COURT OF APPEALS, STATE OF COLORADO 2 E. 14th Avenue, Denver, Colorado 80203 _____ Appeal from Judgment of the District Court, Arapahoe County, Colorado Honorable Peter Michaelson Case No. 2021CV31592	
Plaintiffs-Appellees: AMY F. DEAN, DONNER E. DEAN, JR., MERRYL LEARNED, and JOHN R. WALLS, JR., v. **Defendants- Appellants:** STEPHANIE CASEY, TREVOR CASEY, WENDY BROCKMAN, and CLIFTON M. BROCKMAN, JR. **Third-Party Judgment Debtor-Appellants:** MARK COHEN; MARK COHEN, J.D., LL.M., a Professional Corporation	**▲COURT USE ONLY ▲**
Counsel for MARK COHEN; MARK COHEN, J.D., LL.M., A Professional Corporation: Andrew J. Felser, #21156 GLADE VOOGT LOPEZ SMITH FELSER, PC 1800 Gaylord Street Denver, CO 80206 Telephone: 303-861-5300 Email: afelser@cityparklegal.com	Case No. 2023CA721
OPENING BRIEF OF MARK COHEN and MARK COHEN, J.D., LL.M., A PROFESSIONAL CORPORATION	

Certificate of Compliance

I certify that this brief complies with the requirements of Colorado Appellate Rules (C.A.R.) 28 and 32. Including:

Word Limits: This brief has 4,901 words, which is not more than the 9,500 word limit.

Standard of Review: I discuss which Standard of Review should be used to evaluate that issue.

Preservation: I discuss if that issue was preserved for appeal. I cite to the page in the Record on Appeal where I raised this issue before the District Court and I cite to where the District Court decided that issue.

I understand that my brief may be rejected if I fail to comply with these rules.

/s/ Andrew J. Felser

TABLE OF CONTENTS

TABLE OF AUTHORITIES

FEDERAL CASES

STATE CASES

FEDERAL STATUTES

STATE STATUTES

STATE RULES

I. ISSUES ON APPEAL

1. Whether the trial court erred in finding that the Brockmans' counterclaim for abuse of process and their equitable defenses of waiver, equitable estoppel, laches, and unclean hands were frivolous and groundless under C.R.S. § 13-17-102.
2. Whether the trial court abuse its discretion by:

   A) Imposing sanctions after bullying counsel to truncate his trial presentation with explicit threats of contempt and imprisonment.

   B) Imposing punishment without first giving counsel a fair and meaningful opportunity to be heard on the nature and scope of the punishment.

   C) Failing to consider factors which should have been relevant under C.R.S. § 13-17-103, such as the legal and factual difficulty of the case.

   D) Arbitrarily awarding one-half of all of Plaintiffs' fees and costs on a counterclaim and affirmative defenses which comprised a only small part of the issues litigated.

   E) Arbitrarily imposing joint and several liability on counsel for the entire amount of the award.

II. STATEMENT OF THE CASE

Appellate courts have cautioned that the punishment of counsel for pursuing frivolous claims or defenses should not be imposed where its effect in close cases may chill zealous advocacy. See, e.g., *Obeslo v. Empower Capital Mgmt., LLC*, Nos. 22-1291, 22-1292, 2023 U.S. App. LEXIS 28812, at *45 (10th Cir. Oct. 31, 2023) (reversing sanctions imposed under 28 U.S.C. § 1927). In this appeal, attorney Mark Cohen asks this Court to overturn sanctions which, under the circumstances, were impetuously imposed and manifestly unfair.[1]

A. Intimidation at Trial

The record shows that the district court was impatient and contentious with all counsel – but particularly defense counsel – during the 3-day trial. A full reading of the trial transcript is almost as unpleasant an experience as it must have been in real time. This is not a trial of the trial judge, who is no longer on the bench. But trial excerpts show that the punishment here appealed was not levied in a reflective and unbiased frame of mind.

The most pertinent examples below show that with respect to the claims and defenses later deemed frivolous, the court was immediately predisposed to punish counsel for pursuing them. The court was also quick to point the barrel of its most

[1] All references to "Mr. Cohen" and the like are references to him individually as well as to his professional corporation.

feared weapon – the contempt citation, though it never pulled that trigger – despite consistently professional and respectful demeanor from *all* trial counsel.

