

<p>Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203</p>	<p>DATE FILED: June 22, 2023 CASE NUMBER: 2023SA114</p>
<p>Original Proceeding in Discipline Commission on Judicial Discipline 21-118</p>	
<p>In the Matter of Complainant:</p> <p>The People of the State of Colorado,</p> <p>and</p> <p>Respondent:</p> <p>Nathan B. Coats, a former Chief Justice of the Colorado Supreme Court.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Counsel for Andrew Rottman: Mark A. Fogg, #9723 Daniel R. McCune, #14900 CHILDS McCUNE LLC 821 17th Street, Suite 500 Denver, Colorado 80202 Telephone: (303) 296-7300 Facsimile: (720) 625-3637</p>	<p>Case No: 2023SA114</p>
<p>ANDREW ROTTMAN’S MOTION TO WITHDRAW HIS MOTION FOR APPROPRIATE RELIEF AND RESPONSE TO THE COMMISSION’S “UPDATED RECOMMENDATION FOR JUDICIAL DISCIPLINE”</p>	

CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion complies with C.A.R. 27 and C.A.R. 32 including all formatting requirements set forth in these rules.

I acknowledge that my Motion may be stricken if it fails to comply with any of the requirements of C.A.R. 27 and C.A.R. 32.



Mark A. Fogg, #9723

Through his counsel, Andrew Rottman, moves to withdraw his prior Motion for Appropriate Relief and responds to the Colorado Commission on Judicial Discipline's ("the Commission") Updated Recommendation for Judicial Discipline as follows:

1. Mr. Rottman filed a Motion for Appropriate Relief with the Special Tribunal on May 16, 2023 wherein he objected to a statement about him being included in paragraph 24 of the Stipulation for Public Censure.

2. The Commission filed a Motion to Extend Briefing Schedule on June 2, 2023 requesting an additional 14 days to respond and stated that "the Parties are conferring to address and potentially render the issues upon which this Special Tribunal has directed briefing moot." The Special Tribunal issued an Order granting the Commission's request for extension until June 20, 2023 to file a response.

3. On June 20, 2023 the Commission filed an Amended Stipulation for Public Censure in which the objected to statement about Mr. Rottman in paragraph 24 is removed. Mr. Rottman agrees that the Amended Stipulation for Public Censure addresses his concerns and moves to withdraw his Motion for Appropriate Relief.

4. The Commission also filed an "Updated Recommendation for Judicial Discipline." Although not framed in the form of a Motion, the Commission requests that all pleadings of record in this matter be vacated with the exceptions of the Stipulation for Public Censure and the Amended Stipulation for Public Censure. Mr. Rottman will treat such request as a motion.

5. In responding to the Commission's request, Mr. Rottman does not oppose the Commission's request to vacate filings except Mr. Rottman believes the original Stipulation for

Public Censure should likewise be vacated and the Amended Stipulation should simply replace the original Stipulation in this case. The Amended Stipulation is the operative document, and the original Stipulation now has no legal effect. The existence of the original Stipulation in the case file will only cause confusion and will cause continuing harm to Mr. Rottman by including a statement that has now been stricken by the Parties.

DATED: June 22, 2023

Respectfully submitted,
CHILDS MCCUNE LLC

/s/ Mark A. Fogg
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Attorneys for Andrew Rottman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of June 2023, the foregoing **ANDREW ROTTMAN’S MOTION TO WITHDRAW HIS MOTION FOR APPROPRIATE RELIEF AND RESPONSE TO THE COMMISSION’S “UPDATED RECOMMENDATION FOR JUDICIAL DISCIPLINE”** was electronically filed upon the following:

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