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ADVANCE SHEET HEADNOTE

June 5, 2006

**Consolidated Case Nos. 04SA396 and 05SA22, State of Colorado v. City and County of Denver and Sternberg v. City and County of Denver.**

By operation of law, the judgments of the trial courts in State of Colorado v. City and County of Denver, case number 03CV3809, and in Sternberg v. City and County of Denver, case number 03CV8609, are affirmed. See C.A.R. 35(e).

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Appeal from the District Court City and County of Denver, Case No. 03CV3809 Honorable Joseph E. Meyer III, Judge</p> <p>Appeal from the District Court City and County of Denver, Case No. 03CV8609 Honorable Larry Manzanares, Judge</p>	<p>Consolidated Cases</p> <p>Case No. 04SA396</p> <p>Case No. 05SA22</p>
<p>Case No. 04SA396</p> <p><b>Defendants-Appellants/Cross-Appellees:</b></p> <p>STATE OF COLORADO and BILL OWENS, in his official capacity as Governor of the State of Colorado,</p> <p>v.</p> <p><b>Plaintiffs-Appellees/Cross-Appellants:</b></p> <p>CITY AND COUNTY OF DENVER, a home rule municipal corporation of the State of Colorado; and JOHN W. HICKENLOOPER, as Mayor of the City and County of Denver.</p>	
<p>* * * * *</p>	
<p>Case No. 05SA22</p> <p><b>Plaintiff-Appellant:</b></p> <p>JOHN A. STERNBERG,</p> <p>v.</p> <p><b>Defendants-Appellees:</b></p> <p>CITY AND COUNTY OF DENVER, a home rule municipal corporation of the State of Colorado; and JOHN W. HICKENLOOPER, as Mayor of the City and County of Denver.</p>	
<p>JUDGMENTS AFFIRMED BY OPERATION OF LAW EN BANC June 5, 2006</p>	

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PER CURIAM.  
JUSTICE EID does not participate.

Chief Justice Mullarkey, Justice Hobbs, and Justice Martinez are of the opinion that the judgments of the trial courts in State of Colorado v. City and County of Denver, case number 03CV3809, and in Sternberg v. City and County of Denver, case number 03CV8609, should be affirmed; whereas Justice Bender, Justice Rice, and Justice Coats are of the opinion that the judgments should be reversed. Justice Eid does not participate.

Because the court is equally divided, the judgments of the trial courts in State of Colorado v. City and County of Denver, case number 03CV3809, and in Sternberg v. City and County of Denver, case number 03CV8609, are affirmed by operation of law. See C.A.R. 35(e).