- **Trial Day One – Court Halts Cohen's Cross Examination of Plaintiff Donner Dean, Threatens Defense Counsel with Contempt for Presenting Their Theories of the Case:**

> Q. And it was fair (indiscernible) reasonable for them, seeing all these other owners, including you, having cows – it'd be fair for them to think that they should have cows on their property too, right?
>
> MR. DRUSCH: Objection. Calls for a legal conclusion, calls for speculation.
>
> MR. COHEN: I'm asking him if it's fair for one person to infer from another's behavior what is allowed on their estates.
>
> THE COURT: Objection sustained. And I was going to try to avoid this, but I'm going to have to mention the legal principles which guide the determination of issues and, therefore, the relevancy in this proceeding, once again.
>
> [Court recites its own points and authorities concerning unclean hands and argues the unavailability of equitable defenses to conditions running with the land.]
>
> So quite frankly, Counsel, we've spent now, well, the better part of eight hours, most of which has been the defenses' continued argument that I tried to raise during the trial management conference and was convinced, at least, I would listen to your evidence that runs in the face of everything I just said.
>
> I gave you the quotes because, part of your homework is going to be to read every case I noted, and I'm going to assume you do that because there's going to be a little bit of a test tomorrow, which is, *if I hear anymore examination from anybody that goes to these defenses, which I am finding are inapplicable to any fact that I'm -- heard in evidence or which has been pled or even alleged, without your ability to show cause why this -- through an offer of proof why the law I just cited is inapplicable, you may run into a* ***contempt****.* [Empasis added].

Do you understand, Plaintiffs' Counsel?

MR. DRUSCH: Yes -- yes, Your Honor.

THE COURT: Mr. Cohen, do you understand?

MR. COHEN: I do.

THE COURT: Mr. Fermelia, do you understand?

MR. FERMELIA: Yes, Your Honor.

THE COURT: We're going to recess for the day right now, because I think you got a lot to do if you're paying attention. Maybe you're not -- you haven't yet.

We spent a long couple hours, it seemed -- seemed longer to me. Probably was only an hour at the trial management conference where I tried to address these very issues. I will say this again, there are three orders issues in this case. You better read them. Those issues are resolved; they're no longer before the Court. I don't want witnesses asked questions about issues I've already resolved.

***

THE COURT: … You better be able to give me an offer of proof that's a lot thicker than that, because that's thin ice, gentlemen, and pretty soon, I'm going to hold -- start holding you in ***contempt*** for continuing to bring to the Court unsubstantiated claims. What I ask, as I already asked Mr. Fermelia, if you had any legal authority for his theory, and he conceded he did not. That is as close to a finding or concession of ***contempt*** as I can imagine. Is it ***actionable contempt*** that's going to end up in my finding in a sentence? Well, probably not. But you keep going down this way, Counsel, and you're going to cross that line. The Court is in recess. We'll reconvene tomorrow at 9:00 a.m.

MR. COHEN: Okay. May I –

THE COURT: No.

MR. COHEN: -- ask – okay. Thank you.

THE COURT: The Court is in recess.

TR, Day 1, at 218:8 through 223:24 (emphasis added). None of the prior rulings referenced by the Court concerned the availability of affirmative defenses.

- **Trial Day Two – The Court Clarifies its Concerns, But Portends Sanctions under Frivolous and Vexatious Litigation Statute:**

> THE COURT: I want to clarify the final comments I left you with last night. I spoke in terms of the contempt, but the more I reflected, really, on what was bothering me, is that if -- at this point, anyway, the admonitions should be taken as a warning concerning groundless, frivolous remedies under Title 13.

TR, Day 2, at 5:17-21.

> THE COURT: -- my intent yesterday was to make clear -- although I'm not quite sure why I would need to, but to make clear I know what the law is, and you better know what the law is, because, right now, these defenses look frivolous. So I've not made any decision. I'm going to hear the evidence, but I hope you did what I asked you to do and explained to your -- the parties what my comments meant.

TR Day 2 at 9-15.

