

COLORADO COURT OF APPEALS

2 E. 14th Ave., Third Floor
Denver, CO 80203
303-837-3785

St. John's Church in the Wilderness, a Colorado
nonprofit corporation, Charles I. Thompson, and
Charles W. Berberich

Plaintiffs-Appellees

v.

Ken Scott and Cliff Powell,

Defendants-Appellants

COURT USE ONLY

Case No.: 06CA2421

Appeal from the District Court, City and County of Denver, State of Colorado
Trial Court Case No.: 05CV2290 - Judge John N. McMullen, presiding
Party Initiating Appeal: Kenneth Tyler Scott and Clifton Powell

**APPELLANT'S MOTION TO SUPPLEMENT THE RECORD AND FOR EXTENSION OF
TIME FOR FILING OF OPENING BRIEF**

1. Appellant Scott has discovered certain exhibits that were specified in his Designation of Record, which do not appear in the trial court appeals clerk's index. A listing of the exhibits is attached, hereto and request that they be added to the record for appeal.
2. Appellant Scott found several mistakes in the transcript from Oct. 6th, 2006 in vol. 1 on pages 6 and 7. Appellant would like these to be corrected for the appeal record.
3. Appellant respectfully requests an additional thirty (30) days to file his Opening Brief.
4. Although appellants have sought a previous extension of time for transcript preparation, no other extension for the filing of the Opening Brief has been

previously sought.

5. Neither party would be prejudiced by the within requested supplement to the record or modest enlargement of time for filing of the Opening Brief.

WHEREFORE, Appellant Scott is a Christian and prays in the name of the Lord Jesus Christ and respectfully requests that the within request to supplement the record, to correct the record for the transcript and for a modest enlargement of time to file the Opening Brief be granted.

Respectfully submitted this 15th day of May, 2007.


KENNETH TYLER SCOTT



Certificate of Mailing

- a. Copy Hand Delivered to COLORADO COURT OF APPEALS
2 E. 14th Ave., Third Floor, Denver, CO 80203

- b. Copy Hand Delivered to Clerk of the DISTRICT COURT
CITY AND COUNTY OF DENVER, STATE OF COLORADO, Denver City
& County Building 1437 Bannock Street, Denver, CO 80202

- c. Copy Hand Delivered to Clifton Powell


- d. Copy sent by U.S. Post Services on May 15, 2007 to:
Donald L. Samuels, Esq.
David R. Ball, Esq.
Gillian M. Bidgood, Esq.
Jason R. Prussman, Esq.
Holme Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, CO 80203-4541

**List of Exhibits Not Appearing in Record on Appeal
and Appellant ask them to be added for the record**

1. Defendant's Exhibit # A, Correction from the Plaintiff's list.
From City and County Case# GD-788028, which said, "Defendant's Motion to Dismiss with Supporting Authority".
2. Defendant's Exhibit # B, WorldNetDaily online article titled: Rev Gene Robinson: Jesus 'might be' gay".
3. Defendant's Exhibit # F, WorldNetDaily article titled: "Why 85 Episcopal churches closed their doors".
4. Defendant's Exhibit # K, picture of guardian angel watching precession at St. John's.
5. Defendant's Exhibit # L, picture of picket and church precession.
6. Defendant's Exhibit # M, picture of St. John's Priests and choir.
7. Defendant's Exhibit # N, picture of the northside of 14th street with guardian angels and Clifton and other picketers.
8. Defendant's Exhibit # O, picture of parishioners walking up sidewalk to front of the church entrance.
9. Defendant's Exhibit # P, picture of guardian angels looking to the parishioners and picketers on southside of 14th street.
10. Defendant's Exhibit # Q, picture of Clifton Powell on northside of 14th street picketing with another protester.
11. Defendant's Exhibit # R, picture of two Denver Police cars parked on northside of 14th street, during the protest.
12. Defendant's Exhibit # S, picture of Jo Scott and Mary Ellen talking to person about picket.
13. Defendant's Exhibit # T, picture of Jo Scott and Mary Ellen talking to person about picket and parishioners walking up to front church steps.

