COLORADO COURT OF APPEALS 2 East 14th Avenue Denver, CO 80203 Appeal from District Court, City and County, of Denver, Colorado, No. 21-DR-30013 William G. Meyer, Judge *pro tem*	DATE FILED June 1, 2026 2:28 PM FILING ID: 10BCAEA6B7DD8 CASE NUMBER: 2026CA352
Intervenor- Appellant: **COLORADO FREEDOM OF INFORMATION COALITION** **v.** Petitioner -Appellee: **STEVEN MARK KAUFMANN**	▲COURT USE ONLY ▲
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OPENING BRIEF	

Appellant the Colorado Freedom of Information Coalition, by and through its attorneys with Zansberg Beylkin LLC, hereby submits the following Opening Brief:

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief contains 8,999 words which is in compliance with the 9,500-word limitation set forth in C.A.R. 28(g)(1).

The brief complies with C.A.R. 28(a)(7)(A) because it contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

/s/ Steven D. Zansberg

A duly signed original is on file at Zansberg Beylkin LLC

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii
INTRODUCTION 1
I. STATEMENT OF ISSUES ON APPEAL 2
II. STATEMENT OF THE CASE 3
1. Factual Backgound 5
2. Procedural Backgound 8
3.Order for Review and Jurisdiction 10
III. SUMMARY OF THE ARGUMENT 14
IV. ARGUMENT 14
A. The District Court Erred When It Failed To Properly Apply Colorado Authority Governing the Suppression of Judicial Records 14
1. Standard of Review and Issue Preservation Below 14
2. Discussion 15
B. The District Court Erred By Failing to Consider, and to Reject as Unavailable, the Option of Providing Public Access to Portions of the Judicial Records at Issue, With Only Truly Private and Sensitive Information Redacted Therefrom 28
1. Standard of Review and Issue Preservation Below 28
2. Discussion 28
C. This Case, Litigated Under Colorado's Appointed Judge Program, Should Be Treated No Differently Than Cases Litigated Outside of that Program in District Courts 35
1. Standard of Review and Issue Preservation Below 35
2. Discussion 36
V. CONCLUSION 38

TABLE OF AUTHORITIES

Cases

Anderson v. Home Ins. Co.,
924 P.2d 1123 (Colo. App. 1996) 16, 21, 22, 27, 29

Antero Res. Corp. v. Strudley,
2015 CO 26, 347 P.3d 149 .....15, 28, 36

Barron v. Fla. Freedom Newspapers, Inc.,
531 So. 2d 113 (Fla. 1988) 25, 33

Binh Hoa Le v. Exeter Fin. Corp.,
990 F.3d 410 (5th Cir. 2021) 1

Comm'r, Ala. Dep't of Corr. v. Advance Local Media, LLC,
918 F.3d 1161 (11th Cir. 2019) 30

Courthouse News Serv. v. N.M. Admin. Office of the Courts,
53 F.4th 1245 (10th Cir. 2022) 4

Cox Broad. Corp. v. Cohn,
420 U.S. 469 (1975) 13

Doe v. Heitler,
26 P.3d 539 (Colo. App. 2001) 27

Doe v. Public Citizen,
749 F.3d 246 (4th Cir. 2014) 11

Falconi v. Eighth Judicial Dist. Court,
543 P.3d 92 (Nev. 2024) 26

Gardner v. Newsday, Inc. (In re Newsday, Inc.),
895 F.2d 74 (2d Cir. 1990) 30

Glisson v. Hooks, No. 1:19-cv-00096-MOC,
2019 U.S. Dist. LEXIS 92848 (W.D.N.C. June 3, 2019) 22

Grove Fresh Distribs., Inc. v. Everfresh Juice Co.,
24 F.3d 893 (7th Cir. 1994) 12

Harriman v. Cabela's Inc.,
2016 COA 43, 371 P.3d 758 24

Hartford Courant Co. v. Pellegrino,
380 F.3d 83 (2d Cir. 2004) 11

Hicklin Engineering, LC v. Bartell,
439 F.3d 346 (7th Cir. 2006) 11

Huddleson v. City of Pueblo,
270 F.R.D. 635 (D. Colo. 2010) 38

Huspeni v. El Paso Cnty. Sheriff's Dep't (In re Freedom Colo. Info., Inc.),
196 P.3d 892 (2008) 31

In re Avandia Mktg., Sales Practices and Prods. Liab. Litig.,
924 F.3d 662 (3rd Cir. 2019) 4, 16

In re Leopold to Unseal Certain Electronic Surveillance Applications and Orders,
964 F.3d 1121 (D.C. Cir. 2020) 11

In re Marriage of Burkle,
135 Cal. App. 4th 1045, 37 Cal. Rptr. 3d 805 (2006) 25

In re Marriage of Ohr,
97 P.3d 354 (Colo. App. 2004) 34

In re Marriage of Purcell,
879 P.2d 468 (Colo. App. 1994) 4, 15, 17, 24, 28, 36

In re Marriage of Salby,
126 P.3d 291 (Colo. App. 2005) 20

In re Marriage of Sim,
939 P.2d 504 (Colo. App. 1997) 37

In re Nat'l Prescription Opiate Lit.,
927 F.3d 919 (6th Cir. 2019) 29

In re Providence Journal Co.,
293 F.3d 1 (1st Cir. 2002) 29

In re Rajea T.,
203 A.D.3d 1714, 165 N.Y.S.3d 647 (N.Y. App. Div. 2022) 26

In re Storag Etzel GmbH,
2020 U.S. Dist. LEXIS 12374 (D. Del. Jan. 23, 2020) 13

In re Tether and Bitfinex Crypto Asset Litig., 19 Civ. 9236 (KPF),
2024 WL 3520363 (S.D.N.Y. July 24, 2024) 12

Kanza v. Whitman,
325 F.3d 1178 (9th Cir. 2003) 29

Lund v. Lund, No. C3-92-1715,
1992 Minn. App. LEXIS 1318 (Ct. App. Sep. 14, 1992) 26

Miller v. Fluent Home, LLC, No. 2:20-cv-00641,
2020 WL 5659051 (D. Utah Sept. 23, 2020) 12

Mountain States Tel. & Tel. Co. v. Pub. Utils. Com.,
186 Colo. 260, 527 P.2d 524 (1974) 24

Nixon v. Warner Commc'ns,
435 U.S. 589 (1978) 15

Office of the State Court Adm'r v. Background Info. Servs., Inc.,
994 P.2d 420 (Colo. 1999) 16

Oliner v. Kontrabecki,
745 F.3d 1024 (9th Cir. 2014) 15

People v. Owens, 2018 CO 55,
420 P.3d 257 4

People v. Thompson,
181 P.3d 1143 (Colo. 2008) 10, 31

Phoenix Newspapers, Inc v. U.S. Dist. Ct.,
156 F.3d 940 (9th Cir. 1998) 30

Times-Call Publishing Co. v. District Court,
410 P.2d 511, 159 Colo. 172 (Colo. 1966) 10

Todd v. Hause,
2015 COA 105, 371 P.3d 705 32

Union Oil Co. v. Leavell,
220 F.3d 562 (7th Cir. 2000) 1, 11, 23

U.S. v. Business of Custer Battlefield Museum & Store Located at Interstate 90, Exit 514, S. of Billings, Mont.,
658 F.3d 1188 (9th Cir. 2011) 30

United States v. Bacon,
950 F.3d 1286, 2020 U.S. App. LEXIS 5377 at *10 (10th Cir. Feb. 21, 2020) ..22

United States v. Mentzos,
462 F.3d 830 (8th Cir. 2006) 11

United States v. Pickard,
733 F.3d 1297 (10th Cir. 2013) 22, 29, 32

Williams v. FedEx Corp. Servs.,
849 F.3d 889 (10th Cir. 2017) 34

Statutes

§ 13-1-119, C.R.S. 11

§ 13-3-111, C.R.S. 2, 3, 10

§ 24-72-302, C.R.S. 31

Rules and Other Authorities

C.R.C.P. § 121(c) 1-5 .....2, 3, 14, 16, 17, 21, 22, 35, 36

C.R.C.P. 122 .....2, 3, 6, 10, 36, 38

C.A.R. 21 .....33, 35

Public Access Policy § 3.00 .....18, 19

Public Access Policy § 3.03 18

Public Access Policy § 3.04 .....18, 29

Public Access Policy § 3.2 21
Public Access Policy § 4.10 .....6, 18, 19
Public Access Policy § 4.60 .....19, 21
C.J.D. 05-01 ..... 6, 14, 18, 21, 29, 35, 37

INTRODUCTION

American courts are not private tribunals summoned to resolve disputes confidentially at taxpayer expense.

The public's right of access to judicial records is a fundamental element of the rule of law. . . . [T]he default expectation is transparency – that what happens in the halls of government happens in public view.

. . . [A]ccessibility enhances legitimacy, the assurance that things are on the level. . . . [I]t gives the . . . judiciary a measure of accountability, in turn giving the public confidence in the administration of justice. Put simply, protecting the public's right of access is important to maintaining the integrity and legitimacy of an independent Judicial Branch.

Judicial records belong to the American people; they are *public*, not *private*, documents. . . .[1]

[1] *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417–21 (5th Cir. 2021) (cleaned up); *see also Union Oil Co. v. Leavell*, 220 F.3d 562, 568 (7th Cir. 2000) ("What happens in the halls of government is presumptively public business. Judges deliberate in private but *issue public decisions* after public arguments *based on public records*." (emphasis added) (citations omitted)). As Justice Carlos Samour wrote (in the final order he issued as a District Court Judge): "The justice system, which is one of the bedrocks of this nation's democracy, cannot survive if the public loses trust in it, and the public does not trust that which is concealed from it." Order Regarding The Denver Post's Amended/Revised Petition To Unsuppress Judicial Records In Court File, *People v. Holmes*, No. 12-cr-1522, at 6 (Arapahoe Cty. Dist. Ct. Jun. 29, 2018), *available at* http://files.acrobat.com/a/preview/b205a6f3-80e7-4b24-a95f-6d670de3db5a).

I. STATEMENT OF ISSUES ON APPEAL

A. Did the District Court err when it refused to make available for public inspection, as required by C.R.C.P. 121(c) § 1-5 and Chief Justice Directive 05-01, the vast bulk (99%) of the judicial records on file in this civil case?

B. Did the District Court err by failing to order the redaction of only highly personal and private information, like previously undisclosed medical and psychiatric treatment records, from the judicial records on file in this civil case?

C. Should cases being handled by Appointed Judges *pro tem*, pursuant to § 13-3-111, C.R.S. and C.R.C.P. 122, be treated any differently, in terms of public transparency, than cases litigated in Colorado District Courts outside of that program?

II. STATEMENT OF THE CASE

This case presents the question whether a fairly routine domestic relations case in the District Court for the City and County of Denver, Colorado, should be treated any differently, in terms of public transparency of judicial proceedings, than the literally tens of thousands of other such cases, simply because it is presided over by a retired judge under the auspices of § 13-3-111, C.R.S. and C.R.C.P. 122. Unlike all other divorce cases that have been, and currently are being, litigated in District Courts of this state – whose files (with limited and appropriate exceptions) are open to the public – the Appointed Judge *pro tem* below has *permanently* barred the public from seeing the entirety of the voluminous case file (which he described as containing "tens of thousands of pages"), with the exception only for notices of hearings and orders granting uncontested motions for extensions of time. In so doing, the court below failed to properly apply C.R.C.P. 121(c) § 1-5 and Chief Justice Directive 05-01. Notably, the District Court did not consider and find unfeasible the possibility of redaction as an alternative to its blanket suppression of the court file.

