smethills (harolds@sterlingranchcolorado.com)" <harolds@sterlingranchcolorado.com>, Diane Smethills <dianes@sterlingranchcolorado.com>, "Brock Smethills' (brocks@sterlingranchcolorado.com)" <brocks@sterlingranchcolorado.com>, Randy Pye <randy.pye@thefulcrumfirm.com>, Jake Spratt <jakes@sterlingranchcolorado.com>

Ms. Brannberg:

This firm represents Sterling Ranch and on their behalf this email shall serve as formal notice to cease and desist any activities in which you attempt to describe "Sterling Ranch is ASI New Proposed Location" or in any way represent that Sterling Ranch has an agreement with you to locate the Alexandria School of Innovation at Sterling Ranch.

Sterling Ranch and its principals are strong supporters of education and look forward to having a strong school system in place at Sterling Ranch to serve its residents. Sterling Ranch is working on an overall strategy for an educational ecosystem that best meets the needs of students in the community.

In recent meetings and statements you have sought to characterize that somehow you have an agreement or other relationship with Sterling Ranch to locate a school at Sterling Ranch. That is not the case and any further attempts to mischaracterize your relationship with Sterling Ranch must immediately cease. Further, it is premature to reach out to any of our partners, such as Vanderbilt or the Colorado School of Mines, because that reinforces the impression that we have reached an agreement for ASI to locate at Sterling Ranch, which of course is not the case.

Sincerely,

Bruce

Bruce A. James
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO 80202
303.223.1167 tel
720.987.3167 cell
BJames@BHFS.com

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

**Appendix 7 - Brannberg CORA Request to State Board of
Education_CDE_**



July 29, 2024

State Board of Education / Colorado Department of Education Schools of Choice
201 East Colfax Ave., Room 210
Denver, CO 80203

Custodian of Records
State Board of Education and CDE Attorneys
MICHELLE M. BERGE, First Assistant Attorney General K-12
BLAKE MCCRACKEN, Assistant Attorney General K-12 Education Unit
1300 Broadway St.
Denver, CO 80203
720-508.6186 | michelle.berge@coag.gov
720-508-6172 | blake.mccracken@coag.gov

Dear Attorneys Michelle M. Berge and Blake McCracken:

Pursuant to the Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq., I request that you make available for inspection and copying the following public records:

1. A list of all new Colorado Charter Schools which have been approved by State Board of Education School of Choice Unit and/or Colorado Department of Education, from January 2024 to the present.
2. Please include a list of all new Colorado Charter School which have been approved by the Colorado Charter School Institute, an independent agency of the Colorado Department of Education, which is the only independent, statewide charter school authorizer in the State of Colorado in the United States, from January 2024 to the present.
3. The exact dates which all schools listed in 1. and 2. were approved.
4. The approval letters/emails from the State Board of Education School of Choice Unit and/or Colorado Department of Education for all the schools listed in 1. and 2.

If you are not the custodian of records for this request, please forward this letter to the appropriate person or let me know which person(s) has custody of these records.

I request a waiver of all fees for searching or copying these records in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Applicant Judy A. Brannberg's 1.) U.S. Supreme Court Case Number 23-1292 – 2024.06.07. - Petition For A Writ Of Certiorari and 2.) U.S. Supreme Court Case Number 24A61 - 2024.07.15 - Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review, and 3.) U.S. Supreme Court Case Number 23A1007 - 2024.05.09 - Emergency Application for Writ of Injunction.

This information is not being sought for commercial purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100.00.

Please set a date and hour, within three working days following receipt of this letter, at which time the records will be made available for inspection. If access to these records will take longer, please cite the extenuating circumstances and let me know when I should expect copies or the ability to inspect the requested records.

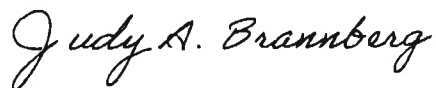
I ask that records available in electronic format be transmitted by email to judy.brannberg@gmail.com

If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If you conclude that portions of the records that I request are exempt from disclosure, please release the remainder of such records for inspection and copying, redacting only the portion or portions that you claim are exempt. Please contact me with any questions about my request.

Thank you for your time.

Respectfully submitted,



Judy A. Brannberg, MSc, *Pro Se*
John Dewey Institute and Alexandria School of Innovation Board Member
STEM School Highlands Ranch Co-Founder
8201 South Santa Fe Dr. Lot #52
Littleton, CO 80120
303.522.2158 | judy.brannberg@gmail.com

Appendix 8 – UMB - Conferral Gmail



Judy Brannberg <judy.brannberg@gmail.com>

Conferral on Extension of Deadline to File Motion for Attorney Fees and Bill of Costs

1 message

Hollars, Jacob <jhollars@spencerfane.com>

Wed, Jul 31, 2024 at 11:48 AM

To: Judy Brannberg <judy.brannberg@gmail.com>

Ms. Brannberg,

Due to a family emergency (my daughter was unexpectedly born 3 weeks early this past weekend), I'll be asking for a 14-day extension of our deadline to file UMB's motion for attorney fees and bill of costs.

