

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	DATE FILED: June 15, 2017 3:13 PM FILING ID: 43413D64435A7 CASE NUMBER: 2017CV32204
Plaintiff: JANE DOE v. Defendants: BYRON RODENBURG	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Plaintiff:</i> Mark J. Jachimiak, No. 30044 Amy L. Twohey, No. 33414 Jachimiak Peterson, LLC 1819 Denver West Drive, Suite 265 Golden, CO 80401 Phone: 303.863.7700 E-mail: mjachimiak@jpfirm.law ; atwohey@jpfirm.law	Case No: Division:
COMPLAINT AND JURY DEMAND	

COMES NOW Plaintiff Jane Doe, by and through her attorneys, Jachimiak Peterson, LLC, and in support of her Complaint against Defendant, Byron Rodenburg, states as follows:

NOTICE

Please note that a Motion for Permission to Use a Pseudonym in Place of Plaintiff's Name, Or In the Alternative to File Under Seal, to Protect Plaintiff's Identity and Prevent Further Damages has been contemporaneously filed with this Complaint.

GENERAL ALLEGATIONS

1. Plaintiff, at all times material hereto, was a resident of Grand County, State of Colorado.
2. Defendant, at all times material hereto, was a resident of Denver County, State of Colorado.
3. Venue is proper in Denver County pursuant to C.R.C.P. 98(c).
4. This Court has personal jurisdiction over the Defendant because the defendant resides in the City and County of Denver, State of Colorado.

5. This Court has subject matter jurisdiction because the complained of actions took place in the State of Colorado.

STATEMENT OF FACTS

6. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 5.
7. Plaintiff and Defendant were in an intimate relationship from approximately October 31, 2015 to July 19, 2016.
8. During the course of their intimate relationship, Plaintiff sent approximately 5 intimate photos of herself to the Defendant via text message.
9. Defendant is the only person to whom Plaintiff sent the intimate pictures.
10. Defendant promised Plaintiff that the pictures would be kept in a pass-protected folder on his computer and that no one else could gain access to them.
11. Other than Plaintiff, Defendant is the only person who was in possession of the intimate pictures.
12. Plaintiff ended the relationship with the Defendant.
13. Defendant did not want the relationship to end, and continued to harass Plaintiff.
14. On or about August of 2016, Plaintiff, in no uncertain terms, told Defendant to leave her alone and blocked the Defendant from contacting her through Verizon, Facebook, What's App, Hotmail and Gmail.
15. On October 31, 2016, Defendant emailed Plaintiff from a new email address to avoid the block that was placed on his regular email address.
16. On October 31, 2016, Plaintiff responded to Defendant's email and again told him to leave her alone.
17. On or about November 1, 2016, Plaintiff received a "Happy Halloween" card from the Defendant despite Plaintiff's requests to be left alone.
18. On or about November 5, 2016, Defendant created an account on the pornography website Voyeur Web using the Plaintiff's name and date of birth, without her knowledge or permission.

19. Defendant posted the intimate pictures that Plaintiff sent to the Defendant during the course of their relationship on the Voyeur Web website without Plaintiff's knowledge or permission.
20. Along with the pictures, Defendant posted an extremely vulgar and sexually explicit paragraph written in the first person as if Plaintiff wrote it, without Plaintiff's knowledge or permission.
21. In addition to the Voyeur Web website, the pictures were also posted to various other porn websites without the Plaintiff's knowledge and permission, including RateMyTits.net and RateMyCunt.net.
22. On November 8, 2016, Plaintiff was alerted by strangers who contacted her through Facebook after they Googled her to find her information after they viewed the intimate pictures posted under her name by the Defendant, that the pictures were posted on pornography websites.
23. This caused the plaintiff to experience extreme emotional distress and fear for her safety.
24. Plaintiff, after being informed that the pictures were posted on the internet, looked for the pictures on the sites mentioned by the strangers in order to find a way to take them down as quickly as possible.
25. Plaintiff located her pictures posted under her name on Voyeur Web, RateMyCunt.net and RateMyTits.net.
26. Upon finding her photos on Voyeur Web, RateMyCunt.net and RateMyTits.net she was horrified to see numerous posts by a large number of strangers discussing, commenting on and ogling her nude body.
27. Upon finding her photos on Voyeur Web, RateMyCunt.net and RateMyTits.net, she was horrified to see that the pictures had close to a half a million views.
28. Plaintiff is a Paralympic Athlete.
29. Plaintiff is a licensed Emergency Medical Technician.

FIRST CLAIM FOR RELIEF
(Defamation Per Se)

30. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 29.

31. The Defendant published, or caused to be published, the intimate photos Plaintiff sent to the Defendant on pornography websites: Voyeur Web, RateMyTits.net and RateMyCunt.net.
32. The Defendant published, or caused to be published, a vulgar, sexually explicit paragraph worded in the first person as if Plaintiff had written it about herself on Voyeur Web.
33. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that Defendant posted on Voyeur Web, as well as the pictures posted on RateMyTits.net and RateMyCunt.net, are, on their face and without extrinsic proof, unmistakably recognized as injurious.
34. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that Defendant posted on Voyeur Web, as well as the pictures posted on RateMyTits.net and RateMyCunt.net, were specifically directed at the plaintiff and plainly identify her.
35. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that the Defendant posted on Voyeur Web, as well as RateMyTits.net and RateMyCunt.net, were and are incompatible with Plaintiff's business, trade and profession.
36. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that the Defendant posted on Voyeur Web, as well as the pictures posted on RateMyTits.net and RateMyCunt.net, imputed serious sexual misconduct to the Plaintiff.
37. Defendant's publication of the intimate photos on Voyeur Web, RateMyTits.net and RateMyCunt.net, along with the vulgar, sexually explicit paragraph worded in the first person as if Plaintiff had written it about herself on Voyeur Web have caused the Plaintiff to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.