CFOIC asks this Court to reverse the District Court's order depriving the public of its presumptive right to access judicial records on file in a court of law, and to order that the case file below be made available for public inspection,

forthwith, with only truly personal, private (previously undisclosed) and sensitive information contained therein redacted therefrom.

More than three decades ago, this Court held that the presumption of public access to judicial records applies, with full force, to domestic relations cases adjudicated in District Courts. *See In re Marriage of Purcell,* 879 P.2d 468, 469 (Colo. App. 1994) (affirming trial court's denial of the parties' joint motions to suppress their financial affidavits or separation agreement, among other court filings). It is well settled that "the common law presumes that the public has a right to access to judicial materials." *In re Avandia Mktg., Sales Practices and Prods. Liab. Litig.*, 924 F.3d 662, 672 (3rd Cir. 2019).[2] This "common law right of access" encompasses the right "to inspect and copy public records and documents, including judicial records and documents." *Id.* (internal quotation marks omitted).

This "right of access is not a mere formality – it 'promotes public confidence in the judicial system'; 'diminishes possibilities for injustice, incompetence,

[2] In 2018, Colorado's Supreme Court declined to recognize a presumptive right of public access to judicial records premised on either the federal or state constitution. *People v. Owens*, 2018CO55, 420 P.3d 257. Since that time, the United States Court of Appeals for the Tenth Circuit (whose precedents were cited in *Owens*) has since recognized such a right guaranteed by the First Amendment. *See Courthouse News Serv. v. N.M. Admin. Office of the Courts*, 53 F.4th 1245, 1265 (10th Cir. 2022).

perjury and fraud'; and 'provide[s] the public with a more complete understanding of the judicial system and a better perception of its fairness.'" *Id.* at 677 (quoting *Littlejohn v. BIC Corp.*, 851 F.2d 673, 678 (3d Cir. 1988); *Tenn. v. Johnson*, M2024-959-SC-R10-CO, 2026 Tenn. LEXIS 166, at *9 (Tenn. May 21, 2026) (the presumption of access to court records "strengthens public confidence in our judicial system"). Because the District Court's Order in this case directly contravenes this long line of precedent, it must be reversed. resumption strengthens public confidence in our judicial system.

1. Factual Background

On January 8, 2021, Appellee Steven Martin Kaufmann filed a Petition for Dissolution of Marriage Without Children in the Denver District Court. Over the next five years, the Kaufmanns litigated the dissolution of their marriage in District Court Case No. 2021DR30013. According to the Order from which this appeal arises, more than 1,100 separate documents were filed in that proceeding, "consisting of *tens of thousands of pages*" of judicial records.

In July 2021, at the request of the two civil litigants below, former/retired District Court Judge William Guthrie Meyer was appointed by Colorado's Chief

Justice, pursuant to C.R.C.P. 122, to preside over their domestic relations case litigated in Denver District Court. CF, p. 1124 (docket entry).[3] (suppressed)

According to the first footnote in the Order appealed from herein, on February 25, 2022, Judge *Pro Tem* Meyer apparently entered two Orders (neither of which is publicly available) that suppressed the entire court file in Case No. 2021DR30013 *nunc pro tunc* to August 10, 2021.[4]

In late March, 2025, reporter David Migoya prepared a series of news reports published in the *Denver Gazette* which exposed the fact that retired judges serving as judges *pro tem*, under "Colorado's private judge program," were *suppressing entire case files in domestic relations cases*, in shocking contrast to how such cases are handled by active District Court judges. *See* D. Migoya, *Private Judges Operate With Greater Secrecy Than Regular Courts*, Denver Gazette (Mar. 31, 2025)

[3] All of the citations to "CF, p. __" are followed by the notation "suppressed" to underscore that the public remains unable to see any of the filings in the District Court cited herein. Indeed, with respect to the very few documents in the Case File to which undersigned counsel has been granted access, pursuant to provision 4.10 of C.J.D. 05-01, he is *not permitted to share those with anyone* because they are "not publicly accessible pursuant to [that] policy."

[4] The District Court has provided no explanation for why the two orders it entered February 25, 2022 were *nunc pro tunc* to August 10, 2021. According to the *non-public* Register of Action ("ROA"), which the District Court's Order provided only to undersigned counsel, both of those orders were entered *sua sponte* (no motion seeking either order appears in the ROA).

(reporting that "[p]rivate judges hired to handle divorce cases in Colorado suppress them from public view at far greater rates than in cases that rely on district court judges"). Among the cases discussed in Mr. Migoya's series of articles was *Kaufmann v. Kaufmann*, Denver District Court Case No. 2021DR30013, in part because the petitioner therein, Steven Kaufmann, is a Deputy Attorney General for the State of Colorado.[5]

In sharp contrast to the pervasive secrecy in the private judging system, one of Mr. Migoya's articles discussed the divorce case of BreAnn Battle and former NBA Nuggets star Kenneth "the Manimal" Faried-Lewis II. In that case, Denver District Judge Kenneth Laff denied the wife's request to suppress the case file on grounds that "the parties have substantial assets and prominent standing in the

[5] Although the principal justification for public access to civil case records is to monitor the conduct of judicial officers, access to other divorce cases involving public officials has shed light on the conduct of those public servants. *See, e.g.*, *Federal judge resigns amid misconduct probe* http://share.google/BDYpxshGuWt7Kl3Ox; *Oregon GOP chair resigns after 'deeply troubling' revelations - OPB* http://share.google/Cp75RTbH7XoCABQV3; *Jackson County Sheriff Mike Sharp to resign amid revelations* http://share.google/0oVEnk9sfvt6Jzsfl; *GOP's Halseth resigns state Senate seat* http://share.google/06oc63D8s0U9lul2e; *Trump's Federal Reserve nominee Stephen Moore's messy divorce* http://share.google/zoPBBDNdW2Nwe4wM0.

Here, by way of example, according to the Permanent Orders entered below, on June 14, 2022, the Court found Mr. Kaufmann had engaged in discovery abuse for which he was ordered to pay $21,366 in sanctions. *See* **Appendix A** at 2, 17.

Denver community and that, consequently, the parties are concerned about their privacy;" Judge Laff's order denying the suppression motion stated "These conclusory statements do not provide sufficient factual basis to overcome the strong presumption in favor (of) public access to court records, especially where, as here, any separation agreement or sworn financial statement filed in the case will not be accessible to the public." *See id.*[6]

2. Procedural Background

On April 17, 2025, the Colorado Freedom of Information Coalition ("CFOIC")[7] filed a motion in Denver District Court Case No. 2021DR30013 seeking limited intervention for the purpose of requesting that the case file therein be unsuppressed. CF, pp. 6607–6013 (suppressed).

[6] Notably, as is true in virtually all domestic relations cases presided over by active District Court judges, both the Permanent Orders and Final Parenting Plan in *Battle v. Faried-Lewis II*, No. 2017DR31005 (Denver Cnty. Dist. Ct.) *are publicly available* on Colorado's Electronic Filing System, even though that case was subsequently handled under the private judge program.

[7] CFOIC is a non-partisan 501(c)(3) non-profit corporation committed to protecting and expanding the public's right to monitor the workings of public servants, in all branches of government, across the state of Colorado. CFOIC includes both organizational and individual members; a partial list of those organizations is available at http://coloradofoic.org/about/. The views expressed herein do not necessarily reflect that of all of CFOIC's members.

By order entered May 20, 2025, the District Court granted CFOIC's motion to intervene. *Id*. p. 6714 - 6715 (suppressed).

On October 13, 2025, the District Court served on all parties a NOTICE OF ZOOM HEARING re: Motion to Unsuppress Court File (attached hereto as **Appendix B**), setting that hearing for October 27, 2025.[8] Prior to that hearing, both parties to the domestic relations case filed Responses to CFOIC's motion, *Id*. pp. 6622–6630; 8012–8015 (suppressed) and CFOIC filed a Reply in support of its Motion. *Id*. pp. 8016–8100 (suppressed). Notably, the Respondent's Response, filed April 24, 2025, stated that she had *never* sought, nor agreed to, blanket suppression of the court file; as substantiated by an exhibit to her Response (her counsel Carolyn C. Witkus' filing, via email, of February 23, 2022), she had requested only that the Protective Order – not *any* suppression order – be limited exclusively to her own medical records. CF, pp. 6622–6627 (suppressed).

On October 27, 2025, the District Court heard oral argument from counsel for CFOIC and for Appellee Steven Mark Kauffman regarding CFOIC's motion to unsuppress the court file. Tr. (10/27/25).

[8] This Court's Order of June 1, 2026 noted that no such Notice of Hearing is listed in the Register of Action, nor does such notice appear in the Case File. Accordingly, it is attached hereto as **Appendix B**.

On January 8, 2026, the District Court issued its Order from which this appeal arises. In it, the District Court made clear that it had *not* performed a document-by-document review of the court file. *See* CF, p. 8250 (stating that "The Court has generally reviewed the file"). Incorporating by reference two prior orders (that are not available for public inspection), the District Court declared that it had previously "made specific medical records and medical conditions (sic) and that disclosure [of such information] would violate [the Respondent's] privacy. . . [and, apparently also made findings] about the parties' financial information and how disclosure would implicate the privacy interests of both the parties and third parties . . . ."). The Order makes no mention of the possibility of redacting the judicial records.

3. Order for Review and Jurisdiction

Appeal is taken from the District Court's Order Re: Intervenor's Motion to Vacate Order Suppressing the Court File, entered January 8, 2026, *id.*, pp. 8249–8252 ("the Order") (suppressed). Jurisdiction arises under §§ 13-3-111, 13-4-102(1) C.R.S. and C.R.C.P. 122. *See also Times-Call Publishing Co. v. District Court*, 410 P.2d 511, 159 Colo. 172 (Colo. 1966) (reviewing and reversing District Court's order denying public access to civil court file); *People v. Thompson*, 181 P.3d 1143 (Colo. 2008) (reviewing and reversing District Court's order denying public access to filed indictment).

Prior to discussing the Order's numerous legal errors, several notable points about the Order bear mentioning at the outset. First, ***the Order itself***, which was attached to the publicly filed Notice of Appeal herein, ***is suppressed.***

The same is true of the two prior judicial orders referenced in the Order's first footnote. Neither of those prior judicial decrees, in which the District Court presumably articulated its rationale for *denying the public's right to access any of the judicial records* in the file, is available to the public.[9] Nor have either of those two orders been made available to undersigned counsel.

The same is true of the Register of Actions,[10] and *all* of the parties' motions papers, exhibits, and ***all*** **judicial orders resolving substantive disputes between**

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[9] *Compare United States v. Mentzos*, 462 F.3d 830, 843 n.4 (8th Cir. 2006) ("decisions of the court are a matter of public record"); *In re Leopold to Unseal Certain Electronic Surveillance Applications and Orders*, 964 F.3d 1121, 1128 (D.C. Cir. 2020) ("since at least the time of Edward III, judicial decisions have been held open for public inspection" (citing 3 Edward Coke, Reports, at iii-v (London, E. &R. Nutt & R. Gosling 1738) (1602))); *Doe v. Public Citizen*, 749 F.3d 246, 267 (4th Cir. 2014) ("Without access to judicial opinions, public oversight of the courts, including the processes and the outcomes they produce, would be impossible."); *Hicklin Engineering, LC v. Bartell*, 439 F.3d 346, 349 (7th Cir. 2006) ("We hope never to encounter another sealed opinion."); *Union Oil Co. v. Leavell*, 220 F.3d 562, 568 (7th Cir. 2000) ("it should go without saying that the judge's opinions and orders belong in the public domain").

