

No. 26A **166**

IN THE SUPREME COURT OF THE UNITED STATES

SABRINA ZUNKER,

Applicant,

v.

KAREN F. HUBLER, in her official capacity, and

ADAM J. ESPINOSA, in his official capacity,

Respondents.

**EMERGENCY APPLICATION TO THE HONORABLE NEIL M. GORSUCH,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES**

**AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT, FOR A TEMPORARY
ADMINISTRATIVE INJUNCTION AND AN INJUNCTION PENDING
APPEAL**

Application arising from the United States Court of Appeals for the Tenth Circuit, No. 26-1192, and the United States District Court for the District of Colorado, No. 1:26-cv-01450-LTB-RTG.

Sabrina Zunker

Applicant, pro se

500 Birch Street

Denver, Colorado 80220

303-653-4601

sabrina.zunker@gmail.com

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Organization for a Better Austin v. Keefe, 402 U.S. 415 (1971)
Roman Catholic Diocese of Brooklyn v. Cuomo, 592 U.S. 14 (2020) (per curiam)
Whole Woman's Health v. Jackson, 595 U.S. 30 (2021)
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**TO THE HONORABLE NEIL M. GORSUCH, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE TENTH CIRCUIT:**

This application presents one question: whether an individualized prior restraint on speech may remain enforceable after Colorado's own Court of Appeals stated that it could not find any ruling determining whether the restraint satisfies the First Amendment.

Sabrina Zunker respectfully applies under Supreme Court Rules 22 and 23 and the All Writs Act for a temporary administrative injunction and an injunction pending appeal. The application is deliberately narrow. Ms. Zunker seeks prospective protection for lawful speech while Tenth Circuit No. 26-1192 remains pending. She does not seek damages, review of child-custody, support, or property determinations, permission to disclose sealed material, or immunity from generally applicable recording laws.

The challenged state-court orders prohibit Ms. Zunker from recording or videotaping "in any setting" and from communicating with third parties about matters of the case. Those restraints have remained enforceable for nearly nine years and have been enforced through fines, a \$10,000 sanction, and attorney-fee liability. App. D. Colorado's Court of Appeals later stated that it could not find anywhere in the record that any court had considered whether the recording and communication limitations "pass constitutional muster." App. E. Yet the restraints remain in force.

The injury is present, not historical. Ms. Zunker seeks to speak and publish now about public proceedings, public records, rejected filings, access to courts, and

alleged official misconduct; to seek witnesses and affidavits; and to communicate with journalists, editors, attorneys, legal observers, public officials, and law enforcement. Each day the orders remain enforceable, she must either remain silent or risk renewed sanctions. No lower court has supplied interim protection or a current First Amendment merits ruling.

RELIEF REQUESTED

Ms. Zunker respectfully requests an order temporarily prohibiting Respondents, in their official capacities, and persons acting in active concert with them who receive actual notice of the order, from enforcing or threatening to enforce the June 8, 2017 and November 9, 2017 recording, videotaping, and third-party-communication restraints, or any later order to the extent it continues those restraints, against Ms. Zunker for otherwise lawful speech concerning public court proceedings, court actors, public records, access to courts, rejected filings, alleged official misconduct, witness outreach, publication, journalism, advocacy, or public accountability.

The requested relief would not authorize unlawful recording, threats, harassment, disclosure of sealed or lawfully confidential material, or violation of generally applicable law. Ms. Zunker also requests a temporary administrative injunction while this application is considered, or referral to the full Court.

ORDERS BELOW

The Appendix contains: (A) the July 9, 2026 Tenth Circuit order denying an injunction pending appeal; (B) the June 10, 2026 district-court order denying emergency relief for lack of jurisdiction; (C) the May 14, 2026 dismissal order; (D)

the operative portions of the October 21, 2020 state order quoting and enforcing the 2017 restraints; (E) the May 1, 2025 Colorado Court of Appeals opinion in No. 24CA1180; (F) the November 19, 2025 order on remand; and (H) a chronology of Ms. Zunker's repeated efforts to obtain a merits determination of the continuing First Amendment restraints.

