

<p>Denver County District Court, State of Colorado 1437 Bannock Street, Room 256, Denver, CO 80202</p>	<p>DATE FILED April 15, 2026 2:02 PM FILING ID: 7749B7522311C CASE NUMBER: 2026CV31374</p> <p>▲ COURT USE ONLY ▲</p>
<p>Plaintiff(s): CHRISTOPHER S.P. GREGORY, <i>Qui Tam</i> Relator.</p> <p>v.</p> <p>Defendant(s): KERRI HUNTER, in her official capacity as Colorado State Auditor.</p>	
<p>Counsel for Chirstopher S.P. Gregory:</p> <p>The Gregory Law Firm, LLC Christopher S.P. Gregory, esq. 201 Coffman St., #1822 Longmont, CO 80502 Phone: (970) 648-0642 Fax: (970) 648-0643 E-Mail: cspgregory@thegregorylawfirm.net Atty. Reg. # 37095</p> <p>Law Office of Ingrid J. DeFranco, PLLC Ingrid J. DeFranco, esq. P.O. Box 128 Brighton, CO 80601 Telephone: (303) 641-6812 Email: Ingrid.DeFranco@gmail.com Atty. Reg. # 31206</p>	<p>Case No: 2026CV_____</p> <p>Division:</p>
<p>VERIFIED COMPLAINT FOR RELIEF UNDER THE COLORADO FALSE CLAIMS ACT, § 24-31-1204, AND FOR MANDAMUS AND OTHER INJUNCTIVE RELIEF UNDER C.R.C.P. 106; EXHIBITS 1-7</p>	

Introduction

1. This is a civil and equitable action brought according to the Colorado False Claims Act (the CFCA)--§ 24-31-1204, C.R.S., the Fraud Hotline statute--§ 2-3-110.5, C.R.S., and C.R.C.P. 106.¹ Because of conflicts that exist through and within the Colorado Attorney

¹ See generally *Brown v. Walker Commercial, Inc.*, 2022 CO 57, ¶¶ 22-23 (describing history and purposes of C.R.C.P. 106).

General's Office, extraordinary relief is necessary to allow for the statutorily required investigation of the Plaintiff's *qui tam* claims and to further maintain the integrity of the seal required according to both 31 U.S.C. § 3730(b)(2) of the federal civil False Claims Act (the FCA) and § 24-31-1204 (3)(b)(I), C.R.S. of the CFCA.

2. More specifically, the Plaintiff is requesting that this Court exercise its inherent authority and the discretionary authority provided by § 24-31-111(5), C.R.S. to direct the Colorado State Auditor to appoint another specifically designated state's attorney general as a Special Assistant Attorney General (SAAG) capable of impartially representing the interests of the State of Colorado. Additionally, the Plaintiff requests that this Court recognize the appointed SAAG's authority to accept service on behalf of the State of Colorado and to issue protective orders obligating the Colorado State Auditor to respect the seal required according to 31 U.S.C. § 3730(b)(2) and § 24-31-1204(3)(b)(I), C.R.S.
3. The Plaintiff anticipates that verification of the outside state's consent will be necessary before a SAAG appointment can be made. The Plaintiff is hopeful that the Defendant Colorado State Auditor Kerri Hunter will be cooperative in selecting an appropriate SAAG and arranging the necessary consent for another state to accept the appointment.
4. The Plaintiff also seeks to discover and make a record of the communications that the OSA has had with the Colorado Attorney General's Office and the agencies / individuals that are the subjects of the Plaintiff's currently pending Fraud Hotline complaints, including general allegations of false claims.
5. In addition to this action, a joint resolution, LLS No. RS-0981, is now pending before the General Assembly to formally refer the overall Colorado Judicial Scandal to conflict-free federal law enforcement and to directly appoint another state's attorney general as a SAAG capable of impartially representing the interests of the State of Colorado.
Exhibit 1.

