

No. \_\_\_\_\_

---

---

**In the Supreme Court of the United States**

---

JUDY A. BRANNBERG,  
Petitioner,

v.

JOHN A. CIMINO, ET AL.,  
Respondents.

---

**ON PETITION FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF COLORADO**

---

**APPENDIX**

---

Judy A. Brannberg, MSc

8201 South Santa Fe Dr,  
Lot 52  
Littleton, CO 80120  
judy.brannberg@gmail.com  
(303) 522-215

*Pro Se Petitioner*

MAY MMXXVI

---

United States Commercial Printing Company • [www.uscpc.us](http://www.uscpc.us) • (202) 866-8558

APPENDIX

TABLE OF CONTENTS

Appendix A

Order, Colorado Supreme Court, *Alexandria School of Innovation, et al. v. John A. Cimino, et al.*,

No. 2026SA147 (May 8, 2026) ..... App-1

Appendix B

Order, District Court of Denver County, Colorado, *Judy A. Brannberg, et al. v. Jefferson Cnty Public Schools, et al.*,

No. 2023CV610 (Nov. 14, 2025) ..... App-3

Appendix C

Order, District Court of City and County of Denver, Colorado, *Judy Brannberg v. Jefferson Cnty Public Schools, et al.*,

No. 23CV610 (Dec. 31, 2024) ..... App-4

Appendix D

Order Re: Issuance Of Subpoenas, JAMS Denver, *Judy A. Brannberg v. Sterling Ranch Development Corporation*,

No. 37086 (Apr. 24, 2026) ..... App-7

Appendix E

Order, Colorado Court of Appeals, *Judy Brannberg v. Jefferson County Public Schools, et al.*,

No. 2025CA639 (Apr. 16, 2026) ..... App-11

App-ii

Appendix F

Order, Colorado Court of Appeals, *Judy Brannberg v. Jefferson County Public Schools, et al.*,  
No. 2025CA639 (Jul. 28, 2025) ..... App-15

Appendix G

Order, District Court of Denver County, Colorado,  
*Judy A. Brannberg, et al. v. Jefferson Cnty Public Schools, et al.*,  
No. 2023CV610 (Feb. 19, 2025) ..... App-18

Appendix H

Order, District Court of Denver County, Colorado,  
*Judy A. Brannberg, et al. v. Jefferson Cnty Public Schools, et al.*,  
No. 2023CV610 (Feb. 18, 2025) ..... App-19

Appendix I

Order, District Court of Denver County, Colorado,  
*Judy A. Brannberg, et al. v. Jefferson Cnty Public Schools, et al.*,  
No. 2023CV610 (Feb. 3, 2025) ..... App-20

Appendix J

Orde, JAMS Denver, *Judy A. Brannberg v. Sterling Ranch Development Corporation*,  
No. 37086 (May 8, 2026) ..... App-21

Appendix K

Order, Colorado Supreme Court, *Colorado State Board of Education and Douglas County School District RE 1 v. Judy A. Brannberg and John Dewey Institute, Inc.*,  
No. 2021SC885 (Oct. 11, 2022) ..... App-22

App-iii

Appendix L

Order, District Court of Denver County, Colorado,  
*Judy A. Brannberg, et al. v. Jefferson Cnty Public  
Schools, et al.*,  
No. 2023CV610 (Dec. 27, 2024) ..... App-24

Appendix M

Order, District Court of Denver County, Colorado,  
*Judy A. Brannberg, et al. v. Jefferson County Pub-  
lic Schools, et al.*,  
No. 2023CV610 (Filed: Feb. 19, 2025; Denied  
by Court: Feb. 19, 2025) ..... App-26

Appendix N

Omnibus Order Re: Motions To Dismiss, District  
Court of City and County of Denver, Colorado,  
*Judy Brannberg, et al. v. Jefferson County Public  
Schools, et al.*,  
No. 23CV610 (Jul. 10, 2024) ..... App-28

App-1  
*Appendix A*

Colorado Supreme Court DATE FILED  
2 East 14th Avenue May 8, 2026  
Denver, CO 80203 CASE NUMBER:  
2026SA147

Original Proceeding  
District Court, Denver County, 2023CV610

**In re:** Supreme Court Case No.  
2026SA147

**Plaintiffs:**

Alexandria School of Innovation,  
Judy A. Brannberg, John Dewey  
Institute at Red Rocks Ranch, and  
Leyden Rock,

**v.**

**Defendants:**

John A. Cimino, Colorado Civil  
Rights Division, Colorado  
Department of Education,  
Colorado Educational and  
Cultural Facility A, Colorado  
State Board of Education,  
Colorado Supreme Court  
Office Of Attorney Regulation  
Counsel, Colorado Supreme  
Court, Douglas County  
School District, Douglas County  
Sheriffs Office Douglas County,

App-2

Jefferson County Public Schools,  
Stem School Highlands Ranch  
Lighthouse B, Sterling Ranch  
Development Corporation,  
Umb Bank, and Umb Financial  
Corporation.

ORDER OF COURT

Upon consideration of the Petition for Order to Show Cause Under C.A.R. 21 and Expedited Motion for Stay of All Proceedings; the Expedited Motion to Stay Special Master/JAMS Attorney Fees Proceedings, Vacate or Modify the Pro Se Filing Ban as Applied, and for Due Process Hearing on Unclean Hands Defense; the Emergency Supplement to C.A.R. 21 Petition and Expedited Motion for Stay; and the Emergency Second Supplement to C.A.R. 21 Petition and Expedited Motion for Stay; filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition for Order to Show Cause Under C.A.R. 21 and Expedited Motion for Stay of All Proceedings and the Motions and Supplements shall be, and the same hereby are, DENIED.

BY THE COURT, EN BANC, MAY 8, 2026.

App-3

*Appendix B*

[Filed: Nov. 14, 2025]

DISTRICT COURT, DENVER COUNTY,  
COLORADO

Court Address:

1437 BANNOCK STREET, RM 256,  
DENVER, CO, 80202

**Plaintiff(s)** JUDY A BRANNBERG et al.

v.

**Defendant(s)** JEFFERSON CNTY PUBLIC  
SCHOOLS et al.

Case Number: 2023CV610

Division 275 Courtroom:

This matter is before the Court *sua sponte* based upon its review of the large number of filings into this closed case. The Court hereby gives notice that this case is closed and therefore the Court does not have jurisdiction due to the notice of appeal.

All filings into this case after April 15, 2025 are hereby stricken by this Order.

Finally, Plaintiff(s) Brannberg *et al* is prohibited from any further *pro se* filings into this case. Any further filings into this case caption shall be filed by an attorney or with attorney certification consistent with C.R.C.P. 11.

Issue Date: 11/14/2025

/s/ Kandace Cecilia Gerdes

KANDACE CECILIA GERDES

District Court Judge

App-4  
*Appendix C*  
[Filed: Dec. 31, 2024]

DISTRICT COURT, CITY AND COUNTY OF DEN-  
VER, STATE OF COLORADO  
1437 Bannock Street  
Denver, Colorado 80202

JUDY BRANNBERG

Plaintiff,

v.

Case No. 23CV610

JEFFERSON CNTY. PUBLIC  
SCHOOLS *et al.*  
Defendants.

COURTROOM 275

**ORDER RE: NOTICE OF INTENT TO APPOINT  
SPECIAL MASTER PURSUANT TO C.R.C.P. 53**

The Court, upon further review of the court file, re-  
luctantly finds that the interests of a just and speedy  
resolution of this dispute would be served by referral  
to a Special Master.

As required by Rule 53, the Court hereby gives the  
parties notice of its intentions. After the Court issued  
its Omnibus Order Re: Motions to Dismiss, a decision<sup>1</sup>

---

<sup>1</sup> Some might argue this decision was ill-advised, given the De-  
fendants' arguments to the Court as to how highly litigious Plain-  
tiff Brannberg is known to be and the knowledge that due process  
requires the Court to conduct a hearing upon request. *In re Mar-  
riage of Turilli*, 2021 COA 151 ¶ 30.

App-5

was made to file motions seeking attorney fees and costs from Plaintiff Brannberg.