JURISDICTION

The Tenth Circuit appeal remains pending. This Court would have jurisdiction to review the Tenth Circuit's final judgment by writ of certiorari under 28 U.S.C. § 1254(1). The Court and Circuit Justice may issue relief under 28 U.S.C. § 1651(a) to preserve that prospective jurisdiction. Ms. Zunker sought emergency relief first in the district court and then in the Tenth Circuit. Both denied relief. App. A-B. The application therefore satisfies Rule 23's requirement that relief ordinarily be sought below first.

STATEMENT

A. The restraints and enforcement consequences.

The June 8, 2017 order states that Ms. Zunker "does not have the right to record." The November 9, 2017 order states that "no videotaping will occur in any setting by Mother" and that she "shall refrain from engaging in communications with third parties regarding matters of this case." App. D.

In 2020, the state court treated those restraints as enforceable, found Ms. Zunker in contempt, continued \$1,000 fines including per-person fines involving third parties, imposed a \$10,000 sanction, and awarded \$14,698.95 in attorney fees. App. D. The orders therefore operate not as advisory language but as continuing commands backed by substantial penalties.

B. Ms. Zunker repeatedly sought a merits determination, but the constitutional question remained unanswered.

Ms. Zunker has repeatedly asked the Colorado courts to decide whether the continuing recording and communication restraints satisfy the First Amendment. Rather than receiving a merits determination, each request was resolved on a different procedural ground. The constitutional question remained constant; only the procedural reason for declining to answer it changed. The Colorado Court of Appeals rejected *res judicata* and observed that it could not find anywhere in the record that any court had considered whether the recording and communication limitations "pass constitutional muster." Yet the restraints remain in force. This application seeks only temporary relief while that unresolved constitutional question proceeds through the federal courts.

C. The Colorado Court of Appeals identified the unresolved constitutional question.

In 2024, Ms. Zunker moved in the same domestic-relations proceeding to dissolve the restraints and restore her First Amendment rights. The magistrate and district court denied relief under *res judicata*. The Colorado Court of Appeals reversed because *res judicata* did not apply to a constitutional challenge made in the same continuing proceeding. App. E.

"Despite references in the magistrate and district court orders suggesting that mother's constitutional claims had already been decided, we don't see anywhere in the record that any court has considered whether the recording and communication limitations pass constitutional muster." App. E (footnote 2).

The state appellate court dismissed any direct challenge to the original 2017 order as outside its jurisdiction but remanded the 2024 request for further proceedings. App. E.

D. Remand and federal proceedings resolved procedural issues, not the present First Amendment merits.

On remand, the state court acknowledged that *res judicata* was erroneous but again denied relief, relying on waiver and a 2019 stipulation. App. F. The remand order did not make current findings that the 2017 restraints serve a compelling interest, are narrowly tailored, use the least restrictive means, or remain necessary after nearly nine years.

Ms. Zunker then filed a federal action seeking declaratory and prospective injunctive relief against the continuing restraints. The district court dismissed without prejudice for lack of subject-matter jurisdiction and later denied emergency relief because it concluded it lacked jurisdiction. App. B-C. The Tenth Circuit denied an injunction pending appeal in a short order stating that Ms. Zunker had not shown the governing factors favored relief. App. A. The appeal remains pending.

E. This application does not ask the Court to supervise domestic-relations merits.

Ms. Zunker does not ask this Court to revise parenting, support, property, contempt, or evidentiary determinations. The requested order would leave every domestic-relations judgment intact except the prospective enforcement of the speech restraints against otherwise lawful speech. The federal question is whether a State may continue enforcing an individualized, content-based speech restraint without any current First Amendment justification while every available forum resolves the challenge on procedural grounds.

REASONS FOR GRANTING RELIEF

I. The Court Has Authority to Preserve Its Prospective Jurisdiction.

Relief under the All Writs Act is extraordinary, but it is available where necessary to preserve the Court's prospective jurisdiction and the applicant shows a reasonable probability that four Justices would vote to grant review, a fair prospect that a majority would conclude the decision below was erroneous, and a likelihood of irreparable harm absent relief. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). The application presents an important question: whether an indefinite judicial restraint on a named person's speech may remain enforceable when no court has applied the First Amendment to its continuing operation.

