

**DISTRICT COURT, CITY AND COUNTY OF DENVER,
COLORADO**

1437 Bannock St.
Denver CO 80202

DATE FILED: January 10, 2022 8:25 PM
FILING ID: 74A5B86277B8B
CASE NUMBER: 2021CV33691

Plaintiffs: **Ron Hanks, Amy Mitchell, Gary Moyer, Jeff Rector, Merlin Klotz, individually and as Clerk and Recorder for Douglas County, Colorado, and Dallas Schroeder, individually and as Clerk and Recorder for Elbert County**

v.

Defendant: **JENA GRISWOLD, individually and as Colorado Secretary of State**

Plaintiff's Attorney:
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Case No: 2021CV033691

Courtroom: 280

PLAINTIFFS' UNOPPOSED MOTION TO AMEND COMPLAINT

Plaintiffs respectfully ask the Court for leave to amend their complaint. Plaintiffs request an order that accepts for filing the [Proposed] Second Amended Complaint, which is attached hereto as Exhibit A.

Counsel conferred. Defendant DOES NOT OPPOSE the relief requested, but takes no position at this time on whether the Second Amended Complaint is legally sufficient.

In support of this motion, Plaintiffs show the Court:

1. C.R.C.P. 15(a) states in pertinent part that, “a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.”

2. Plaintiffs filed their initial complaint on November 18, 2021, and they filed their First Amended Complaint on November 19, 2021.

3. On December 20, 2021, Defendant filed a Motion to Dismiss, which asserted that the complaint failed to allege sufficient injury for Plaintiffs to have standing, and that the complaint failed to state a claim.

4. Plaintiffs aver that the Second Amended Complaint attached hereto as Exhibit A, alleges sufficient injury for Plaintiffs to have standing, and the complaint states a claim for relief.

WHEREFORE, Plaintiffs respectfully ask the Court to grant leave to amend the complaint, and to enter an order approving the filing of the Second Amended Complaint attached hereto as Exhibit A.

Respectfully submitted January 10, 2022.

JOHN CASE, P.C.
Counsel for Plaintiffs

s/John Case

John Case, #2431

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2022, a true copy of the foregoing was filed with the Court and served on opposing counsel electronically via ICCES to:

Denver District Court
1437 Bannock St.
Denver CO 80202

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s/John Case

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