- **Trial Day Three – More Contempt Threats for the Attempted Presentation of Evidence the Court Considers Irrelevant:**

> THE COURT: Because if you're trying to again, for God knows how many times, present evidence to suggest that I should vitiate terms of these conditions based on concepts of latches, waiver, estoppel, or unclean hands, I have ruled repeatedly, they are not effective defenses to the claim of an easement I've already found is valid and enforceable. It doesn't -- hasn't even existed for the requisite period of 18 years, which would perhaps open the door to a claim of abandonment, which nobody's made. So tell me -- I'll give you one last chance. And then we're starting to get really close to the contempt lines. And I don't mean a frivolous –
>
> MR. COHEN: I have understood –

THE COURT: -- groundless, I mean contempt. Why is this relevant?

TR, Day 3, at 160:11-25.

THE COURT: If you continue to take Court time on defenses I have repeatedly told you do not apply, unless you have legal authority, sir, not only are you crossing groundless and frivolous, you better explain to the Brockmans what that means for their checkbook. And you're getting very close now to me finding you in contempt. Because I've said it ten times. It feels like a thousand.

TR, Day 3, at p. 161:23 through 162:4.

- **Trial Day Three – Dissatisfied with Proffer of Legal Authority for Abuse of Process, Court Again Raises Specter of Contempt:**

MR. COHEN: Your Honor, I pleaded the -- one of my motions was the motion concerning the non-exclusive nature of the easement, and we prevailed on that –

THE COURT: So, maybe you've prevailed on two and they have prevailed on at least one, if not others. Because sometimes, it's all the same. The Plaintiffs want, just as the Defendants want, this Court to tell you what these -- what I have found to be clear and unambiguous documents say. And I have said that repeatedly, and at your request, if not Mr. Fermelia's, or maybe the other way around.
I -- I think you joined in it if you didn't write it, I enforced provisions against certain Plaintiffs. The -- the concept here that -- I -- I'm in recess for ten minutes, and you better well have a case to cite to me that says I'm wrong about this, Mr. Cohen. Or we're going to have a separate proceeding.

(Recess from 2:08 to 2:18 p.m.)

THE COURT: What is your legal authority for your position?

MR. COHEN: Your Honor, the legal authority that I -- as you correctly pointed out, the elements are set forth in jury instruction 17:10. We initially -- the Brockmans initially did not file a counterclaim. They later –

THE COURT: What is your legal authority, Mr. Cohen? I swear to God, I'm trying not to hold you in contempt. And I am biting my lip.

TR, Day 3, at 167:8 through 168:10.

THE COURT: In essence, Mr. Cohen, as I've told you over and over again, there cannot be a claim for abuse of process in a proceeding like this. Ulterior motive is irrelevant when the regular course of these proceedings are, in fact, for both sides, resulting in judicial relief. The idea that motive for filing the lawsuit is irregular flies in the face of the known facts in the law.

I'm -- I'm -- if -- if you don't respect the Court's order about the relevancy of that aspect of this case again, you will be held in contempt. And you'd better be thinking about bringing a toothbrush. Because Monday night, that might be what you need to make yourself a little bit comfortable in where I'll send you. Do you understand me?

MR. COHEN: Yes, I do.

THE COURT: Continue with your examination, sir.

MR. COHEN: I have no further questions for this witness.

TR, Day 3, at p. 169:18 through 170:9.

B. Court Exacts Punishment Without a Hearing

The trial court did not give Mr. Cohen or Mr. Fermelia a chance, outside of the overheated cauldron of this trial, to defend against their punishment under the frivolous and vexatious claims statute. Instead, the court rolled the issue into its ruling on the merits:

J. Groundless and Frivolous Litigation.

(a) Pursuant to C.R.C.P. 121 Ã‚Â§1-15(7) [sic] and C.R.S. §13-17-102(4) the Court may order a party who files a pleading, motion, or response which is substantially frivolous, vexatious and/or groundless - in other words lacking substantial justification - to pay the other party's reasonable attorney fees and costs.

(b) A claim or defense is frivolous if the proponent can present no rational argument based on the evidence or law in support of that claim or defense. In re Marriage of Eggert, App.2002, 53 P.3d 794.

(c) A claim is "vexatious, if it is brought or maintained in bad faith, and in this context, "bad faith" may include conduct that is arbitrary, abusive, stubbornly litigious, or disrespectful of the truth. In re Marriage of Roddy and Betherum, 338 P.3d 1070 (Colo. App. 2014).

CF, p. 1649.

i. Groundless and Frivolous Litigation.

