

COURT OF APPEALS, STATE OF COLORADO  
101 W. Colfax Ave., Room 800, Denver, CO 80203

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Appeal from District Court, Denver County Colorado  
The Honorable Michael A. Martinez  
Case No. 2011CV4424 *consolidated with* 2011CV4427

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**Defendants-Appellants:** DOUGLAS COUNTY SCHOOL DISTRICT and DOUGLAS COUNTY BOARD OF EDUCATION,

And

**Defendants-Appellants:** COLORADO STATE BOARD OF EDUCATION; AND COLORADO DEPARTMENT OF EDUCATION,

and

**Intervenors-Appellants:** FLORENCE and DERRICK DOYLE, on their own behalf and as next friends of their children, ALEXANDRA and DONOVAN; DIANA AND MARK OAKLEY, on their own behalf and as next friends of their child, NATHANIEL; and JEANETTE STROHM-ANDERSON AND MARK ANDERSON, on their own behalf and as next friends of their child, MAX,

vs.

**Plaintiffs-Appellees:** JAMES LARUE; SUZANNE T. LARUE; INTERFAITH ALLIANCE OF COLORADO; RABBI JOEL R. SCHWARTZMAN; REV. MALCOLM HIMSCHOOT; KEVIN LEUNG; CHRISTIAN MOREAU; MARITZA CARRERA; SUSAN MCMAHON

and

**Plaintiffs-Appellees:** TAXPAYERS FOR PUBLIC EDUCATION, a Colorado non-profit corporation; CINDRA S. BARNARD, an individual; and MASON S. BARNARD, a minor child.

**^COURT USE ONLY^**

Case Nos.: 11CA1856  
11CA1857

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<b>AMENDED AND RENEWED UNCONTESTED JOINT MOTION FOR EXPANSION OF WORD LIMIT</b>
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Plaintiffs-Appellees James LaRue et al. and Taxpayers for Public Education et al., pursuant to C.A.R. 28(g), move the Court for permission to increase the word limitation on their Answer Briefs, which have been filed along with this Motion, to no more than 15,200 words, and 12,687 words, respectively.

The Colorado Rules of Appellate Procedure ordinarily limit principal briefs to no more than 30 pages or 9,500 words. *See* C.A.R. 28(g). The Court has discretion, however, to permit a party to exceed these presumptive limits. *Id.* This is particularly true if the appeal concerns numerous or complex legal issues. *See, e.g., People v. Galimanis*, 728 P.2d 761 (Colo. App. 1986).

The LaRue and Taxpayer Plaintiffs-Appellees request additional space to address the numerous and complex legal issues raised by Appellants' opening briefs and the *amici* supporting them. Appellants have filed three opening briefs totaling

approximately 150 pages and 27,930 words. Therein, the Appellants challenge the District Court's conclusions with respect to numerous Colorado constitutional provisions, the Public School Finance Act (including a standing challenge), C.R.S. § 22-54-101 *et seq.*, and the Contracting Statute, C.R.S. § 22-32-122. They also raise a multitude of issues under the First and Fourteenth Amendments to the federal Constitution and argue at length about the legislative history of the Colorado Constitution and other states' constitutions. Several of the issues raised by the District, State, and Intervenors were not briefed in the District Court below and therefore require additional space to address in response. The two *amicus* briefs filed on behalf of the Appellants present additional legal issues of both Colorado and federal constitutional law. Collectively, the opening briefs and *amicus* briefs total approximately 42,634 words to which the LaRue and Taxpayer Appellees must respond.

The LaRue and Taxpayer Plaintiffs request that they be allowed to file briefs of no more than 15,200 words, and 12,687 words, respectively. This request would give Plaintiffs fewer words than Appellants had collectively for their three opening briefs. Granting this motion will in no way prejudice the Appellants but will merely give the LaRue and Taxpayer Plaintiffs/Appellees the same amount of space to

respond to Appellants' arguments as the Appellants had to make them. Ultimately, a thorough analysis of the important issues raised in this case will benefit all of the parties to this matter, as well as the Court.

Appellees previously filed a similar motion on July 5, 2012, which the Court has not yet ruled on. Appellants did not oppose that motion. Appellees respectfully request that the Briefs filed along with this Motion be filed into the record in the captioned case. If the Court does not grant this Motion, however, Appellees respectfully ask that the Court reset the filing date for the LaRue Plaintiffs' and Taxpayer Plaintiffs' Answer Briefs such that the Plaintiffs have sufficient time to revise their Briefs accordingly.

Respectfully submitted this 13<sup>th</sup> day of July, 2012.

*s/ Matthew J. Douglas*

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*s/ Michael S. McCarthy*

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## CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of July, 2012, a true and correct copy of the foregoing **RENEWED UNCONTESTED JOINT MOTION FOR EXPANSION OF WORD LIMIT** was served via LexisNexis File & Serve on the following:

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/s/Stephanie Rzepa  
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*This document was e-filed through the LexisNexis File and Serve electronic filing procedures, under C.R.C.P. 121(c), § 1-26. As required by those rules, the original signed copy of this document is on file with Faegre Baker Daniels LLP.*