SECOND CLAIM FOR RELIEF
(Defamation Per Quod)

38. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 37.
39. The Defendant published, or caused to be published, the intimate photos Plaintiff sent to the Defendant on pornography websites: Voyeur Web, RateMyTits.net and RateMyCunt.net.

40. The Defendant published, or caused to be published, a vulgar, sexually explicit paragraph worded in the first person as if Plaintiff had written it about herself on Voyeur Web.
41. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that Defendant posted on Voyeur Web, and the pictures posted on RateMyCunt.net and RateMyTits.net were and are, on their face and without extrinsic proof, unmistakably recognized as injurious.
42. The intimate pictures, the vulgar, sexually explicit paragraph written in the first person about the Plaintiff that Defendant posted on Voyeur Web, and the pictures posted on RateMyCunt.net and RateMyTits.net were specifically directed at the plaintiff and plainly identify her.
43. Defendant's publication of the intimate photos on Voyeur Web, RateMyTits.net and RateMyCunt.net, along with the vulgar, sexually explicit paragraph worded in the first person as if Plaintiff had written it about herself on Voyeur Web, have caused the Plaintiff to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.

THIRD CLAIM FOR RELIEF
(Negligence)

44. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 43.
45. Defendant owed Plaintiff a duty of care, including a duty to not cause Plaintiff harm.
46. Defendant breached this duty of care by posting the intimate pictures and vulgar, sexually explicit paragraph onto Voyeur Web, a pornography website, and by posting or causing to be posted, the intimate pictures onto RateMyCunt.net and RateMyTits.net, both pornography websites.
47. As a result of Defendant's negligence, Defendant caused Plaintiff to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.
48. Defendant's injuries were the direct cause of Defendant's posting, or causing to be posted, the intimate pictures and vulgar, sexually explicit paragraph onto Voyeur Web, RateMyCunt.net and RateMyTits.net.

FOURTH CLAIM FOR RELIEF
(Negligent Infliction of Emotional Distress)

49. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 48.
50. Defendant was negligent in his handling of intimate photos that only he, other than the Plaintiff, possessed.
51. The Defendant's negligence created an unreasonable risk of physical harm, perceived physical harm and/or long continued emotional disturbance to the Plaintiff.
52. The Defendant's negligence caused the Plaintiff to be put in fear for her own safety, and such fear was shown by physical consequences or long continued emotional disturbance, rather than only momentary fright, shock, or other similar and immediate emotional distress. Defendant's negligence also caused Plaintiff to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.
53. The plaintiff's fear caused her to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.

FIFTH CLAIM FOR RELIEF
(Extreme and Outrageous Conduct—Emotional Distress)

54. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 53.
55. The Defendant engaged in extreme and outrageous conduct when, without the Plaintiff's knowledge or permission, he created an account using the Plaintiff's legal name and date of birth, and posted intimate pictures, along with a vulgar, sexually explicit paragraph written in the first person as if Plaintiff wrote it herself onto the pornography websites Voyeur Web, RateMyCunt.net and RateMyTits.net.
56. Defendant's postings of the pictures and vulgar, sexually explicit paragraph received approximately half a million views on the pornography websites.
57. The Defendant, recklessly or with the intent of causing the plaintiff severe emotional distress, created an account using the Plaintiff's legal name and

date of birth, and posted intimate pictures, along with a vulgar and sexually explicit paragraph written in the first person as if Plaintiff wrote it herself, onto the pornography websites Voyeur Web, RateMyCunt.net and RateMyTits.net.

58. Defendant's Extreme and Outrageous Conduct caused Plaintiff to suffer, and still caused Plaintiff to suffer, severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.

SIXTH CLAIM FOR RELIEF
(Invasion of Privacy)

59. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 58.
60. The Defendant intentionally invaded the Plaintiff's privacy by publishing, or causing to be published on Voyeur Web, RateMyCunt.net and RateMyTits.net, intimate, private pictures that were taken by the Plaintiff in a private, controlled setting and shared with the Defendant, her trusted intimate partner at the time, who promised to protect the pictures and keep them private.
61. Defendant further invaded Plaintiff's privacy by posting a vulgar, sexually explicit paragraph written in the first person that accompanied the pictures posted on Voyeur Web.
62. The invasion, publishing or causing to be published the private pictures and vulgar, sexually explicit paragraph onto the pornography websites Voyeur Web, RateMyCunt.net and RateMyTits.net, would be very offensive to a reasonable person.
63. Due to the invasion, the Defendant caused the Plaintiff to suffer severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, impairment of quality of life, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.
64. The invasion was the cause of Plaintiff's severe emotional distress, fear for her personal safety, Post Traumatic Stress Disorder, embarrassment, anxiety, loss of sleep, fear of intimacy, trust issues, inconvenience and costs of medical treatment to treat the emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. Damages for past and future emotional distress;
2. Past and future pecuniary damages;
3. Pre- and Post-judgment interest at the highest statutory rate;
4. Plaintiff's costs of suit; and
5. For any other relief this Court deems just and proper.

JURY DEMAND

**PLAINTIFF REQUESTS THAT ALL ISSUES HEREIN BE TRIED
TO A JURY OF SIX PERSONS**

DATED this 15th day of June, 2017.

