

## EXHIBIT 1 TO DESIGNATION OF RECORD ON APPEAL

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Court

Plaintiff

Defendant

## Case History Search

Search Created:

**Court:** CO Pitkin County District Court 9th JD      **Judge:** Boyd, James B      **File & Serve Live Date:** 10/8/2009

**Division:** 3 - Division 3      **Case Number:** 2009CV294      **Document(s) Filed:** 91

**Case Type:** Other      **Case Name:** MARKS, MARILYN vs. KOCH, KATHRYN      **Date Range:** All

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Transaction	Date/Time	Option	Case Number Case Name	Authorizer Organization	Document Type	Document Title	Size
30628458	4/16/2010 1:23 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Jim R True, City Attorneys Office-Aspen	Reply	DEFENDANT'S MEMORANDUM BRIEF IN REPLY TO PLAINTIFF'S RESPONSE TO MOTION FOR ATTORNEY'S FEES AND PLAINTIFF'S REQUEST FOR HEARING	0.1MB
					Filing Other	Exhibit A - Reply re Motion for Attorney's Fees	0.1MB
					Filing Other	Exhibit B - Reply re Motion for Attorney's Fees	0.1MB
30564487	4/13/2010 10:21 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Reply	Reply Memorandum in Support of Plaintiff's Motion for Amendment of Judgment Pursuant to C.R.C.P. 59(a)(4)	0.1MB
30514296	4/9/2010 6:48 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Response Request Filed	MEMORANDUM OPPOSING DEFENDANT'S MOTION FOR ATTORNEY FEES PL.'S REQUEST FOR A HEARING PURSUANT TO C.R.C.P. 121 § 1- 22(C)	0.1MB 0.1MB
					Filing Other	Exhibit 1, Rule Change 2009(21)	0.1MB
					Filing Other	Exhibit 2, AFFIDAVIT OF MARILYN MARKS	0.1MB
30432323	4/6/2010 1:39 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Filing Other	Kathryn Koch's Memorandum in Opposition to Plaintiff's Motion to Amend Judgment	0.1MB
30250057	3/25/2010 5:00 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Jim R True, City Attorneys Office-Aspen	Bill of costs	DEFENDANT'S BILL OF COSTS	0.4MB
30249927	3/25/2010 4:55 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Jim R True, City Attorneys Office-Aspen	Motion Affidavit Affidavit	DEFENDANT'S MOTION FOR ATTORNEY'S FEES (filed without linked proposed order) Affidavit of James R. True Affidavit of Maria Morrow	0.1MB 0.2MB 0.1MB
30226227	3/24/2010 2:23 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Motion Proposed Order Certificate Filed	PLAINTIFF'S MOTION FOR AMENDMENT OF JUDGMENT PURSUANT TO C.R.C.P. 59(A)(4) [PROPOSED] ORDER CERTIFICATE OF SERVICE	0.1MB 0.1MB
29973901	3/10/2010 8:45 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County	Order	Order on Pending Motions	0.8MB

Case No.	Date/Time	Action	Case Name	Party	Event	Description	Size
29812328	3/1/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			District Court 9th JD Not Available, Letter Not Available- n/a	Document filed in paper format-- OMB no additional information is available online
29786008	2/26/2010 2:44 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Reply  Filing Other	Defendant's Reply Memorandum to Plaintiff's Surreply to Defendant's Motion for Protective Order  Exhibits A, B and C to Defendant's Reply Memorandum to Plaintiff's Surreply to Defendant's Motion for Protective Order	0.1MB  0.4MB
29905409	2/25/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			Not Available, Letter Not Available- n/a	Document filed in paper format-- OMB no additional information is available online
29710213	2/23/2010 7:55 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Filing Other	PLAINTIFF'S SURREPLY OPPOSING MOTION FOR PROTECTIVE ORDER	0.1MB
29687820	2/22/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			Not Available, Letter Not Available- n/a	Document filed in paper format-- OMB no additional information is available online
29644125	2/18/2010 9:17 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Notice of Hearing	CONFIRMATION AND NOTICE OF STATUS CONFERENCE	0.1MB
29637073	2/18/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			Not Available, Minute Order Not Available- (Print) n/a	Document filed in paper format-- OMB no additional information is available online
29617967	2/17/2010 7:33 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Subpoena	Subpoena	0.2MB
29587326	2/16/2010 3:50 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Reply	Reply Memorandum in Support of Defendant's Motion for a Protective Order	0.4MB
29532501	2/11/2010 5:45 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Response	MEMORANDUM OF MARILYN MARKS, PLAINTIFF, IN RESPONSE TO DEFENDANT'S MOTION FOR PROTECTIVE ORDER	0.1MB
29527101	2/10/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			Not Available, Subpoena Not Available- n/a	Document filed in paper format-- OMB no additional information is available online
29434969	2/5/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN			Not Available, Minute Order Not Available- (Print) n/a	Document filed in paper format-- OMB no additional information is available online