[10] *But see* § 13-1-119, C.R.S. (2026) ("The . . . register of actions *shall be open* at all times during office hours *for the inspection of the public* without charge . . . .") (emphasis added); *see also Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93 (2d

the parties. Not one of them is publicly available. And, if the District Court's Order were to be affirmed, they would *never* become publicly available.[11]

For example, on October 6, 2025 the District Court entered a 27-page "Permanent Orders," which is available to the public from this Court, because it was filed as an "Advisory Copy," along with the Notice of Appeal, in Case No. 2025CA2245 on November 24, 2025. *See* **Appendix A** attached hereto. Nevertheless, that same judicial decree **is *not* available to the public from the**

Cir. 2004) ("the ability of the public and press to attend civil and criminal cases would be merely theoretical if the information provided by docket sheets were inaccessible.") *United States v. Ochoa-Vasquez*, 428 F.3d1015, 1029-30 (11th Cir. 2005) ("[P]ublic docket sheets are essential to provide meaningful access to criminal proceedings." (internal quotation marks omitted)); *Grove Fresh Distribs., Inc. v. Everfresh Juice Co*., 24 F.3d 893, 897-98 (7th Cir. 1994) (holding that the district court erred in sealing, inter alia, the civil docket for a case), *superseded on other grounds as stated in Bond v. Utreras*, 585 F.3d 1061 (7th Cir. 2009).

[11] The Judicial Conference of the United States has emphasized that "sealing an entire case is a last resort," that should be done only when "required by statute or rule or justified by a showing of extraordinary circumstances and the absence of narrower feasible and effective alternatives (such as sealing discrete documents or redacting information)." Judicial Conference Policy on Sealed Cases (Sept. 13, 2011), http://www.uscourts.gov/sites/default/files/judicialconferencepolicyonsealedcivilcases2011.pdf; *In re Tether and Bitfinex Crypto Asset Litig*., 19 Civ. 9236 (KPF), 2024 WL 3520363, at *20–21 (S.D.N.Y. July 24, 2024) (declining to accept overbroad proposed redactions that would have the practical effect of sealing the entire case); *Miller v. Fluent Home, LLC*, No. 2:20-cv-00641, 2020 WL 5659051, at *1 (D. Utah Sept. 23, 2020) (refusing defendant's request to seal entire case to prevent reputational harm: "Although courts have discretion, sealing litigation documents, *to say nothing of entire cases*, is disfavored in the United States.").

Denver District Court. It, and *all other substantive rulings of the trial court*, remain *completely suppressed* below. This state of affairs simply cannot be reconciled with the case law appearing on page 1 of this brief or with that of Colorado's Supreme Court. *See also Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 491-92 (1975) (emphasis added):

> Great responsibility is . . . placed upon the news media to report fully and accurately the proceedings of government, and **official records and documents open to the public are the basic data of governmental operations**. With respect to judicial proceedings. . . the press serves . . . to bring to bear the beneficial effects of public scrutiny upon the administration of justice.[12]

[12] *See also In re Storag Etzel GmbH*, 2020 U.S. Dist. LEXIS 12374, at *2 (D. Del. Jan. 23, 2020) ("The District Court is not a star chamber. We are a public institution in a democratic republic and the public has a right of access to our filings. This right is founded in the common law and 'antedates the Constitution.' The public's right of access is not absolute; but it is strongly presumed, and it can be overcome only if a party demonstrates that public disclosure of a filing will result in a 'clearly defined and serious injury.'") (citations omitted); *Black v. Emerson*, No. 2025-cv-1035-WJM-NRN, Order at p. 7 of 16 (D. Colo. June 9, 2025) ("The public has a fundamental interest in understanding the disputes presented to and decided by our courts, so as to assure that they are run fairly and that judges act honestly. . . . Sealing an entire case prevents critical public monitoring of the judge and [the] judicial process") (citation omitted), https://www.govinfo.gov/content/pkg/USCOURTS-cod-1_25-cv-01035/pdf/USCOURTS-cod-1_25-cv-01035-0.pdf

III. SUMMARY OF THE ARGUMENT

The District Court's Order must be reversed for three independently sufficient reasons:

First, because the District Judge *pro tem* erred in failing to apply the presumption of public access in C.R.C.P. 121(c) § 1-5 and Colorado Judicial Directive number 05-01 ("C.J.D. 05-01").

Second, because the Order below failed to even consider the "less restrictive alternative" of publicly releasing *redacted* judicial records, and also failed to *expressly find* redaction not feasible to protect any legally cognizable rights of personal privacy contained in them.

Third, because the Order dramatically diverges from the level of public access routinely provided in domestic relations cases litigated in District Courts across the state, and Colorado's Supreme Court has made clear that cases adjudicated in "Colorado's private judge program" must be treated no differently than cases litigated before sitting District Court judges.

IV. ARGUMENT

A. The District Court Erred When It Failed To Properly Apply Colorado Authority Governing the Suppression of Judicial Records

1. Standard of Review and Issue Preservation Below

This Court reviews for an abuse of discretion a trial court's determination

whether to suppress any portion of judicial records. *In re Marriage of Purcell*, 879 P.2d 468, 469 (Colo. App. 1994). "A misapplication of the law constitutes an abuse of discretion." *Antero Res. Corp. v. Strudley*, 2015 CO 26, ¶ 14, 347 P.3d 149, 154 (citing *Freedom Colo. Info., Inc. v. El Paso Cnty. Sheriff's Dep't*, 196 P.3d 892, 899 (Colo. 2008)). This issue was preserved below in CFOIC's two filings and at the hearing on its motion to unsuppress the Court file. CF, pp. 6607–6613, 8016–8026 (suppressed).

2. Discussion

The District Court's Order erred by failing to apply the strong *presumption* of public access to court records set forth in the applicable legal standards.

> It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, *including judicial records and documents*. In contrast to the English practice, *see, e. g., Browne* v. *Cumming*, 10 B. & C. 70, 109 Eng. Rep. 377 (K. B. 1829), American decisions generally do not condition enforcement of this right on a proprietary interest in the document or upon a need for it as evidence in a lawsuit. *The interest necessary to support the issuance of a writ compelling access* has been found, for example, in *the citizen's desire to keep a watchful eye on the workings of public agencies* . . .

Nixon v. Warner Commc'ns, 435 U.S. 589, 597-98 (1978) (emphasis added); *see also Oliner v. Kontrabecki*, 745 F.3d 1024, 1025 (9th Cir. 2014) (judicial "records often provide important, sometimes the only, bases or explanations for a court's decision.") (citation omitted). Accordingly, it is firmly established that *all* "judicial

records" on file in courts of this state are presumptively open to the public. *See, e.g.*, *Office of the State Court Adm'r v. Background Info. Servs., Inc.,* 994 P.2d 420, 429 (Colo. 1999) (holding that C.R.C.P. Rule 121(c) § 1-5 "creates a presumption that [all] court files will be open to the public."); *id.* (noting that that Statewide Practice Standard was enacted, *inter alia*, because several trial courts, "particularly in . . . *domestic relations cases*, almost routinely prohibited access to court file information"; in *rejecting* that practice, the Rule embodies *"*the general premise that [all] individual case files *are open to public inspection upon request*" (emphasis added)); *Anderson v. Home Ins. Co*., 924 P.2d 1123, 1126 (Colo. App. 1996) ("C.R.C.P. 121 § 1-5 squarely places the burden upon the party seeking to limit access to a court file to *overcome this presumption* in favor of public accessibility. . . ." (emphasis added)).[13]

[13] *Accord In re Avandia Mktg., Sales Practices & Prods. Liab. Litig.,* 924 F.3d at 676 ("the common law right of access begins with a thumb on the scale in favor of . . . the strong presumption of public access"); *id.* at 677 ("The scale is tipped at the outset in favor of access.").

Although the Order *cited* C.R.C.P. 121(c) § 1-5 and Chief Justice Directive 05-01, Order at 2, it then failed to apply them. The first of those two standards provides (emphasis added):

> **LIMITATION OF ACCESS TO COURT FILES**
>
> 1. **Nature of Order.** Upon motion by any party named in any civil action, the court may limit access to court files. The order of limitation *shall specify* the nature of limitation, the duration of the limitation, and *the reason* for limitation.
>
> 2. **When Order Granted.** An order limiting access shall not be granted except upon *a* finding *that the harm to the privacy of a person in interest outweighs the public interest*.
>
> 3. **Application for Order.** A motion for limitation of access may be granted, *ex parte,* upon motion filed with the complaint, accompanied by supporting affidavit or at a hearing concerning the motion.
>
> 4. **Review by Order.** Upon notice to all parties of record, and after hearing, an order limiting access may be reviewed by the court at any time on its own motion or *upon the motion of any person*.

Thus, C.R.C.P. 121(c) § 1-5(2) declares, as a matter of statewide policy, that the public is entitled to inspect *all records* on file in any Court, unless and until a judicial *finding* has been made that "the harm to the privacy of a person in interest outweighs the public interest" in accessing judicial records. *See also In re Marriage of Purcell,* 879 P.2d at 469 (holding that the presumption of public access applies with full force in domestic relations cases, and affirming trial court's denial of the parties' *joint* motions to suppress their financial affidavits and separation agreement, among other

court filings).

The second governing legal standard is found in Section 3.00(e) of Colorado's Public Access Policy, adopted in accordance with C.J.D. 05-01. It prescribes that "[p]ublic court records shall be available for inspection by any person at reasonable times, except as provided in this Chief Justice Directive or as otherwise provided by federal statute or regulation, state statute, court rule, or court order." Section 4.10 of that Policy makes clear that "***[i]nformation in*** the court record is accessible to the public except as prohibited by Section 4.60." (emphasis added).[14] Thus, the Policy quite expressly mandates that public access is guaranteed to all *portions* of *each individual court record* ("information") which is not found to satisfy the standard set forth therein. *See* Public Access Policy § 3.04 ("'Public access' means that the public may inspect and obtain a copy of ***publicly accessible information*** *in* **a** court record.") (emphasis added).

[14] Section 3.03 of that Policy defines "court record" as

> (1) *any* document, ***information*** . . . or other item that is collected, received, and maintained by a court or Clerk of Court that is *related to a judicial proceeding*; . . .
>
> (3) any item including index, calendar, docket, register of actions, certified transcript, *order*, decree, judgment, or minute order, that is *related to a judicial proceeding*.

Under Colorado's Public Access Policy, judicial records on file in domestic relations cases (with only six identified exceptions) are presumptively open to public inspection. Section 4.60(b) of that Policy sets forth a listing of categorical, *"case type" exceptions* to the presumption of public access set forth in Sections 3.00(e) and 4.10 (e.g., Adoption; Dependency & Neglect; Mental Health; Paternity; Probate Protected Proceedings, etc.). However, Domestic Relations cases are quite conspicuously excluded from that categorically exempt set of cases.

In sharp contrast, Section 4.60(d)(6) of the policy identifies only six (6) specific types of documents in domestic relations cases described as "suppressed court records commonly *filed with*[15] the court":

> (6) Domestic Relations:
> i. Financial Statements/Financial Affidavits;
> ii. Financial Documents;
> iii. Memoranda of Understanding;
> iv. Parenting Plans;
> v. Qualified Domestic Relations Orders; and
> vi. Separation Agreements

Notably, all six documents in that section are "fil[ings] with the court" *made by the Parties*; **not judicial orders**, and *none* of those listed *filings* include motions, legal briefs, responses, or replies. Also, tellingly, that same provision (4.60(d))

[15] This text strongly supports that no judicial *orders* entered in Domestic Relations cases are to be suppressed.

declares that "[i]f a pleading or filing itself refers to a suppressed court record, that pleading or filing *shall be accessible to the public* unless the court orders otherwise." (emphasis added).

