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| DISTRICT COURT, EL PASO COUNTY, COLORADO<br>270 S. Tejon<br>Colorado Springs, CO 80901<br>(719) 452-5449   | DATE FILED: June 30, 2023 2:53 PM<br>CASE NUMBER: 2023CV31236   |
| <b>Plaintiff:</b> NONHUMAN RIGHTS PROJECT, INC., on behalf of Missy, Kimba, Lucky, LouLou, and Jambo<br><br>vs.<br><br><b>Defendants:</b> CHEYENNE MOUNTAIN ZOOLOGICAL SOCIETY, et al. | <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> Case No. 23CV31236<br><br>Division: 8<br><br>Courtroom: W550 |
| <b>ORDER RE POTENTIAL RECUSAL</b>  |   |

The Colorado Code of Judicial Conduct, Rule 2.11, Comment 5, provides that a judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

Long before I took the bench, in or about 2002, I was counsel for the Cheyenne Mountain Zoological Society in one or two civil matters. I represented the Zoo in *Cheyenne Mountain Zoological Society v. Elaine Brewer*, case no. 02CV996 (El Paso County), in which the Zoo obtained a default judgment against its former controller for embezzling funds from the Zoo’s payroll account. A related criminal case was also brought against Ms. Brewer (02CR1725) in which I advised the Zoo. (Ms. Brewer pleaded guilty to felony charges.) I also recall representing the Zoo shortly thereafter in an unrelated civil matter alleging that a contractor was responsible for construction defects in one of the Zoo’s animal houses. I believe that case was settled consensually without a civil action being filed; or if one was filed, it settled quickly without discovery or a trial. Since about 2003, I have had no further contact with the Zoo or any of its representatives.

I do not believe these circumstances provide a basis for disqualification. The fact of my prior representation of the Zoo will have no effect on how I view this case or on how I treat the parties or their counsel. However, I am disclosing the issue so the parties and their lawyers may consider the issue and inform the Court promptly if they disagree.

WHEREFORE, IT IS ORDERED: Counsel shall file a joint notice, no later than 21 days after service of the Summons, Complaint, and this Order, informing the Court whether they waive disqualification or are requesting that I recuse myself. If there is a request for recusal, the filing shall include a notice to set a status conference to address the issue.

DONE and ORDERED June 30, 2023.

BY THE COURT:

A handwritten signature in black ink that reads "Eric Bentley". The signature is written in a cursive style with a large, stylized initial "E".

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Eric Bentley  
District Court Judge