JACHIMIAC PETERSON, LLC

*Duly signed original on file at the office of the undersigned
pursuant to C.R.C.P. 121, § 1-26*

By: /s/ Amy Twohey

Amy L. Twohey, No. 33414

Attorneys for Plaintiff

Plaintiff's address

c/o Jachimiak Peterson
1819 Denver West Dr.
Golden, CO 80401

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) JANE DOE	DATE FILED: July 27, 2017 9:44 AM
v.	CASE NUMBER: 2017CV32204
Defendant(s) BYRON RODENBURG	
△ COURT USE ONLY △	
Case Number: 2017CV32204	
Division: 215 Courtroom:	
Order: Motion to Use Pseudonym	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 7/27/2017



J ERIC ELLIFF
District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff: JANE DOE v. Defendants: BYRON RODENBURG	
<i>Attorneys for Plaintiff:</i> Mark J. Jachimiak, No. 30044 Amy L. Twohey, No. 33414 Jachimiak Peterson, LLC 1819 Denver West Drive, Suite 265 Golden, CO 80401 Phone: 303.863.7700 E-mail: mjachimiak@jpfirm.law ; atwohey@jpfirm.law	Case No: Division:
MOTION FOR PERMISSION TO USE PSEUDONYM, OR IN THE ALTERNATIVE TO FILE UNDER SEAL, TO PROTECT PLAINTIFF'S IDENTITY AND PREVENT FURTHER DAMAGES	

COMES NOW Jane Doe, by and through her attorneys, Jachimiak Peterson, LLC, and in support of her Motion states as follows:

1. Plaintiff is filing her Complaint as Jane Doe contemporaneously with this Motion. Should the Court deny this Motion, Plaintiff requests an Order allowing her time to Amend her Complaint to comply with the Court's Order.
2. Plaintiff has filed, along with the Motion, a Complaint alleging six causes of action against the Defendant: 1) Defamation Per Se, 2) Defamation Per Quod, 3) Negligence, 4) Negligent Infliction of Emotional Distress, 5) Extreme and Outrageous Conduct—Emotional Distress, and 6) Invasion of Privacy.
3. The Claims asserted against the Defendant arise out of the Defendant's posting of private, explicit and intimate pictures (the "Pictures") of the Plaintiff onto pornographic website(s) without her knowledge or permission. Defendant posted the Pictures of the Plaintiff using **her legal name and date of birth**. In addition to and in conjunction with the Pictures, Defendant posted an extremely vulgar, sexually explicit paragraph written in the first person making it sound as if Plaintiff herself wrote it. The disgusting paragraph uses extreme detail and suggests perverse sexual activities that read like an

invitation to all of the strangers viewing the pornography website to perform the sexually explicit activities on the Plaintiff. This “invitation” to these strangers, which reached close to a half million views, has caused Plaintiff severe emotional distress and constant fear for her physical safety, especially after being searched for and contacted by approximately a dozen men who viewed her pictures and the paragraph on the pornography website.

4. Plaintiff learned that the Pictures and explicit paragraph were posted on pornographic websites from complete strangers who, after viewing the pictures on the websites, Googled Plaintiff’s name and contacted her on Facebook with unsettling and emotionally distressing messages causing her to feel unsafe and very upset. Plaintiff is afraid that any one of these men, or the others who have viewed the Pictures and paragraph, could find her and hurt her by trying to fulfill the “invitation” posted by the Defendant. Plaintiff views the initial contact by the dozen or so men who have already found a way to reach out to her as an initial step to following through with the vulgar things described in the paragraph. Plaintiff has constant fear of being harmed by these men.
5. Plaintiff is a three-time Paralympic Athlete and has a semi-public reputation in the community. The subject matter of this lawsuit could be extremely harmful to the positive image she has built and earned within the community over years of competing and community involvement.
6. Plaintiff also works in the medical field and the information that is the subject matter of this lawsuit could be extremely damaging to her career.
7. Plaintiff has had to undergo counseling and therapy as a result of the fear, anxiety and concern for her physical wellbeing that the posting of the Pictures and vulgar paragraph on the pornography websites, and the unsolicited contact by strange men, have caused. She constantly feels unsafe and afraid every day.
8. Plaintiff respectfully requests that she be allowed to use a pseudonym throughout the life of this lawsuit in order to 1) help make her feel safe during the litigation process by making her less accessible to strange men who have, as a result of the Defendant’s conduct, viewed the Pictures and paragraph, searched for and found the Plaintiff, 2) protect her semi-public reputation and 3) protect her career in the medical field. Plaintiff has been working diligently to attempt to remove the Pictures and paragraph from public access. Allowing her to use a pseudonym would be instrumental in allowing her to continue with her attempts to eradicate the Pictures and paragraph, which are listed by her legal name, from the internet.
9. A plaintiff seeking to proceed anonymously must show that he or she has a substantial privacy right that outweighs the “customary and constitutionally-embedded presumption of openness in judicial proceedings. *Doe v. Heitler*, 26 P.3d 539, 541 (Colo.App. 2001) referencing *James v. Jacobson*, 6 F.3d 233 (4th Cir. 1993); *Doe v.*

Frank, 951 F.2d 320 (11th Cir. 1992); *National Commodity & Barter Ass'n v. Gibbs*, 886 F.2d 1240, 1245 (10th Cir. 1989); *Doe v. Stegall*, 653 F.2d 180 (5th Cir. 1981).

10. Because of the sensitive nature of the Pictures and the tone of the paragraph, concerns for her physical safety and the emotional distress that the posting of the pictures, paragraph, and ultimate contact from strangers has caused, and further, due to Plaintiff's continuing efforts to eradicate the Pictures and paragraph associated with her name on the internet, Plaintiff's right to privacy should outweigh the presumption of openness in the judicial proceedings.

