

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, CO 80202</p> <p>Plaintiff: MARILYN MARKS</p> <p>v.</p> <p>Defendant: the COLORADO DEPARTMENT OF STATE, and JUDD CHOATE, in his official capacity as a person representing or acting on behalf of the COLORADO DEPARTMENT OF STATE</p> <hr/>	<p>EFILED Document CO Denver County District Court 2nd JD Filing Date: Feb 3 2012 3:17PM MST Filing ID: 42312075 Review Clerk: Anna Jones</p> <p>▲ COURT USE ONLY</p> <hr/> <p>▲ Case Number: 11CV5101</p> <p>Ctrm: 309</p>
<p>ADDENDUM TO COURT'S ORDER OF OCTOBER 24, 2011</p>	

THIS MATTER comes before the Court *sua sponte* in order to clarify the Court's order of October 24, 2011. In its order, the Court denied Defendants' Motion to Dismiss and stated that plaintiff "is entitled to a hearing on the issues she alleged in the complaint."

"The reviewing court has plenary authority to review and remand a case for further proceedings if it concludes that the agency has acted contrary to law." City & County of Denver Board of Assessment Appeals, 947 P.2d 1373 (Colo. 1997). Therefore, it was and is the Court's intention that appropriate State agency conduct a hearing in accordance with 42 U.S.C. § 15512(a)(2)(E).

Accordingly, this matter is **REMANDED** to the appropriate agency under the State Department and/or the Elections Division of the Colorado Department of State to conduct a hearing regarding Plaintiff's allegations in her complaint regarding the "Help America Vote Act," 42 U.S.C. § 15301.

Dated this 2nd Day of February, 2012

By the Court



William D. Robbins
District Court Judge

CC: All parties via efile