



2. The relief sought in the contempt order is: “punitive sanctions, in the form of payment of the Custodian’s fees related to his efforts in obtaining compliance with the Order, and such other relief as the Court may afford...”.

3. The contempt being sought is presumably indirect contempt, as the conduct alleged did not occur within the Courtroom. C.R.C.P. 107(a)(3).

4. If the court orders a citation to be issued, the citation, “shall be served at least twenty days before the time designated to appear.” C.R.C.P. 107(c). The June 4, 2009 date the Court has set for hearing is within 20 days of the issuance of the citation.

5. At the first appearance, the person shall be advised of certain rights. If the sanctions are punitive, the Court may appoint a special counsel to prosecute the contempt. The maximum jail sentence shall not exceed six months unless the person has been advised the right to a jury trial in the contempt proceeding. C.R.C.P. 107(d). Depending on the nature of the contempt at issue, certain rights are afforded the recipient of the contempt citation. An advisement will clarify for all the parties the nature of the proposed hearing.

6. Pursuant to C.R.C.P. 121(1-15)(8), the undersigned has conferred with Assistant Attorney General Jay Simonson. He does not oppose this motion, and he joins and stipulates to this motion. Furthermore, counsel for Ms. Warren and Ms. Gardner join and stipulate to this motion. It is the joint request of all parties that the June 4, 2009 appearance be deemed a first appearance/ advisement on the Contempt Citation, and that the event also be a status conference for the case. Furthermore, the hearing on the contempt citation be vacated, to be set at the June 4, 2009 advisement.

Dated: May 22, 2009

/s/ Kevin McGreevy

Kevin McGreevy

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 22<sup>nd</sup> day of May, 2009, service of the foregoing **JOINT AND STIPULATED PLAINTIFF AND DEFENDANTS' REQUEST FOR COURT ADVISEMENT ON CONTEMPT CITATION IN ADVANCE OF HEARING; REQUEST TO SET ADVISEMENT/ STATUS CONFERENCE ON JUNE 4, 2009 AT 9:00 a.m. IN DIVISION 404** was effected via LexisNexis, properly addressed to:

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In accord with C.R.C.P. 121 § 1-26(7) & (8) a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the court upon request.

/s/ Helene K. Einertsen  
Helene K. Einertsen