Jurisdiction and Parties

6. This Court has jurisdiction over this action pursuant to § 13-1-124, C.R.S. and C.R.C.P. 106, as this is a civil action seeking mandamus and injunctive relief against a state official for acts and omissions alleged to have occurred in the State of Colorado, and the relief sought is within the equitable and legal powers of the Denver District Court. Colorado district courts are courts of general jurisdiction empowered to grant legal and equitable remedies, including relief in the nature of mandamus and prohibition, under the Colorado Rules of Civil Procedure and Colorado statutes.
7. Plaintiff Christopher Gregory is a former member, Vice-Chair, Chair, and Executive Director of the Colorado Commission on Judicial Discipline (the CCJD) as well as a citizen of the State of Colorado. Plaintiff is also the Plaintiff / Relator in *United States ex rel. Gregory and the State of Colo. ex rel. Gregory v. Masias, et al.*, 1:25-cv-00190-

KHV-GEB (D.Colo.).² Subsequently, Plaintiff has filed a second federal action, *Gregory v. Colo. Jud. Discipline Rulemaking Comm., et al.*, 1:25-cv-03361-KHV-GEB (D. Colo.).

8. Defendant Kerri Hunter is the legislatively appointed Colorado State Auditor, whose principal office and place of business is located at 1375 Sherman St., 5th Floor, Denver, CO 80261-3000. According to Colo. Const. Art. V, § 49, the State Auditor is appointed by the Colorado General Assembly for a 5-year term. As the head of a legislative services agency, the State Auditor is an employee of the General Assembly, ultimately subject to its control and supervision. *See* § 2-3-303(3)(h)(II), C.R.S. (State Auditor expressly recognized as one of four “Legislative Service Agencies” directors).
9. Venue for this civil action is proper in this District under Rules 98(b)(2) and (c)(1) of the Colorado Rules of Civil Procedure and under § 24-6-402(9)(b), C.R.S. More specifically, venue is proper in this Court, the District Court for Denver County, because Defendant is a state official whose principal office is located in Denver County, Colorado, and a substantial part of the events or omissions giving rise to the claims occurred in this county. The acts and omissions challenged in this action—including the refusal or failure to accept service of a sealed False Claims Act complaint, the appointment (or refusal to appoint) special counsel, and the handling of confidential information—occurred in Denver County, where the State Auditor’s office is located and where the relevant state government functions are administered.

Statement of Facts

10. On January 17, 2025, Plaintiff filed a complaint under both the FCA and the CFCA. *Ex rel. Gregory*, ECF No. 1. Exhibit 2 (sealed).³
11. Service of the sealed complaint on the Colorado Attorney General was paused according to F.R.C.P. 4(m) because Colorado Attorney General Philip Weiser and others in his office are implicated in the alleged false claims, public fraud, and retaliation pled in *Ex rel Gregory*.
12. On July 30, 2025, Plaintiff filed his “Unopposed Motion to Allow Service of Complaint Upon the Colorado State Auditor with Protective Orders and for the Relator to request Appointment of Special Assistant Attorney General According to § 24-31-101(1)(g), C.R.S. and § 24-31-111(5), C.R.S.” When U.S. Senior District Judge Kathryn H. Vratil finally addressed the motion on March 26, 2026, she denied it on grounds that the U.S.

² The existence of Plaintiff’s concurrent *qui tam* action and its partial case caption were publicly disclosed by the U.S. District Court for the District of Colorado through its issuance of an Agenda of Issues in Plaintiff’s related case, *Gregory*. *Gregory*, ECF No. 61.

³ Plaintiff sought and obtained the U.S. District Court’s express approval to file a copy of the Complaint in Case No. 1:25-cv-00190-KHV-GEB with this Court under seal. *Ex rel. Gregory*, ECF No. 96. Accordingly, Exhibit 2 will be provided to this Court by the Plaintiff Depositing a USB drive containing the sealed document and the motion and order authorizing its sealed filing.

District Court does not currently have personal jurisdiction over the Colorado State Auditor. Plaintiff notified the court of his intention to bring the present collateral action for extraordinary relief.

