

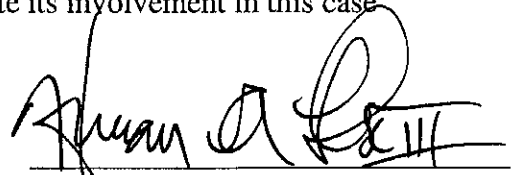
El Paso County, Colorado <input checked="" type="checkbox"/> District _____ County Court Address: 270 S. Tejon Colorado Springs, CO 80903 Mailing Address: P. O. Box 2980, Colo. Spgs., CO 80901-2980	
IN THE MATTER OF THE PETITION OF: HERMAN A. LOHSE, III FOR THE ADOPTION OF A CHILD	Court Use Only
Attorney or Party without Attorney (Name & Address) Herman A. Lohse, III 620 S. Cascade Ave. #203, Colo. Spgs., CO 80903 Phone Number: 635-4840 E-Mail: FAX Number: 635-8470 Atty. Reg. #: 9067	Case Number: 07JA121 Division: 4 Courtroom:
PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE RE: RESPONDENT/FATHER'S MOTION FOR REVIEW OF MAGISTRATE'S ORDER	

THE PETITIONER, HERMAN A. LOHSE, III, acknowledges receipt of the Court's ORDER TO SHOW CAUSE RE: RESPONDENT/FATHER'S MOTION FOR REVIEW OF MAGISTRATE'S ORDER and responds as follows:

AGREES with the Court that it lacks jurisdiction to review the Magistrates Order under Colorado Rules for Magistrates Rule 7(b). Respondent/Father's appeal of the Magistrates ruling should have been filed pursuant to the Colorado Appellate Rules, as it was a final judgment of the District Court under C.A.R. Rule 1(a)(1). Petitioner further submits that Respondent/Father's time to file his Notice of Appeal has passed. Colorado Appellate Rule, Rule 4, requires notice of appeal to be filed within 45 days of the date of the entry of judgment, decree or order. That same rule allows for an extension of time to file of up to 30 days upon a showing of excusable neglect. However, even if the Respondent/Father can plead excusable neglect, his last date for filing his Notice of Appeal, pursuant to the Colorado Appellate Rules, would have been January 30, 2008.

THEREFORE, Petitioner submits that the District Court, in this case, lacks jurisdiction to consider the Magistrate's ruling and must dismiss or vacate its involvement in this case immediately.

DATED this 1st day of April, 2008.


 Herman A. Lohse, III, Petitioner

This document has been electronically filed pursuant to C.R.C.P. 121 § 1-26.
 A signed original is on file as the office of Herman A. Lohse, III, P.C.

/S/ Fran Vaccaro