In other words, as is routinely the case in *officially published* (and so-called "unpublished," but *publicly available*) domestic relations cases litigated in this Court and the Colorado Supreme Court – well over 10,000 of which bear the caption "*In re Marriage of . . .*" – *the contents of such filings by the parties are disclosed, publicly, in the judicial opinions* resolving the substantive disputes between the parties to those cases. *See, e.g., In re Marriage of Salby*, 126 P.3d 291, 300 (Colo. App. 2005) ("Financial documents submitted to the court with the parties' financial affidavits further showed that in 1999, father earned $78,949.54 as a professor and $52,327.90 doing consulting work for his secondary employer. In 2000, his earnings were $80,671.96 and $57,497.73 from the same sources. In 2001, his earnings as a professor were $83,432.01, and his secondary earnings were $57,020.61, for a total income of $ 140,452.62.").

Lastly, the state's Public Access Policy *mandates* that in domestic relations cases (as is true of **all** judicial records) financial account numbers, Tax Identification Numbers, driver's license numbers, and Social Security Numbers *must be redacted* by court personnel (administratively, and automatically, i.e., without the need for

any request by a member of the public), prior to releasing court records containing that "information" to the public. *Id.* § 4.60(g).[16]

Both of those two governing standards (C.R.C.P. 121 (c) § 1-5 and C.J.D. 05-01) declare, unambiguously, that *all* documents on file in *all* civil cases – including domestic relations matters, with six specified exceptions – are *presumed* to be open to the public. However, the Order below applies *no presumption of public access* to judicial records, which can be overcome only by a specific showing that disclosure of *particular* ***information*** in a judicial record would implicate an individual's right to personal privacy **and** a finding that that privacy interest outweighs the public's interest in being able to monitor the conduct of the courts (who act in the public's name and are funded by that public).

This Court has previously recognized that the personal privacy interest recognized in Rule 121(c) § 1-5 provides the exclusive ground for denying the public's presumptive right of access. *See Anderson*, 924 P.2d at 1126 (Colorado's

[16] Colorado's Public Access Policy is based on, and closely tracks, the Public Access Policy Guidelines endorsed by the Conference of Chief Justices and the Conference of State Court Administrators in August 2022. *See* http://www.courthousenews.com/wp-content/uploads/2021/08/public-access-guidelines.pdf. Notably, the Commentary to section 3.2 of that document states that "[a]nother aspect of access is *the need to redact restricted information in documents before allowing access to the balance of the document*." (emphasis added).

"presumption that all court records are to be open [] allows a court to limit access *in only one instance* and *for only one purpose*": when the privacy right of the party seeking closure "outweighs the public's right to know.").[17] Indeed, C.R.C.P. 121(c) § 1-5(2) mandates that a court "shall not" enter an order limiting access to court records except "upon a finding that the harm to the privacy of a person in interest outweighs the public interest." The Order entered below erred by failing to apply that presumption of public access. *See United States v. Bacon*, 950 F.3d 1286, 2020 U.S. App. LEXIS 5377 at *10 (10th Cir. Feb. 21, 2020) (finding plain error because "the district court did not apply the presumption that judicial records should be open to the public") (internal quotation marks and citation omitted); *United States v. Pickard*, 733 F.3d 1297, 1304 (10th Cir. 2013) (collecting case law where trial courts' failure to apply the presumption of access was deemed an abuse of discretion).

Of course, there can be no judicial finding of any personal *privacy* interest with respect to *the legal arguments* of counsel and *judicial precedents* cited in parties' pleadings advocating their respective positions in this litigation. *See, e.g.*, *Glisson v.*

[17] A party seeking to limit access "squarely" bears the burden of "demonstrating that the harm to the privacy of a person in interest outweighs the public interest in the openness of court files." *Anderson*, 924 P.2d at 1128.

Hooks, No. 1:19-cv-00096-MOC, 2019 U.S. Dist. LEXIS 92848, at *9 (W.D.N.C. June 3, 2019) (unsealing portions of legal briefs containing "legal arguments involving material that has no pretense of an expectation to privacy. Thus, there is a less drastic remedy than sealing the briefs *in toto*"); *Union Oil Co. v. Leavell*, 220 F.3d 562, 568 (7th Cir. 2000) (unsealing all appellate briefs: "Both litigants and judges may protect properly confidential matters by using sealed appendices to briefs and opinions.").[18]

Nor can either party (or any third party) assert it has any right of personal *privacy* with respect to the *legal reasoning* for, and the *terms* of **any order** entered by the Court that adjudicates the parties' rights and interests.[19] Nevertheless, the Order completely denies the public access *all of those portions* (the "publicly accessible *information*") of dozens of judicial orders entered below, without conducting any balancing of interests whatsoever.

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[18] For example, according to the publicly-available Respondent's Motion to Settle Record that was filed as an "Advisory Copy" exhibit to Respondent's Motion to Stay Appeal Pending Completion of the Record in Case No. 25-CA-2245, an entire round of briefing below was devoted to whether email communications exchanged between the parties and the Court should be included in Case File and listed on the docket of the divorce case below. Mot. to Settle Record (Apr. 27, 2026) at 8 ¶¶ 9 - 12. Obviously, there is no legal basis to withhold such purely legal arguments from public view.

[19] *See supra* n.7.

In *Marriage of Purcell, supra,* this Court stated, "although *both parties* requested sealing of the record, the court was not obligated to find that harm to the parties' privacy outweighed the public interest, and . . . our review of the documents sought to be sealed leads us to conclude that they contain nothing unusual or that would mandate that they be sealed." 879 P.2d at 469 (emphasis added). Here, in contrast, Ms. Kaufmann did *not* seek to have the *entirety* of the District Court case file closed, nor any financial information – only her own medical records. Indeed, she has filed the District Court's Permanent Orders, publicly available, in her appeal of those orders before this Court. *See* entry of Nov. 25, 2025 in Case No. 2025CA2245 (attached as **Appendix A**).[20]

[20] This Court may take judicial notice of its own records. *Mountain States Tel. & Tel. Co. v. Pub. Utils. Com*., 186 Colo. 260, 270, 527 P.2d 524, 529 (1974) ("the Court takes judicial notice of the records of this Court"); *Harriman v. Cabela's Inc.*, 2016 COA 43, ¶ 64, 371 P.3d 758, 765 (taking "judicial notice of the contents of court records in a related proceeding").

Numerous courts, throughout the nation, have recognized that the public's paramount interest in monitoring the actions of judicial officers is no different in domestic relations cases than it is in any other area of civil (or criminal) law. *See, e.g.*, *In re Marriage of Burkle,* 135 Cal. App. 4th 1045, 1062, 37 Cal. Rptr. 3d 805, 820 (2006):

> [I]n *Green v. Uccelli* (1989) 207 Cal. App. 3d 1112 . . . , the court stated that: **"The contents of the file of a divorce proceeding are 'historically and presumptively' a matter of public record."** (*Id.* at p. 1120; *see also Lechowick, supra*, 65 Cal.App.4th at p. 1414 **["[i]n general, court files in family law cases should be treated no differently than the court files in any other cases for purposes of considering the appropriateness of granting a motion to seal any of those files"** (fn. omitted)]
>
> In short . . .[c]ourt records in divorce proceedings, like divorce proceedings themselves, are presumptively open.

See also Barron v. Fla. Freedom Newspapers, Inc., 531 So. 2d 113, 119 (Fla. 1988) ("We find no justification to give dissolution proceedings special consideration . . . . **The parties seeking a dissolution of their marriage are not entitled to a private court proceeding just because they are required to utilize the judicial system.** Dissolution proceedings are regulated by statute and are unique because the state is considered an interested third party to protect the public welfare. . . . We conclude that *dissolution proceedings must be treated similar to other civil proceedings*, and thus the presumption of openness applies." (emphasis added)).

More recently, Nevada's Supreme Court ruled

> there is no reason to distinguish family law proceedings from [other] civil proceedings . . . . Traditionally, across the nation, family law proceedings are, and have been, presumptively open. . . .
>
> [Moreover] open family law proceedings play a significant role in the functioning of the family court, warranting a presumption of open access. . . .
>
> Accordingly, . . . we conclude that civil proceedings, and specifically family law proceedings, are presumptively open.

Falconi v. Eighth Judicial Dist. Court, 543 P.3d 92, 97-99 (Nev. 2024).[21]

Thus, those who chose to litigate the dissolution of their marriage in taxpayer-subsidized courts, as here, can have no reasonable (nor judicially sanctioned) expectation that their filings are, or will be, confidential. "In view of the fact that court files are public records subject to the stated policy and disclosure provisions of the Supreme Court rule, it is unreasonable, as a matter of law, for the parties to

[21] *See also In re Rajea T.*, 203 A.D.3d 1714, 165 N.Y.S.3d 647, 651 (N.Y. App. Div. 2022) ("This fundamental presumption of public access to judicial proceedings applies equally to matters heard in Family Court." (internal quotation marks and punctuation omitted)); *Lund v. Lund*, No. C3-92-1715, 1992 Minn. App. LEXIS 1318, at *1 (Ct. App. Sep. 14, 1992) ("We reject petitioner's claim that dissolution proceedings in Minnesota are private or that the presumption of public access to all case records is inapplicable.").

litigation to expect or to assume that all of the court files will remain private." *Anderson*, 924 P.2d at 1127. In that same case, this Court stated:

> Generally, under the common law, a heightened expectation of privacy or confidentiality in court records has been found to exist *only* in those limited instances in which an accusation of sexual assault has been made, or in which trade secrets, potentially defamatory material, or threats to national security may be implicated. . . .
>
> *Likewise, prospective injury to reputation, an inherent risk in almost every civil lawsuit, is generally insufficient to overcome the strong presumption in favor of public access to court records.*

Anderson, 924 P.2d at 1127 (emphasis added) (citation omitted); *Doe v. Heitler*, 26 P.3d 539, 542-44 (Colo. App. 2001) (citing *Anderson*, affirming trial court's denial of motion to seal in psychologist disclosure case).

Here, the District Court's Order failed to apply *any* presumption of access to the information contained in the judicial records at issue; accordingly, the District Court erred, as a matter of law, by not conducting the necessary balancing of competing interests with respect to *each and every judicial record on file*[22] in the court below.

[22] *See* Order at 2 ("The Court has *generally* reviewed the file." (emphasis added)).

B. The District Court Erred By Failing to Consider, and to Reject as Unavailable, the Option of Providing Public Access to Portions of the Judicial Records at Issue, With Only Truly Private and Sensitive Information Redacted Therefrom

1. Standard of Review and Issue Preservation Below

This Court reviews a trial court's determination whether to suppress judicial records for an abuse of discretion. *In re Marriage of Purcell*, 879 P.2d at 469. "A misapplication of the law constitutes an abuse of discretion." *Antero Res. Corp. v. Strudley*, 2015 CO 26, ¶ 14, 347 P.3d 149, 154 (citation omitted). This issue was preserved below. CF, pp. 8023–8024 (suppressed) (CFOIC's Reply Brief, arguing that redaction must be considered by the District Court); Tr. 10/27/25 at 10:11-17 ("any non-published, non-public, personal private medical, mental health and other [similar] type of information . . . would be appropriately redacted"); *id.* at 24:16-18 (CFOIC's counsel arguing that and "the appropriate remedy, as the case law commands, is to redact," in lieu of complete suppression of judicial records).

