

<p>COURT OF APPEALS, STATE OF COLORADO Colorado State Judicial Building 2 East 14th Avenue, 4th Floor Denver, Colorado 80203</p> <p>District Court, City and County of Denver, Colorado, The Honorable Larry J. Naves, District Court Judge, Case Number 08CV9453</p> <p>Appellant: Mark Hotaling</p> <p>Appellees: August William Ritter, Jr., a/k/a Bill Ritter, in his official capacity as Governor of the State of Colorado; James B. Martin, a/k/a Jim Martin, in his official capacity as Executive Director of the Colorado Department of Public Health and Environment; Planned Parenthood of the Rocky Mountains Services Corporation, a Colorado nonprofit corporation; and Boulder Valley Women’s Health Center, Inc., a Colorado nonprofit corporation</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>ATTORNEY FOR APPELLANT</p> <p>Barry K. Arrington, #16,486 Arrington Law Office 7340 East Caley Avenue, Suite 360 Centennial, Colorado 80111 Phone Number: (303) 205-7870 FAX Number: (303) 463-0410 E-mail: barry@arringtonpc.com</p>	<p>Case Number:</p>
<p style="text-align: center;">NOTICE OF APPEAL</p>	

I. DESCRIPTION OF THE NATURE OF THE CASE

A. Nature of the Controversy: Plaintiff brought this action challenging certain contracts providing for payments by the State of Colorado to Planned Parenthood of the Rocky Mountains Services Corporation and Boulder Valley Women’s Health Center, Inc.

on the ground that the payments violated Article V, Section 50 of the Colorado Constitution, which prohibits the state from using public funds to pay, directly or indirectly, for abortions. A motion to dismiss for lack of subject matter jurisdiction was filed asserting that plaintiff lacked standing to bring the claims in the complaint. On January 14, 2010 the district court granted the motion to dismiss for lack of subject matter jurisdiction.

B. Judgment/Order Being Appealed; Basis of Jurisdiction: Plaintiff appeals from the trial court's Order dismissing the action dated January 14, 2010. The Court of Appeals has jurisdiction over this appeal pursuant to C.R.S. § 13-4-102(1) in that this is an appeal from a final judgment of a district court.

C. Whether the Judgment or Order Resolved all Pending Issues: The trial court's January 14, 2010 Order resolved all matters pending before the trial court.

D. Whether the Judgment was Final Pursuant to C.R.C.P. 54(b): The trial court's January 14, 2010 Order was a final judgment for purposes of C.R.C.P. 54(b).

E. Date of Judgment or Order and Date of Mailing to Counsel: The judgment and order was entered by the trial court on January 14, 2010.

F. Extensions to File Motions for Post-trial relief: No extensions to file motions for post-trial relief have been filed.

G. Motions for Post-trial Relief: No motion for post-trial relief has been filed.

H. Date Motion for Post-trial Relief Denied or Deemed Denied: Not applicable, because no such motion has been filed.

I. Extensions Granted to File Notice of Appeal: No extensions to file a notice of appeal have been requested or granted.

II. ADVISORY LISTING OF ISSUES TO BE RAISED ON APPEAL

Did the trial court err in dismissing this action for lack of subject matter jurisdiction?

III. TRANSCRIPT INFORMATION

There is no transcript.

IV. PREARGUMENT CONFERENCE

A preargument conference is not requested.

V. COUNSEL INFORMATION

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VI. APPENDIX

The trial court's January 14, 2010 Order is attached to this Notice of Appeal.

Dated this 23rd day of February, 2010.

/s/ Barry K. Arrington

Barry K. Arrington

CERTIFICATE OF SERVICE

The undersigned certifies that on February 23, 2010, a true and correct copy of the foregoing NOTICE OF APPEAL was served via Nexis-Lexis on:

District Court,
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