13. Subsequent to filing his July 30, 2025 Unopposed Motion to Allow Service, Plaintiff attempted to informally communicate with the Colorado Office of the State Auditor (the OSA) to request that Defendant Colorado State Auditor Kerri Hunter exercise her authority under § 24-31-111(5), C.R.S. to directly appoint another state's attorney general as a SAAG capable of accepting service of Plaintiff's sealed complaint in *Ex rel. Gregory*.
14. When Plaintiff sought assurances that the conflicts of interest he raised in his related Fraud Hotline complaints submitted according to § 2-3-110.5(2)(a), C.R.S. would be addressed, Legislative Performance Audit Manager and Fraud Hotline coordinator Kate Shiroff informed Plaintiff that the OSA's communications and investigation were "confidential" under the Fraud Hotline statute.
15. On January 15, 2026 at 11:37 p.m., Plaintiff provided Ms. Shiroff with a copy of Plaintiff's 28 U.S.C. § 144 Affidavit publicly filed in *Gregory*. The following day at 1:04 p.m., the Attorney General's Office communicated with the U.S. District Court to suppress the Affidavit from public access. Because of obstruction by the Defendants in *Gregory*, the U.S. District Court has imposed a Level 1 Restriction preventing public access to the Affidavit. A copy of the Affidavit filed in *Gregory* is submitted as Exhibit 3 (suppressed). Through the present Complaint, Plaintiff requests that this Court remove the restriction in the Colorado Courts E-Filing system and to exercise its own authority to publish the Affidavit. These circumstances, however, have caused concerns as to whether the OSA will respect the seal if served with Plaintiff's *qui tam* complaint. Moreover, when Plaintiff sent emails to the OSA to ask for confirmation of whether there had been communications with the Attorney General's Office, there was no response. Exhibit 4. During the March 12, 2026 hearing on SB26-084 before the Colorado House State, Civic, Military, and Veterans' Affairs Committee, Ms. Shiroff testified that the OSA had communicated with the Attorney General's Office regarding the substance of Plaintiff's objections to SB26-084. Exhibit 6, p. 3:31-36. At both the March 12, 2026 hearing and during floor debate on SB26-084, legislators expressed their support for further investigation of the Colorado Judicial Scandal and issues raised by the Plaintiff. Exhibits 6 and 7.
16. An evidentiary record must be made concerning whether the OSA has disclosed information regarding Plaintiff's Fraud Hotline Complaints to the Attorney General's Office and/or other state agencies and, if so, the extent of such disclosures.
17. To inform this Court's determination of this Complaint and to allow *in camera* review, Plaintiff is filing copies of his *qui tam* complaint, his unopposed motion to allow service, and his additional 28 U.S.C. § 144 Affidavit in *Ex rel. Gregory* under seal according to 31 U.S.C. § 3730(b)(2). Exhibit 2 (sealed).

18. During its hearing on March 26, 2026, the U.S. District Court issued an Order from the bench giving the Plaintiff until June 1, 2026 to serve the State of Colorado with the complaint in *Ex rel. Gregory*. During that hearing, Plaintiff expressed his intention of bringing to bring this action in order to simultaneously facilitate service and to protect the integrity of the seal required under the FCA and the CFCA. Plaintiff has also informed the U.S. District Court of his efforts to propose a joint resolution through the Colorado General Assembly.
19. Plaintiff seeks, after an opportunity for further consultation, an Order from this Court to the Colorado State Auditor, directing her to appoint another designated state's attorney general as a Special Assistant Attorney General (SAAG) under § 24-31-111(5), C.R.S., with the recognition that the appointed SAAG will have authority to accept service of Plaintiff's complaint in *Ex rel. Gregory* on behalf of the State of Colorado. Plaintiff further requests that this Court issue protective orders prohibiting the appointed SAAG and the OSA from disclosing the contents of Plaintiff's complaint in *Ex rel. Gregory* (including the identity of the named defendants), disclosures, and other case filings to the Colorado Attorney General's Office and/or to any of the named defendants.
20. The CFCA requires that a person who brings an action serve on the state, pursuant to C.R.C.P. 4, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses. According to C.R.C.P. 4(e)(9), service ordinarily occurs "[u]pon the state by delivering a copy thereof to the attorney general." C.R.C.P. 4(e)(12), however, expressly allows service: "Upon any of the entities or persons listed in subsections (4) through (11) of this section (e) by delivering a copy **to any designee authorized to accept service of process for such entity or person, or by delivery to a person authorized by appointment or law** to receive service of process for such entity or person. The delivery shall be made in any manner permitted by such appointment or law." If a SAAG is appointed according to § 24-31-111(5), C.R.S., he or she will be a designee legally authorized to accept service according to C.R.C.P. 4(e)(12).
21. The CFCA further requires that the complaint be filed *in camera*, remain under seal for at least sixty-three days, and not be served on the defendant(s) until the court so orders. § 24-31-1204(b)(I), C.R.S.
22. The CFCA provides that the state may elect to intervene and proceed with the action within sixty-three days after it receives both the complaint and the material evidence and information. *Id.*
23. The CFCA, however, does not address what happens when the designated recipient of the sealed complaint, the Attorney General representing "the state," has categorical conflicts of interest that prevent proper handling of the matter, including making decisions as to whether the State of Colorado will intervene.
24. The CFCA further provides that the court shall not dismiss an action upon motion of the private person who brought the action unless the attorney general gives written consent to the dismissal and reasons for consenting. § 24-31-1204(3)(a), C.R.S. The Attorney

General, however, is authorized to seek dismissal of *qui tam* claims based upon his or her discretion in applying defined factors. § 24-31-1204(1)(b), C.R.S. This authority reinforces the importance of the Attorney General performing his or her duties in a legitimate, conflict-free, and impartial manner.