11. Among the factors relevant to a determination of whether this showing has been made are:

Whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; whether identification poses a risk of retaliatory physical or mental harm to the requesting party or to innocent non-parties; whether the action is against a government or private party; whether the plaintiff would be compelled to admit his or her intention to engage in illegal conduct, thereby risking criminal prosecution; and the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously. *Doe v. Shakur*, 164 F.R.D. 359 (S.D.N.Y. 1996)(Emphasis added).

12. In this case, the request is not to avoid the mere annoyance of litigation. The subject matter in this case is of a highly sensitive, personal and explicit nature which justifies the request. Further, due to the fact the Plaintiff does not know the identity of the anonymous people who have viewed the Pictures and paragraph on the website under Plaintiff's name, nor the true identity of the strangers who have searched for and contacted the Plaintiff, it is possible Plaintiff is in physical danger. It's highly reasonable to assume some of the half million viewers who have seen the Pictures may suffer some type of sexual deviant tendencies and the thought that they can find the Plaintiff, but she cannot adequately prepare for when and if she could be found, is mentally and emotionally damaging to her on a daily basis. Plaintiff has had to undergo therapy to address her fear of harm from strangers who have seen the Pictures and then contacted her. She has been diagnosed with Post Traumatic Stress Disorder as a result, and she also left her home due to fear of being found by these strangers. Allowing her name to be associated with this lawsuit will continue to cause Plaintiff harm.

13. A plaintiff should be permitted to proceed anonymously in cases where a substantial privacy interest is involved. *John Doe v. Blue Cross & Blue Shield*, 794 F. Supp. 72, 74 (1992)(The Court allowed a transsexual Plaintiff to pursue the lawsuit under a

pseudonym to avoid social stigmatism). The most compelling situations involve matters which are highly sensitive, such as social stigmatization, real danger of physical harm, or where the injury litigated against would occur as a result of the disclosure of the plaintiff's identity. *Id.* That the plaintiff may suffer some embarrassment or economic harm is not enough. *Id.* There must be a strong social interest in concealing the identity of the plaintiff. *Id.*

14. Further, one's sexual practices are among the most intimate parts of one's life. *Id.* When those sexual practices fall outside the realm of "conventional" practices which are generally accepted without controversy, ridicule or derision, that interest is enhanced exponentially. *Id.* Here, Defendant took advantage of the Plaintiff's trust while they were in a committed, consensual relationship during which they engaged in unconventional sexual behavior that resulted in the Pictures. To the general public, this behavior could be ridiculed, it could stigmatize the Plaintiff, and could further damage her emotional and mental state. While in today's world of technology, it may be less shocking to learn that some couples take and share explicit pictures to use and share within the safety and confines of their partnership, it is not commonplace to have one half of the partnership then post the Pictures, along with a vulgar paragraph coined as an invitation to harm Plaintiff, on pornographic websites for hundreds of thousands of people to see. Plaintiff is diligently trying to remove the technology footprint that has been made by the Defendant and against her interests, and the use of a pseudonym is required to further her efforts.

15. For the reasons outlined above, Plaintiff respectfully requests she be allowed to pursue her claims against the Defendant with the use of a pseudonym.

WHEREFORE, Plaintiff respectfully requests an Order granting permission to use a pseudonym throughout the life of this matter, or in the alternative, for an Order requiring all documents to be filed under seal, and for any other relief this Court deems just and proper. Should the Court deny Plaintiff's Motion, Plaintiff requests an Order allowing her to amend her Complaint in compliance with the Court's Order.

DATED this 15th day of June, 2017.

JACHIMIAK PETERSON, LLC

*Duly signed original on file at the office of the undersigned
pursuant to C.R.C.P. 121, § 1-26*

By: /s/ Amy Twohey

Mark J. Jachimiak, No. 30044

Amy L. Twohey, No. 33414

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2017, a true and correct copy of the foregoing **MOTION FOR PERMISSION TO USE PSEUDONYM, OR IN THE ALTERNATIVE TO FILE UNDER SEAL, TO PROTECT PLAINTIFF'S IDENTITY AND PREVENT FURTHER DAMAGES** was electronically filed with the Court and served via Colorado Courts E-Filing upon all counsel of record.

Pursuant to C.R.C.P. 121 §1-26 the duly signed original remains on file at the office of Jachimiak Peterson, LLC

/s/ Martha M. Fletcher

Attachment to Order - 2017CV32204

<p>DISTRICT COURT CITY AND COUNTY OF DENVER, STATE OF COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p>	<p>DATE FILED: August 21, 2017 4:38 PM FILING ID: C515E5CA41060 CASE NUMBER: 2017CV32204</p>
<p>Plaintiff:</p> <p>JANE DOE</p> <p>Defendant:</p> <p>BYRON RODENBURG</p>	<p>COURT USE ONLY</p>
<p>Attorney for Defendant:</p> <p>Samantha L. Halliburton #39194 The Halliburton Law Firm, L.L.C. 2373 Central Park Blvd., Suite 100 Denver, Colorado 80238 Phone Number: 303-803-1060 Fax #: 1-800-859-2896 shalliburton@thehalliburtonlawfirm.com</p>	<p>Case No. 2017CV32204</p> <p>Courtroom No.: 215</p>
<p align="center">ANSWER, COUNTERCLAIMS AND JURY DEMAND</p>	

Defendant, Byron Rodenburg (“Defendant”), by and through his attorney, Samantha Halliburton, Esq. of The Halliburton Law Firm, LLC, responds to Plaintiff Jane Doe’s (“Plaintiff”) Complaint and Jury Demand as follows:

NOTICE

To the extent the Notice section of Plaintiff’s Complaint alleges or suggests any wrongdoing on behalf Defendant, Defendant denies those allegations. Defendant reserves the right to challenge Plaintiff’s ability to pursue this action under a pseudonym.

