

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-CV-02321-JLK-KMT

COMMON CAUSE OF COLORADO,
on behalf of itself and its members;
MI FAMILIA VOTA EDUCATION FUND; and
SERVICE EMPLOYEES INTERNATIONAL UNION,
on behalf of itself and its members,

Plaintiffs,

v.

MIKE COFFMAN, in his official capacity as Secretary of State
for the State of Colorado,

Defendant.

NOTICE OF SUBSTITUTION OF PARTY

Pursuant to Fed. R. Civ. P. 25(d), Bernie Buescher, 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 Mike Coffman. As grounds therefor, Mr. Buescher states:

1. The caption in this case refers to Mike Coffman as the Secretary of State for the State of Colorado. Mr. Coffman appears in his official capacity only.
2. Mr. Buescher succeeded Mike Coffman as the Colorado Secretary of State on January 14, 2009. Mr. Buescher has assumed all duties that Defendant Coffman had during his tenure as Secretary of State.
3. Fed. R. Civ. P. 25(d)(1) provides:

When a public officer 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), Bernie Buescher is automatically substituted for Mike Coffman as Defendant in this case.

WHEREFORE, the Secretary respectfully notifies the Court of the substitution of Bernie Buescher for Mike Coffman as the named Defendant in this case.

Submitted this 21st day of January, 2009.

JOHN W. SUTHERS
Attorney General

s/ *Monica M. Márquez*

MAURICE G. KNAIZER*

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*Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2009, I served a true and complete copy of the within **NOTICE OF SUBSTITUTION OF PARTY** upon all parties by the method indicated below:

Party Type	Attorney	Firm and/or Address	Method
Plaintiffs	James E. Johnson jejohnson@debevoise.com S. Gale Dick sgdick@debevoise.com	Debevoise & Plimpton, LLP 919 Third Avenue New York, NY 10022	Email and U.S. Mail
Plaintiffs	Richard Rosenblatt Rosenblatt@cwa-union.org	Richard Rosenblatt & Associates, LLC 8085 East Prentice Avenue Greenwood Village, CO 80111	Email and U.S. Mail
Plaintiffs	Penda D. Hair phair@advancementproject.org Elizabeth S. Westfall ewestfall@advancementproject.org Jessie Allen Jessieallen101@gmail.com	Advancement Project 1730 M Street, NW #910 Washington, DC 20036	Email and U.S. Mail
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s/ Thomas R. Bovee

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State Services Section