

COLORADO COURT OF APPEALS 2 East 14th Avenue Denver, Colorado 80202	
Appeal from the District Court for Douglas County, Colorado Case No. 2025-cv-30410 Hon. Robert Raymond Lung, presiding	
ROBERT C. MARSHALL, LORA THOMAS, JULIE GOODEN, Plaintiffs/Appellants, v. THE BOARD OF COUNTY COMMISSIONERS FOR DOUGLAS COUNTY, COLORADO, Defendant/Appellee.	▲ COURT USE ONLY ▲
Attorney for Plaintiffs: Steven D. Zansberg, Esq. #26634 Michael Beylkin, Esq. #40085 ZANSBERG BEYLKIN LLC 100 Fillmore Street, Suite 500 Denver, CO 80206 (303) 564-3669 steve@zblegal.com mike@zblegal.com	Case No. 2025-CA-_____
NOTICE OF APPEAL	

Plaintiffs/Appellants, Robert C. Marshall, Lora Thomas and Julie Gooden,
 by and through their undersigned counsel at Zansberg Beylkin LLC, hereby submit
 the following Notice of Appeal:

I. Description of the Nature of the Case.

(A) *General Statement of the Nature of the Controversy.*

This case arises under Colorado's Open Meetings Law. The Defendant conducted multiple meetings attended by a quorum of its members, at which the Board's public business was discussed, but failed to provide Notice or permit the public to observe those discussions. In addition, two formal Resolutions (Nos. 25-16 and 21-17) that Defendant passed at a Special Business Meeting on March 25, 2025 were, in fact, previously agreed upon by all three members of the Defendant Board outside of any public meeting (as they have admitted), and the formal public vote merely rubber stamped those earlier unlawful decisions, rendering those Resolutions invalid as a matter of law.

Plaintiffs sought a preliminary injunction to prohibit the Defendant from continuing its pattern and practice of repeatedly violating the Open Meetings Law and also from taking any steps to implement the Special Election that was called for by Resolution 25-16, and which will cost Douglas County taxpayers approximately a half-million dollars.

(B) *Order Being Appealed and Statement of Appellate Jurisdiction.*

Defendants appeal the District Court's May 20, 2025 Order denying Plaintiffs' Motion for Entry of a Preliminary Injunction. The Court of Appeals has jurisdiction pursuant to C.A.R. 1(a)(3).

(C) *Whether the order resolved all issues pending before the trial court including attorneys' fees and costs.*

No.

(D) *Whether the judgment was made final for purposes of appeal pursuant to C.R.C.P. 54(b).*

No / not applicable in this context.

(E) *The date the order was entered.*

May 20, 2025. It is attached hereto as Appendix A.

(F) *Whether there were any extensions granted to file any motion(s) for post-trial relief, and, if so, the date of the request, whether the request was granted, and the date to which filing was extended.*

No.

(G) *The date any motion for post-trial relief was filed.*

None.

(H) *The date any motion for post-trial relief was denied or deemed denied under C.R.C.P. 59(j).*

None.

(I) *Whether there were any extensions granted to file any notice of appeal.*

No.

II. Advisory Listing of the Issues to Be Raised on Appeal.

(A) Whether the District Court erred when it denied the Plaintiffs'

Motion for Entry of a Preliminary Injunction.

(B) Whether the District Court erred by finding that Plaintiffs would not likely succeed in demonstrating that Defendant repeatedly violated the Open Meetings Law.

(C) Whether the District Court erred by finding the Defendant's formal votes to approve Resolutions 25-16 and 25-17 were not merely the rubber stamping of decisions Defendant had made previously outside of any public meeting.

(D) Whether the District Court erred when it found that a decision by County Commissioners to have taxpayers incur half-a million dollars in costs of administering a Special Election was not within the policy-making function of that public body.

(E) Whether the District Court erred when it found that maintaining the status quo pending a trial on the merits means freezing in place the Defendants' unlawful conduct rather than restoring the parties to the status quo ante.

(F) Whether the District Court erred when it found that no irreparable harm is suffered by state citizens when they are denied their statutory rights, under the Open Meetings Law, to observe all discussions of public business by a quorum of public bodies.

(G) Whether the District Court erred when it found that a public body's having decided (and notified the press) well in advance of any noticed public meeting, that *it would be voting to approve two formal Resolutions*, and then spent

only 90 seconds “considering” those Resolutions, without allowing any public input on them, did not constitute a “rubber stamping” of a decision previously made outside of any public meeting.

III. Whether a Transcript is Necessary.

Yes. A hearing was held on April 29, 2025, on the Plaintiffs’ Motion to For Entry of a Preliminary Injunction. A transcript of that hearing is necessary for this Appeal. It is attached hereto as Appendix B.

IV. The Names of Counsel for the Parties, the Addresses, Telephone Numbers, Email Addresses, and Registration Number.

Attorneys for Plaintiff-Appellants:

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Attorneys for Defendant-Appellee:

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V. Appendices.

Attached are:

(A) Order re: Plaintiffs’ Motion for Entry of Preliminary Injunction (May 20, 2025)

(B) Transcript of Hearing on Plaintiffs’ Motion for Preliminary Injunction

(April 29, 2025)

VI. Record.

Pursuant to C.A.R. 10, the necessary record for this Appeal includes all documents filed in Douglas County District Court case number 2025CV30410 filed prior to May 20, 2025, including all exhibits admitted into evidence at the hearing of April 29, 2025.

Respectfully submitted this 21st day of May, 2025.

A duly signed original is on file at:

ZANSBERG BEYLKIN LLC

/s/ Steven D. Zansberg

Steven D. Zansberg

Zansberg Beylkin LLC

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Attorneys for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2025, a true and correct copy of the foregoing **Notice of Appeal** was served on counsel of record via the ICCES e-filing system, and, pursuant to C.A.R. 4, a courtesy copy was served on the Division 6 District Court for Douglas County, Colorado

s/ Steven D. Zansberg
Steven D. Zansberg