GENERAL ALLEGATIONS

1. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph one of Plaintiff's Complaint and Jury Demand ("Complaint") and therefore denies the same.
2. Defendant admits he has been a resident of the City and County of Denver, State of Colorado for 4 years.
3. Defendant admits venue is proper in Denver County.
4. Defendant admits this Court has personal jurisdiction over Defendant.
5. Although Defendant denies any wrong doing alleged in the Complaint, Defendant admits this Court possesses subject matter jurisdiction in this matter.

RESPONSE TO STATEMENT OF FACTS

6. Defendant incorporates by reference his responses set forth in paragraphs 1 through 5 above as if fully set forth herein.
7. Defendant denies the allegations set forth in paragraph 7 of the Complaint. Defendant admits he was in an exclusive relationship with Plaintiff during the time frame alleged in Plaintiff's Complaint.
8. Defendant denies the allegations set forth in paragraph 8 of the Complaint.
9. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 9 of the Complaint, and therefore, Defendant denies those allegations.
10. Defendant denies the allegations set forth in paragraph 10 of the Complaint.
11. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 11 of the Complaint, and therefore, Defendant denies those allegations.
12. Defendant admits the allegations contained in paragraph 12 of the Complaint.
13. Defendant denies the allegations set forth in paragraph 13 of the Complaint.
14. With respect to the allegations set forth in paragraph 14 of the Complaint, Defendant states he is without sufficient knowledge or information to form a belief as to whether

Plaintiff blocked him from contacting her. Defendant denies the remaining allegations set forth in paragraph 14 of the Complaint.

15. Defendant denies the allegations set forth in paragraph 15 of the Complaint.

16. With respect to the allegations set forth in paragraph 16 of the Complaint, Defendant states any documents referenced therein speaks for themselves, and Defendant denies any inconsistencies with the same.

17. Defendant denies the allegations set forth in paragraph 17 of the Complaint.

18. Defendant denies the allegations set forth in paragraph 18 of the Complaint.

19. Defendant denies the allegations set forth in paragraph 19 of the Complaint.

20. Defendant denies the allegations set forth in paragraph 20 of the Complaint.

21. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 21 of the Complaint, and therefore, Defendant denies those allegations.

22. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 22 of the Complaint, and therefore, Defendant denies those allegations.

23. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 23 of the Complaint, and therefore Defendant denies those allegations.

24. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 24 of the Complaint, and therefore Defendant denies those allegations.

25. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 25 of the Complaint, and therefore Defendant denies those allegations.

26. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 26 of the Complaint, and therefore Defendant denies those allegations.

27. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 27 of the Complaint, and therefore Defendant denies those allegations.

28. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 28 of the Complaint, and therefore Defendant denies those allegations.

29. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations set forth in paragraph 29 of the Complaint, and therefore Defendant denies those allegations.

RESPONSE TO FIRST CLAIM FOR RELIEF
(Defamation Per Se)

30. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 29 above as if fully set forth herein.

31. Defendant denies the allegations set forth in paragraph 31 of the Complaint.

32. Defendant denies the allegations set forth in paragraph 32 of the Complaint.

33. Defendant denies the allegations set forth in paragraph 33 of the Complaint.

34. Defendant denies the allegations set forth in paragraph 34 of the Complaint.

35. Defendant denies the allegations set forth in paragraph 35 of the Complaint.

36. Defendant denies the allegations set forth in paragraph 36 of the Complaint.

37. Defendant denies the allegations set forth in paragraph 37 of the Complaint.

RESPONSE TO SECOND CLAIM FOR RELIEF
(Defamation Per Quod)

38. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 37 above as if fully set forth herein.

39. Defendant denies the allegations set forth in paragraph 39 of the Complaint.

40. Defendant denies the allegations set forth in paragraph 40 of the Complaint.

41. Defendant denies the allegations set forth in paragraph 41 of the Complaint.

42. Defendant denies the allegations set forth in paragraph 42 of the Complaint.

43. Defendant denies the allegations set forth in paragraph 43 of the Complaint.

RESPONSE TO THIRD CLAIM FOR RELIEF
(Negligence)

44. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 44 above as if fully set forth herein.

45. The allegations set forth in paragraph 45 of the Complaint set forth legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations set forth in paragraph 45 of the Complaint.

46. Defendant denies the allegations set forth in paragraph 46 of the Complaint.

47. Defendant denies the allegations set forth in paragraph 47 of the Complaint.

48. Defendant denies the allegations set forth in paragraph 48 of the Complaint.

RESPONSE TO FOURTH CLAIM FOR RELIEF
(Negligence)

49. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 48 above as if fully set forth herein.

50. Defendant denies the allegations set forth in paragraph 50 of the Complaint.

51. Defendant denies the allegations set forth in paragraph 51 of the Complaint.

52. Defendant denies the allegations set forth in paragraph 52 of the Complaint.

53. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations contained in paragraph 53 of the Complaint, and therefore, Defendant denies those allegations.

RESPONSE TO FIFTH CLAIM FOR RELIEF
(Extreme and Outrageous Conduct – Emotional Distress)

54. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 53 above as if fully set forth herein.

55. Defendant denies the allegations set forth in paragraph 55 of the Complaint.

56. Defendant denies the allegations set forth in paragraph 56 of the Complaint.

57. Defendant denies the allegations set forth in paragraph 57 of the Complaint.

58. Defendant denies the allegations set forth in paragraph 58 of the Complaint.

RESPONSE TO FIFTH CLAIM FOR RELIEF
(Invasion of Privacy)

59. Defendant incorporates by reference his responses to Plaintiff's allegations set forth in paragraphs 1 through 58 above as if fully set forth herein.