29416547	2/5/2010 9:07 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Order	for Stat Conf Today	0.1MB
29413354	2/4/2010 5:04 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Motion	PLAINTIFF'S UNOPPOSED MOTION FOR A STATUS CONFERENCE BY TELEPHONE	0.1MB
29399916	2/4/2010 11:15 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Motion	MOTION FOR PROTECTIVE ORDER PROPOSED DEPOSITION OF TRUEBALLOT	0.1MB
					Filing Other	MEMORANDUM IN SUPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE ORDER	0.6MB
					Proposed Order	[PROPOSED] PROTECTIVE ORDER	0.1MB
					Proposed Order	[PROPOSED] PROTECTIVE ORDER	0.1MB
29290887	1/29/2010 10:03 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Notice of Hearing	CONFIRMATION AND NOTICE OF CASE MANAGEMENT CONFERENCE	0.1MB
					Notice of Hearing	CONFIRMATION AND NOTICE OF SHOW CAUSE HEARING	0.1MB
29290885	1/29/2010 10:00 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Minute Order (No Print)	Minute Order 01 28 2010	0.1MB
29264373	1/28/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Not Available, Not Available- n/a	Minute Order (Print)	Document filed in paper format-- no additional information is available online	0MB
29200316	1/25/2010 2:50 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Filing Other	DISCLOSURE OF TESTIMONY BY DEFENDANTS EXPERT WITNESS: E. SCOTT ADLER, Ph.D.	0.4MB
29126744	1/22/2010 10:00 AM MST	Serve Only - Public	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Discovery - General (serve only)	DISCLOSURE BY MARILYN MARKS, PLAINTIFF, OF EXPERT TESTIMONY	0.1MB
29044938	1/15/2010 9:15 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Order	Grant ([PROPOSED] ORDER) • Linked to (1)	0.1MB
28947415	1/11/2010 7:37 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Proposed Order	[PROPOSED] ORDER • Linked from (1)	0.1MB
					Certificate Filed	CERTIFICATE OF SERVICE	0.1MB
28933739	1/8/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Not Available, Not Available- n/a	Witness List	Document filed in paper format-- no additional information is available online	0MB
29044901	1/8/2010 4:00 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. n/a	Not Available, Not Available- n/a	Minute Order (Print)	Document filed in paper format-- no additional information is available online	0MB

28888177	1/8/2010 11:01 AM MST	File And Serve	KOCH, KATHRYN 2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Witness List	PLAINTIFF'S DISCLOSURE OF NON-EXPERT TRIAL TESTIMONY AND TRIAL EXHIBITS	0.1MB
28858362	1/7/2010 11:34 AM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Proposed Trial Management Order Filing Other	[PROPOSED] JOINT TRIAL MANAGEMENT ORDER Exhibit 101 (Pl.'s June 1, 2009, CORA Request); Exhibit 102 (September 15, 2009, email from Pl. counsel to Def. counsel)	0.1MB 0.5MB
28655569	12/23/2009 12:41 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Certificate Filed Reply	CERTIFICATE OF SERVICE Reply Memorandum of Marilyn Marks, Plaintiff, in Support of Plaintiff's Motion for Leave to File Surreply in Opposition to Defendant's Motion to Dismiss	0.5MB 0.1MB
28540996	12/16/2009 12:12 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Filing Other	Kathryn Koch's Memorandum in Opposition to Plaintiff's Motion for Leave to File a Surreply	0.1MB
28482429	12/11/2009 11:12 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Motion Proposed Order Filing Other	MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS [PROPOSED] ORDER GRANTING MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS SURREPLY IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS	0.1MB 0.1MB 0.1MB
28409872	12/8/2009 3:46 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Reply Filing Other Filing Other Filing Other Filing Other Filing Other	KATHRYN KOCH'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS EXHIBIT A EXHIBIT B EXHIBIT C EXHIBIT D EXHIBIT E	1.0MB 0.5MB 0.3MB 0.4MB 0.3MB 0.2MB
28297905	12/1/2009 6:32 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Response to Motion to Dismiss	Memorandum of Marilyn Marks, Plaintiff, in Response to Defendant's Motion to Dismiss	0.1MB
27958198	11/9/2009 1:58 PM MST	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Motion to Dismiss Proposed Order Filing Other	MOTION TO DISMISS PROPOSED ORDER DISMISSING COMPLAINT KATHRYN KOCH'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS	0.1MB 0.1MB 0.1MB
27619491	10/19/2009 12:39 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	John Paul Worcester, City Attorneys Office-Aspen	Entry of Appearance	Entry of Appearance	0.1MB
27607875	10/16/2009 6:02 PM MDT	File Only	2009CV294 MARKS,	Robert A McGuire,	Notice Filed	Confirmation and Notice of Pretrial Conference	0.1MB