In support of this Notice, the Court advises as follows:

1. A Special Master would be appointed pursuant to C.R.C.P. 53(a)(1)(C) to resolve all issues related to the Defendants' request for attorney fees and costs.
2. The Court offers the following three individuals who can accept appointment as a Special Master in this matter:

Hon. Edward Bronfin (Ret.)

Hon. Robert McGahey (Ret.)

Mr. David M. Tenner

3. The Special Master shall be compensated at his usual and customary hourly rate (their fees range from \$425/hour - \$595/hour) and shall be reimbursed for all expenses and costs incurred in the performance of his duties. These fees and costs shall be paid solely by the Defendants, divided between the Defendants as they agree upon or as determined by the Special Master in his discretion based on the merits of the matter before him. The Defendants shall pay the Special Master directly, upon receipt of the Special Master's invoice. Upon the failure of a Defendant(s) to timely pay the Special Master's fees, the Court may enter judgment in favor of the Special Master and against the non-paying Defendant(s).
4. Within 14 days of this Order, the parties shall submit the name of the Special Master agreed

App-6

upon or the name of the person they would select from the names set forth in paragraph 2.

5. Within 14 days of this Order, any objections to this Notice shall be filed, which the Court considers the opportunity to be heard pursuant to C.R.C.P. 53(b)(1).
6. The Court will then consider the matter ripe for its consideration.

SO ORDERED this 31<sup>st</sup> day of December, 2024.

BY THE COURT

/s/ Kandace C. Gerdes

Kandace C. Gerdes

District Court Judge

cc: all parties

App-7

*Appendix D*

[Filed: Apr. 24, 2026]

JAMS Denver  
410 17<sup>th</sup> Street, Suite 2440  
Denver, CO 80202

**JUDY A. BRANNBERG,**

**Plaintiff**

v.

**JAMS Case Number: 37086**

**STERLING RANCH DEVELOP-  
MENT CORPORATION,**

**Defendant**

**ORDER RE: ISSUANCE OF SUBPOENAS**

**THIS MATTER** is before me to consider Plaintiff's request for the issuance of eight subpoenas with request for production, to be directed to certain individuals requiring them to appear at a hearing on the issue of attorneys' fees requested by Defendant. Before preparing and issuing this Order, I have reviewed applicable pleadings, as well as reviewing recorded Status Conferences.

The long history of this case and the many levels at which it has been or is being dealt with need not be discussed here. However, I do need to talk about what my role as Special Master is, although that has been discussed on several occasions already.<sup>1</sup>

---

<sup>1</sup> I want to reiterate what has been said before: I recognize that Plaintiff continues to object to my appointment and to any

App-8

On February 3, 2025, Judge Kandace Gerdes, the trial court judge in Denver District Court Case 23 CV 610, appointed me as a Special Master pursuant to C.R.C.P. 53, to deal solely and only with issues of requests for attorneys' fees that might be requested by Defendants to that case.<sup>2</sup> As things stand, only the current Defendant still seeks attorneys' fees.

Plaintiff filed numerous pleadings objecting to the appointment and to any proceedings on the issue of attorneys' fees. On February 20, 2026, Judge Tow of the Colorado Court of Appeals issued an order in 25 CA 639 which allowed me to hear the issue of Defendant's requested attorneys' fees.

On February 23, 2026, I conducted a Status Conference over Zoom, with Plaintiff and Jonathan Pray, Esq., counsel for Defendant. That Status Conference was recorded. At that conference my role in this case was discussed at length, including the extremely narrow issue of my appointment. Plaintiff was advised that I would only be considering attorneys' fees requested by this Defendant; that I would only be considering fees incurred from the commencement of this case through the dismissal of the claims asserted against this Defendant (a position that Mr. Pray agreed to); that Plaintiff would be able to call witnesses, including herself, as long as those witnesses presented testimony *only* as to the narrow issue of Defendant's requested attorneys' fees; Defendants counsel advised that Defendant would object to any

---

proceeding on attorneys' fees. Her participation in this motion does **NOT**, in any way, constitute a waiver or surrender of her objections or rights, including her right to appeal.

<sup>2</sup> An Amended Order was issued on February 4, 2025. It did not change the substance of my appointment.

App-9

witness or exhibit called or submitted for any other purpose.

Thereafter Plaintiff filed numerous other pleadings, some of which related to my appointment and JAMS conducting of any hearing, but many more that had nothing to do with the issue for which I was appointed. On March 26, 2026, another Status Conference was held over Zoom with Plaintiff, attorney Pray and additional counsel for Defendant, Denver Donchez, Esq. Various deadlines were set and on March 31, 2026, a Status Conference Order issued, reiterating the narrow issue that we were proceeding on and various deadlines.

On April 13, 2026, Plaintiff asked for the issuance of eight separate subpoenas with requests for production, all directed at persons whom she wants to present as witnesses at the attorneys' fee hearing scheduled for May 29, 2026. She provided arguments in support of her request. Defendant's counsel filed a concise Response on April 15, 2026. Plaintiff filed a Reply on April 21, 2026.<sup>3</sup> The issue of issuance of subpoenas is now ripe.

I will not issue any of the requested subpoenas. Defendant's Response provides succinct and correct reasons for this finding and conclusion. None of Plaintiff's listed potential witnesses nor their proposed testimony is even remotely relevant to the very narrow issue of Defendant's requested attorneys' fees. I

---

<sup>3</sup> It should be noted that on April 16, 2026, Judge Tow issued another Order in 25 CA 639, which, among other things, denied the issuance of the requested subpoenas by the Court of Appeals, and specifically ordered Plaintiff to cease requesting relief from the Court of Appeals concerning the issue of my appointment or any proceedings relating to that appointment.

App-10

understand that Plaintiff seeks a proceeding in some public forum about issues she believes are important to her. But I am not authorized, nor do I have jurisdiction, to conduct such a proceeding in a hearing on the issue which I have been appointed to decide: whether this Defendant is entitled to attorney's fees pursuant to Colorado law, and if so, in what amount. At the May 29, 2026 hearing Plaintiff can object to Defendant's evidence and present her own evidence contravening Defendant's position on fees, but on that issue and **ONLY** on that issue.<sup>4</sup>

Please note that by issuing this Order, I am *not* making a decision on the merits of Defendant's request for fees. Any such determination will only be made after a hearing.

DONE this 24<sup>th</sup> day of April, 2026,

/s/ Robert L. McGahey Jr.

Hon. Robert L. McGahey Jr. (Ret.)  
Special Master

---

<sup>4</sup> I would remind Plaintiff, as I have before, that although she appears in this matter *pro se*, Colorado law requires me to hold her to the same standards to which I must hold a member of the Bar.

App-11

*Appendix E*

[Filed: Apr. 16, 2026]

Colorado Court of Appeals  
2 East 14th Avenue  
Denver, CO 80203

Denver District Court  
2023CV610

**Plaintiff-Appellant:**

Judy Brannberg,

Court of Appeals Case  
Number:  
2025CA639

v.

**Defendants-Appellees:**

Jefferson County Public  
Schools ("Jeffco"), Board,  
and Attorneys; Colorado  
State Board of Education,  
Board, and Attorneys;  
Colorado Department of  
Education ("CDE"), and  
Attorneys; CDE  
Commissioner Susana  
Cordova; Douglas County  
School District ("DCSD"),  
Board, and Attorneys;  
STEM School Highlands  
Ranch, Lighthouse  
Building Corp, Lighthouse  
on a Hill d/b/a STEM  
Academy, Koson Network

App-12

of Schools, Koson Schools  
Board, and Attorneys;  
Colorado Civil Rights  
Division ("CCRD"),  
Colorado Civil Rights  
Commissioners ("CCRC"),  
and Attorneys; Colorado  
Educational and Cultural  
Facility Authority ("CECFA")  
Board and Attorneys;  
Sterling Ranch Development  
Corp. Owners and Attorneys;  
UMB Financial Corporation –  
UMB Bank and Staff Tamara  
Dixon and John Wahl;  
Colorado Supreme Court  
Office of Attorney Regulation  
Counsel ("OARC"), Jessica  
Yates, OARC Counsel and  
Attorneys; Douglas County  
Sherriff's Office; John A  
Cimino; and Colorado  
Attorney General's Office.