(1) The only counterclaim which required a trial, and which was supported by evidence was the $800 damages claim based on Walls "scraping" the Equestrian Easement on the Casey's property. Literally every other issue presented at trial by Defendants Casey and Brockman was already resolved by dispositive pretrial orders, unsupported by the evidence, or irrelevant to the proceedings.

(2) In sum, the Court spent hours at a Trial Management Conference and then days at trial for no legitimate purpose.

(3) The Court finds that most of the counterclaims and all of the equitable defenses made by the Caseys and Brockmans lacked substantial justification, were vexatious, brought in bad faith and were stubbornly litigious and disrespectful of the truth.

CF, p. 1651-1652.

> **i. Judgment is granted in favor of the Plaintiffs and against the Casey's and Brockmans, and their attorneys, jointly and severally, for one half of Plaintiffs' reasonable attorney's fees and costs.**
>
> (1) Plaintiffs shall file a motion and affidavit for attorney's fees, and a bill of costs within twenty-one (21) days.
>
> (2) The Defendants Casey and Brockman shall file any response within fourteen days thereafter.
>
> (3) Any reply by Plaintiffs shall be within seven (7) days after any response is filed with the Court.

CF, p. 1653 (Emphasis added).

On the basis of the court's findings, and orders, the Plaintiffs then filed their motion for fees and costs. Mr. Cohen filed a response on behalf of himself and his clients. CF, p. 1834. Because the court had already ruled on the issue of fee shifting as well as the one-half to be shifted, the response focused on the amount of the fees and costs that Plaintiffs requested. After those amounts were briefed, the court entered joint and several liability against Mr. Cohen and his professional corporation in the amount of $97,651.68 plus post-judgment interest at 8% per annum. CF, p. 1852-1853. Mr. Cohen did not waive his right to contest the award by allowing entry of the amount to be unopposed as a formality. CF, p. 1847 ("Mr. Cohen (counsel for the Brockmans), and Mr. Fermelia (counsel for the Caseys) do not object to the entry

of final judgment against them, but also stated that they are not waiving their rights to appeal the judgment.").

Mr. Cohen also adopts and incorporates herein by reference the Statement of the Case from co-Appellants Opening Briefs.

III. SUMMARY OF ARGUMENT

As set forth in the Brockman/Casey brief, there were plausible arguments to support the Brockmans' counterclaim for abuse of process and their equitable defenses of waiver, equitable estoppel. The plausibility of these arguments renders improper the fee-shifting awarded by the trial court.

The record shows that before the trial ended, the court was already predisposed to award sanctions against counsel, and that it precluded the development of the Brockmans' theories by rejecting them capriciously and, as the Brockman/Casey brief argues, erroneously. The court then deprived Mr. Cohen (and Mr. Fermelia, for that matter) of a fair and impartial determination of the fee-shifting issue. It punished counsel without a timely and meaningful opportunity to be heard. Without a sufficient explanation of its reasoning, the trial court arbitrarily found that one-half of the Plaintiffs' attorney's fees and costs were attributable to the affirmative defenses and counterclaims that the court indiscriminately found to be frivolous, and that Mr. Cohen should be jointly and severally responsible for the entire amount of the award.

IV. ARGUMENT

1. The district court erred in finding that the Brockmans' counterclaim and their affirmative defenses were frivolous and vexatious.

In their Opening Brief, the Brockmans have presented the argument that their counterclaims and affirmative defenses were not frivolous or groundless, including the standard of review and issue preservation. Rather than reargue those issues here, Mr. Cohen adopts the arguments made by the Brockmans, including the sections of their brief in which they address the standard of review and preservation of the issue for appeal.

2. The trial court abused its discretion by prejudging the propriety of sanctions and imposing them without an opportunity to be heard.

Standard of Review. A trial court's award of attorney's fees is reviewed for an abuse of discretion. A trial court abuses its discretion if its decision is "manifestly arbitrary, unreasonable, or unfair." *Anderson v. Pursell* (In re Application for Water Rights of Anderson), 244 P.3d 1188, 1193-94 (Colo. 2010) (internal citations omitted).

Preservation. Appeal of a decision made *sua sponte* is preserved, whether timely objections were made or not. *Rinker v. Colina-Lee,* 452 P.3d 161, 168 (Colo. App. 2019).