Ms. Zunker recognizes that the Tenth Circuit has not entered final judgment. The requested administrative and interim relief is limited to preserving her First Amendment rights while that appeal proceeds; it does not seek certiorari before judgment or a final merits disposition.

II. The Continuing Restraint Is a Prior Restraint on Core Speech.

An order forbidding speech before it occurs bears the "heavy presumption" against constitutional validity that applies to prior restraints. *Organization for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971); see *Near v. Minnesota ex rel. Olson*, 283 U.S. 697 (1931); *Nebraska Press Assn. v. Stuart*, 427 U.S. 539, 559 (1976).

The restraints are content based because they turn on whether speech concerns "matters of this case." They are speaker based because they apply specifically to Ms. Zunker. They are indefinite because they have remained enforceable since 2017. And they extend beyond courtroom administration to

communications with third parties and videotaping "in any setting." App. D. They therefore burden speech about courts, public records, and the conduct of public officials - subjects at the center of public concern. See *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978); *NRA v. Vullo*, 602 U.S. 175 (2024).

III. Ms. Zunker Has a Fair Prospect of Success.

A. The State has never supplied the findings required to continue this restraint.

The Colorado Court of Appeals expressly identified the constitutional gap. App. E. Neither the 2017 orders nor the later orders reproduced in the Appendix contain current findings that the restraints satisfy strict scrutiny, remain necessary, or are narrowly tailored to a present danger. Procedural default, waiver, immunity, and jurisdiction are not substitutes for the State's constitutional burden when it continues to enforce a prospective restraint.

Even if a party may knowingly waive some constitutional rights in a settlement, the remand order did not determine the scope, duration, knowing character, or present enforceability of any waiver under the First Amendment. It treated the 2019 stipulation as sufficient to reject relief from the separate 2017 orders, although the Colorado Court of Appeals had expressly declined to decide the stipulation's effect. App. E-F.

B. Prospective relief is not a collateral appeal from domestic-relations judgments.

The requested injunction would not reverse a state judgment or require the federal courts to decide domestic-relations merits. It addresses only the future

enforcement of an allegedly unconstitutional speech restraint. Ms. Zunker's claim is directed at an ongoing federal injury, not at obtaining appellate review of custody or support rulings.

C. Declaratory relief has been unavailable, and the requested injunction is correspondingly narrow.

Section 1983 restricts injunctive relief against a judicial officer for acts taken in a judicial capacity unless a declaratory decree was violated or declaratory relief was unavailable. Ms. Zunker sought declaratory and prospective relief, but the federal action was dismissed for lack of jurisdiction, while the state proceedings did not adjudicate the current First Amendment merits. App. C, E-F. On this record, declaratory relief has been unavailable in practice. The requested injunction is limited to preventing enforcement of the speech restraints while the Tenth Circuit determines whether a federal forum exists.

Ms. Zunker does not rely on *Whole Woman's Health v. Jackson*, 595 U.S. 30 (2021), for the proposition that judges may ordinarily be enjoined merely for adjudicating cases. Her requested relief is limited to official-capacity enforcement or threatened enforcement of the challenged commands and does not seek to control neutral adjudication of unrelated disputes.

IV. The First Amendment Injury Is Immediate and Irreparable.

"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). The injury remains irreparable even when restrictions affect only particular speakers or channels of communication. See *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (per curiam).

Ms. Zunker intends now to write, publish, seek witnesses, request affidavits, communicate with journalists and editors, consult attorneys and advocates, contact public officials and law enforcement, and discuss public proceedings and records. The 2020 enforcement order demonstrates that violation can result in substantial fines, per-person penalties, sanctions, and attorney fees. App. D. A reasonable person would be chilled by that record. Waiting for final appellate resolution cannot restore speech that she was unable to make when it mattered.

