

COURT OF APPEALS, STATE OF COLORADO

Colorado State Judicial Building
101 West Colfax, Suite 800
Denver, CO 80202

Denver District Court - 2011CV4424 &
Denver District Court - 2011CV4427

Plaintiffs-Appellees:

James Larue, Taxpayers for Public Education, Suzanne T. Larue, Interfaith Alliance of Colorado, Rabbi Joel R. Schwartzman, Rev. Malcolm Himschoot, Kevin Leung, Christian Moreau, Maritza Carrera, Susan McMahon, and Cindra S. and Marson S. Barnard,

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;

and

Defendants-Appellants:

Douglas County School District, Douglas County Board of Education, Colorado State Board of Education, and Colorado Department of Education.

▲ COURT USE ONLY ▲

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ATTORNEYS FOR AMICI CURIAE

Case Number: 2011CA1856 &
2011CA1857

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, CATHOLIC DIOCESE OF COLORADO SPRINGS, SHEPHERD OF THE HILLS CHRISTIAN SCHOOL, SOUTHEAST CHRISTIAN SCHOOL, AND VALOR CHRISTIAN HIGH SCHOOL

Amici Curiae, by and through their undersigned counsel, move this Court for leave to file the attached *Amici Curiae* Brief and as grounds therefore state as follows:

1. C.A.R. 29 states as follows:

A brief of an amicus curiae may be filed only by leave of court granted on motion or by the request of the court. The brief may be conditionally filed with the motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. Any amicus curiae shall file its brief within the time allowed the party whose position as to affirmance or reversal the amicus brief will support unless the court for cause shown shall grant leave for later filing, in which event it shall specify within what period an opposing party may answer. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

2. The *Amici Curiae* Catholic Diocese of Colorado Springs, Shepherd of the Hills Christian School, Southeast Christian School and Valor Christian High School each operate schools that are “Private School Partners” in the Choice Scholarship Program at issue in this case. Therefore, these *amici* will be directly impacted by this Court’s decision.

3. The *Amicus Curiae* Association of Christian Schools International (“ACSI”) is a membership organization consisting of private Christian schools. A number of ACSI’s member schools are “Private School Partners” in the CSP. Further, ACSI member schools around the country participate in various student aid programs to provide qualifying education from a Christian perspective.

3. The *Amici Curiae* therefore represent that they are in a position to bring to the attention of this Court the interests of private religious schools within the State of Colorado and to assist this Court in its understanding of the religiously discriminatory and intrusive nature of the district court's ruling in this case.

4. The *Amici Curiae* accordingly respectfully move this Court for leave to file the attached Amicus Curiae Brief in support of the position of the Defendant-Appellants.

Respectfully submitted this 13th day of April, 2012.

s/Stuart J. Lark

Stuart J. Lark

Counsel of Record

BRYAN CAVE HRO

Gregory S. Baylor, Esq.

ALLIANCE DEFENSE FUND

CERTIFICATE OF SERVICE

The undersigned certifies that on this 13th day of April, 2012, a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, CATHOLIC DIOCESE OF COLORADO SPRINGS, SHEPHERD OF THE HILLS CHRISTIAN SCHOOL, SOUTHEAST CHRISTIAN SCHOOL, AND VALOR CHRISTIAN HIGH SCHOOL** was served by LexisNexis File and Serve as follows:

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