

DISTRICT COURT, EAGLE COUNTY,
COLORADO
885 Chambers Avenue
PO Box 597
Eagle, Colorado 81631

DATE FILED: June 28, 2021 9:16 PM
FILING ID: AEFA4F6B8F332
CASE NUMBER: 2020CV30264

Plaintiff:

TOWN OF AVON, COLORADO, a Colorado home
rule municipality

v.

Defendant:

AVON RECALL COMMITTEE

Attorneys for Plaintiff:

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Andrea S. Bryan, A.R. #40223
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FOR COURT USE ONLY

Case Number:
2020 CV 30264

Div: 3

MOTION TO STAY EXECUTION OF JUDGMENT

Plaintiff-Appellant, Town of Avon, Colorado, a Colorado home rule municipality (the “Town”), by and through legal counsel, Garfield & Hecht, P.C., respectfully submits this Motion to Stay Execution of Judgment (“Motion”), and states as follows:

1. On June 23, 2021, the Eagle County District Court entered Judgment in this matter in favor of Defendant-Appellee the Avon Recall Committee (“Committee”).

2. On June 28, 2021, the Town timely filed a Notice of Appeal with the Colorado Court of Appeals. A copy of the Notice of Appeal (with appendices) has been filed in this Court.

3. The Town respectfully requests that the Judgment—which, among other things, requires the Town to accept the Committee's Petitions and hold a recall election—be stayed during the pendency of its appeal in accordance with C.R.C.P. 62.

4. Staying the Judgment serves the interests of judicial economy and is permitted under Colorado law. Staying the Judgment will suspend any activity or other attempted enforcement of the Judgment while the appeal is pending.

5. Because the Town is a municipality in Colorado, it is not required to post a bond to effectuate a stay, per C.R.C.P. 62(e).

6. The Town reserves all rights.

WHEREFORE, the Town respectfully requests that the Court grant this Motion and enter the attached proposed Order staying enforcement of the Judgment.

Dated June 28, 2021.

Respectfully submitted,

GARFIELD & HECHT, P.C.



Christopher D. Bryan, A.R. #35522

Andrea S. Bryan, A.R. #40223

Paul F. Wisor, A.R. #36816

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 28, 2021, a true and correct copy of the foregoing **MOTION TO STAY EXECUTION OF JUDGMENT** was electronically filed with the Court and served via the Colorado Courts E-Filing upon the following:

Alan D. Sweetbaum
Andrew Miller
Sweetbaum Sands Ramming PC
1125 Seventeenth Street, Suite 2100
Denver, Colorado 80202

/s/Rachael Pudlo
Rachael Pudlo

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**[PROPOSED] ORDER GRANTING MOTION TO
STAY EXECUTION OF JUDGMENT**

This matter has come before the Court on Plaintiff-Appellant, Town of Avon, Colorado, a Colorado home rule municipality (the "Town") Motion to Stay Execution of Judgment ("Motion"). The Court, having reviewed the Motion, and being fully advised in the premises, states as follows:

IT IS HEREBY ORDERED:

The Motion is granted. The Judgment is hereby stayed during the pendency of the appeal.

Dated: June ____, 2021.

BY THE COURT:

Eagle County District Court Judge