Do you object to such an extension?

Thanks,

Jacob Hollars Attorney at Law
Spencer Fane LLP

1700 Lincoln Street, Suite 2000 |
Denver, CO 80203
☎ 303.839.3707
JHollars@spencerfane.com |
spencerfane.com

Appendix 9 - DCSD - STEM – Conferral Gmail



Judy Brannberg <judy.brannberg@gmail.com>

FW: Brannberg v. STEM/Douglas County School District

1 message

Peters, John F. "Jack" <petersj@hallevans.com>
To: "judy.brannberg@gmail.com" <judy.brannberg@gmail.com>
Cc: "Ringel, Andrew D." <ringela@hallevans.com>

Wed, Jul 31, 2024 at 1:36 PM

Hi Ms. Brannberg,

I'm resending the email to ensure it comes to you.

Thanks,

Jack

John F. "Jack" Peters | Counsel
petersj@hallevans.com
Tel: 303-628-4211

Hall & Evans, LLC
1001 Seventeenth Street, Suite 300
Denver, CO 80202



AZ | CO | ID | IL | MO | MT | NM | NV | UT | WY
website | bio | LinkedIn

From: Peters, John F. "Jack" <petersj@hallevans.com>
Sent: Wednesday, July 31, 2024 1:27 PM
To: judy.brannberg@gmail.com
Cc: Ringel, Andrew D. <ringela@hallevans.com>
Subject: Brannberg v. STEM/Douglas County School District

Dear Ms. Brannberg,

Thank you for talking to me just now. We discussed that my clients—STEM School and several other STEM School related entities, and Douglas County School District—may wish to file motions seeking attorney fees in the state court lawsuit. The deadline to file those motions is today. I asked your position on extending that deadline to give us additional time to file these motions, if we choose to do so. We intend to ask for a 21-day extension of time. You said you did not oppose that extension of time, but you asked me to also send you this email explaining this issue and confirming our conversation.

Thank you, and please let me know if you have any questions about this.

Best,

Jack

John F. "Jack" Peters | Counsel
petersj@hallevans.com
Tel: 303-628-4211

Hall & Evans, LLC
1001 Seventeenth Street, Suite 300
Denver, CO 80202



AZ | CO | ID | IL | MO | MT | NM | NV | UT | WY
website | bio | LinkedIn

Confidentiality Notice: This e-mail and any files transmitted with it are confidential and intended solely for the named addressee(s) of this message and may be subject to attorney-client privilege or work-product protection. If you are not the named addressee, unauthorized use, disclosure or distribution is prohibited; please notify the sender by reply email and destroy all copies of the original message. Our spam protection may prevent any reply e-mail from being delivered. If I have not responded to your email within 48 hours, please contact our office at 303/628-3300. This e-mail and any attachments are believed to be free of viruses and defects, but it is the responsibility of the recipient to ensure that it is virus-free. The sender is not responsible for any loss or damage arising from its use.



HELogo-600_1647bba9-82b6-4878-b39e-e05e65e25e7e.png
30K

Appendix 10 – DC Sheriff Conferral Gmail



Judy Brannberg <judy.brannberg@gmail.com>

See below - Re: Brannberg v. JeffCo

1 message

Judy Brannberg <judy.brannberg@gmail.com>

Wed, Jul 31, 2024 at 8:57 PM

To: Andrew Steers <asteers@douglas.co.us>

Andrew,

I do not oppose your Motion for an Extension of Time.

I do not agree to explicitly leave the Douglas County Sheriff's Office out of any appeals on this matter.

Thank you.

Judy

Judy Brannberg, MSc
John Dewey Institute and Alexandria School of Innovation Board Member
STEM School and Academy Co-Founder
303.522.2158
judy.brannberg@gmail.com

"Nothing in this world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan Press On! has solved and always will solve the problems of the human race." — **President Calvin Coolidge**

On Wed, Jul 31, 2024 at 5:06 PM Andrew Steers <asteers@douglas.co.us> wrote:

Judy,

Good evening. I hope you are well.

We are considering whether to join in the motions for costs. That said, we are willing to forgo that if you will agree to explicitly leave the Douglas County Sheriff's Office out of any appeals on this matter.

Please let us know. If you do not agree, then please let us know your position on a motion for an extension of time in which to file for costs.

Thank you!

Regards,

Andrew C. Steers

Senior Assistant County Attorney

Douglas County Attorney's Office

☎ 303.660.7362

✉ asteers@douglas.co.us



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender. Please destroy the original transmission and its attachments without reading or saving in any manner. Thank you.