2. Discussion

a. Redaction, as An Alternative to Blanket Suppression, Must Be Considered as a Less Restrictive Means to Protect Compelling Privacy Interests Found to Outweigh the Public's Presumptive Right of Inspection

In light of the strong presumption of public access to court records, any party wishing to deny that public right must demonstrate *both* that (1) "the harm to the privacy of a person in interest outweighs the public interest," *and* (2) that the

suppression of *information* sought is *no greater than necessary* to protect such a demonstrated interest. Thus, redaction of only the truly sensitive and private *information* – as opposed to blanket suppression of judicial records in their entirety – must be considered and rejected as an unavailable alternative. *See,* Public Access Policy Adopted Pursuant C.J.D. 05-01 § 3.04 (mandating that "the public may inspect and obtain a copy of ***publicly accessible information*** *in* **a** court record" (emphasis added)); *see also Anderson*, 924 P.2d at 1127 (holding that "the fact that the parties may claim that a court file *contains* extremely personal, private, and confidential matters is generally insufficient to constitute a privacy interest warranting the sealing *of that entire file*" (emphasis added)); *U.S. v. Pickard* 733 F.3d 1297, 1304-05 (10th Cir. 2013) (vacating blanket sealing order because "*the district court did not consider whether selectively redacting* just the still sensitive, and previously undisclosed, information from the [records] . . . would adequately serve the government's interest" (emphasis added)); *In re Providence Journal Co.,* 293 F.3d 1, 15 (1st Cir. 2002) ("Redaction constitutes a time-tested means of minimizing any intrusion on" the right of access); *Kanza v. Whitman*, 325 F.3d 1178, 1181 (9th Cir. 2003) (where release of court records poses risk to national security, "[p]ublic release of redacted material is an appropriate response"); *In re Nat'l Prescription Opiate Lit.,* 927 F.3d 919, 939 (6th Cir. 2019) (reversing district court's

sealing order and requiring district court, before sealing particular records, to "explain . . . why the seal itself is no broader than necessary" (internal quotation marks and citations omitted)); *Phoenix Newspapers, Inc v. U.S. Dist. Ct.*, 156 F.3d 940, 947-48 (9th Cir. 1998) ("[e]ven where denial of access is appropriate, *it must be no greater than necessary* to protect the interest justifying it" (emphasis added)); *U.S. v. Business of Custer Battlefield Museum & Store Located at Interstate 90, Exit 514, S. of Billings, Mont*., 658 F.3d 1188, 1195 n.5 (9th Cir. 2011) (if judicial records contain sensitive and confidential information, the court "can accommodate those concerns by redacting sensitive information rather than refusing to unseal the materials entirely"); *cf. Comm'r, Ala. Dep't of Corr. v. Advance Local Media, LLC,* 918 F.3d 1161, 1167 (11th Cir. 2019) (affirming District Court's order unsealing the state's lethal injection execution protocol with redactions to protect the safety of personnel involved in performing the executions); *Gardner v. Newsday, Inc.* (*In re Newsday, Inc.*), 895 F.2d 74, 75 (2d Cir. 1990) ("[W]e hold that the district court properly balanced the common law right of access to judicial records with the defendant's privacy rights, and affirm its release of a redacted copy of the warrant application.").

Colorado's Supreme Court has made clear that when a member of the public seeks access to judicial records on file in a civil or criminal case, the custodian of

such records (typically the clerk's office) must not take an "all-or-nothing" approach, but must provide the requester with all *portions* of those records not properly withheld for compelling reasons. *See Thompson,* 181 P.3d at 1148 (ordering that a criminal indictment "in its entirety, be made available for public inspection, subject to the deletion of identifying information of any alleged sexual assault victim," as mandated by the Colorado Criminal Justice Records Act ("CCJRA")). Moreover, whenever a court of law (presiding over a criminal case[23]) is asked to provide a member of the public with a court record subject to the CCJRA, it "*should redact sparingly* to promote the CCJRA's preference for public disclosure." *Huspeni v. El Paso Cnty. Sheriff's Dep't* (*In re Freedom Colo. Info., Inc.*), 196 P.3d 892, 900 n.3 (2008).

Indeed, in the current appeal of the District Court's Permanent Orders (Case No. 2025CA2245) this Court denied the appellee's motion asking that *the entire appellate case file* be suppressed from public view. *See* Order of the Court (Jan. 16, 2026) (Tow, J.) (stating that the appellee's "motion fails to address why under CJD 05-01 *the entire appeal* should be suppressed.") (emphasis added). That ruling

[23] *See* § 24-72-302(3), C.R.S. ("'Criminal justice agency' means any court with criminal jurisdiction").

recognizes that suppression of *an entire case file* is truly extraordinary, and cannot be squared with the Chief Justice Directive governing access to court records.

Because the Order appealed from does not even mention the "less restrictive means" of providing the public with redacted judicial records, it does not comply with either of the two standards promulgated by Colorado's Supreme Court regarding suppression of judicial records in civil cases.

b. Redactions Must Be Limited to Truly *Private* (*i.e.*, Not Previously Disclosed) *Information* in the Judicial Records That is Not Pertinent to Any Matters Resolved by the Court

The Court's Order also errs when it declares, in its final sentence, "[u]nder no circumstances will the Intervenor [or the public] be entitled [to inspect] financial or health care information contained in the court file." Under settled law, any information that has previously been publicly disclosed, or which serves *as the basis for the court's rulings* affecting the parties' substantive rights, is not properly subject to redaction. *Todd v. Hause*, 2015 COA 105, ¶ 44, 371 P.3d 705, 713 (holding that an "individual cannot have a legitimate expectation of nondisclosure if the information" she wants to limit access to "is readily available to the public"); *U.S. v. Pickard*, 733 F.3d 1297, 1302 (10th Cir. 2013) (holding that information that has "been disclosed previously in public . . . court proceedings" is not properly subject to sealing) (internal quotation marks omitted).

Here, the Respondent below, Alexis Denny Kaufmann, has made no secret of the fact that she has been diagnosed with Post Traumatic Stress Disorder, protracted or "long" COVID-19 infection, and melanoma, all of which she cited as the basis for requesting accommodations from the District Court under the Americans with Disabilities Act, and then petitioned Colorado's Supreme Court when the District Court denied her those accommodations. *See* CF, pp. 8046, 8051, 8054 (suppressed) (Ms. Kaufmann's CAR 21 petition at pp. 12, 16, 19).[24] Because her diagnosed medical conditions *have already been publicly disclosed,* and because they served as the grounds for her seeking dispensation from the District Court *and* the Supreme Court, none of that information can properly be redacted from the court records at issue. *See Barron v. Fla. Freedom Newspapers, Inc.,* 531 So. 2d 113, 119 (Fla. 1988) (emphasis added):

> [W]e conclude that the sealed portion of this file does not contain protected information. The undisclosed matter primarily concerns medical reports regarding one party's physical condition. *That party asserted the condition to justify certain actions and conduct.* Although generally protected by one's privacy right, **medical reports and history are no longer protected when the medical condition becomes an integral part of the civil proceeding, particularly when the condition is asserted as an issue by [a] party** . . . .

[24] Ms. Kaufmann's C.A.R. 21 petition, filed August 22, 2024 in Supreme Court Case No. 2024SA236, is *available to the public* through Colorado's Electronic Filing System.

> The sealed findings of fact here clearly establish that *the medical records were an integral part of this case.* This medical information is similar to that presented in personal injury actions, workers' compensation proceedings, and **other dissolution of marriage proceedings**. ***In dissolution proceedings, it is not unusual for a party's medical condition to be relevant in determining appropriate alimony, child support, or property disposition.*** Accordingly, we conclude that *the medical information is an inherent part of these proceedings and cannot be utilized as a proper basis for closure. . . .*
>
> Upon this opinion's becoming final, the order sealing the file will be vacated and the entire file will be open and available for examination in the same manner as any other court file.

See also Williams v. FedEx Corp. Servs., 849 F.3d 889, 905 (10th Cir. 2017) (applying the common law right of access and ordering "that the Appendix be unsealed twenty days from the date of this decision, unless the parties submit an amended, unsealed Appendix within fourteen days" that "*redacts Mr. Williams' medical information that was not already disclosed* in the appellate briefs or the district court's order" (emphasis added)); *In re Marriage of Ohr*, 97 P.3d 354, 356 (Colo. App. 2004) (the trial "court also noted that intervenor [biological father] had a history of alcoholism, drug abuse, and . . . further found that husband also had significant mental health problems, had been highly unstable since the separation, and alienated his older children, and there was credible evidence of spousal abuse.").

The clearest and simplest way to demonstrate the incredible overbreadth of Judge *Pro Tem* Meyers' blanket suppression order is to examine the *completely suppressed* Permanent Orders he entered October 6, 2025, which are appended to this brief as **Appendix A**. That document – available to the public in this Court's Case No. 2025CA2245 – contains *practically no information* that can be characterized as highly personal and private as to the parties, not previously disclosed, *and* not relevant to the exercise of judicial authority by the District Court. All references therein to Ms. Kaufmann's diagnosed medical and psychological conditions (at p. 3 ("disabilities"), p.5 ("long COVID," "cancer," and "chronic fatigue syndrome"), p.16 ("long COVID") merely restate what she herself publicly disclosed in her C.A.R. 21 petition. Neither those limited references to matters of public record, nor *any other portion* of that document, can possibly be shown to satisfy the standards set forth in C.R.C.P. 121(c) §1-5(2) or C.J.D. 05-01§ 4.60. And that one document constitutes only 26 of the "*tens of thousands* of pages" that remain *completely suppressed* under the District Court's Order.

C. This Case, Litigated Under Colorado's Appointed Judge Program, Should Be Treated No Differently Than Cases Litigated Outside of that Program in District Courts

1. Standard of Review and Issue Preservation Below

This Court reviews a trial court's determination whether to suppress judicial

records for an abuse of discretion. *In re Marriage of Purcell*, 879 P.2d at 469. However, "[a] misapplication of the law constitutes an abuse of discretion." *Antero Res. Corp. v. Strudley*, 2015 CO 26, ¶ 14, 347 P.3d 149, 154 (citation omitted). This issue was preserved below. CF, pp. 8024–8025, 8059–8100 (CFOIC's Reply Brief, showing, in Exhibits B and C thereto, how domestic relations cases are routinely handled in District Court) (suppressed); Tr. 10/27/25 at 22:13–24:9.

2. Discussion

C.R.C.P. 122(f) provides that "[p]roceedings before an Appointed Judge shall be conducted pursuant to Rules applicable to the originating court. ***All filings shall be open records available for public review and inspection*** *unless sealed upon motion and order*." (emphasis added).[25] This provision clearly does not contemplate the sealing or suppression of *the entire court file*; only discreet portions of individual documents may be suppressed, as is prescribed by C.R.C.P. Rule 121(c) §1-5(2), which is "applicable to the originating court."

CFOIC attached two exhibits (B and C) to its Reply Brief below to demonstrate that judicial records in domestic relations cases adjudicated in Denver District Court, outside the auspices of C.R.C.P. 122, are universally open to the public, with the

[25] As indicated above, *supra* n.4, the Register of Actions that has been provided only to undersigned counsel (not to the public) does not list any motion filed by either party below asking to suppress any judicial records in the case file.

exception only of the six specifically identified types of filings by the parties in section 4.60(d)(6)(i)-(vi) of Chief Justice Directive 05-01. Thus, in *all* cases litigated in District Courts across the state, the Permanent Orders are available for public inspection, notwithstanding the fact that they routinely recite portions of the parties' financial affidavits, their memoranda of understanding, and/or parenting plans.