25. Additionally, the CFCA provides that the state's election not to proceed with an action is not a basis for a motion to dismiss, motion for determination of a question of law, or motion for summary judgment, nor is it a basis to deny the court jurisdiction over the action. § 24-31-1204(4)(c), C.R.S.
26. The CFCA establishes a coordination mechanism with the State Auditor. § 24-31-1204(2)(a), C.R.S. According to this coordination mechanism, the default is that the "state auditor's interests will be represented by the attorney general." § 24-31-1204(2)(b), C.R.S. The CFCA does not define who will represent the State Auditor's interests in circumstances where the Attorney General and his Office must disqualify themselves. The CFCA must be interpreted in the context of the larger statutory scheme that defines the functions and authority of the Attorney General. The appropriate mechanism for conflict-free substitution of the Attorney General is found in § 24-31-111(5), C.R.S. and its authority for the State Auditor to directly appoint a SAAG.
27. The State Auditor is mandated to administer the Fraud Hotline according to best practices for fraud examination. § 2-3-110.5(2)(c)-(d), C.R.S.
28. § 2-3-110.5(3)(a)(II), C.R.S. requires that the state auditor shall forward all calls alleging fraud in violation of the 'Colorado False Claims Act' to the attorney general unless the allegation relates to a state employee in the performance of the employee's duties. § 2-3-110.5(3)(c)(IV), C.R.S., however, separately requires immediate reporting to law enforcement. Like other deficiencies in the Fraud Hotline statute, however, there are no defined procedures where law enforcement is conflicted.
29. The Fraud Hotline statute contains an exception for allegations relating to a state employee in the performance of the employee's duties, which are not forwarded to the Attorney General. § 2-3-110.5(3)(b), C.R.S. The exception, however, does not address what the State Auditor must do when the subject employee or public official controls the state agency in which the fraud allegedly occurred or is occurring.
30. Ordinarily, the State Auditor may share information of potential false claims identified during its audit authority with the Attorney General or the political subdivision involved, and may participate, with the consent of the Attorney General, in any subsequent investigation or prosecution of that false claim. § 24-31-1204(2)(a), C.R.S.
31. Plaintiff asserts, however, that the Attorney General and others are involved in a pattern of using public funds for contracts for silence (specifically non-disclosure agreements), to pursue self-serving public relations strategies, and to pay for external self-controlled investigations intended to cover up judicial, attorney, and official misconduct. The details of this general pattern of public fraud and false claims are further described in the

sealed complaint. Allowing the Attorney General (or other individuals involved) access to the investigation of this pattern of alleged public fraud undermines the integrity of the investigation, the purposes of the CFCA, and the interests of the State of Colorado.

32. C.R.S. § 24-31-111(5) provides that whenever the attorney general is unable, has failed, or refuses to provide legal services to a state agency, as determined by the governor if the agency is in the executive branch, or by the chief justice if the agency is in the judicial branch, or by the state auditor if the agency is the office of the state auditor, the agency may employ counsel of its choosing to provide such legal services. Here, Plaintiff asserts that there are ethical conflict of interests under Colo. RPC 1.7(a), Colo. RPC 1.11(d)(1), Colo. RPC 8.3, and Colo. RPC 8.4(a-1), (b), (c), (d), (f), (h) that prevent the Attorney General from providing legal services necessary for the State Auditor to perform her own mandatory functions under § 2-3-110.5(2)(c)-(d), C.R.S. and § 24-31-1204(2)(a)-(b), C.R.S. Consequently, the State Auditor's obligations to appoint a SAAG are, likewise, a mandatory and ministerial function subject to enforcement through relief in the form of mandamus and prohibition.