Appendix 11 – Sterling Ranch Motion for Attorneys’ Fees And Bill Of Costs

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock St., Denver, CO 80202 Telephone: 303.606.2300	DATE FILED: July 30, 2024 3:54 PM FILING ID: CE1F7EE96B7B5 CASE NUMBER: 2023CV610
<p>Plaintiffs: JUDY A. BRANNBERG, et al.,</p> <p>v.</p> <p>Defendants: JEFFERSON COUNTY PUBLIC SCHOOLS, et al.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorney for Defendant Sterling Ranch Development Corporation:</i></p> <p>Name(s): Jonathan G. Pray, #36576</p> <p>Address: BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 Fifteenth Street, Suite 2900 Denver, Colorado 80202</p> <p>Telephone: 303.223.1100 Facsimile: 303.223.1111 E-mail: jpray@bhfs.com</p>	<p>Case Number: 2023CV000610</p> <p>Div.: 275</p>
<p style="text-align: center;">DEFENDANT STERLING RANCH DEVELOPMENT CORPORATION'S MOTION FOR ATTORNEYS' FEES AND BILL OF COSTS</p>	

Pursuant to C.R.C.P. 54(d), C.R.C.P. 121 § 1-22, C.R.S. § 13-17-101, and C.R.S. § 13-17-201, Defendant Sterling Ranch Development Corporation, (“Sterling Ranch”) moves for the entry of an order awarding Sterling Ranch \$46,220.60 in attorneys’ fees and \$438.00 in costs incurred in defense of this matter.

CERTIFICATE OF CONFERRAL UNDER C.R.C.P. 121 § 1-15(8):

Undersigned counsel certifies that they have conferred with counsel for Plaintiff regarding this Motion. Plaintiff opposes the requested relief on the basis that there are petitions related to her

claims in the instant matter pending before the United States Supreme Court. Notwithstanding, given that 20 days have passed since this Court's entry of judgment against Plaintiffs, Sterling Ranch, as a matter of course, moves for fees and costs.¹

I. MOTION FOR ATTORNEYS' FEES

INTRODUCTION

1. Sterling Ranch is entitled to its reasonable fees and costs in defending this matter.

2. Section 13-17-101 of the Colorado Revised Statutes provides for an award of attorneys' fees to the prevailing party when the bringing or defense of an action is determined to have been "substantially frivolous, substantially groundless, or substantially vexatious." The General Assembly has stated that the purpose of this rule is to limit courts of record from becoming "increasingly burdened with litigation which is straining the judicial system and interfering with the effective administration of civil justice." CO LEGIS 131 (2024), 2024 Colo. Legis. Serv. Ch. 131 (H.B. 24-1291). All courts "shall liberally construe the provisions of this article to effectuate substantial justice and comply with the intent set forth in this section." *Id.*

3. Further, section 13-17-201 of the Colorado Revised Statutes "unequivocally mandate[s] an award of costs and attorneys' fees" when a defendant prevails on a C.R.C.P. 12(b) motion to dismiss a tort action. *Crandall v. City of Denver*, 238 P.3d 659, 663 (Colo. 2010). There is one exception to this fee-shifting requirement.

4. Here, Defendant has prevailed on its Rule 12(b) dismissal motion in this tort case, and the sole exception to the fee-shifting requirement does not apply.

¹ See C.R.C.P. 121, § 1-22

5. Plaintiff Judy A. Brannberg et al, (“Plaintiffs”) brought this suit against Sterling Ranch without any legal basis or necessary facts to support their claims, and, in large part, without standing. Thus, Sterling Ranch requests that it be awarded attorneys’ fees and costs pursuant to C.R.S. § 13-17-101.

6. Additionally, Plaintiffs’ suit, which was dismissed in its entirety, sounds in tort, and thus, Sterling Ranch alternatively requests fees and costs pursuant to C.R.S. § 13-17-201.

PROCEDURAL HISTORY

7. On September 27, 2023, Plaintiffs initiated this litigation when they filed their Notice of Appeal for Judicial Review and accompanying Motion with this Court.

8. On October 24, 2023, Plaintiffs named Sterling Ranch a defendant in their 122-page Complaint. (“Complaint”).

9. Plaintiffs then proceeded to file a flurry of other voluminous pleadings, including a second, 138-page Complaint (“Second Complaint”) and accompanying Motion three days after filing their Complaint, and several additional motions, exhibits, and proposed orders.

10. On December 5, 2023, Sterling Ranch filed its Motion to Dismiss (“Motion to Dismiss”) which was fully briefed on December 19, 2023.

11. On December 27, 2023, Plaintiffs filed a 234-page Amended Complaint (“Amended Complaint”) alleging several new causes of action against Sterling Ranch. This Court struck the Amended Complaint on January 4, 2024 for failure to comply with procedural rules.