14. Defendant's Exhibit # U, picture of Clifton Powell talking to person about the picket while standing on the northside of 14th street.
15. Defendant's Exhibit # V, picture of police cars and Clifton Powell picketing on the northside of 14th street.
16. Defendant's Exhibit # W, another picture of police cars and Clifton Powell picketing northside of 14th street.
17. Defendant's Exhibit # X, picture of Rev. Carlsen and others in the front of the church on the north and east of entrance.
18. Defendant's Exhibit # Y, picture of Jo Scott holding sign while Rev. Carlsen escorts parishioners north across 14th street.
19. Defendant's Exhibit # Z, picture of Clifton Powell picketing on the northside of 14th street and parishioners leaving church returning to parking lot.
20. Defendant's Exhibit # AA picture of Rev. Carlsen escorting parishioners across 14th street to the entrance of St. John's
21. Defendant's Exhibit # BB, picture of parishioners gathering on the northeast lawn area.
22. Defendant's Exhibit # CC, picture of Rev. Carlsen looking at the protesters from the front of the church area.
23. Defendant's Exhibit # DD, picture of parishioners gathering in the courtyard.
24. Defendant's Exhibit # EE, picture of parishioners in courtyard.
25. Defendant's Exhibit # FF, picture of parishioners in courtyard.
26. Defendant's Exhibit # GG, picture of parishioners in courtyard.
27. Defendant's Exhibit # HH, picture of person speaking to Jo Scott and Mary Ellen setting on car with her Bible open.

28. Defendant's Exhibit # DDD, S Carlsen testimony 1/31/05 hearing
29. Defendant's Exhibit #EEE, B. Stringham's drawing of procession path.
30. Defendant's Exhibit #FFF, B. Stringham's drawing of parking.
31. Defendant's Exhibit # GGG, Deposition of B. Stringham.
32. Defendant's Exhibit # HHH, Deposition of Sergeant Olin
33. Defendant's Exhibit # III, Deposition of Dean Peter Eaton.
34. Defendant's Exhibit # KKK-1, pamphlet on "Jesus loves the little children".
35. Defendant's Exhibit # KKK-2, pamphlet on abortion, "Life or Death".
36. Defendant's Exhibit # KKK-3, pamphlet on "Abortion raises Breast Cancer risk".
37. Defendant's Exhibit # KKK-4, pamphlet on " God loves the unborn".
38. Defendant's Exhibit # KKK-5, pamphlet on "Do Good People Go To Heaven?"
39. Defendant's Exhibit # KKK-6, pamphlet on "Planned Parenthood admits that abortion is the killing of a baby!"

Errors in transcript to be corrected for appeal record:

1. Oct. 6, 2006 Vol. I on page 6, line 9, says, “Mr. Scott” should be “Mr. Samuel.”
2. Oct. 6, 2006 Vol. I on page 6, line 19, says, “Mr. Scott” should be “Mr. Samuel.”
3. Oct. 6, 2006 Vol. I on page 6, line 23, says, “Mr. Scott” should be “Mr. Samuel.”
4. Oct. 6, 2006 Vol. I on page 7, line 1, says, “Mr. Scott” should be “Mr. Samuel.”
5. Oct. 6, 2006 Vol. I on page 7, line 7, says, “Mr. Scott” should be “Mr. Samuel.”
6. Oct. 6, 2006 Vol. I on page 7, line 13, says. “Mr. Scott” should be “Mr. Samuel.”

Note: These comments come from the dialogue from Oct. 5, 2006 with the Judge during the argument to stop from having Dean Peter Eaton’s deposition entered into the record for appeal. Mr. Samuel lead attorney and partner for Holme Roberts & Owen LLP used Rule 801, Rule 401, Rule 613, and Rule 106 from Oct. 5th, 2006 Vol. II on pages 208 and 209. This is what was being discussed on Oct. 6th, 2006 over again with the Judge, by Mr. Samuel and not by Mr. Scott for the record.