

COUNTY COURT, GILPIN COUNTY, STATE OF COLORADO

Case No. 95 C 132

DEFENDANT'S DESIGNATION OF RECORD ON APPEAL

WARREN MARTIN HERN,

Plaintiff,

v.

KENNETH T. SCOTT,

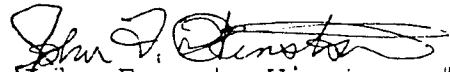
Defendant.

COMES NOW, Defendant and here designates the following record on appeal:

1. The summons, complaint, proof of service and the original judgment (Permanent Restraining Order issued January 2, 1996) as required by C.C.R.C.P. Rule 411(b).
2. The complaint and/or petition for temporary restraining order filed on December 19, 1996 and the temporary restraining order issued on that date.
3. All exhibits offered and received in support of the complaint for temporary restraining order and the complaint and/or petition for permanent restraining order filed on December 19, 1996.
4. The notice of a hearing for a permanent restraining order on January 2, 1996 and the proof of service of such notice on the defendant.
5. All exhibits submitted by plaintiff and/or plaintiff's witnesses and received into evidence at the January 2, 1996 hearing on plaintiff's motion for a permanent restraining order.
6. Defendant's motion for a continuance of the January 2, 1996 hearing and the court's order denying same.
7. The transcript of the proceedings conducted on January 2, 1996, which has been lodged herewith.
8. The proof of service upon defendant of the Court's Permanent Restraining Order issued on January 2, 1996.
9. Defendant's Verified Motion for Relief from Judgment dated February 16, 1996 and all Exhibits attached thereto.

10. Plaintiff's Motion for Continuance and the Court's Ruling thereon.
11. Defendant's Motion in Opposition to Plaintiff's Motion for Continuance and the exhibits attached thereto.
12. Plaintiff's Reply or Response to Defendant's Verified Motion for Relief from Judgment.
13. Court Ruling on Motion in Opposition to Plaintiff's Motion for Continuance.
14. Court Order dated March 15, 1996, denying Defendant's Verified Motion for Relief from Judgment.

Respectfully submitted,



John Fogerty Winston, #11699
Attorney for Defendant
5655 S. Yosemite St. Ste. 105
Greenwood Village, CO 80111
(303) 770-2032

CERTIFICATE OF SERVICE

COMES NOW the undersigned, a person over the age of 18, and certifies that on this 29th day of March, 1996, he served a copy of this DESIGNATION OF RECORD ON APPEAL upon the plaintiff, by placing same in the U.S. Mails on this date, with proper first class postage affixed thereto and addressed to:

Howard Bittman, Esq.
Attorney for Plaintiff
1406 Pearl Street Suite 200
Boulder, Colorado 80302