12. Plaintiffs then moved the Court to *again* amend their Complaint on January 8, 2024, and filed a new, 86-page Amended Complaint (“Second Amended Complaint”). This Court again,

struck the Second Amended Complaint for failure to comply with Colorado Rule of Civil Procedure 8.

13. Undeterred, on January 11, 2024, Plaintiffs moved the Court yet again to amend their Complaint and submitted a skimmed-down Amended Complaint (“Third Amended Complaint”) which this Court allowed.

14. On February 2, 2024, Sterling Ranch submitted a new Motion to Dismiss (“Second Motion to Dismiss”) in light of the new claims brought against it in Plaintiffs’ Third Amended Complaint.

15. Plaintiffs proceeded to file several miscellaneous pleadings such as Designations of Transcripts, Amended Intake Receipts, and various Court of Appeals filings.

16. On April 18, 2024, Plaintiffs filed a Motion and Memorandum for Preliminary Injunction (“Motion for Preliminary Injunction”) pursuant to C.R.C.P. 65(a)-(b), demanding, among other things, immediate charter approval for Plaintiffs’ eight DCSD and four Jeffco schools, plus the donation of land, and execution of . . . Notices of Claim, for the finances to build . . . schools”

17. Sterling Ranch filed its Response in opposition to the Motion for Preliminary Injunction on May 9, 2024.

18. Before this Court could rule on the pending motions and enter final judgment, Plaintiffs filed a writ of certiorari to the United States Supreme Court on June 11, 2024.

19. On July 10, 2024, this Court entered its Omnibus Order on Sterling Ranch’s Motion to Dismiss wherein it dismissed each of Plaintiffs’ twelve claims.

20. The time is now ripe for Sterling Ranch to file its Motion for Attorneys' Fees and Bill of Costs.

ARGUMENT

21. C.R.C.P. 121 § 1-22(2)(b) directs a party seeking an award of attorney fees to explain (1) the basis upon which fees are sought; (2) the amount of fees sought; and (3) the method by which those fees were calculated. The rule also directs the moving party to provide supporting documents, including materials evidencing the attorney's time spent and the reasonableness of the fees. *Id.*

A. **Sterling Ranch's Attorneys' Fees Are Sought Under C.R.S. § 13-17-201 Because Plaintiff's Action "Sounds in Tort."**

22. C.R.S. § 13-17-201 applies to C.R.C.P. 12(b) dismissals of "all actions brought as a result of a death or an injury to person or property occasioned by the tort of any other persons."

23. The statute applies when the entire action is dismissed and when—if the plaintiff pleads both tort and non-tort claims—the court determines that "the essence of [the action] was one in tort." *Gagne v. Gagne*, 338 P.3d 1152, 1167 (Colo. App. 2014).

24. In determining whether the essence of a plaintiff's action was one in tort, courts "focus on the manner in which the plaintiff's claims are pled." *Id.* Additionally, courts should rely on the pleading party's characterization of its claims and should not consider what the party should or might have pleaded." *Id.*

25. If the court still cannot determine—either quantitatively or qualitatively—whether the action lies in tort, the court can consider whether the tort claims "unlock additional remedies"

or allow the plaintiff “to obtain relief beyond what was available solely under” the non-tort claims. *Id.* at 1168.

26. Here, Plaintiffs alleged twelve claims: (1) a claim for violation of the Sherman Act; (2) a claim for violation of 18 U.S.C. § 2331(5), Domestic Terrorism; (3) a retaliation claim under the Occupational Safety and Health Act (“OSHA”); (4) a claim for violation of 18 U.S.C. § 873, Blackmail; (5) a discrimination claim under Title VII of the Civil Rights Act of 1964 (“Title VII”); (6) a claim for violation of 18 U.S.C. § 201, Bribery of Public Officials and Witnesses; (7) a claim for violation of 18 U.S.C. § 1349, Conspiracy; (8) a claim for harassment under Title VII, the Age Discrimination Act of 1967 (“ADEA”), and the Americans with Disabilities Act of 1990 (“ADA”); (9) a claim for tortious interference with prospective business advantage; (10) a claims for violation of 18 U.S.C. § 471; (11) a claim for violation of 18 U.S.C. 1503, Obstruction of Justice; and (12) a claim for libel.

27. Of the twelve claims alleged, it is unclear which claims Plaintiff intended to bring against Sterling Ranch, but there can be no dispute that four of the claims alleged are based in tort: discrimination, harassment, tortious interference with prospective business advantage, and libel. *See Elder v. Williams*, 2020 CO 88, ¶ 33, 477 P.3d 694, 700 (noting that claims brought under Title VII are frequently referred to as “statutory torts”); *see also Keohane v. Stewart*, 882 P.2d 1293, 1297 (Colo. 1994) (“the tort of defamation” consists of libel and slander).