Under section 13-17-102(4), a court may assess attorney fees upon the motion of any party or its own motion if it finds that a party has brought or defended an

action that lacks "substantial justification." An action lacks substantial justification if it is "substantially frivolous, substantially groundless, or substantially vexations." § 13-17-102(4). The party requesting fees has the burden of proving that it is entitled to them. *Anderson v. Pursell* (In re Application for Water Rights of Anderson), 244 P.3d 1188, 1194 (Colo. 2010).

Section 13-17-102 provides, in pertinent part, that "the court shall specifically set forth the reasons for said award and shall consider the following factors, among others, in determining whether to assess attorney fees and the amount of attorney fees to be assessed against any offending attorney or party:

> (a) The extent of any effort made to determine the validity of any action or claim before said action or claim was asserted;
>
> (b) The extent of any effort made after the commencement of an action to reduce the number of claims or defenses being asserted or to dismiss claims or defenses found not to be valid within an action;
>
> (c) The availability of facts to assist a party in determining the validity of a claim or defense;
>
> (d) The relative financial positions of the parties involved;
>
> (e) Whether or not the action was prosecuted or defended, in whole or in part, in bad faith;
>
> (f) Whether or not issues of fact determinative of the validity of a party's claim or defense were reasonably in conflict;
>
> (g) The extent to which the party prevailed with respect to the amount of and number of claims in controversy;
>
> (h) The amount and conditions of any offer of judgment or settlement as related to the amount and conditions of the ultimate relief granted by the court.

C.R.S. § 13-17-103. The court need only consider the factors pertinent to the case before it, *Anderson v. Pursell supra*, at 1197 (Colo. 2010), and need not make specific findings unless it grants an award of fees. *Munoz v. Measner*, 247 P.3d 1031, 1035 (Colo. 2011).

A proper determination of the issue ordinarily requires a hearing in order to make a sufficient record for review and to afford the parties an opportunity to address those statutory factors and to enable the court to make informed findings before entry of any award. See *Irwin v. Elam Constr., Inc.*, 793 P.2d 609, 611 (Colo. App. 1990) (reversing award of fees). The very phrase "upon the motion of… the court itself" suggests that when a court seeks to impose sanctions, it must provide reasonable notice and an opportunity to be heard. Here, without a hearing, the trial court ruled not only that the Brockmans' counterclaim and affirmative defenses were frivolous, but that Mr. Cohen was jointly and several responsible for one-half of the Plaintiff's fees and costs for the entire case. After outlining the elements that it deemed applicable, the trial court determined in sweeping and conclusory language that the Brockman counterclaim and affirmative defenses were frivolous. It did not undertake the methodical analysis required by the statute. It did not explain how it arrived at its 50% assessment of fees and costs or its arbitrary allocation of joint and several liability among the responsible parties. For all these reasons, the court's ruling was arbitrary and capricious and therefore an abuse of discretion. The holding

in *Wesley v. Newland*, 505 P.3d 318 (Colo. App. 2021), is analogous. In that case, the arbitrary allocation of sanctions as between attorney and client was reversed. *Id.,* at 323.

Given the judge's heated and impetuous remarks at trial, a hearing before a neutral judicial officer of even temperament was especially necessary in this case. As the Colorado Supreme Court has said in *Geer v. Stathopulos*, 309 P.2d 606, 609 (Colo. 1957), a litigant is entitled to an impartial judge:

> Every litigant is entitled to a fair and impartial trial. A fair and impartial trial, the very desideratum of the administration of justice, is a judicial process by which a court hears before it decides; by which it conducts a dispassionate inquiry, and renders judgment only after trial. The antithesis of a fair and impartial trial is prejudgment by a court. A tendency to prejudge, or a prejudgment of a particular controversy, or of a class or character of cases only sucks the administration of justice down into the eddy of disrepute.

Mark Cohen was deprived of a fair and impartial decision, or any meaningful hearing, before punishment was meted out against him. He never had a chance to argue the sanctions or even request a hearing, except with respect to the amount of the award. The nature of the punishment had already been determined. His duties to his clients dampened any thought of post-trial efforts that might further aggravate the trial judge. The extent of the punishment was an arithmetic exercise and nearly impossible to defend. See also *Whiteside v. Smith*, 67 P.3d 1240, 1248 (Colo. 2003) ("fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner").