60. Defendant denies the allegations set forth in paragraph 60 of the Complaint.

61. Defendant denies the allegations set forth in paragraph 61 of the Complaint.

62. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations contained in paragraph 62 of the Complaint, and therefore, Defendant denies those allegations.

63. Defendant denies the allegations set forth in paragraph 63 of the Complaint.

64. Defendant is without sufficient knowledge or information to form a belief as to the truth or veracity of the allegations contained in paragraph 64 of the Complaint, and therefore, Defendant denies those allegations. Defendant specifically denies any allegation or suggestion of wrongdoing.

RESPONSE PRAYER FOR RELIEF

Defendant denies Plaintiff is entitled to any of the relief requests in the Complaint.

GENERAL DENIAL

Defendant denies each and every allegation of the Complaint not expressly admitted herein.

DEFENSES AND AFFIRMATIVE DEFENSES

1. Plaintiff's alleged damages were caused by third persons other than Defendant.
2. Plaintiff's claims are barred or reduced by her assumption of the risk pursuant to C.R.S. § 13-21-111.7.
3. Plaintiff's damages are limited pursuant to C.R.S. § 13-21-102.5 (limitations on damages for non-economic loss).

4. Defendant reserves the right to challenge Plaintiff's ability to pursue a legal action against Defendant under a pseudonym.

5. Defendant reserves the right to designate any nonparties at fault pursuant to C.R.S. § 13-21-111.5

6. Plaintiff may have failed to mitigate her damages, if any, as required by law.

7. Plaintiff named herein may not be the real party in interest to prosecute all or a portion of the claims in question.

8. Defendant's liability, if any, may be limited to that amount represented by his pro-rata share of negligence or fault, if any, producing the claimed injury, damage or loss.

9. Plaintiff was comparatively negligent. Plaintiff's comparative negligence may equal or exceed the negligence, if any, of Defendant, and therefore bars or reduces Plaintiff's recovery as provided by law and pursuant to C.R.S. § 13-21-111.

10. Plaintiff's claims may be barred or limited by the Collateral Source Rule set forth at C.R.S. § 13-21-111.6.

11. Plaintiff's damages, if any, are limited to actual or nominal damages or are otherwise limited under Colorado law.

12. Plaintiff's claims are moot.

13. Plaintiff's claims are barred or limited by the applicable statute of limitations

14. Plaintiff's Complaint fails to state a claim for which relief can be granted.

15. Damages sustained by Plaintiff, if any, were the direct result of her pre-existing conditions.

16. Defendant reserves the right to move to amend his answer to include additional affirmative defenses or to voluntarily withdraw defenses as discovery proceeds.

DEFENDANT DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

COUNTERCLAIMS

For his counterclaims against Plaintiff, Jane Doe ("Ms. Doe"), Byron Rodenburg ("Mr. Rodenburg") hereby alleges, avers and states as follows:

PARTIES AND JURISDICTION

1. Upon information and belief, Ms. Doe resided in Grand County, State of Colorado, during the times relevant to Mr. Rodenburg's counterclaims.
2. Mr. Rodenburg is an individual who resides in the City and County of Denver, Colorado.
3. This Court has subject matter jurisdiction over all claims asserted herein and personal jurisdiction over all parties. Venue is proper in this district pursuant to C.R.C.P. 98(c).

GENERAL ALLEGATIONS

4. Mr. Rodenburg incorporates by reference the allegations set forth in paragraphs 1 through 3 of his Counterclaims above as if fully set forth herein.
5. Ms. Doe and Mr. Rodenburg (collectively, the "Parties") were in an exclusive relationship for nearly one year.
6. Eventually, the Parties' relationship ended.
7. However, after their relationship ended, Ms. Doe continued to be in contact with Mr. Rodenburg. On several occasions after their relationship ended, Ms. Doe initiated contact with Mr. Rodenburg.
8. For example, around November, 24, 2016, Ms. Doe sent Mr. Rodenburg an email with a picture of herself and her dog, wishing Mr. Rodenburg a Happy Thanksgiving.
9. On at least two occasions, Ms. Doe reached out to Mr. Rodenburg, requesting that they meet in person. Mr. Rodenburg soon learned that Ms. Doe's attempts to meet in person were merely a guise to learn about his whereabouts and to harass Mr. Rodenburg.
10. In response to Ms. Doe's requests, Mr. Rodenburg would inform Ms. Doe of his work schedule and specifically the dates he would out of town for work.
11. On at least two occasions, Ms. Doe was directly or indirectly responsible for deflating the tires on Mr. Rodenburg's vehicle with intent to intimidate, to cause mental anguish, inconvenience, stress, bodily injury and/or other harm.
12. For example, on or about December 2, 2016, Mr. Rodenburg informed Ms. Doe that he would be out of town for work until December 6, 2016. Mr. Rodenburg returned home from work to find two flat tires on his car. Mr. Rodenburg was very concerned and was forced to have his car towed to a tire shop for repairs.

13. On or about December 9, 2016, Mr. Rodenburg informed Ms. Doe that he would be out of town for work and would return to Denver on December 20, 2016. Mr. Rodenburg returned to Denver on December 20, 2016 and began driving his car home.

14. As he drove his car on the interstate from the airport, Mr. Rodenburg was horrified when his car began wobbling violently. When he pulled his car over, he discovered someone deflated a single tire on his car again in a manner that was less obvious, more malicious, and exponentially more dangerous at high speeds. Mr. Rodenburg was in extreme distress and became even more concerned because this was the second time someone attempted to sabotage and/or cause harm to Mr. Rodenburg. Mr. Rodenburg later discovered it was Ms. Doe who directly or indirectly tampered with the tires on Mr. Rodenburg's vehicle.