28. Moreover, each remaining claim allegedly involving Sterling Ranch “sounds in tort.” “Where the injury arises out of conduct that is tortious in nature or out of a breach of a duty recognized in tort law, and when the aim of the requested relief is to compensate the plaintiff for the injury, the claim likely lies in tort” *City of Aspen v. Burlingame Ranch II Condo. Owners*

Ass'n, Inc., 2024 CO 46, ¶ 31. Here, Section 165 of Plaintiffs' Third Amended Complaint alleges that Sterling Ranch "criminally conspired," engaged in fraud, and attempted to "eliminate all competition from District schools" in violation of federal anti-trust laws.² Although Plaintiffs bring criminal claims, the claims all relate to Plaintiffs' perceived injury of having their charter school applications denied, and seeking recovery for this alleged injury.

29. Thus, this Court should find that Plaintiff's action lies in tort because four of their claims lie in tort and the remaining claims are tort-based.

30. The limited exception in section 13-17-201(2) precludes an award of attorney fees for "good faith, non-frivolous claim[s] filed for the express purpose of extending, limiting, modifying, or reversing existing precedent, law or regulation." But the exception applies *only if* a party specifically pleads its applicability:

Subsection (1) of this section does not apply to any claim that is a good faith, non-frivolous claim filed for the express purpose of extending, limiting, modifying, or reversing existing precedent, law, or regulation; or for the express purpose of establishing the meaning, lawfulness, or constitutionality of a law, regulation, or United States or state constitutional right and the meaning, lawfulness, or constitutionality has not been determined by the Colorado supreme court, or for cases presenting questions under the United States constitution, to the Supreme Court of the United States. ***This subsection (2) applies so long as the party that brought the dismissed claim has pleaded, in its complaint . . . that the dismissed claim was made for one of the express purposes stated in this subsection (2) and identified the precedent, law, or regulation the party seeks to extend, limit, modify, or reverse, or whether the issue to be decided is a matter of first impression.***

(Emphasis added).

² See Plaintiffs' Amended Complaint, at ¶ 165.

31. Here, Plaintiffs did not plead that their claims fell within this statutory safe harbor; and additionally, for the reasons discussed below, Plaintiffs' claims *are* frivolous. Thus, this limited exception does not apply.

B. Alternatively, Sterling Ranch's Attorneys' Fees Are Sought Under C.R.S. § 13-17-101 Because Plaintiffs' Action is Frivolous and Groundless.

32. Under C.R.S. § 13-17-101, the prevailing party in an action determined to be "substantially frivolous, substantially groundless, or substantially vexatious" is entitled to an award of reasonable attorneys' fees.

33. A claim is frivolous "if the proponent can present no rational argument based on the evidence or the law to support it." *Double Oak Const., L.L.C. v. Cornerstone Dev. Int'l, L.L.C.*, 97 P.3d 140, 151 (Colo. App. 2003). Similarly, a claim is groundless "if the proponent's allegations, while sufficient to survive a motion to dismiss for failure to state a claim, are not supported by any credible evidence at trial." *Id.* Trial courts have discretion in determining whether an action is frivolous or groundless and whether attorneys' fees are thereby warranted. *Bernal v. Lumbermens Mut. Cas. Co.*, 97 P.3d 197, 203 (Colo. App. 2003).

34. Here, Plaintiffs' action is *both* frivolous *and* groundless. Indeed, Plaintiffs alleged twelve causes of action in its Third Amended Complaint ranging from alleged violations of federal statutes such as domestic terrorism and obstruction of justice, to statutory violations under OSHA Title VII, and the ADA, to libel and tortious interference. But despite the length of Plaintiffs' pleadings, Plaintiffs failed to provide any evidence or law to support their allegations.³

³ See *Omnibus Order re Motions to Dismiss*, at 13 (noting that in addition to dismissal, "such claims should never have been joined in an action for judicial review . . .").

35. As discussed in Sterling Ranch's Motion to Dismiss and Second Motion to Dismiss, the majority of Plaintiffs' claims require factual evidence to permit standing. For example, Title VII prohibits discriminatory employment practices predicated on race, color, religion, sex, or national origin. 42 U.S.C. § 2000E-2(a). Thus, Plaintiffs would need to show an employment relationship *and* an adverse action based on one of the protected statuses enumerated in the statute. Indeed, Plaintiffs' failure to do so in this case, resulted in this Court dismissing this claim with prejudice. Similarly, Plaintiffs' claim alleging harassment under the ADEA suffers from the same defects. The ADEA prohibits arbitrary age discrimination in employment. *See* 29 U.S.C. § 261. Thus, Plaintiffs have the burden of showing *both* discrimination, *and* that the discrimination was based on age. Plaintiffs failed to allege either of these facts and provided no evidence to support its allegation, which again, resulted in this Court dismissing the claim with prejudice. These claims are not the outliers, but are emblematic of the general theme of Plaintiffs' Third Amended Complaint—that is, that Plaintiffs fail to provide any evidence or law to support any of their claims. The same is especially true in light of the complete dismissal of Plaintiffs' case.