A simple, side-by-side comparison of Exhibit C filed below and the Permanent Orders entered by Judge *Pro Tem* Meyer (attached hereto as **Appendix A**) demonstrates they are *essentially of the same nature, containing the same categories of information*, and **reflect the exercise of judicial authority in resolving the dissolution of the parties' assets**. There is only one material difference between the two: Exhibit C, like the hundreds of thousands of other such Permanent Orders entered by District Court judges across the state, is publicly available. *See also In re Marriage of Sim*, 939 P.2d 504, 507 (Colo. App. 1997) (discussing in great detail a divorcing couple's financial circumstances and finding "evidence in the record supported the decreases in maintenance [including the] wife's recovering mental health"). In contrast, the Permanent Orders entered *in this case* are *completely suppressed* in the District Court, thereby preventing public

oversight of the exercise of judicial authority.[26] As Rule 122(f) makes unmistakably clear, that glaring discrepancy – between how *this* domestic relations case has been handled under the Appointed Judges program and how *all other domestic relations cases* are handled by District Court Judges outside of that program – is not what Colorado's Supreme Court intended.

Because the integrity and legitimacy of Colorado's courts are at stake, this Court must protect the public's right of access and reverse the District Court's Order.

V. CONCLUSION

For the reasons stated above, the District Court's Order should be reversed, and this case remanded with directions **to unsuppress the entire court file below**, with the possible exception of redactions of only previously undisclosed, highly personal and sensitive medical, psychiatric or similar information of the parties or confidential financial information of third parties, which did not serve as a basis for the District's Court's rulings.

[26] *Huddleson v. City of Pueblo*, 270 F.R.D. 635, 636 (D. Colo. 2010) ("The public has a fundamental interest in understanding the disputes presented to and decided by the courts, so as to assure that they are run fairly and that judges act honestly").

Respectfully submitted this 1st day of June, 2026.

A duly signed original is on file at:

Zansberg Beylkin LLC
100 Fillmore Street, Suite 500
Denver, CO 80206

/s/ Steven D. Zansberg
Steven D. Zansberg

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2026, a true and correct copy of the foregoing Opening Brief was filed and served via Colorado Courts E-Filing addressed to the following:

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District Court, City and County of Denver, State of Colorado 1437 Bannock Street Denver, Colorado 80202	
In Re the Marriage of: Steven Mark Kaufmann, Petitioner, v. Alexis Denny Kaufmann, Respondent.	▲ COURT USE ONLY ▲ Case No. 21DR30013 JAG Case No. 2021-1151J
William G. Meyer – Judge *Pro Tem* Judicial Arbiter Group, Inc. 1601 Blake Street, Suite 500 Denver, Colorado 80202 Phone: 303-572-1919 Facsimile: 303-571-1115	

PERMANENT ORDERS

This matter is before the Court for issuance of Permanent Orders. The Court has considered the evidence and the statements of counsel and Ms. Kaufmann's in closing arguments and the applicable law.

Basic Facts

The Petitioner filed the Dissolution Petition January 8, 2021. After jousting regarding personal jurisdiction over Respondent, a Response to an Amended Petition for Dissolution of Marriage was filed June 18, 2021.

APPENDIX A

The Court held a Temporary Orders hearing on October 8 and 12, 2021 and issued Temporary Orders October 20, 2021. As part of the Tos, Respondent received $10,700 for support, a mechanism for payment of medical expenses and $10,000 a month for legal representation.

On June 14, 2022, the Court denied the Motion to Hold in Abeyance, ruled on the Motion for Sanctions and denied the request to enter a decree of dissolution. By Order of September 15, 2022, the Court rejected the Respondent's efforts to join various tort or quasi-contract claims to the Dissolution of Marriage action. By Order of September 13, 2022, the Court denied Respondent's request to enforce the unexecuted Memorandum of Understanding. On June 15, 2022, the Court denied the Petitioner's Motion to Enforce the proceeds distribution agreement. On June 14, 2022, the Court ordered Petitioner to pay attorney fees as a sanction for discovery violations. On June 23, 2023, the Court granted, in part the Petitioner's Motion to Compel. On 7/23/23, the Court entered a Decree of Dissolution of Marriage over the objection of the Respondent but finding by order of 7/21/23 such action was in the best interests of the parties. On 12/20/23, the Court entered further orders relating to the discovery obligations of various parties.

On 8/29/24, the Court entered an order relating to the two trusts-the Harriett Judd Kaufmann Family Trust and the First Restated Donald Kaufmann Revocable Trust. At the time the Court may not have been provided with the actual trust documents but rather relied upon what the parties represented what the trust documents stated. The Court has now been provided the trust documents and has read them. The former order of 8/29/24 is reaffirmed and adopted, as if fully set forth herein.

Permanent Orders hearing started on 12/12/24 and proceeded on 12/16/24, 12/17/24, 12/19/24, 1/9/25, 1/10/25, 1/14/25, 1/31/25, 2/8/25, 2/15/25. Petitioner's counsel gave his initial closing argument 2/24/25. Respondent was to give her written closing argument 3/17/25 and rebuttal close was to be 3/28/25. Ms. Kaufmann gave oral closing arguments 6/4/25; 6/5/25 and 6/22/25. Petitioner gave his written rebuttal argument 7/3/25.

The time from when the case was at issue to the permanent orders hearing and ultimately the issuance permanent orders was extraordinarily long. The cause of delay ran from Respondent's counsel changes to accommodations for Respondent's health to difficulty in obtaining discovery. Respondent believes the Court erred in making her represent herself and in failing on various occasions to make proper accommodations for her disabilities. The record amply reflects the accommodations the Court made for the Respondent and the reasons why Respondent ended up representing herself.[1]

Division of the Marital Estate

Pursuant to §14-10-113, C.R.S. (2025), the Court is required to equitably divide the marital property, without regard to marital fault. In making such division, the Court should consider:

(a) the contribution of each party to the acquisition of the marital property, including the contribution of a spouse as a homemaker;

(b) the value of the property set aside to each spouse;

(c) the economic circumstances of each spouse at the time of the division of property is to become effective, including the desirability of having the primary parent reside in the marital home with the children;

(d) any increase or decrease in the value of separate property during the marriage or the depletion of separate property for marital purposes.

[1] The record will also reflect that Ms. Kaufmann very ably represented herself in the proceedings.

The Petitioner is proposing an equal division of the marital property and the Respondent is suggesting she receive 60% of the marital property and Petitioner receive 40% of the marital property.

The Court will consider each of the factors to the extent relevant in turn.

Although the Respondent worked outside the home on occasion, the Petitioner was almost totally responsible for the accumulation of the assets in the marital estate.

The Parties' earnings reported in their respective Social Security Statements reflect the following:

Petitioner's Earnings as Reflected in his Social Security Statement		
Work Year	Earnings Taxed for Social Security	Earnings Taxed for Medicare (began 1966)
1966-1980	$25,269	$25,269
1981-1990	$313,761	$313,761
1991-2000	$633,600	$2,121,012
2001-2005	$430,200	$2,875,406
2006	$94,200	$896,033
2007	$97,500	$868,332
2008	$102,000	$744,532
2009	$106,800	$809,121
2010	$106,800	$475,034
2011	$106,800	$173,415
2012	$110,100	$173,881
2013	$113,700	$173,209
2014	$117,000	$969,578
2015	$118,500	$1,047,828
2016	$118,500	$709,116
2017	$127,200	$820,996
2018	$128,400	$786,791
2019	$132,900	$443,117
2020	0	$168,958
2021	0	$171,330
2022	0	$176,670
2023	Not yet recorded	$188,656

Respondent's Earnings as Reflected in her Social Security Statement		
Work Year	Earnings Taxed for Social Security	Earnings Taxed for Medicare (began 1966)
1966-1980	$4,739	$4,739
1981-1990	$227,446	$227,446
1991-2000	$200,051	$369,602
2001-2005	0	0
2006	0	0
2007	0	0
2008	$3,634	$3,634
2009	$1,349	$1,349
2010	0	0
2011	0	0
2012	$53,395	$53,395
2013	$113,700	$153,208
2014	$96,110	$96,110
2015	0	0
2016	0	0
2017	0	0
2018	0	0
2019	0	0
2020	0	0
2021	0	0
2022	Not yet recorded	Not yet recorded

Thus, Respondent earned $302,713 during the marriage. It appears she was unemployed or nominally employed for 10 years of the 13-year marriage duration. Since 2020, Ms. Kaufmann has had long COVID and other illnesses, including cancer which precluded the employment. During other times during the marriage she suffered from chronic fatigue syndrome which impaired her ability to work.

Petitioner's earnings exceeded $6,204,000 during the marriage. In addition, Mr. Kaufmann brought significant separate assets into the marriage. Thus, Mr. Kaufmann contributed monetarily to the acquisition of the marital estate substantially more than Ms. Kaufmann.

However, the Court is not suggesting that Ms. Kaufmann did not contribute to the marriage. Respondent was the social organizer during the marriage, both for business purposes and personally. Respondent was a steadfast supporter of Petitioner's legal career and of Mr. Kaufmann's family. Ms. Kaufmann also cared for Mr. Kaufmann during his convalescence from a nearly fatal bike accident. Ms. Kaufmann was also responsible for leasing the parties' Paris apartment and as Mr. Kaufmann testified Respondent was extremely knowledgeable in real estate. Both parties had homemaking responsibilities. In addition to his financial contributions and homemaker responsibilities, Mr. Kaufmann cared for the Respondent during her bouts with chronic fatigue syndrome.

The Value of the Property Set Aside to Each Spouse

The Court's division, which is roughly an equal division, sets aside approximately $3,000,000 to each spouse in marital property. In addition, the Petitioner has $2,000,000 in separate property.

The Economic Circumstances of the Parties at Time of Property Division

The Petitioner is gainfully employed earning approximately $188,000 a year from his job with another $10,000 a month realized through investments and gift income. The Respondent is unemployed and dealing with her multiple health issues which prevent her from being gainfully employed. She receives approximately $10,700 in maintenance payments, the majority of which are from an account that has now been almost totally exhausted.

While the marital estate has seen investment gains in the separate property of the Petitioner and earning contributions of the Petitioner, the marital estate has been depleted by Respondent's medical and living expenses and legal needs and Petitioner's legal expenses during this divorce proceeding.

Petitioner believes a roughly even division of assets is equitable while Respondent believes she should receive 60% of the marital estate. The Court finds a roughly even split is warranted.

Property Valuation and Division Issues

The attached charts reflect the Court's equitable division of the marital estate. It is the Court's understanding that the parties have agreed that the division of the stocks, bonds and securities in the Schwab investment accounts are going to be divided evenly on date of division.[2] Similarly, the division of the other liquid marital assets should be done per the relative percentages in the attached charts. The marital portion of the retirement accounts will also be divided equally. Generally the valuations reflected are as of 10/31/24 per the agreement of the parties, even though the Decree entered July 23, 2023. Having the investment accounts and retirement accounts valued as of October 31, 2024 understates their value as the Dow Jones has risen 11.85% since 10/31/24; the S & P has increased 18.1% and the NASDAQ has ballooned 26% since October 2024.[3]

1. Paris Apartment.

The Petitioner submitted a net value of the Paris Apartment at $563,000. The Respondent has set the net value of the Paris Apartment at $487,000. The Court finds the net value to be $525,000. The apartment is awarded to Respondent, at her request. The Respondent did not rent out the property but uses it as her primary residence. The Court gives Respondent no additional

[2] The Court would note that Respondent believes that the 2791, 1753 and 3491 are separate assets that should be set aside to the party in whose name the account is held. The Court has held otherwise and therefore these and the other Schwab investment accounts (0996; 9156; 2585; 6659) should be divided equally on date of division.