15. On other occasions, Ms. Doe was directly or indirectly responsible for sending her friends and/or family members to Mr. Rodenburg's residence with intent to harass, intimidate, and/or cause harm and/or inconvenience, mental anguish or stress.

16. Ms. Doe also lodged false criminal charges against Mr. Rodenburg and arranged for Mr. Rodenburg to be arrested on the job while in Texas. A criminal case is still pending against Mr. Rodenburg as a result of Ms. Doe's allegations, and Mr. Rodenburg reserves the right to amend his counterclaims to include a claim for malicious prosecution.

CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)

17. Mr. Rodenburg incorporates by reference the allegations set forth in paragraphs 1 through 15 of his counterclaims above as if fully set forth herein.

18. By engaging in conduct described in paragraphs 6 through 17 above, Ms. Doe engaged in extreme and outrageous conduct.

19. Ms. Doe engaged in said conduct recklessly and/or with the intent of intimidating and causing Mr. Rodenburg severe emotional distress.

20. Ms. Doe's extreme and outrageous conduct has caused Mr. Rodenburg severe emotional distress, economic and noneconomic damages in an amount to be proven at trial.

WHEREFORE, Mr. Rodenburg prays for an entry of judgment against Ms. Doe for compensatory damages in amounts to be proven at trial, reasonable attorney's fees, costs, pre- and post-judgment interest, and for such other and further relief this Court deems just and proper.

Dated his 21st day of August 2017.

Respectfully submitted,

s/Samantha L. Halliburton
Samantha L. Halliburton, Esq. #39194
ATTORNEYS FOR
DEFENDANT/COUNTERCLAIM
PLAINTIFF

In accordance with C.R.C.P. 121 § 1-26(9), a printed copy of this document with original signature is maintained by The Halliburton Law Firm, LLC, and will be made available for inspection by other parties or the Court upon request.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August 2017, a true and correct copy of Defendant's **ANSWER, COUNTERCLAIMS AND JURY DEMAND** filed with the Court and served by ICCES to the following:

Mark J. Jachimiak
Amy L. Twohey
Jachimiak Peterson, LLC
1819 Denver West Drive, Suite 265
Golden, CO 80401
mjachimiak@jpfirm.law
atwohey@jpfirm.law

s/Keri L. Brackett
Keri L. Brackett, Paralegal

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	DATE FILED: August 28, 2017 2:04 PM FILING ID: 1CC91E89CE743 CASE NUMBER: 2017CV32204
Plaintiff: JANE DOE v. Defendants: BYRON RODENBURG	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Plaintiff:</i> Mark J. Jachimiak, No. 30044 Amy L. Twohey, No. 33414 Jachimiak Peterson, LLC 1819 Denver West Drive, Suite 265 Golden, CO 80401 Phone: 303.863.7700 E-mail: mjachimiak@jpfirm.law ; atwohey@jpfirm.law	Case No. 2017CV32204 Courtroom 215
PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIM	

.COMES NOW Plaintiff Jane Doe, by and through her attorneys, Jachimiak Peterson, LLC, and submits the following Answer to Defendant's Counterclaim, and states as follows:

PARTIES AND JURISDICTION

1. Plaintiff admits the allegations contained in Paragraph 1 of Defendant's Counter-Claim.
2. Plaintiff admits the allegations contained in Paragraph 2 of Defendant's Counter-Claim.
3. Plaintiff admits the allegations contained in Paragraph 3 of Defendant's Counter-Claim.

GENERAL ALLEGATIONS

4. Plaintiff incorporates by reference her answers set forth in paragraphs 1 through 3 of Defendant's Counter-Claim above as if fully set forth herein.
5. Plaintiff admits the allegations contained in Paragraph 5 of Defendant's Counter-Claim.

6. Plaintiff denies the allegations contained in Paragraph 6 of Defendant's Counter-Claim. Plaintiff ended the relationship.

7. Plaintiff admits the allegations contained in Paragraph 7 of Defendant's Counter-Claims. Plaintiff remained in touch with Defendant while attempting to have him served with a Permanent Order of Protection in order to help effectuate service.

8. Plaintiff admits the allegations contained in Paragraph 8 of Defendant's Counter-Claim. Plaintiff remained in touch with Defendant while attempting to have him served with a Permanent Order of Protection in order to help effectuate service.

9. With regard to the allegations contained in Paragraph 9 of Defendant's Counter-Claim, Plaintiff admits that she requested to meet with Defendant while attempting to have him served with a Permanent Order of Protection in order to help effectuate service. Plaintiff denies all remaining allegations contained within Paragraph 9.

10. Plaintiff denies the allegations contained in Paragraph 10 of Defendant's Counter-Claim.

11. Plaintiff denies the allegations contained in Paragraph 11 of Defendant's Counter-Claim.

12. With regard to the allegations contained in Paragraph 12 of Defendant's Counter-Claim, Plaintiff denies that Defendant provided Plaintiff with his travel schedule. Plaintiff is without sufficient information to either admit or deny the remaining allegations contained in Paragraph 12 and, therefore, denies them.

13. With regard to the allegations contained in Paragraph 13 of Defendant's Counter-Claim, Plaintiff denies that Defendant provided Plaintiff with his travel schedule. Plaintiff is without sufficient information to either admit or deny the remaining allegations contained in Paragraph 13 and, therefore, denies them.

14. With regard to the allegations contained in Paragraph 14 of Defendant's Counter-Claim, Plaintiff denies that she directly or indirectly tampered with the tires on Defendant's vehicle. Plaintiff is without sufficient information to either admit or deny the remaining allegations contained in Paragraph 14 and, therefore, denies them.