#### ORDER OF THE COURT

To: All Parties

After review of the motion April 13, 2026 motion to compel immediate docketing of all pending filings, for sanction for refusal to docket, and for expedited ruling on the April 10, 2026 emergency motion for leave to file subpoenas, the court DENIES the motion.

The April 15, 2026 motion for immediate docketing of previously hand-delivered filings (April 6-10, 2026)

App-13

with exhibits and for leave to re-file stamped copies in the event of spoliation is DENIED.

The issues in this appeal concern the district court's order determining the claims alleged by appellant in the underlying case and the ultimate dismissal of those claims. The issue of attorney fees and costs requested by Sterling Ranch and the ongoing proceedings at JAMS are not part of this appeal. Attorney fees and costs are separately appealable from orders dismissing the underlying case. *See L.H.M. Corp., TCD v. Martinez*, 2021 CO 78. Further, this court does not issue subpoenas and it does not accept new evidence not reviewed by the district court. Therefore, the court REJECTS the April 8, 2026, April 9, 2026, and April 10, 2026 motions and all attachments. Additionally, the attachments filed with this motion are REJECTED. The court does not accept the filings and will not consider the filings on appeal. Appellant may retrieve the motions and attachments within 28 days, if not picked up within 28 days the court will destroy the motions and attachments.

In addition to rejecting the April 8, 2026 through April 10, 2026 motions, the court will not accept any future motions or filings that request relief regarding the ongoing attorney fee request or the ongoing proceedings at JAMS. The court will not enter separate orders rejecting future filings or motions that do not comply with this order. The clerk's office staff is authorized to reject filings that do not conform with this order.

All other pending motions will be determined by the division considering the merits. The appeal is at issue and an opinion will issue in due course.

App-14  
BY THE COURT  
Tow, J.

App-15

## Appendix F

[Filed: Jul. 28, 2025]

Colorado Court of Appeals  
2 East 14th Avenue  
Denver, CO 80203

Denver District Court  
2023CV610

**Plaintiff-Appellant:**

Judy Brannberg, Court of Appeals Case  
Number:  
2025CA639

**V.**

**Defendants-Appellees:**

Jefferson County Public Schools ("Jeffco"), Board, and Attorneys; Colorado State Board of Education, Board, and Attorneys; Colorado Department of Education ("CDE"), and Attorneys; CDE Commissioner Susana Cordova; Douglas County School District ("DCSD"), Board, and Attorneys; STEM School Highlands Ranch, Lighthouse Building Corp, Lighthouse on a Hill d/b/a STEM Academy, Koson

App-16

Network of Schools, Koson Schools Board, and Attorneys; Colorado Civil Rights Division ("CCRD"), Colorado Civil Rights Commissioners ("CCRC"), and Attorneys; Colorado Educational and Cultural Facility Authority ("CECFA") Board and Attorneys; Sterling Ranch Development Corp. Owners and Attorneys; UMB Financial Corporation - UMB Bank and Staff Tamara Dixon and John Wahl; Colorado Supreme Court Office of Attorney Regulation Counsel ("OARC"), Jessica Yates, OARC Counsel and Attorneys; Douglas County Sheriff's Office; John A Cimino; and Colorado Attorney General's Office.

ORDER OF THE COURT

To: All Parties

After review of the motion to stay the appeal, the Court DENIES the motion.

The Court has reviewed the motion to amend the caption, and the response, and GRANTS, the motion. Only parties listed in the district court case, or identified in the July 10, 2024 omnibus order, are to be listed in the caption. See C.A.R. 32(d). Therefore, the

App-17

parties listed in any future caption, including any briefs, are as follows: John A. Cimino, Colorado Civil Rights Division, Colorado Department of Education, Colorado Educational and Cultural Facility Authority, Colorado State Board of Education, Colorado Supreme Court Office of Attorney Regulation, Colorado Supreme Court, Douglas County School District, Douglas County Sheriff's Office, Jefferson County Public School, STEM School Highlands Ranch Lighthouse Building Corp, Sterling Ranch Development Corp, UMB Bank, and UMB Financial Corporation. The Supreme Court of the United States was voluntarily dismissed by plaintiff-appellant on December 12, 2023, and need not be listed in the caption.

The Court STRIKES the notice of pattern of caption manipulation.

The Court has considered the motion for extension of time to file the opening brief, and the response, and GRANTS, in part, the motion.

The opening brief is now due on or before October 15, 2025, no further extensions will be granted. Failure to file the opening brief by October 15, 2025 will result in dismissal of the appeal without further opportunity to be heard.

The Court STRIKES the attachments filed with the motions and notices, appellant may retrieve the attachments within 21 days of the date of this order or the attachments will be destroyed.

BY THE COURT

Welling, J.

Lipinsky, J.

Yun, J.

App-18

*Appendix G*

[Filed: Feb. 19, 2025]

DISTRICT COURT, DENVER COUNTY,  
COLORADO

Court Address:

1437 BANNOCK STREET, RM 256,  
DENVER, CO, 80202

**Plaintiff(s)** JUDY A BRANNBERG et al.

v.

**Defendant(s)** JEFFERSON CNTY PUBLIC  
SCHOOLS et al.

Case Number: 2023CV610

Division 275 Courtroom:

**Order: Defendant Colorado Civil Rights Division's Unopposed Motion to Quash Subpoena  
Duces Tecum**

The motion/proposed order attached hereto: SO ORDERED.

The Court, having reviewed the Defendant Colorado Civil Rights Division's Unopposed Motion to Quash Subpoena Duces Tecum, filed February 18, 2025, ORDERS that the subpoena as to Aubrey Sullivan is QUASHED.

Issue Date: 2/19/2025

/s/ Kandace Cecilia Gerdes

KANDACE CECILIA GERDES

District Court Judge

App-19

*Appendix H*

[Filed: Feb. 18, 2025]

DISTRICT COURT, DENVER COUNTY,  
COLORADO

Court Address:

1437 BANNOCK STREET, RM 256,  
DENVER, CO, 80202

**Plaintiff(s)** JUDY A BRANNBERG et al.

v.

**Defendant(s)** JEFFERSON CNTY PUBLIC  
SCHOOLS et al.

Case Number: 2023CV610

Division 275 Courtroom:

**Order: Amended Motion of Notification of Buy-  
Out By Jeffco and JOINT 2023CV610 Defend-  
ants' Criminal Racketeering Antitrust Enter-  
prise with the Special Master For Attorney  
Fees**

The motion/proposed order attached hereto: RE-  
VIEWED.

No further briefing on this issue is permitted.  
Should any additional briefing be filed on this is-  
sue/topic it shall be stricken *sua sponte*.

Issue Date: 2/18/2025

/s/ Kandace Cecilia Gerdes

KANDACE CECILIA GERDES

District Court Judge

App-20

*Appendix I*

[Filed: Feb. 3, 2025]

DISTRICT COURT, DENVER COUNTY,  
COLORADO

Court Address:

1437 BANNOCK STREET, RM 256,  
DENVER, CO, 80202

**Plaintiff(s)** JUDY A BRANNBERG et al.

v.

**Defendant(s)** JEFFERSON CNTY PUBLIC  
SCHOOLS et al.

Case Number: 2023CV610

Division 275 Courtroom:

**ORDER RE: MARCH 6, 2025 ATTORNEY FEE  
HEARING**

Based upon the matter of attorney fees being assigned to a Special Master, the Court hereby VACATES the March 6, 2025 attorney fee hearing to be held in Courtroom 275. The Special Master shall address all issues related to the attorney fee hearing.

Issue Date: 2/3/2025

/s/ Kandace Cecilia Gerdes

KANDACE CECILIA GERDES

District Court Judge

App-21

*Appendix J*

JAMS Denver  
410 17<sup>th</sup> Street, Suite 2440  
Denver, CO 80202

JUDY A. BRANNBERG,

**Plaintiff**

v.

