

District Court, Archuleta County, Colorado
449 San Juan St., Pagosa Springs, Colorado 81147

-Pat Alley;)
-Dave Brackhahn;)
-Wayne Bryant;)
-Greg Giehl;)
-Cole Graham;)
-Dean Greenamyre;)
-Bill Gottschalk;)
-Sue Gottschalk;)
-Stephen Keno;)
-Tom Kramer;)
-Jeffrey Maehr;)
-Sharon Parker;)
-Tracy Salazar;)
-Dennis Spencer;)
-Dave West;)
-John and Jane Does, 1-600, representing)
most signatories on ballot initiatives;)
)
Plaintiffs)
)
v.)
)
Archuleta County Board of County)
Commissioner Clifford Lucero,)
Commissioner Steve Wadley,)
Commissioner Michael Whiting;)
County Attorney Todd Starr;)
)
Defendants)

▲ COURT USE ONLY ▲

Case No. 16-CV-4

MOTION FOR MANDATORY
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above named plaintiffs come before this court with this Motion for Mandatory Findings of Fact and Conclusions of Law on any decisions on the above case.

"The parties are entitled to know the findings and conclusions on all of the issues of fact, law, or discretion presented on the record." citing Butz v. Economou 438 U.S. 478, 98 S. Ct. 2894, 57 L. Ed. 2d 895, (1978). Federal Maritime Commission V. South Carolina State Ports Authority et al. certiorari to the united states court of appeals for the fourth circuit No. 01-46. 2.535 U.S. 743, 122 S. Ct. 1864, 152 L. Ed. 2d 962, (2002). Argued February 25, 2002--Decided May 28, 2002. See also FRCPA Rule 52(a) and United States v. Lovasco 431 U.S. 783 (06/09/77), 97 S. Ct. 2044, 52 L. Ed. 2d 752, and Holt v. United States 218 U.S. 245 (10/31/10), 54 L. Ed. 1021, 31 S. Ct.

Plaintiffs presented specific and clear Constitutional and Statutory law regarding this complaint of deprivation of lawful rights of the People of Archuleta County under the Colorado Constitution and State Statutes, and no rebuttal response was provided by Defendants, or the Court, on the relevant evidence as required for Due Process of Law. Plaintiff's right includes "the findings and conclusions on ALL of the issues of fact, law, or discretion..." which was not provided.

Black's Law Dictionary, 6th Edition, page 500;

"Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law." (Emphasis added)

Due Process of Law requires the right to be heard and for rebuttal of the evidence presented...

Due Process is...

“An orderly proceeding wherein a person . . . has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case.” *Kazubowski v. Kazubowski*, 45 DJ.2d 405, 259 N.E.2d 282. 290

Due Process: “Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing.” *Pettit v. Penn*, L a.App., 180 So.2d 66, 69.

“Aside from all else, "due process" means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn. Crim.App. 54, 456 S.W.2d 879, 883.

CONCLUSION

What does it take for Plaintiffs and the People of Archuleta County to get clear and concise answers to evidence presented? Why do Defendants ignore evidence, and refuse to reply to the evidence?

Plaintiffs move this court for mandatory Findings of Fact and Conclusions of Law based on the previous pleadings and the Motion for Reconsideration evidence which counters the court’s ruling.

Respectfully submitted,

Greg Giehl, for all Plaintiffs