36. Plaintiffs' claims are also groundless. Colorado courts have stated that even if a claim is "sufficient to survive a motion to dismiss for failure to state a claim," it is still groundless where it is "not supported by any credible evidence" *Double Oak Const., L.L.C.*, 97 P.3d at 151. Here, Plaintiffs' claims were *not* sufficient to survive a motion to dismiss for failure to state a claim. Indeed, of the claims that were not dismissed *with prejudice*, the remaining claims were dismissed under C.R.C.P. 12(b)(5). To be sure, these claims were dismissed under Colorado Rule

of Civil Procedure 12(b)(5) because of the lack of credible evidence accompanying Plaintiffs' accusations.

37. As further evidence of the frivolous and groundless nature of this litigation, attached hereto as **Exhibit B** is a sampling of some of the pleadings Plaintiffs sought in connection with this suit, which include, among other things, a Petition for Writ of Certiorari to the United States Supreme Court.

38. Thus, Sterling Ranch requests that its fees be awarded pursuant to C.R.S. § 13-17-101.

C. Sterling Ranch's Attorneys' Fees Are Reasonable.

38. The determination of what constitutes a reasonable award of attorney fees is a question of fact for the trial court and will not be disturbed on review unless it is patently erroneous and unsupported by the evidence. *See Brody v. Hellman*, 167 P.3d 192, 198 (Colo. App. 2007).

39. The initial estimate of a reasonable attorney fee is reached by calculating the "lodestar" amount, which represents the number of hours reasonably expended multiplied by a reasonable hourly rate. *See Balkind v. Telluride Mountain Title Co.*, 8 P.3d 581, 587-88 (Colo. App. 2000). The lodestar method "carries with it a strong presumption of reasonableness." *Tallitsch v. Child Support Services, Inc.*, 926 P.2d 143, 147 (Colo. App. 1996). But the lodestar amount may be adjusted based on factors that include the amount in controversy, the time required to represent the client effectively, the complexity of the case, the value of the legal services to the client, awards in similar cases, and the degree of success achieved. *Id.*

40. Sterling Ranch seeks \$46,220.60 in attorneys' fees. *See* Affidavit of Jonathan G. Pray, attached hereto as **Exhibit A**, (hereinafter, "Pray Aff."), at ¶ 13. Altogether, counsel to

Defendant expended 112.3 hours defending this case, including securing dismissal of Plaintiffs' claims and opposing the Plaintiffs' Motion for Preliminary Injunction. *Id.* The amount of fees requested derives from Defendant's attorneys' hourly rates multiplied by their hours expended on the case.

41. The Affidavit of Jonathan G. Pray sets forth the amount of fees incurred by Sterling Ranch in this matter. In addition, attached as **Exhibit A-1** and **Exhibit A-2** is an itemized summary of the tasks performed by each of the Firm's attorneys, paralegals, and other professionals involved in this case, along with the amount of time spent on each task, between November 21, 2023 when Sterling Ranch began analyzing Plaintiffs' Complaint, through July 26, 2024. Exhibit A-1 and Exhibit A-2 evidence the fees Sterling Ranch incurred in this action.

42. The detailed billing attached to the Pray Aff. as Exhibit A-1 and Exhibit A-2 demonstrates that the number of hours expended defending this case is reasonable and should not be adjusted down. The substantial amount in controversy in this complex litigation and the breadth and nature of the arguments asserted required Defendant's counsel to spend significant time researching and analyzing the legal and factual issues presented, including but not limited to (1) hundreds of pages worth of factual information and legal claims filed by Plaintiffs; (2) dozens of documents related to associated appeals filed by Plaintiffs; and (3) federal and state laws pertaining to the twelve causes of action brought by Plaintiffs in this litigation. The Court dismissed Plaintiffs' entire case, and thus Sterling Ranch's counsel's work resulted in complete success. Considering these circumstances, the number of hours expended is reasonable. Indeed, it is Mr. Pray's opinion, based on his considerable experience detailed in his affidavit, that the activities the Firm billed to Sterling Ranch were reasonable in nature and scope and were consistent with the

types of services that would be provided by professionals of comparable skills, experience, and qualification in the defense of this type of litigation. Pray Aff. at ¶ 14.

43. The hourly rates of Sterling Ranch’s attorneys are also reasonable. The Firm billed Sterling Ranch for the following three individuals, who did the bulk of the work on this matter, at the following median rates: (1) \$727.50⁴ per hour for Jonathan G. Pray, a shareholder, who has nearly two decades of experience defending dozens of complex litigation cases; (2) \$394.43⁵ per hour for Denver Donchez, a third-year litigation associate; and (3) \$320.00⁶ per hour for Layonna Cruz, a paralegal with ten years of experience.

