

<p>DISTRICT COURT, ARAPAHOE COUNTY, COLORADO Court Address: 7325 South Potomac Street Centennial, Colorado 80112</p>	
<p>PLAINTIFF (s) JAMES W. BURNESON Pro Se</p> <p>V</p> <p>DEFENDANT(s)</p> <p>DAM EAST HOMEOWNERS' ASSOCIATION A NON PROFIT CORPORATION BOARD OF DIRECTORS: President Jake Hummel Esq., Kelsey Quigg Director, Julie Geyer Vic President, Cathleen Speidel Treasurer, and Heather Swigert Director, Fritz Herman Chairman ACC. Tom Ruzicka Co-Chairman ACC</p>	<p>Case Number: 07 CV 1609</p> <p>Div 408 Ctm: _____</p>
<p>Attorneys: James W. Burneson Pro Se Address: 12641 E. Bates Cir Aurora, CO 80014 Phone Number: 303-750-1500</p>	
<p>PLAINTIFF PROVIDES COPY OF TRANSCRIPT OF CASE MANAGEMENT CONFERENCE HELD FEBRUARY 13, 2008 WITH COMMENTS OF MISCONDUCT BY THE COURT PRINTED IN RED</p>	

COMES Now Plaintiff James W. Burneson Pro Se with copy of the Court transcript of Case Management Conference held February 13, 2008. Within this copy Plaintiff has inserted comments printed in red italicized of how where and why the court should recuse herself from continuing as Judge in this litigation.

A second copy of the transcript printed in black and white with the comments italicized as a mean of separating Mr. Burneson's comments from the black and white printing of the transcript has be included. A list of the page number and line is provided to assist in locating the issues needed to review as proof why the court should recuse herself. See Exhibit 1.

1. A copy of this Motion and transcript are not being forward to Mr. Lane since he no longer can continue to represent the Defendants Dam East Homeowner Association since he joined the law firm of Springer and Steinberg. Plaintiff has filed a motion for Mr. Lane to recuse himself as counsel for the defendant.

2. This withdrawal as counsel can not be ruled on by this court since the motion to recuse must be rule on first. Mr. Lane's motion to continue as counsel can't be granted by any court since it is not within any court's authority to over rule the stated rules of ethics which Mr. Lane is violating by his trying to continue as counsel for the Defendant.

3. The law firm of Springer and Steinberg must manage their legal business without asking the court's help to do so. It is the Partnership management responsibility to order a lawyer within this law firm to not violate the Code of Ethics as stated.

4. The court needs to authorize the setting of a hearing on the Motion of Recusal if the court deems a hearing is necessary. In most instances of this nature the court can agree to recuse oneself without holding a hearing. Plaintiff will review the transcript where he has commented in red print of wrongful acts by the court and how the law interprets these acts as prejudicial. Continuance of Judge Spencer as the court in this case will be cause for a mistrial.

5. Plaintiff claims Judge Spencer lacks the experience as a judge to handle the requests of Mr. Lane and at the same time provide a trial that is fair and level for both parties. Plaintiff doesn't believe the court can provide a fair trial when she failed to read the court file including the Complaint to be familiar with the issues stated by the Plaintiff. In this transcript it was proven the court had no knowledge of two of the past court orders that was attached to the Complaint. See Exhibit 6 copies of Judge Hoffman and Judge Stuart's Orders. This transcript proves the Court didn't have the required knowledge to hear this case as the Judge. This is why Mr. Lane ran the entire court proceedings.

6. There is no way to salvage the damage done by the rulings of this Court from this Case Management Conference and believe a trial will result in justice denied and an unfair trial for the Pro Se Plaintiff. A new start with a new experienced judge and a new lawyer hired to represent the Defendant as a replacement for Mr. Lane is required to correct a mistrial. These actions need to be acted on immediately to make up for the lost time since this case was filed in October of 2007.

7. News article Rocky Mountain News 4/10/08 DA Chambers, Judge at odds in trial still to come. Judge Brinkley ruled that Prosecutors violated ethical rules by using two prosecutors who formerly represented the Defendant or other witnesses in the case. Does this mean other judges are aware of the same violation by Mr. Lane is against State ethical rules.

8. This entire case including the edited transcript will be published on the Internet at www.court-house.com as Chapter 12 on April 21, 2008.

WHEREFORE Plaintiff James W. Burneson Pro Se requests this court to recuse herself and ask that this case be reassigned to another court. Notice needs to be given by the Chief Justice Sylvester to the law firm of Springer and Steinberg that Mr. Lane cannot continue as counsel for the Defendant Dam East Homeowner Association. There is no Court in the 18th District that can condone a lawyer working within a law firm that the Plaintiff was and is a client. It is the same law firm that requested the Chief Justice Sylvester to issue the Ordered to Seal the Record as Harvey Steinberg filed for Plaintiff James W. Burneson as his lawyer.

FUTHER THE AFFAINT SAYETH NOT.

Executed on this _____ day of April 2008

James W. Burneson
12641 E. Bates Cir
Aurora, CO 80014
303-751-3846

State of Colorado

County of Arapahoe

The forgoing instrument was acknowledged before me this ____ day of April 2008 by James W. Burneson.

My commission expires _____ Witness my hand and official seal

Notary Public

CERTIFICATE OF SERVICE

I hereby certify on this day ____ April 2008, mailed copies of this Motion by US Postal mail with correct postage to those addressed below:

Faxed Denver Office
Harvey Steinberg
Springer and Steinberg P.C.
1600 Broadway Suite 1200
Denver, CO 80202

Chief Justice Mary Mullarkey
Supreme Court of Colorado
Two East 14th Ave
Denver, CO 80203

Chief Judge Sylvester
18th District Court Arapahoe County
7325 South Potomac Street
Centennial, CO 80112

Copies of this Motion are to be forward to the Board of Directors of the Dam East Homeowner Association. This copy has been mailed to the attention of the Association Lawyer who must forward all correspondence to the Board of Directors as required by SB 100. If these requirements are not completed because Mr. Lane has instructed Mr. Wilder to not forward the copies now received it will become known and your failure to do so is failure to represent your client the Dam East Homeowner Association and their membership.

Mr. James E Wilder
Association Attorney Dam East Homeowner Association
% Cherry Creek HOA Professionals, LLC
14901 E. Hampden Ave Ste #120
Aurora, CO 80014

Blind copies to many.

By _____
Jim Burneson