V. The Equities and Public Interest Favor Narrow Interim Relief.

The requested injunction protects only otherwise lawful speech. It would not authorize unlawful recording, harassment, threats, disclosure of sealed material, or violation of valid confidentiality rules. Respondents retain every legitimate tool available under generally applicable law. They have no legitimate interest in enforcing an individualized and indefinite speech restraint without current constitutional findings.

The public has a strong interest in open discussion of courts and government officials, and in ensuring that prior restraints are not maintained merely because procedural doctrines prevent adjudication of their constitutionality. A temporary administrative injunction would preserve the parties' positions while the Circuit Justice considers the application; an injunction pending appeal would prevent continuing irreparable injury without disturbing the underlying domestic-relations judgments.

CONCLUSION

Ms. Zunker respectfully requests a temporary administrative injunction and an injunction pending appeal prohibiting enforcement or threatened enforcement of the challenged 2017 recording, videotaping, and third-party-communication restraints against her otherwise lawful speech until the Tenth Circuit resolves No. 26-1192, or such other relief as the Circuit Justice or Court deems appropriate.

Respectfully submitted,



Sabrina Zunker
Applicant, pro se
500 Birch Street
Denver, Colorado 80220
303-653-4601
sabrina.zunker@gmail.com
August 1, 2026

PROPOSED ORDER

Upon consideration of Applicant's Emergency Application for a Temporary Administrative Injunction and an Injunction Pending Appeal, it is ORDERED:

1. Pending further order of the Circuit Justice or the Court, enforcement or threatened enforcement of the June 8, 2017 and November 9, 2017 recording, videotaping, and third-party-communication restraints identified in the application is temporarily enjoined against Applicant's otherwise lawful speech to the extent requested in the application.
2. Respondents may file a response within the time directed by the Circuit Justice.

SO ORDERED.

Dated: _____

NEIL M. GORSUCH

Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Tenth Circuit

APPENDIX TO EMERGENCY APPLICATION
Sabrina Zunker v. Karen F. Hubler and Adam J. Espinosa
Tenth Circuit No. 26-1192 / D. Colo. No. 1:26-cv-01450-LTB-RTG
APPENDIX INDEX

App.	Document
A	July 9, 2026 Tenth Circuit order denying injunction pending appeal.
B	June 10, 2026 district-court order denying emergency relief for lack of jurisdiction.
C	May 14, 2026 district-court dismissal order, operative language.
D	October 21, 2020 state-court order: relevant filed excerpts quoting and enforcing the 2017 restraints.
E	May 1, 2025 Colorado Court of Appeals opinion in No. 24CA1180: relevant filed excerpts.
F	November 19, 2025 state remand order: relevant filed excerpts.
H	Chronology of repeated efforts to obtain a merits determination of the continuing First Amendment restraints.

APPENDIX A

July 9, 2026 Tenth Circuit Order Denying Injunction Pending Appeal UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

SABRINA ZUNKER, Plaintiff-Appellant, v. KAREN F. HUBLER, in her official capacity; ADAM J. ESPINOSA, in his official capacity, Defendants-Appellees.

No. 26-1192 (D.C. No. 1:26-CV-01450-LTB-RTG) (D. Colo.)

ORDER

Before MORITZ and ROSSMAN, Circuit Judges.

Pro se appellant Sabrina Zunker moves to enjoin certain Colorado state-court orders pending her appeal of the district court's dismissal of her 42 U.S.C. § 1983 suit against two Colorado state court judges. The appellees have responded in opposition, and Ms. Zunker has filed a reply and a supplement in support of her motion.

In deciding whether to issue an injunction pending appeal, the court considers (1) the basis for the district court's and this court's jurisdiction; (2) the movant's likelihood of success on the merits; (3) the threat of irreparable harm to the movant unless the injunction issues; (4) the harm to opposing parties if the injunction is granted; and (5) the risk of harm to the public interest. See 10th Cir. R. 8.1(A)-(E). Ms. Zunker has not shown these factors weigh in her favor. We therefore deny the motion for an injunction pending appeal (Dkt. No. 13).