44. The number of hours expended by the Firm in defending Sterling Ranch is also reasonable. Due to Plaintiffs’ multiple, fact-intensive, and lengthy, filings, Sterling Ranch was forced to expend significant resources in drafting two Motions to Dismiss—each involving analysis of several federal and state law issues; drafting a Response in opposition to Plaintiffs’ Motion for Preliminary Injunction; reviewing the substantial factual record filed by Plaintiffs; and conferring with opposing counsel on each of its various filings.

II. BILL OF COSTS

45. Under C.R.C.P. 54(d), “costs shall be allowed as of course to the prevailing party considering any relevant factors which may include the needs and complexity of the case and the amount in controversy.” Prevailing defendants can recover costs under C.R.S. § 13-16-105.

⁴ At the start of this litigation, Mr. Pray’s hourly rate was \$697.50. His hourly rate was increased to \$774.00 in January of 2024.

⁵ At the start of this litigation, Ms. Donchez’s hourly rate was \$373.50. Her hourly rate was increased to \$418.50 in January of 2024.

⁶ At the start of this litigation, Ms. Cruz’s hourly rate was \$315.00. Her hourly rate was increased to \$325.00 in January of 2024.

46. C.R.S. § 13-16-122 lists items that may be included in a party's cost award, but the list of items in the statute is not exhaustive. *Welch v. George*, 19 P.3d 675, 679–80 (Colo. 2000).

47. Sterling Ranch seeks an award of costs in the total amount of \$438.00, which represents court filing fees and electronic research costs. Pray Aff. at ¶ 16.

48. These costs are reasonable and necessary in light of the briefing and factual investigation Sterling Ranch undertook in defending this action.

49. The summaries as attached hereto as **Exhibit A-3** include an itemization of total costs and expenses Sterling Ranch incurred in this matter.

CONCLUSION

WHEREFORE, Sterling Ranch respectfully requests that this Court award attorneys' fees in the total amount of \$46,220.60, pursuant to C.R.S. § 13-17-101 and § 13-17-201, and \$438.00 in costs, pursuant to C.R.C.P. 54(d), for a total of \$46,658.60 plus post-judgment interest on that amount.

Respectfully submitted this 30th day of July, 2024.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/ Jonathan G. Pray
Jonathan G. Pray, #36576

Attorney for Defendant Sterling Ranch Development Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2024, I electronically filed a true and correct copy of the foregoing **DEFENDANT STERLING RANCH DEVELOPMENT CORPORATION'S MOTION FOR ATTORNEYS' FEES AND BILL OF COSTS** with the Clerk via Colorado Courts E-Filing system (CCE), which will send notification of such filing and service upon the Pro Se Representative for Plaintiffs and all other counsel of record.

s/ Layonna Cruz

Layonna Cruz, Paralegal

**Appendix 12 – August 1, 2024, Colorado Attorney General’s Office CORA
Response**



Judy Brannberg <judy.brannberg@gmail.com>

RE: CORA Request

1 message

Blake McCracken <Blake.McCracken@coag.gov>

Thu, Aug 1, 2024 at 1:13 PM

To: Judy Brannberg <judy.brannberg@gmail.com>, Michelle Berge <Michelle.Berge@coag.gov>

Cc: Joe Peters <Joe.Peters@coag.gov>

Good afternoon Ms. Brannberg,

We are in receipt of your July 29, 2024, records request concerning (1) a list of all new Colorado Charter Schools which have been approved by the State Board of Education School of Choice Unit and/or Colorado Department of Education, from January 2024 to the present, including the exact dates in which the schools were approved; (2) a list of all new Colorado Charter Schools which have been approved by the Colorado Charter School Institute, from January 2024 to the present, including the exact dates in which the schools were approved; and (3) approval letters/emails from the State Board of Education School of Choice Unit and/or Colorado Department of Education for all new charter schools approved by the State Board of Education School of Choice Unit, the Colorado Department of Education, or the Charter School Institute, from January 2024 to the present.

Neither the State Board of Education, nor the Colorado Department of Education, nor the Charter School Institute possess any documents responsive to your request.

Thank you,

-Blake

Blake McCracken

Assistant Attorney General

K-12 Education Unit



COLORADO
Department of Law
Attorney General Phil Weiser

P: 720-508-6172 | [he/him/his](#) | Blake.McCracken@coag.gov

The statements and opinions in this email do not represent the statements and opinions of the Attorney General. This message may contain confidential and/or legally privileged information and is intended only for the individual(s) named. Any name or signature block is not a legally binding electronic signature. If you are not an intended recipient, you are not authorized to disseminate,

distribute, or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail from your system.