[3] The Court may take judicial notice of various stock indexes, prices and performance, as the information is readily obtainable and not in reasonable dispute. *White v. Marshall & Ilsley Corp.*, 714 F. 3d 980 (7th Circuit 2013); *Schweitzer v. Investment Committee of Phillips 66 Savings Plan*, 960 F.3d 190, 193 (5th Cir. 2020), cert. denied, ___ US ___, 142 S. Ct. 706, 211 L.Ed.2d 398 (2021)

contribution for payment on the Paris apartment given that the mortgage was funded by marital assets through the maintenance payments and withdrawal from the 0996 account. Had the Respondent obtained residency in US and paid the mortgage and rented the Paris apartment as contemplated at Temporary Orders, the Court could have made an adjustment. Additionally, Respondent is receiving the equity in the apartment, and her past payments are considered by the Court as a contribution to the marriage.

Petitioner has agreed to remain on the mortgage, but Respondent is responsible for all expenses relating to the Paris apartment and shall indemnify the Petitioner from any Paris apartment obligation.

Stocks, Bonds and Securities

1. Schwab 0996.

This joint account was the funding mechanism for Respondent's Schwab 2791 account and 1753 account. The Court used the 0996 account to fund part of Respondent's maintenance, her attorneys' fees and unreimbursed medical expenses and Court costs. At the time of Temporary Orders, the 0996 Account contained $942,591. Petitioner states that all of this money came from his separate funds. While the original contribution to the 0996 Account may have been separate funds, they became marital funds when Petitioner put the account in joint tenancy over 10 years ago. *In Re Balanson*, 25 P.3d 28, 37 (Colo. 2001) (Property that a spouse places in joint ownership during the marriage reflects an intent to gift to the marital estate).

The Petitioner requests that the Court analyze the Respondent's claimed medical expenses and categorize them as warranted or not reimbursable. Based upon that analysis, and an adjustment for Respondent's maintenance and legal payments through 0996, Petitioner suggests

the Court do a retroactive reallocation of Schwab 0996. The Court declines the request and the account will be equally divided.[4]

2. Accounts 3941; 2791 and 1753.

Before filing for dissolution, the parties' distributed the funds in these three accounts to themselves as follows: Schwab 3941 to Husband and 2791 and 1753 to Wife. Respondent asserts that these are separate assets. The Court disagrees. First, while the account may be titled in one spouse's name, ownership is not determined solely by title §14-10-113(3) C.R.S. (2025). Additionally, gifts from one party to another are presumed to be marital property unless proven to the contrary by clear and convincing evidence. *See* §14-10-113(7)(a) C.R.S. (2025); *In Re Krejci*, 2013 COA 6, ¶4. Neither side has established by clear and convincing evidence that the parties' intent that these divisions would be separate property.

3. Montegra.

The Petitioner asserts that this asset is separate having been purchased with separate funds before the marriage or shortly thereafter. The Petitioner is mistaken. In his testimony, he admitted that the Montegra investment was purchased from a joint bank account with the Respondent. Moreover, it appears that Wagner Wealth Management, the parties' investment advisor, and Trail Ridge Partners, the general partner of Montegra referred to both the Petitioner and Respondent as limited partners in this investment. Although it is true that the funds in the joint 0996 account were solely generated by Petitioner, these funds lost their separate character when Petitioner co-titled them with Respondent. *In Re Smith & Butterworth*, 559 P.3d 662, 672-3 (Colo. App. 2024).

Pension and Retirement Funds

[4] The Court's billings should be reimbursed before any division as per prior orders.

1. Schwab 0500.

This account had a balance of approximately $14,000 on the date of the marriage. Shortly thereafter, Petitioner received a Morrison & Forrester retirement rollover that was entirely earned pre-marriage. This rollover of $266,000 was deposited in this account post-marriage but was Petitioner's separate funds. Thus, the Court finds the pre-marital separate portion of this account is $280,108 as of 7/23/23, the date of dissolution and the total value of that account was $907,944. On 10/31/24, the value of that account was $1,051,890. Thus, the separate portion was $324,516 and the marital portion was $727,624 which will be divided equally. When the account is divided, the separate component of the account will be 30.85%.[5]

2. Schwab 0029 and 5860

As of 7/23/23, Schwab 0029 had a separate component of $227,764 and a total value of $356,195. As of 10/31/24, the retirement account had grown to $412,078 and had a separate component of $263,497 and a marital component of $148,580. The marital component will be divided equally on the date of division after considering that the separate portion of the account is 63.94% of the account.[6]

Account Schwab 5860 had a value of $2,354,779 on the date of decree, with a separate component of $986,326. On 10/31/24, the account had grown to $2,712,700 with a separate component of $1,136,245. The marital component will be divided equally on the date of division after considering that the separate portion of the account is 41.88% of the account.[7]

3. PERA 405(a)

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[5] *In re Marriage of Johnson*, 40 Colo. App. 250, 576 P.2d 188 (1977) (Courts cannot divide property acquired after a decree); *In re Marriage of Hiner*, 710 P. 2d 488 (Colo. 1985) (Thus, the general proposition that "[a]ny increase in the value of separate property experienced after dissolution of marriage is, by implication, necessarily separate," should have been applied in the case at bar.)

[6] *Id.*

[7] *Id.*

This account is largely marital and should be divided equally, after subtracting any contributions Petitioner made after 7/23/23, which are his separate assets.

Miscellaneous

1. AHR.

The Court finds that AHR has both a separate and marital component. Mr. Kaufman has a 6% ownership in AHR. Respondent's expert, Mr. Hofer, made a maximum debt adjustment for some of the properties held by AHR because the Court said it may take such an approach if discovery was not forthcoming on asset debt. Mr. Hofer acknowledges that he was timely informed that the University Hills56,195 Plaza Asset and Thornton Asset had no debt on date of marriage.

Mr. Hawk (AHR agent and representative) later informed the parties that all AHR real estate had no debt on date of marriage. Mr. Hofer testified he knew this information, but that Respondent's former counsel told him not to include it in his report. While the Court does not condone either the later disclosure by AHR and Mr. Hofer's not including the information in his report, the Court is going to base its decision on the true set of facts, not a fiction imposed by a sanction. With this exception, the parties' two experts Hofer and Koch largely do not disagree on the valuations and discount rates. The Court finds Mr. Kaufmann's 6% interest in AHR to be $237,464 on the date of marriage and $445,234 on the date of Decree, after applying a 31% discount rate for each of control and marketability to the interest.

2. Min Judd.

Min Judd has a marital and separate component. Mr. Kaufmann's 8.7477% interest has a discounted[8] investment value on the date of marriage of $202,768 and a value of $353,666 on date of dissolution. Thus, the Min Judd marital interest is $150,898.

Bank Accounts

Each party is awarded the account in whose name the account is registered. If it is a joint account the proceeds shall go to Respondent and the Petitioner shall remove his name from the account.

Economic Waste

The Respondent asserts that Petitioner engaged in conduct constituting economic waste. Respondent's prime example is the sale of the Washington D.C. house which she contends was sold for hundreds of thousands of dollars under its true value. For the sake of argument, the Court will assume the Upton Street property was sold under the market value. The parties were separated when they agreed to sell the property in the Spring of 2020. The house had been empty for over nine months and Respondent had not significantly occupied the house since October 2018. Petitioner had moved to Colorado to begin his new job and Respondent had been living in Paris for years. Respondent asserts that Petitioner coerced her into approving the under-market sale of the house. The evidence rebuts any suggestion of duress. The Respondent was represented by counsel, and she had the opportunity to confer with counsel, and her friends while reflecting on the decision whether to sell. *See Marriage of Ross*, 670 P.2d 76 (Colo. App. 1983) (no duress where opportunity for reflection and while represented by counsel). Moreover,

[8] The Court is using the same discount rate (31%) as for AHR for each of control and marketability in determining investment value.

Petitioner gave the Respondent the option of not selling if she wanted to bear the ongoing expenses of maintaining an empty residence while assuming the risk of a decline in the market or the reward of a higher sales price.

This alleged under-market sale and the other activity of Petitioner simply does not constitute marital waste. Only in extreme cases may the Court consider a spouse's dissipation of assets under such circumstances as to constitute economic fault. *In Re Jorgenson*, 143 P.3d 1169, 1173 (Colo. App. 2006). The offending spouse must deplete the marital assets for an improper or illegitimate purpose in contemplation of divorce to be held responsible for marital waste. *In Re Smith and Butterworth*, 559 P.3d 662, 676-677 (Colo. App. 2024); *In Re Riley-Cunningham*, 7 P.3d 992 at 995 (Colo. App. 1999). Petitioner did not engage in marital waste or economic fault.

Diverted Marital Assets

Respondent asserts that Petitioner diverted marital funds before the filing of the Dissolution of Marriage Petition. The Court is unconvinced. Transfers of assets pre-dissolution by the parties is permitted as spouses may dispose of property as they see fit. *In Re Schmedeman*, 190 P.3d 788, 791 (Colo. App. 2008). Of course, any disposition does not permit depletion of the marital estate for an improper or illegitimate purpose in contemplation of divorce. No such improper diversion occurred here as the Petitioner has disclosed all bank accounts and agreed that Respondent is entitled to one-half of the marital assets.

Debts

The Petitioner is current on his credit card debt, except for his American Express which has a balance of $31,000 attributable to Respondent's claimed medical expenses. In Respondent's financial affidavit she lists two JOIE cards which are paid off monthly and a Chase United Mileage (9191) card which had a balance of $20.00 in Nov. 2024 and a United Plus

United card (8324) with a balance of $18,000. Each party shall be responsible for their own credit card debt.

Maintenance

Colorado law has a multi-factor approach in the maintenance determination. *See* §14-10-114 C.R.S. (2025). Initially, the maintenance applicant must demonstrate that she lacks sufficient property, including marital property apportioned to her to provide for her reasonable needs and/or she is unable to support herself through appropriate employment or circumstances make it inappropriate for her to work outside the home. *In Re Wright*, 459 P.3d 757, 801 (Colo. App. 2020).

In accord with the statute, the Court finds:

1. The Petitioner's gross income is approximately $25,500 gross per month, which includes gifted income of $1,500 per month. Petitioner is in the 30% tax bracket, which gives him $17,850 per month spendable income. His 1040 income in 2023 was $241,500.

Respondent does not work currently. She will have approximately $13,000/month in investment income from the $2,700,000[9] in non-real estate assets, which excludes her $525,000 equity in the Paris apartment[10]. The Court will impute to her a tax rate more favorable than Petitioner as she does not pay state income taxes and her investment income from dividends will probably qualify for favorable qualified dividend capital gains tax rate[11]. Respondent's spendable income from investments is $9,750 per month.

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[9] Using a blending of the three stock market indices referenced earlier, Respondent's liquid assets upon division could easily be $450,000 more that the 10/31/24 valuation date.

[10] The Court is using the 5.9% growth rate suggested by PCM.

[11] The qualified dividend rate is at the long-term capital gain rate of 20% or lower as opposed to the ordinary income rate at around 24%. Of course, Petitioner will have the same advantaged tax rate except on his salary which will be taxed at ordinary income rates. Court can take judicial notice of tax laws and regulations. See *High Desert Relief, Inc. v. US*, 917 F. 3d 1170, footnote 1 (10th Circuit 2019), CRE 201.

Petitioner's claimed reasonable monthly expenses are reported at $54,000 per month. These expenses include $7,144 per month for Respondent's health care expenses, $10,700 a month for Respondent's court-ordered maintenance and $10,000 a month for Respondent's legal fees. It also includes expenses that will be non-reoccurring once paid off, such as counsel's fees for the dissolution at $7,944/month. Furthermore, Petitioner's financial affidavit reflects $1,069/month as a primary vehicle payment, when it appears from his debts that his required payment is only $365 per month. In addition, the Petitioner's expenses seem inflated in areas such as miscellaneous, which when the legal/accounting fees and Respondent's legal have been excluded are in excess of $8,500 a month. The Court finds Petitioner's reasonable monthly expenses are between $13,000 - $16,000 per month.

