



**BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO**

P.O. Box 1507 / 398 Lewis Street / Pagosa Springs, Colorado 81147
Tel (970) 264-8300

January 13, 2023

Colorado Counties, Inc.
Attn: Kristin Dunn
800 Grant Street
Suite 500
Denver, CO 80203

RE: Request for Amicus Brief

Dear Kristin,

The Archuleta County Board of County Commissioners respectfully requests amicus briefs from other Colorado counties in connection with a case that our County Attorney will be filing with the Colorado Supreme Court.

The case involves the Colorado Open Records Act ("CORA") and the use of an open records request as discovery in pending litigation against Archuleta County. Essentially, the plaintiff filed a CORA request seeking documents from Archuleta County that directly related to the pending litigation. The CORA request was denied based on the fact that he was required to file a request for production of documents under the Colorado Rules of Civil Procedure and on the Colorado Supreme Court's ruling in *Martinelli v. District Court*, 199 Colo 163 (1980), wherein the Colorado Supreme Court ruled that CORA cannot be used to supplant discovery in civil litigation. Both the District Court and now the Court of Appeals ruled that the plaintiff can use any mechanism he wants to obtain information from Archuleta County even if it directly relates to litigation. These rulings, especially the Court of Appeals case, which is now a published opinion, essentially opens the door to unlimited discovery against any entity subject to CORA.

Regrettably, there is a tight turnaround time for this request as the writ for certiorari is due on January 26, 2023, making any amicus briefs due seven (7) days later on February 2, 2023. Any assistance you can provide to share this request with other Colorado counties would be greatly appreciated.

If anyone has any questions or needs further clarification, they can reach our County Attorney, Todd Weaver, at 970-264-8321 or TWeaver@ArchuletaCounty.org.

Thank you in advance for your help.

Kind Regards,

A handwritten signature in cursive script that reads "Warren Brown". The signature is written in black ink and is positioned above the printed name.

Warren Brown
Vice-Chairman