

DISTRICT COURT, ELBERT COUNTY, COLORADO

751 Ute Ave.
Kiowa CO 80117

DATE FILED: May 9, 2022 5:32 PM
FILING ID: 43F483F3DD054
CASE NUMBER: 2022CV30016

Petitioner: **JENA M. GRISWOLD, Colorado Secretary
of State**

v.

Respondent: **DALLAS SCHROEDER, in his official
capacity as Clerk and Recorder of Elbert
County**

^ COURT USE ONLY ^

Respondent's Attorney:
John Case, Atty reg. # 2431
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Case No: 2022CV30016

**[UNOPPOSED] MOTION TO WITHDRAW COUNTERCLAIMS
WITHOUT PREJUDICE**

Respondent Dallas Schroeder, through counsel, moves to withdraw his Counterclaims without prejudice. In support of this Motion, counsel shows the Court:

CONFERRAL: Counsel conferred. This Motion is UNOPPOSED.

1. As a result of the Court's Order April 29, 2022, Respondent's Second Counterclaim is moot because Respondent is no longer custodian of the two external hard drives that contain election records.
2. The passage of Senate Bill 22-153 by the Colorado General Assembly on May 4, 2022 appears to change the statutory law that governs Respondent's First Counterclaim.

WHEREFORE, Respondent respectfully requests that the Court enter an order allowing

Respondent to withdraw his Counterclaims without prejudice.

Respectfully submitted May 9, 2022.

JOHN CASE, P.C.
Counsel for Respondent

s/John Case

John Case, #2431

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2022, a true copy of the foregoing was filed with the Court and served on opposing counsel electronically via ICCES to:

Elbert County District Court
751 Ute Ave.
Kiowa CO 80117

Heather Kelly, First Assistant Attorney General
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s/John Case

John Case