**JAMS Case Number: 37086**

STERLING RANCH DEVELOP-  
MENT CORPORATION,

**Defendant**

**ORDER RE: PLAINTIFF-APPELLANT JUDY A.  
BRANNBERG'S RENEWED REQUEST FOR EX-  
PEDITED RULING ON TWO PENDING MO-  
TIONS TO STAY JAMS PROCEEDINGS**

**THIS MATTER** comes before me on Plaintiff Judy A. Brannberg's Renewed Request for Expedited Ruling on Two Pending Motions to Stay JAMS Proceedings filed on May 8<sup>th</sup>, 2026.

The Renewed Request is **DENIED**, as to both requests for stay.

**SO ORDERED.**

**DATED** this 8<sup>th</sup> day of May, 2026,

/s/ Robert L. McGahey Jr.

Hon. Robert L. McGahey Jr. (Ret.)  
Special Master

App-22

*Appendix K*

[Filed: Oct. 11, 2022]

Colorado Supreme Court  
2 East 14th Avenue  
Denver, CO 80203

Certiorari to the Court of Appeals, 2020CA641  
District Court, Denver County, 2019CV550

**Petitioners:**

Colorado State Board of  
Education and Douglas     Supreme Court Case No:  
County School District     2021SC885  
RE 1,

v.

**Respondents:**

Judy A. Brannberg and  
John Dewey Institute,  
Inc.

The Court has reviewed the following documents and their corresponding attachments filed by Respondent, Ms. Brannberg: (1) "Motion for Claims for Reimbursement of Losses Because of Dishonest Attorney Conduct ...," filed on October 4, 2022, (2) "Motion for Claims – Motion Number One ...," filed on October 7, 2022 and "Motion for Claims – Deceased Attorney David K. Williams", filed on October 10, 2022.

The "motions" and attachments are not permitted filings under the Colorado Rules of Appellate

App-23

Procedure, nor do they request actionable relief that the Court could grant. The documents and attachments filed by Respondent, Ms. Brannberg, are, therefore, STRICKEN.

The Court FURTHER ORDERS that it will NOT ACCEPT any documents filed in the above-captioned matter concerning alleged attorney misconduct or the Colorado Attorneys' Fund for Client Protection from Respondent, Ms. Brannberg. Such claims should be filed with the Office of Attorney Regulation Counsel and are not proper in a certiorari proceeding.

BY THE COURT, OCTOBER 11, 2022.

App-24

*Appendix L*

[Filed: Dec. 27, 2024]

DISTRICT COURT, DENVER COUNTY,  
COLORADO

Court Address:

1437 BANNOCK STREET, RM 256,  
DENVER, CO, 80202

**Plaintiff(s)** JUDY A BRANNBERG et al.

v.

**Defendant(s)** JEFFERSON CNTY PUBLIC  
SCHOOLS et al.

Case Number: 2023CV610

Division 275 Courtroom:

**Order: DEFENDANTS COLORADO EDUCATIONAL AND CULTURAL FACILITY A, DOUGLAS COUNTY SCHOOL DISTRICT, DOUGLAS COUNTY SHERIFFS OFFICE, JEFFERSON COUNTY PUBLIC SCHOOLS, STEM SCHOOL HIGHLANDS RANCH, LIGHTHOUSE BUILDING CORP., LIGHTHOUSE ON A HILL D/B/A STEM ACADEMY, KOSON NETWORK OF SCHOOLS/KOSON SCHOOLS AND STERLING RANCH DEVELOPMENT CORP.S JOINT MOTION FOR INJUNCTION AGAINST PRO SE LITIGANT JUDY BRANNBERG(w/ a)**

The motion/proposed order attached hereto: SO ORDERED.

See this Court's Order dated December 27, 2024 related to Defendant Jefferson County School District's Motion for enjoin Plaintiff, which is incorporated

App-25

herein by this reference, and which applies to Plaintiff's conduct in the entirety of this litigation.

Issue Date: 12/27/2024

/s/ Kandace Cecilia Gerdes

KANDACE CECILIA GERDES

District Court Judge

App-26

*Appendix M*

[Filed: Feb. 19, 2025; Denied by Court: Feb. 19, 2025]

**DISTRICT COURT, DENVER  
COUNTY, COLORADO**

1437 Bannock Street, Rm 256, Court-  
room 275, Denver, CO, 80202

**Plaintiffs:** Judy A. Brannberg, MSc,  
Jeffco Alexandria School of  
Innovation ("ASI") and John Dewey  
Institute ("JOI") at Red Rocks  
Ranch ("RRR") and Leyden Rock  
("LR") and DCSD ASI and JOI at  
Ridggate, Crystal Valley, Sterling  
Ranch, and Highlands Ranch

**Attorney for Plaintiffs:**  
JUDY A. BRANNBERG, Pro Sc  
8201 South Santa Fe Dr. #52,  
Littleton, CO 80120  
303.522.2158 |  
judy.brannberg@gmail.com

Jefferson County Public Schools  
("Jeffco"), Board, and Attorneys  
Colorado State Board of Educa-  
tion, Board, and Attorneys Colo-  
rado Department of Education  
("COE"), and Attorneys COE  
Commissioner Susana Cordova  
Douglas County School District  
("DCSD"), Board, and Attorneys  
STEM School Highlands Ranch,  
Lighthouse Building Corp,

|                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Denver District<br/>Court Case No:<br/>2023CV610<br/>Division 275<br/>U.S. Supreme<br/>Ct<br/>Case No. 23-1292<br/>Linked to 24A6<br/>1,<br/>23A 1007</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

App-27

LightHouse on a Hill dba STEM Academy, Koson Network of Schools, Koson Schools Board, and Attorneys Colorado Civil Rights Division ("CCRD"), Colorado Civil Rights Commissioners ("CCRC"), and Attorneys Colorado Educational and Cultural Facility Authority ("CECF A") Board and Attorneys Sterling Ranch Development Corp. Owners and Attorneys UMB Financial Corporation - UMB Bank and Staff Tamara Dixon and John Wahl Colorado Supreme Court Office of Attorney Regulation Counsel ("OARC"), Jessica Yates, OARC Counsel and Attorneys Douglas County Sheriffs Office JOHN A. CIMINO, Esq. Colorado Supreme Court Colorado Attorney General's Office

**Colorado Supreme Court**

Case No: 24SC  
181

**Colorado Court Of Appeals**

Case No. 2024CA  
133

**Colorado Civil Rights Division**  
Case No.

E-20237

**Colorado State Board of Education**

23-CSIAB DCSD

23-CS2AB Jeffco

**PLAINTIFF'S MOTION FOR DEFAULT  
JUDGMENT FOR 23CV610**

App-28

*Appendix N*

[Filed: Jul. 10, 2024]

DISTRICT COURT, CITY & COUNTY OF DENVER,  
COLORADO  
1437 Bannock Street  
Denver, Colorado 80202

Plaintiffs: JUDY BRAN-  
NBERG; et al.

Case Number: 23CV610

Courtroom: 275

v.

Defendants: JEFFER-  
SON COUNTY PUBLIC  
SCHOOLS; et al.