Respondent's monthly expenses as claimed in her financial affidavit are $44,127. These include $18,333/month in legal bills, $745 per month for pet related expenses; $2,660 for personal assistant fees and expenses, and $660 for legal and accounting for Joie, LLC an entity that was created to manage, but does not manage the property Respondent occupies and Normandy International, a company with zero income and zero value. In addition to the above costs, the Respondent also claimed $9,300 per month in medical expenses, but does not reflect how much she receives in medical reimbursements, if any. The medical expenses also include a $3252 monthly expense for "Medical Travel Standby", an expense denominated "as lowest rates found for expenses while waiting for next medical appointments or flights," but excludes the costs of flights themselves. Respondent lists over $225,000 in legal expenses despite the fact the Court awarded her $10,000/month beginning November 1, 2021, to defray her legal expenses. The Court finds Respondent's reasonable monthly expenses are somewhere between $14,000 - $15,500 per month. Respondent cannot work at the current time, but her primary treating

physician Dr. Galland believed in the future part-time work would be possible when the stress of litigation was removed which exacerbates her long COVID symptoms. The record reflects that despite testimony about doing a certain treatment plan for Respondent, none was really developed. Moreover, there was concerning testimony of Respondent's failure to follow through with medical recommendations. The Court recognizes that long COVID is a new disease and treatment approaches are diverse and evolving as the medical field learns more about the disease. The Respondent is entitled to almost $2,000 a month in social security benefit as a former spouse (one-half of Petitioner's social security benefit at age 66.75).

The Petitioner seems to acknowledge that Respondent is entitled to some amount of maintenance and suggests $4,000 a month for not more than 36 months considering Respondent has already received 44 months of temporary maintenance.

The Respondent requests $10,000 a month maintenance if she receives 60% of the assets and $15,000 a month if she receives 50% of the assets.

The Court incorporates all its prior findings as they may relate to the amount, and duration of maintenance as set forth in §14-10-114(3)(c) C.R.S. (2025). The Court has considered all the statutory factors in both determining entitlement to maintenance and those relating to the duration and amount of maintenance.

The guidelines provide for 80 month's maintenance, but considering the duration of temporary maintenance, the period of actual cohabitation, the assets awarded the parties, the standard of living during the marriage and the fiscal needs and ability of the parties to pay and cover their own living expenses and the other statutory factors, the Court believes that 40 months is the proper maintenance term and $3,800/month is the proper amount of maintenance. Beginning September 1, 2025, the Petitioner shall pay the ordered maintenance for 40

consecutive months or until Respondent remarries or passes away, whichever occurs first. The Petitioner shall secure the payment of maintenance by life insurance for the duration of the remainder of the obligation.

Miscellaneous

The Petitioner requests that the Respondent's maintenance request be offset by the non-reimbursed medical expenses on his American Express card. That request is denied but the Respondent's access to that card for charging expenses is revoked. Furthermore, Respondent shall place all reimbursed medical expenses incurred prior to the date of this Order in 0996, which shall be divided.

Petitioner requests that Respondent reimburse him for legal expenses related to the production of Min Judd and AHR. It is the Court's understanding that such liability has already been paid and thus it is not a marital debt subject to division. *In Re Smith & Butterworth*, 559 P.3d 662, 676, 677 (Colo. App. 2024).

The Court has previously indicated that the Petitioner would be sanctioned to pay attorney fees for Respondent's successful pursuit of a motion to compel. The sanction was $21, 366. The Petitioner should pay those attorney fees directly from non-marital funds.

The Court has previously denied the Petitioner's Motion to Enforce the Agreement for the disposition of the House Sale Proceeds. The Court's Order of September 14, 2022, denied enforcement of the agreement to give the Respondent the opportunity to contest the validity of the agreement. The Respondent has not convinced the Court the agreement is unenforceable because of duress, fraud or other reasons. However, the terms of the agreement were never carried out by PCM. The house proceeds were deposited in the 0996 account and then were to be put into a separate Proceeds Account. That was not done, and house proceeds were spent on

maintenance, medical expenses, court costs and legal fees. Assuming arguendo that the Court enforces the disposition agreement, it would have given Petitioner $103,000 more of the house proceeds than the Respondent. In that eventuality, the Court would not change the results of the current property division, but would simply award Respondent more assets to offset the unequal division of the house proceeds.

The Respondent asks that Petitioner be sanctioned for his unsupported persistence in trying to place a value on Normandy. Additionally, the Respondent requests adverse inferences be assessed against the Petitioner for disclosure violations.[12] The Court does not find that the Petitioner willfully hid assets or financial resources. While Petitioner's valuation methodology was unique, Normandy had to have assets at some point for Respondent to have an alleged $660,000 negative capital account.[13] Both requests are denied.

As necessary, the Petitioner's counsel should prepare a QDRO or other domestic relations order to divide the retirement assets. The parties shall cooperate in executing all documents necessary to effectuate the divisions ordered herein. If a party does not cooperate in the execution of necessary transfer documents, the opposing party can petition the Court to have the clerk sign on behalf of the non-cooperating party.

SO ORDERED this 6th day of October, 2025.

William G. Meyer, Judge *Pro Tem*
Judicial Arbiter Group, Inc.

[12] Citing *In re Sgarlatti*, 801 P.2d 18 (Colo. App. 1990)

[13] It is the Court's understanding that a negative capital account means that the member's withdrawals, distributions, and share of losses have exceeded their initial contributions and share of profits. In necessarily follows that spending or distributions of value or even borrowing would not be possible without having assets in the first place.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2025, a true and correct copy of the foregoing Order Re: Motion for Clarification, was served on counsel and Alexis Kaufmann via electronic filing as well as via email to:

Michael F. DiManna, Esq.
mdimanna@dimannalegal.com

Alexis Kaufmann
adk@alexisdenny.com

Original Signature on File
Jackie Burt, Administrative Clerk
Judicial Arbiter Group, Inc.

In Re Marriage of Kaufmann

Denver District Court 2021 DR 30013

JAG 2021-1115J

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Real Estate								
22 Rue St. Paris	$750,000	$225,000			$525,000		$525,000	
TOTAL:	**$750,000**	**$225,000**			**$525,000**		**$525,000**	

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Vehicle								
Hundai	0					Lease		To Husband

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Pension or Retirement								
Schwab 0029	$412,078		$263,497		$148,581	$74,290	$74,290	
Schwab 0500	$1,051,890		$324,516		$727,373	$363,686	$363,686	See Order
Schwab 5860	$2,712,700		$1,136,245		$1,576,455	$788,227	$788,227	
TSP 2447	$215,000				$215,000	$107,500	$107,500	
457(B)	$52,000				$52,000	$26,000	$26,000	
PERA 405(a)	$221,000				$221,000	$110,500	$110,500	See Order
TSP 2447	$6,020				$6,020	$3,010	$3,010	
TOTAL:	**$4,670,688**		**$1,724,258**		**$2,946,429**	**$1,473,213**	**$1,473,213**	

IRM: Kaufmann
Denver District Court – Case No. 2021DR30013

Asset Description - Misc	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
AH12	$445,234		$237,464		$207,770	$207,770	0	
Min Judd	$353,666		$202,768		$158,898	$158,898	0	
JOIE, LLC	0				0			
Harriet Judd Kaufmann Trust	0				0			
Donald S. Kaufmann Trust	0				0			
BHGPAF IV Grifs Apt.	$18,400				$18,400	$18,400		
BHDPC 4	$17,000				$17,000	$17,000		
DOP Denver 08, LLC	0				0			
LRS CB 05	$31,300		$5,123		$26,232	$26,232		
HSA Acct. HAS Bank	$13,152				$13,152	$13,152		
Other HAS	0				0			To named party
Normandy	0			0	0		0	To Wife
Total:	**$878,752**		**$445,355**		**$441,452**	**$441,452**		

IRM: Kaufmann
Denver District Court – Case No. 2021DR30013

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Checking and Savings Accts.								
Schwab 4291	$300				$300		$300	
BNP 3175	$1,382				$1,382		$1,382	
Schwab 2227	$15,900				$15,900	$15,900		
Citi 9569	$18,500				$9,250	$9,250		
Midfirst 8982	$620				$620	$620		
Chase 4765	$5,500				$5,500		$5,500	
Chase 1581	$224				$224		$224	
Chase 4679	$2,454				$2,454		$2,454	
TOTAL:	**$44,880**				**$35,630**	**$25,770**	**$9,860**	

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Personal Property								To be divided by agreement or Special Master
Husband and Wife Jewelry								To be divided by agreement or Special Master
Husband and Wife Art								To be divided by agreement or Special Master
Husband and Wife Household Goods								To be divided by agreement or Special Master

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Stocks, Bonds, Securities								
Schwab 0996	$113,254				$113,254	$56,657	$56,657	See Written Order
Schwab 9156	$1,270				$1,270		$1,270	
Schwab 2585	0					$0	$0	
Schwab 3491	$1,029,000				$1,029,000	$1,029,000		See Written Order
Schwab 6659	$100				$100	$100		
Schwab 2791	$972,948				$972,948		$972,948	See Written Order
Schwab 1753	$114,594				$114,594		$114,594	See Written Order
TOTAL:	**$2,231,166**				**$2,231,166**	**$1,085,727**	**$1,145,439**	

Asset Description	Value	Debt	Husband Separate	Wife Separate	Marital Value	Award Husband Marital	Award Wife Marital	Comment
Baceline	$150,000				$150,000	$150,000		
Montegra	$100,000				$100,000		$100,000	
TOTAL:	**$250,000**				**$250,000**	**$150,000**	**$100,000**	

DEBT								Comment
Per Permanent Orders, each party is responsible for their own credit card debt								

District Court, City and County of Denver, State of Colorado **1437 Bannock Street** **Denver, Colorado 80202**	
In Re the Marriage of: **Steven Mark Kaufmann,** **Petitioner,** **v.** **Alexis Denny Kaufmann,** **Respondent.**	▲ COURT USE ONLY ▲ Case No. 21DR30013 JAG Case No. 2021-1151J
William G. Meyer – Judge *Pro Tem* **Judicial Arbiter Group, Inc.** **1601 Blake Street, Suite 400** **Denver, Colorado 80202** **Phone: 303-572-1919** **Facsimile: 303-571-1115**	

NOTICE OF ZOOM HEARING re:
Motion to Unsuppress Court File

This Notice shall serve as confirmation of the ZOOM HEARING re: Motion to Unsuppress Court File scheduled in accordance with the parties' stipulated Petition pursuant to C.R.S. §13-3-111 in the above-captioned matter.

Scheduled for:	Monday, October 27, 2025 at 8:00 a.m.
With:	Judge William Meyer
At the offices of:	ZOOM VIDEO CONFERENCE (Zoom Link will be sent under Separate Cover)

The parties are responsible for making arrangements for a private court reporter.

Dated this 13th day of October, 2025.

Original Signature on File
Ellen Mauro, Scheduling Manager
Judicial Arbiter Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 2025, a true and correct copy of the foregoing ***Notice*** was served on the parties:

Michael Dimanna, Esq.
mdimanna@deimannalegal.com
Via email

Alexis Denny Kaufmann
adk@alexisdenny.com
Via email

Steven Zansberg, Esq.
steve@zblegal.com
Via email

Cecilia Arici
cecilia-arici@web.de
Via email

Shannon Fronapfel
Judicial Arbiter Group, Inc.
sfronapfel@jaginc.com
Via email

Original Signature on File
Ellen Mauro, Scheduling Manager
Judicial Arbiter Group, Inc.