First Claim for Relief

Relief in the Form of Mandamus
(§ 24-31-111(5), C.R.S.; C.R.C.P. 106)

33. The allegations of the preceding paragraphs are realleged as if fully set forth below.
34. Plaintiff has a clear and indisputable right to the relief sought, as Plaintiff is entitled under Colorado law to have the State Auditor appoint a Special Assistant Attorney General (SAAG) when the Attorney General is unable, has failed, or refuses to provide legal services due to conflicts of interest, as determined by the State Auditor. Plaintiff has requested such appointment to ensure impartial representation of the State of Colorado in connection with Plaintiff's *qui tam* complaint and to protect the integrity of the seal required by both the federal civil False Claims Act and the Colorado False Claims Act. The State Auditor's appointment of a SAAG is further consistent with her duties to enforce and administer both the Fraud Hotline and the Colorado False Claims Act.
35. The State Auditor has a clear, non-discretionary (ministerial) duty to act, as § 24-31-111(5), C.R.S. mandates that the State Auditor may appoint counsel of her choosing when the Attorney General is unable to provide legal services, and the circumstances alleged—including ethical conflicts—render the Attorney General unable to provide such services. Moreover, the State Auditor's non-discretionary duties are further defined by the Fraud Hotline statute and the Colorado False Claims Act. § 2-3-110.5(2)(c)-(d), C.R.S. and § 24-31-1204(2)(a)-(b), C.R.S.
36. Plaintiff has no other adequate means to attain the relief desired, as the federal court has disclaimed personal jurisdiction over the State Auditor, and no other remedy exists to compel the appointment of a conflict-free SAAG or to ensure the integrity of the seal and proper service of the *qui tam* complaint.

37. By reason of the foregoing, Plaintiff seeks an order of mandamus directing the Defendant to appoint a conflict-free SAAG and for such further relief as the Court deems just and proper.

Second Claim for Relief
Relief in the Form of Prohibition
(§ 24-31-1204, C.R.S.; C.R.C.P. 106)

38. The allegations of the preceding paragraphs are realleged as if fully set forth below.
39. Defendant is a governmental officer exercising quasi-judicial functions in determining whether to appoint a SAAG and in handling confidential information related to Plaintiff's *qui tam* and Fraud Hotline complaints.
40. Defendant abused her discretion by failing to exercise it and refusing to appoint a conflict-free SAAG as required by law, and, through her subordinates, by failing to provide assurances regarding the confidentiality and non-disclosure of sealed materials, thereby risking unauthorized disclosure and undermining the statutory process.
41. Plaintiff has no plain, speedy, and adequate remedy otherwise provided by law, as no other process exists to prevent the Defendant from acting in excess of her lawful authority or to protect the integrity of the seal and the statutory process.
42. By reason of the foregoing, Plaintiff seeks an order prohibiting Defendant from disclosing sealed materials to the Attorney General or named defendants and for such further relief as the Court deems just and proper.

Prayer for Relief

WHEREFORE, pursuant to C.R.C.P. 106, the Plaintiff prays that this Court:

1. Issue an order of mandamus directing Defendant Kerri Hunter, in her official capacity as Colorado State Auditor, to appoint a conflict-free Special Assistant Attorney General, specifically another state's attorney general, as authorized by C.R.S. § 24-31-111(5), to represent the interests of the State of Colorado in connection with Plaintiff's *qui tam* complaint and to accept service of process on behalf of the State of Colorado, after appropriate consultation and verification of the outside state's consent.
2. Issue an order of prohibition enjoining Defendant Kerri Hunter, in her official capacity as Colorado State Auditor, from disclosing the contents of Plaintiff's sealed *qui tam* complaint, related disclosures, and other case filings—including the identity of the named defendants—to the Colorado Attorney General's Office or to any of the named defendants.
3. Award Plaintiff Christopher S.P. Gregory such other and further relief as the Court deems just and proper.

VERIFICATION

I, Christopher S.P. Gregory, under the penalty of perjury, certify that the factual statements contained in this Verified Complaint are true and correct to the best of my knowledge and belief.

Dated this 15th day of April, 2026.

Christopher S.P. Gregory

Dated this 15th day of April, 2026.

Respectfully submitted,

/s/ Christopher S.P. Gregory
Christopher S.P. Gregory, Reg. # 37095
Pro Se Attorney for
Christopher S.P. Gregory

/s/ Ingrid J. DeFranco
Ingrid J. DeFranco, Reg. # 31206
Attorney for Christopher S.P. Gregory