From: Judy Brannberg <judy.brannberg@gmail.com>
Sent: Monday, July 29, 2024 4:12 PM
To: Michelle Berge <Michelle.Berge@coag.gov>; Blake McCracken <Blake.McCracken@coag.gov>
Cc: MARY KLIMESH <mklimesh@dcsdk12.org>
Subject: CORA Request

Attorneys Berge and McCracken:

Please find the attached CORA request for Petitioner/Applicant Judy A. Brannberg's

- 1.) U.S. Supreme Court Case Number 23-1292 – 2024.06.07. - Petition For A Writ Of Certiorari,
- 2.) U.S. Supreme Court Case Number 24A61 - 2024.07.15 - Emergency Application For Stay And Recall Of The Mandate Pending The Disposition Of Petition For Certiorari And Injunction Pending Review, and
- 3.) U.S. Supreme Court Case Number 23A1007 - 2024.05.09 - Emergency Application for Writ of Injunction.

Pursuant to the Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq., thank you for your prompt attention to this matter.

Respectfully submitted,

Judy Brannberg, MSc

John Dewey Institute and Alexandria School of Innovation Board Member

STEM School and Academy Co-Founder

303.522.2158

judy.brannberg@gmail.com

"Nothing in this world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan Press On! has solved and always will solve the problems of the human race." — **President Calvin Coolidge**

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 First Supplemental Memorandum With New Intervening Matter Regarding Emergency Application For Stay And Recall Of The Mandate And Injunction Pending Review, via email and priority USPS mail, this August 2, 2024.

Dated August 2, 2024

/s/ Judy A. Brannberg

Judy A. Brannberg, MSc., *Pro Se*
8201 South Santa Fe Drive, Lot 52
Littleton, CO 80120
Email: judy.brannberg@gmail.com
Telephone: (303) 522-2158

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 August 2nd, 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, with a carbon copy to 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
1300 Broadway Street, 10th Floor,
Denver, CO 80203
720-508-6179 | shannon.stevenson@coag.gov

Attorney MOLLY FERRER
Attorney JULIE TOLLESON
Jefferson County Public Schools
1829 Denver West Dr., Bldg. 27
Golden, CO 80401
303-982-6544 | Molly.Ferrer@jeffco.k12.co.us

Attorney MICHELLE M. BERGE, First Assistant Attorney General K-12
Attorney BLAKE MCCrackEN, Assistant Attorney General K-12 Education Unit
State Board of Education and CDE Attorneys
1300 Broadway St.
Denver, CO 80203
720-508.6186 | michelle.berge@coag.gov
720-508-6172 | blake.mccracken@coag.gov

Attorney ANDREW D. RINGEL,
DCSD Attorney
Hall & Evans, LLC,
1001 Seventeenth Street, Suite 300,
Denver, CO 80202
303-628-3453 | ringela@hallevans.com

Attorney Jack Peters
STEM School, et al. Attorney
Hall & Evans, LLC,
1001 Seventeenth Street, Suite 300,
Denver, CO 80202
303-628-3312 | petersj@hallevans.com

Attorney VINCENT MORSCHER
CCRD Attorney
Senior Assistant Attorney General Employment Practices and Civil Rights
1300 Broadway St. #500, Denver, CO 80203
720-508-6588 | Vincent.Morscher@coag.gov

Attorney JOSEPH J. BRONESKY
CECFA Attorney
Sherman & Howard
675 Fifteenth Street, Suite 2300,
Denver, Colorado 80202
303.299.8450 | jbronsky@shermanhoward.com

Attorney JONATHAN G. PRAY
Sterling Ranch Attorney
BROWNSTEIN HYATT FARBER SCHRECK, LLP
675 Fifteenth Street, Suite 2900
Denver, Colorado 80202
303.223.1100 | jpray@bhfs.com

Attorneys JACOB HOLLARS and KERSTEN HOLZHUETER
UMB Financial Corporation, UMB Bank
Spencer Fane LLP,
1700 Lincoln Street, Suite 2000,
Denver, CO 80203
303.839.3707 | JHollars@spencerfane.com

Attorney LEEANN MORRILL, First Assistant Attorney General & General Counsel
to Attorney General Public Officials Unit,
Colorado Supreme Court OARC Attorney
1300 Broadway St. 500,
Denver, CO 80203
303.457.5800 | (720) 508-6159 | leeann.morrill@coag.gov

Attorney KELLY DUNNAWAY
Attorney ANDREW C. STEERS
Douglas County Sheriff's Attorney
100 Third Street,
Castle Rock, 80104
kdunnawa@douglas.co.us | asteers@douglas.co.us
303.660.7414

JOHN A. CIMINO
1700 Monaco Pkwy,
Denver, CO 80220
720.434.0434 (cell) | jcimino2014@aol.com

RESPECTFULLY SUBMITTED this 2nd day of August, 2024.

Judy A. Brannberg

Judy A. Brannberg, MSc, Pro Se
8201 S. Santa Fe Drive #52 | Littleton, CO 80120
303.522.2158 | Judy.brannberg@gmail.com