**OMNIBUS ORDER RE:  
MOTIONS TO DISMISS**

This matter is before the Court on the numerous Mo-  
tions to Dismiss filed in this case.<sup>1</sup> The Court having

---

<sup>1</sup> The following reflects the briefing related to the Motions to  
Dismiss:

Douglas County Sheriff's Office

Motion filed 11/15/23

Response filed 11/28/23

Reply filed 12/5/23

MTD First Amended Complaint 1/26/24

Response to MTD FAC filed 2/1/24

Reply to MTD FAC filed 2/7/24

Sterling Ranch Development Company

Motion filed 12/5/23

Response filed 12/12/23

Reply filed 12/19/23

App-29

---

MTD Amended Complaint filed 2/2/24

STEM School Highlands Ranch, Lighthouse Build Corp,  
Lighthouse on a Hill d/b/a STEM Academy, Koson Net-  
work of Schools/Koson Schools  
Motion filed 12/12/23  
Response filed 12/20/23  
Reply filed 1/10/24  
Supplement filed 2/2/24

Douglas County School District  
Motion filed 12/12/23  
Response filed 12/20/23  
Reply filed 1/10/24  
Supplement filed 2/2/24

UMB Bank  
Motion filed 12/20/23  
Response filed 1/2/24  
Reply filed 1/30/24

Colorado State Bd of Ed, Colo Dept of Ed., Jeff Co School Dis-  
trict, CECFA  
Motion filed 12/21/23  
Responses filed to JeffCo and CEFCA on 1/16/24  
Response filed to Colorado State Bd. Of Ed and Colo. Dept.  
of Ed. 1/22/24 Reply filed by CEFCA on 1/23/24  
Reply filed by JeffCo on 1/30/24  
Reply filed by Colorado State Bd/Dept of Ed on 1/29/24

Colorado Civil Rights Division  
Motion filed 12/22/23  
Response filed 1/9/24  
Reply filed 1/16/24

Colorado Office of Attorney Regulation  
Motion filed 12/22/23  
Response on 1/16/24  
Reply on 1/30/24

reviewed the pleadings, the file, applicable law, and being fully advised in the premises, hereby FINDS and ORDERS as follows:

### BACKGROUND

#### 1. *Procedural History*

This matter originated with the September 27, 2023 filing by Plaintiffs Judy Brannberg ("Brannberg"), Alexandria School of Innovation ("ASI"), and John Dewey Institute at Red Rocks and Leyden Rock's ("JDI") (collectively, "Plaintiffs") of a "Notice of Appeal for Judicial Review," purporting to seek review of two decisions by Defendant Colorado State Board of Education ("State Board") and Defendant Jefferson County Public Schools ("JeffCo") as respondents.

Thereafter, on October 27, 2023, Plaintiffs filed their "Complaint of Judicial review Pursuant to § 24-4-106, C.R.S. and Request for Stay With the Notices of Claim Filed Herein," naming, in addition to the State Board and JeffCo, as Defendants: the Colorado Department of Education ("CDE"); the Douglas County School District ("DCSD"); the STEM School Highlands Ranch ("STEM School"); the Colorado Civil Rights Division ("CCRD"); the Colorado Educational and Cultural Facility Authority ("CECFA"); the Sterling Ranch Development Corporation ("Sterling Ranch"); UMB Financial Corporation ("UMB"); the Colorado Supreme Court Office of Attorney Regulation ("OARC"); the Douglas County Sheriff's Office ("DCSO"); John Cimino ("Cimino"); the Supreme Court of the United States;<sup>2</sup> and 100 Jane Doe

---

<sup>2</sup> Plaintiffs voluntarily dismissed the Supreme Court of the United States on December 12, 2023.

Defendants.

After the Motions to Dismiss were filed in late 2023, on January 12, 2024, this Court accepted Plaintiffs' January 11, 2024 "Amended Complaint for Judicial Review Pursuant to C.R.C.P. 15 To Add New Causes Of Action, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8" ("FAC"), and ordered that those Defendants which had filed motions to dismiss that had been fully briefed could, if they saw fit, file a supplement to their motions addressing any new claims added by the FAC. Only Defendants DCSD and Stem School filed such a supplement, though Defendants DCSO and Sterling Ranch filed new motions to dismiss directed at the FAC.<sup>3</sup>

*2. Plaintiffs' First Amended Complaint ("FAC")*

Plaintiffs' FAC additionally names as Defendants: JeffCo, State Board, CDE, DCSD, STEM School, CCRD, CECFA, Sterling Ranch, UMB, OARC, DCSO, the Colorado Supreme Court ("COSC"), and the Colorado Attorney General's Office ("COAG"). Plaintiffs' FAC sets forth twelve claims:

- (a) a claim for violation of the Sherman Act;
- (b) a claim for violation of 18 U.S.C. § 2331(5), Domestic Terrorism;
- (c) a retaliation claim under the Occupational Safety and Health Act ("OSHA");
- (d) a claim for violation of 18 U.S.C. §

---

<sup>3</sup> DCSO's January 26, 2024 motion to dismiss Plaintiffs' first amended complaint has been fully briefed; Plaintiffs did not respond to Sterling Ranch's February 2, 2024 motion.

App-32

873, Blackmail;

- (e) a discrimination claim under Title VII of the Civil Rights Act of 1964 ("Title VII");
- (f) a claim for violation of 18 U.S.C. § 201, Bribery of Public Officials and Witnesses;
- (g) a claim for violation of 18 U.S.C. § 1349, Conspiracy;
- (h) a claim for harassment under Title VII, the Age Discrimination Act of 1967 ("ADEA"), and the Americans with Disabilities Act of 1990 ("ADA");
- (i) a claim for tortious interference with prospective business advantage;
- (j) a claim for violation of 18 U.S.C. § 471;
- (k) a claim for violation of 18 U.S.C. § 1503, Obstruction of Justice; and
- (l) a claim for libel.

Plaintiffs seek the following relief:

- (1) an order reversing the State Board's September 2023 decisions affirming the denial of the ASI and JDI charter applications, with directions to remand the applications to JeffCo and DCSD for approval, along with instructions to approve eight additional charter applications as well as orders to donate land for the construction of such schools and to cause such schools to be constructed;
- (2) an order appropriating certain funds

App-33

under the State Board's insurance policy to finance said schools;

- (3) an order reinstating Plaintiff Brannberg, and her husband, Barry Brannberg, to leadership positions in the STEM School;
- (4) an order transferring ownership of the STEM School building to Plaintiff Brannberg and her husband, Barry Brannberg;
- (5) an order for "remedial measures" against certain attorneys;
- (6) an order directing payment from the Colorado Attorney's Fund for Client Protection;
- (7) an order "overturning" the CCRD, "plus settlement;" and
- (8) an order directing payment and appropriating land from Sterling Ranch for the development of another school.

In addition to the enumerated relief requested, as detailed above, Plaintiffs' FAC has the following requests embedded in the allegations:

- (1) an order from this Court overturning the *Colorado State Board of Education v. Brannberg*, 525 P.3d 290 (Colo. 2023) (see *Id.* at p. 25, ¶ 97); and
- (2) an order from this Court voiding and overturning the decision in Douglas County District Court case number 15CV30586, in which Plaintiff Judy Brannberg unsuccessfully sued a

STEM School official for libel. (*See Id.* at p. 34, ¶149).

### 3. Summary of Allegations<sup>4</sup>

The Court has spent considerable time parsing out Plaintiffs' forty-plus page FAC, to determine exactly what is being alleged.<sup>5</sup> After examining Plaintiffs'

---

<sup>4</sup> The Court notes at the outset that all named Plaintiffs, except Judy A. Brannberg, are required to have counsel. In Colorado, a nonprofit corporation may appear in court only through a licensed attorney. *Bennie v. Triangle Ranch Co.*, 216 P. 718 (Colo. 1923); *BQP Industries, Inc. v. State Board of Equalization*, 694 P.2d 337 (Colo. App. 1984). A corporation may not proceed *pro se* because it is an artificial entity created by law. Unlike a natural person, it is legally impossible for a corporation to appear or act in a judicial proceeding in person. *BQP Industries, Inc., supra*. Moreover, "[t]o allow a corporation to maintain litigation and appear in court represented by corporate officers or agents only would lay open the gates to the practice of law for entry to those corporate officers or agents who have not been qualified to practice law and who are not amenable to the general discipline of the court." *Union Savings Ass'n v. Home Owners Aid, Inc.*, 262 N.E.2d 558 (Ohio 1970).

There are two statutorily created exceptions to this rule. The first allows a corporate officer to represent a closely held corporation in actions where the amount in controversy is less than \$15,000.00. See § 13-1-127, C.R.S. The second exception applies only to actions brought in *small* claims court. See § 13-6-407, C.R.S.

Since the amount in controversy exceeds \$15,000.00 and the case was filed in district court, the Court finds that Plaintiffs Alexandria School of Innovation, John Dewey Institute at Red Rocks Ranch, and Leyden Rock were required to be represented by an attorney in this proceeding and could accordingly be dismissed from this action on that basis.