			MARILYN vs. KOCH, KATHRYN	McGuire, Robert A LLC	Notice of Hearing	Confirmation and Notice of Show Cause Hearing	0.1MB
27607799	10/16/2009 5:56 PM MDT	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Filing Other	Plaintiff's Bond for Preliminary Injunction	0.2MB
27589556	10/16/2009 4:00 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Not Available, Not Available-	Minute Order (Print)	Document filed in paper format-- no additional information is available online	OMB
27603314	10/16/2009 3:17 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Order	Granted with Amendments ([Proposed] Order Granting Application for Order Directing Custodian to Show Cause) • Linked to (1)	0.1MB
27600676	10/16/2009 2:19 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Order	Granted with Amendments ([Proposed] Order Granting Preliminary Injunction) • Linked to (1)	0.1MB
27585814	10/15/2009 6:37 PM MDT	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Certificate Filed	Certificate of Service for [Proposed] Order Granting Unopposed Motion To Appear By Telephone	0.1MB
27565965	10/15/2009 9:06 AM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Ruben M Hernandez, CO Garfield County District Court 9th JD	Order	Grant ([Proposed] Order Granting Unopposed Motion to Appear by Telephone) • Linked to (1)	0.1MB
27562754	10/14/2009 6:34 PM MDT	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Motion Proposed Order	Unopposed Motion to Appear by Telephone [Proposed] Order Granting Unopposed Motion to Appear by Telephone • Linked from (1)	0.1MB 0.1MB
27562179	10/14/2009 5:05 PM MDT	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Certificate Filed Notice Filed	Certificate of Service Notice of Status Conference	0.1MB 0.1MB
27560183	10/14/2009 4:00 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Not Available, Not Available-	Minute Order (No Print)	Document filed in paper format-- no additional information is available online	OMB
27558813	10/14/2009 3:28 PM MDT	File And Serve	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	James B Boyd, CO Pitkin County District Court 9th JD	Order	Order on Request For Temporary Restraining Order	0.1MB
27518786	10/13/2009 8:19 AM MDT	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Waiver of Service	Waiver and Acceptance of District Court Civil Summons and Verified Complaint and Application for Order Directing Custodian to Show Cause	0.1MB

 27483734	10/8/2009 7:29 PM MDT Only	File Only	2009CV294 MARKS, MARILYN vs. KOCH, KATHRYN	Robert A McGuire, McGuire, Robert A LLC	Complaint	Verified Complaint and Application for Order Directing Custodian to Show Cause	0.1MB
					Civil Case Cover Sheet	District Court Civil (CV) Case Cover Sheet for Initial Pleading of Complaint, Counterclaim, Cross-Claim or Third Party Complaint	0.1MB
					Summons Issued	District Court Civil Summons	0.1MB
					Filing Other	Exhibit 1, TrueBallot process; Exhibit 2, Aspen Press Release; Exhibit 3, Screenshots of TV Broadcast; Exhibit 4, Pl.'s June 1 CORA request; Exhibit 5, Def.'s June 4 Denial; Exhibit 6, Def.'s July 9 Denial; Exhibit 7, City of Aspen public statement; Exhibit 8, Pl.'s and Def.'s July correspondence; Exhibit 9, Pl.'s and Def.'s September correspondence.	0.9MB
					Filing Other	Exhibit 10, Pl.'s notice of intent to apply to District Court for relief.	0.1MB
					Proposed Order	[Proposed] Order Granting Application for Order Directing Custodian to Show Cause • Linked from (1)	0.1MB
					Proposed Order	[Proposed] Order Granting Temporary Restraining Order	0.1MB
					Proposed Order	[Proposed] Order Granting Preliminary Injunction • Linked from (1)	0.1MB
					Filing Other	Verification (from Complaint, showing Notary's and Pl.'s Signatures)	0.1MB

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