The trial court made no effort to explain why the counterclaim and defenses that offended it were made in bad faith or were "disrespectful of the truth". CF, at p. 1651-1652. In contrast to other cases in which sanctions have been affirmed, the legal and factual issues here were relatively complex. In *J.D. Padilla & JDP, LLC v. Ghuman*, 183 P.3d 653 (Colo. App. 2007), for example, a plaintiff who had already assigned a promissory note to a third party sued to collect on the note. The award of attorney's fees in that case was affirmed. *Id.*, at 662. The legal and factual issues in that case were as straightforward as any could be. Here, the elements of abuse of process and the applicability of equitable defenses to the enforcement of easements are concepts that are not readily navigable from case to case. While the court is afforded broad discretion under the statute, the court appears to have given short shrift to factors that the statute instructs it to consider, such as "whether or not issues of fact determinative of the validity of a party's claim or defense were reasonably in conflict". C.R.S. § 13-17-103(f). It cannot be discerned from its findings and conclusions the extent to which the Court credited the fact that the Brockmans prevailed on certain pretrial requests for dispositive relief (CF, at p. 645-646) and in their opposition to a preliminary injunction (CF at pp. 209-210). In short, the record calls into serious question whether the trial court exercised sound discretion.

Turning from the nature of the punishment to the scope of the punishment, it is well established that arbitrary sanctions cannot stand. In *In re Marriage of Aldrich*, 945 P.2d 1370 (Colo. 1997), the Supreme held that conclusory or opaque reasoning for the allocation of fee-shifting amounts is reversible error. *Id.*, at 1380. Here, the district court arbitrarily awarded one-half of the Plaintiffs' fees and costs against Mr. Cohen after finding that "most of the counterclaims" and all the equitable defenses of the defendants as a group were frivolous and vexations. At the very least, the conflation of these distinct parties and claims was an abuse of discretion. Likewise, the court did not explain how it determined that Mr. Cohen and Mr. Fermelia should be jointly and severally liable with one another. The Caseys brought a different set of counterclaims than Mr. Cohen's clients, who brought only one counterclaim for damages, the other being a request for declaratory relief that was not deemed frivolous.

V. CONCLUSION

The counterclaims and defenses that Mr. Cohen asserted for his clients in this relatively complex case were plausible. The trial court's truculent statements during trial can fairly be described as bullying, which reached its target and inhibited counsel's ability to present his case. Counsel placed in the position of risking a contempt citation if he persisted in defending his legal theories during and after trial. The court's *sua sponte* award of one-half of Plaintiff's fees and costs against Mr.

Cohen without affording him a fair and meaningful opportunity to defend himself was an abuse of the court's discretion. Its failure to make any findings concerning proper apportionment of responsibility was an abuse of discretion. Mr. Cohen respectfully requests that the Final Order and Judgment against him and his professional corporation be vacated and, if the Court deems proper, remanded for further proceedings.

Dated: November 13, 2023

GLADE VOOGT LOPEZ SMITH FELSER, PC
s/ Andrew J. Felser
Andrew J. Felser, #21156

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November 2023, a true and correct copy of the foregoing paper was served via Colorado Courts E-Filing to the following:

Neal K. Dunning, Esq.
Scott W. Drusch, Esq.
BROWN DUNNING WALKER FEIN DRUSCH PC
7995 E. Prentice Ave, Suite 101E
Greenwood Village, CO 80111
Attorneys for Plaintiffs-Appellees Amy F. Dean, Donner E. Dean, Jr., Merryl Learned, and John R. Walls, Jr.

Mark Cohen Mark Cohen, Esq.
P.O. Box 19192
Boulder, CO 80308
Attorney for DefendantAppellants Wendy Brockman and Clifton M. Brockman, Jr.

Joel A. Moritz, Esq.
Stephen A. Fermelia, Esq.
Moritz Law LLC
3570 E. 12th Ave., Suite 200
Box 103
Denver, Colorado 80206
Attorneys for Defendant-Appellants Stephanie Casey and Trevor Casey

Bradley A. Levin, Esq.
Nelson A. Waneka, Esq.
LEVIN SITCOFF WANEKA PC
455 Sherman Street, Suite 490
Denver, CO 80203
Attorneys for Defendant-Appellants Stephanie Casey, Trevor Casey, Wendy Brockman, and Clifton M. Brockman, Jr.

/s/ Andrew J. Felser