<sup>5</sup> In its Order dated January 4, 2024, the Court struck Plaintiffs' Amended Complaint as failing to comply with C.R.C.P. 15, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8.

FAC, the following is a general summary of what the Court concludes are Plaintiffs' allegations.

Plaintiff Judy Brannberg was involved in the creation and establishment of STEM School Highlands Ranch in 2009. FAC, p. 20, ¶ 76. In 2013, she and her husband executed a Separation Agreement, terminating their relationship with STEM School Highlands Ranch. *Id.* at ¶ 78. Plaintiffs allege that the Separation Agreement contained a provision providing that "any dissemination of any draft [of the Agreement] would be a violation of this agreement." *Id.* Plaintiffs further allege that in 2014, 2017, 2018, 2020, and 2023 attorneys for DCSD and JeffCo disseminated a fraudulent version of the Separation Agreement "with no promises and undertakings," in order to "bribe" DCSD, JeffCo, and the State Board in an effort to defeat her seventeen charter school applications on behalf of ASI and JDI. *Id.* at p. 21, ¶ 80. Plaintiffs further allege that this fraudulent Separation Agreement was used to "bribe" the Denver District Court in case number 2019CV550, the Colorado court of appeals in 2020CA641, and the Colorado supreme court in 21SC885, as well as the United States Supreme Court, as the adverse decision in Denver 2019CV550 was appealed through successive courts of review. *Id.* at pp. 21-22, ¶ 81. Plaintiffs also allege that the Separation Agreement was used to "bribe" the CCRD. *Id.* at pp. 34-35, ¶¶ 152-53.

Plaintiffs also appear to contend that a bond issued by CECFA to STEM School, financed by UMB, was fraudulent. *Id.* at p. 23, ¶ 89; *see also Id.* at pp. 38-39, ¶ 164. Plaintiffs further allege that the parties to this lawsuit, and their attorneys, are engaged in a coordinated conspiracy to defraud the Court and frustrate

Plaintiff Judy Brannberg's applications for new charter schools. *See, e.g., Id.* at pp. 22, 23, ¶¶ 85, 89, 90. Plaintiffs further lay blame on Defendants for the May 7, 2019 STEM school shooting. *Id.* at p. 23, ¶ 89. Plaintiffs alleged that the OARC engaged in a cover-up of the foregoing "crimes of Fraud on the Court, forgery, bribery, breach of contract, et al." *Id.* at p. 36, ¶ 158. Plaintiffs also allege that the DCSO failed to conduct further investigation into JeffCo and DCSD because the Sheriff conspired with DCSD to cover up their crimes. *Id.* at pp. 36-37, ¶ 160. Lastly, Plaintiffs allege that their former attorney, Defendant Cimino, was "bought out" by DCSD in order to defeat her claims in Denver 2019CV550 and Douglas County District Court Case 2015CV30586. *Id.* at p. 39, ¶ 166.

#### STANDARD OF REVIEW

Under C.R.C.P. 12(b)(1), a trial court determines subject matter jurisdiction by examining the substance of the claim based on the facts alleged and the relief requested. *City of Aspen v. Kinder Morgan, Inc.*, 143 P.3d 1076, 1078 (Colo. App. 2006). The plaintiff has the burden of proving jurisdiction. *Id.*; *Jim Hutton Educ. Found. v. Rein*, 2018 CO 38M, ¶ 17. A trial court may consider any competent evidence pertaining to a 12(b)(1) motion without converting the motion into a summary judgment motion. *Lee v. Banner Health*, 214 P.3d 589, 593 (Colo. App. 2009) (citing *Trinity Broad. of Denver, Inc. v. City of Westminster*, 848 P.2d 916, 924 (Colo. 1993)). Therefore, unlike with motions to dismiss under C.R.C.P. 12(b)(5), trial courts are not required to accept the allegations of the complaint as true when addressing 12(b)(1) motions. *Medina v. State*, 35 P.3d 443, 452 (Colo. 2001). A hearing is

unnecessary if there are no disputes of jurisdictional fact or if the trial court assumes all the facts in the complaint are true and still concludes there is no subject matter jurisdiction. *Id.*

Under C.R.C.P. 12(b)(5), if a plaintiff is entitled to relief under any legal theory, then the complaint is sufficient. *Denver & R. G. W. R. R. v. Wood*, 476 P.2d 299 (Colo. App. 1970). In assessing such a motion, a court must accept all matters of material fact as true and view the allegations in the light most favorable to the plaintiff. *Asphalt Specialties, Co. v. City of Commerce City*, 218 P.3d 741 (Colo. App. 2009). All inferences are to be drawn in favor of the plaintiff. *Medina*, 35 P.3d at 452. The claim for relief must satisfy the plausibility standards under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). *Warne v. Hall*, 373 P.3d 588, 589-90 (Colo. 2016). The tenet that a court must accept as true all the allegations contained in a complaint is, however, inapplicable to legal conclusions. *Id.* at 591. "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678. Stated differently, a court need not accept as true legal conclusions couched as factual allegations. *Id.*

## ANALYSIS

### 1. *Claims seeking Criminal Charges*

The Court first addresses Plaintiffs' pleading of numerous criminal statutes as claims for relief. These claims are: (1) second claim for relief - domestic terrorism; (2) fourth claim for relief - blackmail; (3) sixth claim for relief - bribery; (4) seventh claim for relief - conspiracy; (5) tenth claim for relief - forgery; and (6)

eleventh claim for relief - obstruction of justice.

Setting aside other reasons which may prohibit relief as to these claims, the most fundamental issue is that Plaintiffs lack standing to institute federal criminal proceedings. "Private citizens generally have no standing to institute federal criminal proceedings." *Winslow v. Romer*, 759 F. Supp. 670, 673 (D. Colo. 1991). Indeed,

[c]riminal statutes cannot be enforced by civil actions. Serious constitutional problems are encountered in any attempt to impose criminal sanctions by way of civil procedures. Equally important is the firmly established principle that criminal statutes can only be enforced by the proper authorities of the United States Government and a private party has no right to enforce these sanctions.

*Id.* at 673-74 (quoting *Bass Angler Sportsman Soc'y v. United States Steel Corp.*, 324 F. Supp. 412, 415 (S.D. Ala. 1971), *aff'd*, 447 F.2d 1304 (5<sup>th</sup> Cir. 1971)).

Absent some indication of Congressional intent to permit private enforcement, such attempts are foreclosed. "As we recently have emphasized, 'the fact that a federal statute has been violated and some person harmed does not automatically give rise to a private cause of action in favor of that person.'" *Touche Ross & Co. v. Redington*, 442 U.S. 560, 568 (1979) (quoting *Cannon v. University of Chicago*, 441 U.S. 677, 688 (1979)).

The Court has reviewed the criminal statutes

Plaintiffs<sup>6</sup> cited and none indicate an intent to create a private right of action.<sup>7</sup> Plaintiffs have provided no support for the proposition that any of these federal crimes imply a private right of action, and the Court has found none. As a matter of law, none of the statutes contain even a hint, let alone a clear legislative indication, of an intent to create a private right of action. *Gerrity Oil & Gas Corp. v. Magness*, 946 P.2d 913, 923 (Colo. 1997); *Macurdy v. Faure*, 176 P.3d 880, 882 (Colo. App. 2007). Consequently, claims two (domestic terrorism), four (blackmail), six (bribery), seven (conspiracy), ten (forgery), and eleven (obstruction of justice), are dismissed with prejudice.

## 2. *Sherman Act Claim*

The Court next addresses Plaintiffs' first FAC claim, the alleged violation of the Sherman Antitrust Act of 1890. See FAC, p. 8, ¶¶9-11. The Sherman Antitrust Act of 1890, 15 U.S.C. §§ 1-7, does not provide for a private cause of action for its violations. Rather, it is the duty of the United States attorneys to enforce its provisions. See 15 U.S.C. § 4.<sup>8</sup> This Court,

---

<sup>6</sup> *I.e.*, 18 U.S.C. § 2331(5) (Domestic Terrorism, defined); 18 U.S.C. § 873 (Blackmail); 18 U.S.C. § 201 (Bribery of Public Officials and Witnesses); 18 U.S.C. § 1349 (Attempt and Conspiracy); 18 U.S.C. § 471 (Forgery of an Obligation of Security of the United States); 18 U.S.C. § 1503 (Influencing or Injuring Officer or Juror).

