

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-00609-PAB-MEH

THE INDEPENDENCE INSTITUTE,  
JON CALDARA,  
DENNIS POLHILL,  
JESSICA CORRY,  
MASON TVERT,  
RUSSELL HAAS,  
DOUGLAS CAMPBELL, and  
LOUIS SCHROEDER,

Plaintiffs,

v.

SCOTT GESSLER, in his official capacity as Colorado Secretary of State,

Defendant.

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**FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

I. Pursuant to the Order of Judge Philip A. Brimmer entered on April 26, 2012 [Docket No. 327] it is

ORDERED that the Secretary's Motion for Summary Judgment [Docket No. 143] is GRANTED in part and DENIED in part. It is further

ORDERED that the Secretary's Motion for Summary Judgment is granted as to plaintiffs' Second, Third, Fourth, Eighth, Ninth, and Tenth claims for relief. It is further

ORDERED that plaintiffs' Sixth and Seventh claims for relief are DISMISSED as moot.

II. The Court presided over a trial to the court from May 14 to May 24, 2012.

In accordance with the Court's findings of fact and conclusions of law pursuant to Rule 52(a)(1) of the Federal Rules of Civil Procedure, as set forth in the Order of Judge Philip A. Brimmer entered on March 29, 2013 [Docket No. 364] it is

ORDERED that, pursuant to the parties' Consent to Entry of Final Judgment on Plaintiffs' First Claim [Docket No. 339], final judgment is hereby enter in favor of plaintiffs and against defendant Scott Gessler, in his official capacity as Colorado Secretary of State, on plaintiffs' first claim for relief. It is

FURTHER ORDERED that judgment shall enter in favor of plaintiffs and against defendant Scott Gessler, in his official capacity as Colorado Secretary of State, on plaintiffs' fifth claim for relief. It is

FURTHER ORDERED that defendant Scott Gessler, in his official capacity as Colorado Secretary of State, is PERMANENTLY ENJOINED AND RESTRAINED from enforcing Colo. Rev. Stat. § 1-40-112(4), any ancillary provision which enforces Colo. Rev. Stat. § 1-40-112(4), and Colo. Rev. Stat. § 1-40-112(1)<sup>1</sup>. It is

FURTHER ORDERED that plaintiffs are **AWARDED** costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 29th day of March, 2013.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

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Edward P. Butler  
Deputy Clerk

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<sup>1</sup> (Residency requirement.)