

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street, Denver, CO 80202</p> <hr/> <p>FREEDOM FROM RELIGION FOUNDATION, INC., MIKE SMITH, DAVID HABECKER, TIMOTHY G. BAILEY and JEFF BAYSINGER,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>BILL RITTER, JR., in his official capacity as GOVERNOR OF THE STATE OF COLORADO, and THE STATE OF COLORADO,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for the Plaintiffs: Daniele W. Bonifazi, Atty. No. 30645 John H. Inderwish, Atty. No. 10222 Inderwish &amp; Bonifazi, P.C. 6377 S. Revere Parkway, Suite 400 Centennial, CO 80111 Telephone: (720) 208-0111 Fax: (720) 208-0130 Email: <a href="mailto:dbonifazi@i-blaw.com">dbonifazi@i-blaw.com</a> <a href="mailto:jhi@i-blaw.com">jhi@i-blaw.com</a></p> <p>Richard L. Bolton, Esq. Boardman, Suhr, Curry &amp; Field LLP 1 South Pinckney Street, 4th Floor P. O. Box 927 Madison, WI 53701-0927 Telephone: (608) 257-9521 Fax: (608) 283-1709 Email: <a href="mailto:rbolton@boardmanlawfirm.com">rbolton@boardmanlawfirm.com</a></p>	<p>Case Number: 08CV9799</p> <p>Courtroom: 19</p>
<p style="text-align: center;"><b>PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT</b></p>	

Pursuant to C.R.C.P. 56, the Plaintiffs, by and through undersigned counsel, respectfully submit this Cross-Motion for Summary Judgment in their favor. As grounds, the Plaintiffs state as follows:

1. This action challenges the constitutionality of the Colorado Governor's issuance of proclamations declaring a "Colorado Day of Prayer."

2. Plaintiffs seek a declaratory judgment that such proclamations violate the Preference Clause of the Colorado Constitution (Colo. Const. art II, § 4), and also demand an injunction against the issuance of similar proclamations in the future.

3. As demonstrated in the supporting brief and evidentiary materials submitted with this motion, there is no genuine issue as to any material fact, and the Plaintiffs are entitled to judgment as a matter of law in their favor.

WHEREFORE, Plaintiffs respectfully move this Court to enter summary judgment in their favor and against Defendants.

Dated this 4th day of June, 2010.

Respectfully submitted,

/s/Daniele W. Bonifazi  
Daniele W. Bonifazi, Atty. No. 30645  
Inderwish & Bonifazi, P.C.  
6377 S. Revere Parkway, Suite 400  
Centennial, CO 80111  
Telephone: (720) 208-0111  
Fax: (720) 208-0130  
E-mail: [dbonifazi@i-blaw.com](mailto:dbonifazi@i-blaw.com)

/s/Richard L. Bolton  
Richard L. Bolton, WI State Bar No. 1012552  
Boardman, Suhr, Curry & Field LLP  
1 South Pinckney Street, 4th Floor  
P. O. Box 927  
Madison, WI 53701-0927  
Telephone: (608) 257-9521  
Fax: (608) 283-1709  
Email: [rbolton@boardmanlawfirm.com](mailto:rbolton@boardmanlawfirm.com)  
Attorneys for Plaintiffs