Entered for the Court

Per Curiam

Filed July 9, 2026.

APPENDIX B

**June 10, 2026 District Court Minute Order Denying Emergency Relief
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO**

Civil Action No. 26-cv-01450-LTB-RTG

SABRINA ZUNKER, Plaintiff, v. KAREN F. HUBLER, in her official capacity, and ADAM J. ESPINOSA, in his official capacity, Defendants.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE LEWIS T. BABCOCK

"Plaintiff's Emergency Motion for Limited Injunction Pending Appeal and Request for Expedited Ruling" (ECF No. 21) is DENIED because the Court lacks jurisdiction to grant the relief requested.

Dated: June 10, 2026

Case No. 1:26-cv-01450-LTB-RTG Document 22 filed 06/10/26 USDC Colorado pg 1 of 1.

APPENDIX C

May 14, 2026 District Court Dismissal Order - Operative Language IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-01450-LTB-RTG

SABRINA ZUNKER, Plaintiff, v. KAREN F. HUBLER, in her official capacity, and ADAM J. ESPINOSA, in his official capacity, Defendants.

ORDER ON RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE - OPERATIVE EXCERPT

Accordingly, it is ORDERED that "Plaintiff's Motion for Leave to Supplement Objections With Materials Confirming Continued Closed-Review Injury" (ECF No. 12) is granted. It is FURTHER ORDERED that the Recommendation of United States Magistrate Judge (ECF No. 9) is accepted and adopted. It is FURTHER ORDERED that Plaintiff's "Complaint for Declaratory and Prospective Injunctive Relief" (ECF No. 1) and the action are dismissed without prejudice for lack of subject matter jurisdiction. It is FURTHER ORDERED that leave to proceed in forma pauperis on appeal is denied without prejudice to the filing of a motion seeking leave to proceed in forma pauperis on appeal in the United States Court of Appeals for the Tenth Circuit. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this dismissal would not be taken in good faith.

DATED: May 14, 2026.

BY THE COURT:

s/Lewis T. Babcock

LEWIS T. BABCOCK, Senior Judge

United States District Court.

APPENDIX D

October 21, 2020 State-Court Order - Relevant Filed Order Excerpts

District Court, City and County of Denver, Colorado

In re the Marriage of: Petitioner: DEREK ZUNKER / Respondent: SABRINA ZUNKER

Case Number: 11DR4141 / Ctrm: 316

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERS

Filed October 21, 2020 11:40 AM

Relevant excerpt - COURT ORDERS REGARDING PETITIONER'S VERIFIED MOTION FOR CONTEMPT CITATION:

5. The Court Orders at issue are the Orders entered on June 8, 2017 nunc pro tunc to May 15, 2017, November 9, 2017 nunc pro tunc to October 17, 2017, December 5, 2017, and July 12, 2019.

6. Specifically, the June 8, 2017 nunc pro tunc to May 15, 2017 Order states in relevant part: "The Court hereby FINDS that Mother does not have the right to record and it is not beneficial to the Court or the parties."

7. Specifically, the November 9, 2017 nunc pro tunc to October 17, 2017 Order states in relevant part: "[N]o videotaping will occur in any setting by Mother." "Mother shall refrain from engaging in communications with third parties regarding matters of this case."

Relevant excerpt - ORDERS:

1. Mother is hereby found to be in direct contempt of Court, as outlined in the FINDINGS OF FACT and based on all the evidence presented, and as set forth in Father's Motion.

3. Mother shall continue to pay a fine of \$1,000.00 for various violations, as already outlined in the Court Order including a per person fine when third parties are involved. Mother shall further pay \$10,000.00 to Father for past violations within ten (10) days.

7. Mother shall pay to Father \$14,698.95 as and for his attorney fees within thirty (30) days. All fees are reasonable and related to the Contempt Motion.

8. The Court FINDS Mother's non-compliance to be willful; however the court declines to consider jail time, especially in light of the fact that there is a pandemic, and such sentence may expose Mother to COVID-19.

