



**GRANTED  
IN PART**

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

**Charles M. Pratt  
District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, ARAPAHOE COUNTY,  
COLORADO

7325 S. Potomac Street  
Centennial, CO 80112

**Plaintiff:** STATE OF COLORADO, ex rel.  
JOHN W. SUTHERS, ATTORNEY GENERAL

v.

**Defendants:** COLORADO HUMANE SOCIETY &  
S.P.C.A, INC.; MARY C. WARREN, an individual;  
ROBERT WARREN, an individual; and STEPHENIE L.  
GARDNER, an individual

**EFILED Document**  
**CO Arapahoe County District Court 18th JD**  
**Filing Date: Nov 16 2009 4:29PM MST**  
**Filing ID: 28068092**  
**Review Clerk: N/A**

▲ COURT USE ONLY ▲

Case Number: 2008cv2659

Division: 202

**ORDER SEVERING CUSTODIANSHIP ISSUES FROM OTHER ISSUES AND  
CREATING NEW CASE**

This matter comes before the court upon the motion of Waverton Group, LLC, as custodian for the Colorado Humane Society (“CHS”). The Custodian requests that this court sever the general rehabilitation issues in this custodianship from the disputes between the State and the Individual defendants.

Findings of Fact

1. This case was brought by the State of Colorado for consumer fraud. The issues in this case can be divided into two broad categories: (1) The State of Colorado suing Mary C. Warren, Robert Warren, and Stephenie L. Gardner (the “Individual Defendants”) for sanctions for their conduct; and (2) the State of Colorado seeking the appointment of a custodian for the Colorado Humane Society.

2. The goals of the parties from the two parts of this action are completely different, and in some ways inconsistent. The custodian’s job is to rehabilitate the

Colorado Humane Society, return it to private management, and terminate the custodial aspects of this case as rapidly as possible.

3. Meanwhile the State of Colorado seeks sanctions against the defendants for their conduct prior to the appointment of the custodian. This is standard Plaintiff/Defendant litigation, and will likely take considerably longer than the Custodianship Action.

4. Often, the operation of a custodianship (which is simply a specialized type of receivership) must be handled differently than regular Plaintiff/Defendant litigation. The leading treatise on receivers, 1 Ralph Ewing Clark, *Clark on Receivers*, § 36(a) [3<sup>rd</sup> Ed. 1959] provides that a receiver is not merely an agent of the court, but an actual arm of the court. Receivers (and custodians) regularly need the court's attention in short order so that the custodianship can maintain its velocity and allow the rehabilitation of the company in custodianship.

5. On the other hand, Plaintiff/Defendant actions often go months or sometimes years without the Court being involved. They, of course, culminate in a trial unless settled.

6. The custodian believes that the custodianship aspect of this case can be resolved much quicker and much sooner if it severed from the Plaintiff/Defendant aspects of this case.

#### Order

7. The court agrees with the custodian. The court hereby severs the custodianship aspects of this case from the dispute between the State and the individual defendants. The custodianship shall be given a new number by the clerk of court, and it

shall be captioned: *In re the Custodianship of the Colorado Humane Society & S.P.C.A., Inc.*

By the Court:

---

Charles M. Pratt,  
District Court Judge

This document constitutes a ruling of the court and should be treated as such.

**Court:** CO Arapahoe County District Court 18th JD

**Judge:** Charles M Pratt

**File & Serve  
Transaction ID:** 25345177

**Current Date:** Nov 16, 2009

**Case Number:** 2008CV2659

**Case Name:** STATE OF CO EX REL JOHN W SUTHERS et al vs. COLORADO HUMANE SOCIETY  
SPCA INC et al

**Court Authorizer**

**Comments:**

This issue was granted in part in open Court.

/s/ **Judge Charles M Pratt**