<sup>7</sup> 18 U.S.C. § 2333 provides for a private right of action for American nationals injured as a result of *international* terrorism, not domestic.

<sup>8</sup> Although the Clayton Antitrust Act of 1914, 15 U.S.C. §§ 12-27 provides for a private cause of action, that Act vests the United States district courts with exclusive jurisdiction to hear such claims. *Vendo Co. v. Lektro-Vend Corp.*, 433 U.S. 623, 632

therefore, lacks jurisdiction. Pursuant to C.R.C.P. 12(b)(1), this Claim is dismissed with prejudice.

### *3. Remaining Claims*

Plaintiffs' remaining claims are: (1) third claim for relief - anti-retaliation claim under OSHA; (2) fifth claim for relief - Title VII discrimination; (3) eighth claim for relief - harassment, under Title VII, the ADEA, and the ADA; (4) ninth claim for relief - tortious interference with prospective business advantage; and (5) twelfth claim for relief - libel. The Court addresses each claim in turn.

#### *a. Anti-retaliation Claim under OSHA*

Plaintiffs' third claim for relief alleges that "Defendants retaliated against Judy Brannberg because she blew the whistle on crimes, and Defendants stopped her from providing alternative education and competing against District schools in 2014, 2017, 2018, 2019, and 2023, which caused the tragic 5/17/19 shooting." FAC, p. 9, ¶ 17. 29 U.S.C. §660 (c) prohibits retaliatory discharge or discrimination against an employee who filed a complaint with the Occupational Safety and Health Administration or participated in any proceeding under OSHA. 29 U.S.C. § 660(c)(2) provides that, if such a person believes they have been retaliated against for the foregoing, they may file a complaint with the Secretary of the Occupational Safety and Health Administration, and that the Secretary may thereafter bring an action in federal court. There is, therefore, no private right of action for retaliation

---

(1977) ("The private action for damages conferred by the Clayton Act is a 'uniquely federal right or remedy,' in that actions based upon it may be brought only in the federal courts.").

under OSHA.<sup>9</sup> See, e.g., *Johnson v. Interstate Management Company, LLC*, 849 F.3d 1093, 1097 (D.C. Cir. 2017); *George v. Aztec Rental Center Inc.*, 763 F.2d 184, 186 (5<sup>th</sup> Cir. 1985). Accordingly, Plaintiffs' third claim for relief is dismissed with prejudice.

b. *Title VII Discrimination Claim*

Plaintiffs' fifth claim alleges that "Defendants DCSD, STEM, Jeffco, State Board, Sterling Ranch, et al. thwarted the creation of Plaintiffs[] schools in 2014, 2017, 2018, 2019, and 2023 using Federal violations of 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022, in order to protect the DCSD, Jeffco, State Board monopoly, and to stop Judy Brannberg's schools from competing with District schools, which is a violation of the Federal Antitrust Enforcement Enacted (sic) in 1890." FAC, pp. 9-10, ¶ 24.

Title VII prohibits discriminatory employment practices predicated based on race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a). Even if denying a charter school application constitutes an adverse employment action under Title VII, Plaintiffs have alleged that the motivation for doing so was not discriminatory animus, but to "protect the DCSD, Jeffco, State Board monopoly."

Consequently, Plaintiffs have failed to state a claim for relief under Title VII. Plaintiffs' fifth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

---

<sup>9 9</sup> Nor would this Court have jurisdiction over such a claim if there were. See 29 U.S.C. § 660(c)(3) ("In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.").

*c. Harassment under Title VII, the ADEA, and the ADA*

Plaintiffs' eighth claim for relief is harassment in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA). Specifically, Plaintiffs claim "Defendants harassed and silenced Judy Brannberg and disrupted potential economic relationships between Plaintiff Brannberg and the parents of children seeking to enroll their children in ASI and JDI, so that the consumers of educational services cannot (and further would decline) to do business with Plaintiffs in 2014, 2017, 2018, 2019, and 2023." FAC, p.12; ¶ 33.

Title VII prohibits discriminatory employment practices predicated based on race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a). Even if denying a charter school application constitutes an adverse employment action under Title VII, Plaintiffs have alleged that the motivation for doing so was to "disrupt potential economic relationships ... so that the consumers of educational services cannot do business with Plaintiffs." FAC, p. 12; ¶ 33. Consequently, Plaintiffs have failed to state a claim for relief under Title VII.

Plaintiffs also argue that Defendants violated the ADEA. 29 U.S.C. § 621 provides that the purpose of the ADEA is "to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment." Plaintiffs have failed to allege any discrimination based on

age in the FAC.

Finally, Plaintiffs argue that Defendants violated the ADA. The stated purposes of the ADA are:

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

42 U.S.C. § 12101.

The FAC lacks any factual allegations to support an ADA violation claim. Consequently, for the above stated reasons, Plaintiffs' eighth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

*d. Tortious Interference with Prospective Business Advantage*

Plaintiffs' ninth claim for relief alleges that "Defendants' conduct as described herein disrupted the potential economic relationship between Plaintiffs

and the parents of children seeking to enroll at ASI/JDI. Plaintiffs had established relationships with numerous members of the public who had previously consumed, and who again would consume educational services of a charter school founded by Plaintiff Brannberg to Judy Brannberg's substantial benefit." FAC, pp. 12-13, ¶ 36.

In an abundance of caution, the Court reviews both tortious interference with contract and tortious interference with prospective business advantage.

To establish a claim for tortious interference with contract, Colorado courts have relied on the definition of the tort of intentional interference with contractual relations contained in § 766 of the Restatement (Second) of Torts (1979); stating:

One who intentionally and improperly interferes with the performance of a contract (except a contract to marry) between another and a third person by inducing or otherwise causing the third person not to perform the contract, is subject to liability to the other for the pecuniary loss resulting to the other from the failure of the third person to perform the contract.

*Slater Numismatics, LLC v. Driving Force, LLC*, 310 P.3d 185, 188 (Colo. App. 2012).

To be liable for intentional interference with contract, a defendant must: (1) be aware of a contract between two parties, (2) intend that one of the parties breach the contract; (3) and induce the party to breach or make it impossible for the party to perform the contract. *Id.* (citing *Krystkowiak v.*

*W.O. Brisben Cos.*, 90 P.3d 859 (Colo. 2004)). In addition, the defendant must have acted improperly in causing the result. *Id.*

Generally, the factors to be considered when deciding whether interference was improper are listed in section 767, which states:

In determining whether an actor's conduct in intentionally interfering with a contract or a prospective contractual relation of another is improper or not, consideration is given to the following factors:

- (a) the nature of the actor's conduct,
- (b) the actor's motive,
- (c) the interests of the other with which the actor's conduct interferes,
- (d) the interests sought to be advanced by the actor
- (e) the social interests in protecting the freedom of action of the actor and the contractual interests of the other,
- (f) the proximity or remoteness of the actor's conduct to the interference, and
- (g) the relations between the parties.

*Harris Group, Inc. v. Robinson*, 209 P.3d 1188, 1196 (Colo. App. 2009).

Colorado also recognizes the tort of intentional interference with a prospective business advantage. *See*

*Memorial Gardens, Inc. v. Olympian Sales & Management Consultants, Inc.*, 690 P.2d 207 (Colo. 1984); *Dolton v. Capitol Federal Savings & Loan Ass'n*, 642 P.2d 21 (Colo. App. 1981). Colorado courts have relied upon the definition found in § 766B Restatement (Second) of Torts (1979); stating:

One who intentionally and improperly interferes with another's prospective contractual relation (except a contract to marry) is subject to liability to the other for the pecuniary harm resulting from loss of the benefits of the relation, whether the interference consists of

- (a) inducing or otherwise causing a third person not to enter into or continue the prospective relation or
- (b) preventing the other from acquiring or continuing the prospective relation.

*Harris Group, Inc.*, 209 P.3d at 1195-96.