SO ORDERED on this 21st day of October, 2020, nunc pro tunc to August 18, 2020.

APPENDIX E
May 1, 2025 Colorado Court of Appeals Opinion in 24CA1180 - Relevant
Filed Excerpts

COLORADO COURT OF APPEALS

Court of Appeals No. 24CA1180

City and County of Denver District Court No. 11DR4141

In re the Marriage of Derek Zunker, Appellee, and Sabrina Zunker, Appellant.
APPEAL DISMISSED IN PART, ORDER REVERSED, AND CASE REMANDED WITH
DIRECTIONS

Division III / Opinion by JUDGE DUNN / Announced May 1, 2025

¶ 1 In this post-dissolution of marriage proceeding, Sabrina Zunker (mother), appeals the district court's order adopting a magistrate's ruling that denied her request to lift limitations on her right to record and communicate with third parties under the res judicata doctrine. Because res judicata doesn't apply, we reverse the district court's order. However, to the extent mother's appeal challenges the initial order imposing the limitations, we dismiss it.

¶ 8 In February 2024, mother filed a motion to "dissolve gag order and return [her] 1st Amendment and Constitutional Rights" (the 2024 motion). The 2024 motion argued that the 2017 order's recording and communication limitations are "[e]xcessively broad and violate mother's constitutionally protected rights."

¶ 9 The magistrate summarily denied the 2024 motion under the doctrine of res judicata (the 2024 order).

¶ 16 Mother contends that the district court erred by denying her 2024 motion to "dissolve gag order and return [her] 1st Amendment and Constitutional Rights" under the doctrine of res judicata. Because we agree that the district court erred by applying the doctrine of res judicata, we reverse the 2024 order.

¶ 19 Because mother sought to challenge the constitutionality of the recording and communication limitations imposed in the 2017 order in the same dissolution proceeding - not a separate proceeding - res judicata doesn't apply. The magistrate and district court therefore erred by concluding that res judicata barred mother's constitutional challenges to the recording and communication limitations imposed in the 2017 order.

Footnote 2: "Despite references in the magistrate and district court orders suggesting that mother's constitutional claims had already been decided, we don't see anywhere in the record that any court has considered whether the recording and communication limitations pass constitutional muster. Though mother tried to appeal the recording limitation to this court, the claim was dismissed for lack of jurisdiction."

¶ 20 We recognize, as father points out, that in 2019 mother stipulated to limitations on her right to record and communicate that are separate from the 2017 order. That stipulation too was made a court order. But neither the magistrate nor the district court considered that stipulation or order when it denied mother's 2024 motion. Nor does mother present any arguments about the 2019 order. The stipulation and its impact, if any, on mother's 2024 motion is therefore not properly before us, and we express no opinion on it.

¶ 22 For these reasons, we reverse the district court's 2024 order.

¶ 24 We reverse the district court's 2024 order and remand for further proceedings. We dismiss the portions of mother's appeal that challenge the 2017 order.

JUDGE TOW and JUDGE MEIRINK concur.

APPENDIX F

November 19, 2025 State Remand Order - Relevant Filed Order Excerpts DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

Petitioner: DEREK ZUNKER / Respondent: SABRINA ZUNKER

Case Number: 2011DR4141 / Courtroom: 331

ORDER ON REMAND REGARDING: MOTION TO/FOR EMERGENCY HEARING TO DISSOLVE GAG ORDER AND RETURN MOTHERS 1ST AMENDMENT AND CONSTITUTIONAL RIGHTS

Filed November 19, 2025 4:55 PM

THIS MATTER comes before this Court on a partial remand by the Court of Appeals issued May 1, 2025 in Court of Appeals No. 24CA1180 ("Opinion"). In their Opinion, the Court of Appeals found that the doctrine of res judicata did not apply, that the statute of limitations had partially passed as to one argument, and that there was a stipulation related to the disputed issue in the underlying court file.

This magistrate review stems from Respondent's Motion to/for Emergency Hearing to Dissolve Gag Order and Return Mothers 1st Amendment and Constitutional Rights ("2024 Petition"), filed on March 8, 2024.