15. With regard to the allegations contained in Paragraph 15 of Defendant's Counter-Claim, Plaintiff admits that on one occasion her cousin went to Defendant's home in an attempt to serve him with the Permanent Order of Protection. Defendant appeared to be home, but continued to avoid service. On approximately eight other occasions, members of the Denver Police Department also went to the Defendant's home to serve him with the Permanent Order of Protection. Due to Defendant's refusal to open the door, and continued efforts to avoid service, the attempts at service were forced to continue. Plaintiff denies all remaining allegations contained in Paragraph 15.

16. With regard to the allegations contained in Paragraph 16 of Defendant's Counter-Claim, Plaintiff denies that she filed false charges against Defendant. Further answering, Plaintiff also denies that she arranged for Mr. Rodenburg's arrest. His arrest was planned and executed by law enforcement who were properly and lawfully assisting in the prosecution of the valid charges filed against the Defendant. Plaintiff admits that the criminal case against Defendant is still pending. The remainder of the allegations contained in Paragraph 16 involve a general statement with regard to Defendant's reservation of rights and, therefore, no response is required. To the extent any response is required, Plaintiff denies the allegations.

**CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)**

17. Plaintiff incorporates by reference her answers set forth in paragraphs 1 through 16 of Defendant's Counter-Claim above as if fully set forth herein.

18. Plaintiff denies the allegations contained in Paragraph 18 of Defendant's Counter-Claim.

19. Plaintiff denies the allegations contained in Paragraph 19 of Defendant's Counter-Claim.

20. Plaintiff denies the allegations contained in Paragraph 20 of Defendant's Counter-Claim.

WHEREFORE, Plaintiff Jane Doe requests that Defendant's Counterclaim be dismissed, with prejudice, that she be awarded attorney's fees and the costs incurred in the defense of this matter, and any other such relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

DATED this 28th day of August, 2017.

JACHIMIAC PETERSON, LLC

*Duly signed original on file at the office of the undersigned
pursuant to C.R.C.P. 121, § 1-26*

By: /s/ Amy Twohey

Mark J. Jachimiak, No. 30044

Amy L. Twohey, No. 33414

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2017, a true and correct copy of the foregoing **PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIM** was electronically filed with the Court and served via Colorado Courts E-Filing upon all counsel of record.

Pursuant to C.R.C.P. 121 §1-26 the duly signed original remains on file at the office of Jachimik Peterson, LLC

/s/ Donna Sommerfield

DATE FILED: September 13, 2017 1:16 PM FILING ID: 3AE90201FF988 CASE NUMBER: 2017CV32204	
DISTRICT COURT CITY AND COUNTY OF DENVER STATE OF COLORADO 1437 Bannock Street Denver, CO 80202	COURT USE ONLY
Plaintiff/Counterclaim Defendant: JANE DOE Defendant/Counterclaim Plaintiff: BYRON RODENBURG	
Attorney for Defendant/Counterclaim Plaintiff: Samantha L. Halliburton #39194 The Halliburton Law Firm, L.L.C. 2373 Central Park Blvd., Suite 100 Denver, Colorado 80238 Phone Number: 303-803-1060 Fax #: 1-800-859-2896 shalliburton@thehalliburtonlawfirm.com	
DESIGNATION OF NON-PARTIES AT FAULT	

Defendant/Counterclaim Plaintiff, Byron Rodenburg (“Mr. Rodenburg”), by and through his attorney, Samantha Halliburton, Esq. of The Halliburton Law Firm, LLC, and pursuant to C.R.S. 13-21-111.5, hereby makes the following Designation of Non-parties At Fault:

Plaintiff “Jane Doe” (“Plaintiff”) initiated this action on or about June 15, 2017. In her Complaint, Plaintiff contends she sent her nude pictures to Mr. Rodenburg, and that Mr. Rodenburg allegedly posted Plaintiff’s nude pictures on various pornographic websites. Plaintiff claims she suffered damages as a result. Plaintiff is also pursuing criminal charges in relation to the allegations set forth in her Complaint (the “Criminal Matter”).

Mr. Rodenburg denies any alleged liability in this lawsuit and in the Criminal Matter. However, in the unlikely event liability is established in this civil lawsuit, Mr. Rodenburg designates the following non-parties who may be at fault in the above-captioned action:

1. Unknown Jane or John Doe(s), Unknown Addresses, Unknown Telephone Numbers.

In connection with pursuing the Criminal Matter, Plaintiff admitted to at least one criminal investigator that she sent nude pictures of herself to individuals other than Mr. Rodenburg. These unknown Jane or John Doe(s) may be liable for Plaintiff's alleged injuries to the extent any of them published the nude photographs of Plaintiff on various pornographic websites.

Mr. Rodenburg's investigation of the facts in this matter is ongoing. Mr. Rodenburg reserves the right to supplement or amend this designation should additional information for these, or any other potentially liable, nonparties become available through investigation and discovery.

Dated his 13th day of September 2017.

Respectfully submitted,

s/Samantha L. Halliburton
Samantha L. Halliburton, Esq. #39194
**ATTORNEYS FOR
DEFENDANT/COUNTERCLAIM
PLAINTIFF**

In accordance with C.R.C.P. 121 § 1-26(9), a printed copy of this document with original signature is maintained by The Halliburton Law Firm, LLC, and will be made available for inspection by other parties or the Court upon request.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September 2017, a true and correct copy of Defendant's **DESIGNATION OF NON-PARTIES AT FAULT** filed with the Court and served by ICCES to the following:

Mark J. Jachimiak
Amy L. Twohey
Jachimiak Peterson, LLC
1819 Denver West Drive, Suite 265
Golden, CO 80401
mjachimiak@jpfirm.law
atwohey@jpfirm.law

s/Keri L. Brackett

Keri L. Brackett, Paralegal