IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 03-CV-02453-ZLW-CBS

KEITH LANCE,
CARL MILLER,
RENEE NELSON,
NANCY O'CONNOR,

Plaintiffs,

v.

DONETTA DAVIDSON, Secretary of State for the State of Colorado,
in her official capacity only,

Defendant.

NOTICE OF SUBSTITUTION OF PARTY

Pursuant to Fed. R. Civ. P. 25(d), Gigi Dennis, the Secretary of State for the State of Colorado, by and through undersigned counsel, files this Notice of Substitution as Defendant in this case in place of former Colorado Secretary of State Donetta Davidson. As grounds therefor, Ms. Dennis states:

1. The caption in this case refers to Donetta Davidson as the Secretary of State for the State of Colorado. Ms. Davidson appears in her official capacity only.

2. Gigi Dennis succeeded Donetta Davidson as the Colorado Secretary of State in the fall of 2005. Ms. Dennis has assumed all duties that Defendant Davidson had during her tenure as Secretary of State.

3. Fed. R. Civ. P. 25(d)(1) provides:

> When a public office is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

Fed. R. Civ. P. 25(d)(1).

4. Pursuant to Fed. R. Civ. P. 25(d), Gigi Dennis is automatically substituted for Donetta Davidson as Defendant in this case.

WHEREFORE, it is respectfully requested that the Court enter an Order substituting Gigi Dennis for Donetta Davidson as the named Defendant in this case.

Submitted this 9th day of March, 2006.

JOHN W. SUTHERS
Attorney General

s/ Monica M. Marquez
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2006, I electronically filed the within **NOTICE OF SUBSTITUTION OF PARTY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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