Relevant procedural history excerpts:

12. On October 31, 2022, Mother filed a motion concerning her right to record titled Motion to Take Back My Right to Record and Provide Any Information That Could Be Helpful to Cooperate In Any Investigation ("2022 Motion").

13. The Court denied the 2022 Motion on December 13, 2022.

14. On February 5, 2024, Mother filed a Motion to/for Emergency Hearing to Dissolve Gag Order and Return Mother's 1st Amendment and Constitutional Rights ("2024 Motion").

16. On March 6, 2024, the magistrate denied the 2024 Motion under the doctrine of res judicata.

Relevant analysis excerpts:

The 2024 Order rejected the 2024 Motion entirely under the legal doctrine of res judicata. Although the magistrate's conclusion of law is incorrect, this Court finds that the magistrate's findings of fact were not clearly erroneous. A review of the record supports the factual findings of the magistrate. Further, the record also shows that the Mother waived some of her constitutional rights in 2019; therefore, her claims that she was "unlawfully deprived of her civil rights" are unsupported by the record.

a. The 2024 Motion is not barred under the doctrine of res judicata. Mother has tried to get back her claimed "right to record" multiple times. See, e.g., June 2017 Order at 5-6; 2022 Motion; 2024 Motion. And although the court has repeatedly heard this issue, res judicata does not bar Mother's current claims because these attempts have occurred in the same dissolution or marriage proceeding.

b. The record supports the magistrate's denial of the 2024 Motion. In the 2024 Order, the magistrate found that the 2024 Motion was barred under the doctrine of res judicata and denied the 2024 Motion. Pursuant to the Opinion, the magistrate's finding of res judicata is incorrect. Yet, this Court finds that the record supports the magistrate's denial of the 2024 Motion. The record shows that the Mother contracted her constitutional rights. These are the same rights used as the basis for her claims in the 2024 Motion. Therefore, the record supports the magistrate's ultimate conclusion that Mother's Petition should be denied.

APPENDIX H

Repeated Efforts to Obtain a Merits Determination of the Continuing First Amendment Restraints

Date	Filing or Proceeding	Result
2017	Recording and communication restraints entered	Individualized recording and third-party-communication restraints imposed.
Oct. 2022	Motion to Take Back My Right to Record and Provide Information Helpful to an Investigation	Denied December 13, 2022, without a current First Amendment merits ruling.
Feb. 2024	Motion to Dissolve Gag Order and Return First Amendment Rights	Denied under res judicata.
May 1, 2025	Colorado Court of Appeals, No. 24CA1180	Res judicata reversed; the court stated that it could not find any ruling deciding whether the limitations pass constitutional muster.
Oct. 2025	Motion to Expedite Dissolution of the Restraints	Requested prompt action after the appellate ruling.
Nov. 19, 2025	Order on Remand	Denied on different grounds, including waiver and the 2019 stipulation, without current First Amendment tailoring findings.
Dec. 2025	Emergency Motion to Vacate Gag Order	Requested vacatur based on continuing constitutional injury and changed circumstances.
2025-2026	Additional filings concerning the restraints	Some submissions were rejected under filing restrictions rather than adjudicated on the merits.
2026	Federal action and Tenth Circuit appeal	District court dismissed for lack of jurisdiction; Tenth Circuit denied interim relief; appeal remains pending.

The chronology illustrates that Ms. Zunker consistently sought a judicial determination of the continuing First Amendment restraints. Although the procedural basis for denial changed over time, no court entered a current merits determination that the continuing restraints satisfy the First Amendment.

PROOF OF SERVICE

I, Sabrina Zunker, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that on August 1, 2026, I served a true and correct copy of the Emergency Application, Appendix, Proposed Order, and accompanying materials by email to counsel of record:

Lane Towery
Lane.Towery@coag.gov
Assistant Attorney General
Colorado Department of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver, Colorado 80203

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 1, 2026, at Denver, Colorado.



Sabrina Zunker
Applicant, pro se