To prove this form of the tort, it is not necessary to show that an underlying contract exists, but, rather, the plaintiff must show that intentional and improper interference prevented a contract from being formed. *Id. citing, Dolton v. Capitol Fed. Sav. & Loan Ass'n*, 642 P.2d 21, 23 (Colo. App. 1981).

In sum, the goal to be achieved by these forms of the tort is to protect the integrity of contracts. *See Mem'l Gardens, Inc.*, 690 P.2d at 210. However, that interest

is not absolute, and must be balanced against the interests of the parties and society. *Id.*

The Court has scoured Plaintiffs' FAC (166 separate paragraphs) and can find no specific facts that support either of these claims. Consequently, Plaintiffs have failed to sufficiently state a claim for relief under both tortious interference with contract and tortious interference with prospective advantage. Plaintiffs' ninth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

*e. Libel*

Plaintiffs' twelfth claim alleges that "Defendants and Attorneys disseminated a one-way forgery purported as the mutual two-way Agreement, which falsely and illegally gave permission to Defendants to disparage Plaintiff Brannberg's good character and excellent Charter Management history, which cause them to not obtain charter approval in 2014, 2017, 2018, 2109, and 2023 for 17 schools." FAC, p. 14, ¶ 44.

Plaintiffs claim libel *per se* and libel *per quod*. The Court must determine whether the statement (which is not pled in the FAC) constitutes libel *per se*<sup>10</sup> or libel *per quod*<sup>11</sup>.

---

<sup>10</sup> <sup>10</sup> For a statement to be libelous *per se*, the statement must contain defamatory words specifically directed at the person claiming injury. The words must be unmistakably recognized as injurious to the reputation, without extrinsic proof. When the words are construed according to their natural and ordinary meaning, there is no need for examination of innuendo. § 32:16. Libel *per se*, 7A Colo. Prac., Personal Injury Torts and Insurance § 32:16 (3d ed.).

<sup>11</sup> Where inducement, innuendo, or colloquium are necessary to demonstrate the defamation, Colorado requires the pleading and proof of special damages as well as the extrinsic facts

App-48

At the early common law all libel, of whatever kind, was actionable without the pleading or proof of special damages. Gradually, however, there developed in American jurisprudence a distinction between libel *per se* and libel *per quod* to the effect that any libel which carried its defamatory imputation on its face was actionable without an allegation or proof of damages. But any libel which did not carry such imputation on its face was held to be actionable only where special damages were pleaded and proved. Later, further gloss was added to this area of the law, and today the rule accepted by the majority of courts may be stated as follows:

'Any libel which carrie[s] its defamatory imputation upon its face [is] still held to be actionable without proof of damage. But any libel which [does] not [is] held to be actionable only where slander would be actionable-which is to say, when special damage was pleaded and proved, or the case fell into one of the four exceptional slander categories, of the imputation of crime, loathsome disease, defamation affecting business, or unchastity on the part of a woman.'

---

required to show the defamation. § 32:17. Libel *per quod*, 7A Colo. Prac., Personal Injury Torts and Insurance § 32:17 (3d ed.).

*Bernstein v. Dun & Bradstreet, Inc.*, 368 P.2d 780, 783 (Colo. 1962) (internal citations omitted).

In this case, Plaintiff s' FAC does not identify or provide the defamatory statement with which they take issue nor plead any special damages. Consequently, Plaintiffs have failed to sufficiently state a claim for relief under libel *per se* or libel *per quod*, given that the FAC does not identify the defamatory statement nor plead special damages. Plaintiffs' twelfth claim is dismissed without prejudice under C.R.C.P. 12(b)(5).

#### *4. Notice of Appeal for Judicial Review*

Finally, the Court turns to Plaintiffs' initial filing in this case. Plaintiffs initiated this action by

filing a "Notice of Appeal for Judicial Review" on September 27, 2023, where they represented that they were seeking judicial review of two orders from the State Board regarding the denial of charter school applications. Plaintiffs' FAC makes no explicit mention of such claims, and the Court therefore considers the request for judicial review abandoned. *See Prairie Mountain Publ'g Co., LLP v. Regents of Univ. of Colorado*, 2021 COA 26, n.3 citing *Moody v. People*, 159 P.3d 611, 614 (Colo. 2007) ("Arguments not advanced on appeal are generally deemed waived."). While Plaintiffs still seek relief in the form of an order from this Court reversing the State Board determinations, Plaintiffs now seem to weave that requested relief within the twelve FAC claims. *See* FAC, p. 26, ¶ 100 ("The State Board decision should not be final, pursuant to C.R.S. § 22-30.5-108(3)(d), because the illegal Federal Antitrust crimes, have created a severe safety risk for all pupils, and threats to all public education."). The FAC does not suggest that Plaintiffs

intend to maintain any judicial review claim(s) pursuant to C.R.S. § 24-4-106.

To the extent, however, the FAC can be interpreted as still asserting a claim for judicial review pursuant to C.R.S. § 24-4-106, this Court lacks jurisdiction to entertain such claim. *Colorado State Bd. of Ed. v. Brannberg*, 2023 CO 11 (holding that, under C.R.S. § 22-30.5-108(3)(d), no appellate jurisdiction exists to review a State Board denial of a charter school application). Plaintiffs' theory that this Court could overturn the Colorado supreme court's holding on this question because of alleged antitrust violations and alleged fraud upon the court has no legal basis.

Finally, the Court looks to the doctrine of *stare decisis*, a judge-made doctrine that requires courts to follow preexisting rules of law. *Love v. Klosky*, 2018 CO 20 ¶¶ 2-4. This is the preferred course for courts, because it promotes the even handed, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process. *Id.* As the Colorado supreme court recently stated, no appellate jurisdiction exists to review a State Board of Education denial of a charter school application. *Colorado State Bd. of Ed. v. Brannberg*, 2023 CO 11. The Colorado supreme court did not leave any question open as to the lack of appellate jurisdiction. This Court is bound by the doctrine of *stare decisis* to follow the standing opinions of our Supreme Court. See *Heafer v. Denver-Boulder Bus Co.*, 489 P.2d 315, 316 (Colo. 1971) ("Although urged to break the constraint of *stare decisis*, the trial court here was eminently correct in recognizing that it was not within its discretion to reject the holdings of this Court on this

proposition.”). Accordingly, the Notice of Appeal for Judicial Review, is dismissed with prejudice.

### CONCLUSION

As to Defendants’ Motions to Dismiss the claims in Plaintiffs’ First Amended Complaint for Judicial Review Pursuant to C.R.C.P. Rule 15 To Add New Causes of Action, C.R.C.P. 121, 1-15(8), and C.R.C.P. 8, filed January 11, 2024, the Court orders as follows as to all Defendants:

The First Claim for Relief is dismissed with prejudice as this Court is without jurisdiction and Plaintiffs lack the authority to enforce the Sherman Anti-Trust Act.

The Second, Third, Fourth, Sixth, Seventh, Tenth, and Eleventh Claims for relief are dismissed with prejudice as there is no private right of action.

The Fifth, Eighth, Ninth, and Twelfth Claims for relief are dismissed without prejudice. In addition to the foregoing reasons for their infirmity, such claims should never have been joined in an action for judicial review under C.R.S. § 24-4-106. The APA provides that a person may commence an action for judicial review. It is a special, limited action. Actions for judicial review do not have periods of discovery, nor do they conclude with a trial. The Court has limited statutory remedies, all of which direct that the lower administrative body take specific action. Consequently, claims for judicial review are not compatible with typical civil claims. Neither the APA nor the Rules of Civil Procedure contemplate such “hybrid” actions. Plaintiff must seek relief in separate actions if she wishes to pursue such civil claims as well as judicial review.

App-52

Finally, the initial pleading filed into this case, Notice of Appeal for Judicial Review, is dismissed with prejudice as the Court is bound to follow the doctrine of *stare decisis*.

SO ORDERED this 10<sup>th</sup> day of July, 2024.

BY THE COURT:

/s/ Kandace C. Gerdes

Kandace C. Gerdes

District Court Judge

cc: all parties