

<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 align="center">PLAINTIFF RECUSES JEFFREY LANE FROM REPRESENTING THE DAM EAST HOMEOWNER ASSOCIATION AFFIDAVIT</p>	

COMES Now Plaintiff James W. Burneson Pro Se files this Response to Jeffrey Lane's Answer to Plaintiff's Motion to "Recuses Jeffrey Lane from Representing The Dam East Homeowner Association".

This response to Mr. Lane's answer is as follows:

1. All cases listed in Mr. Lane's Answer "a. to g" were involved with the case which Mr. Harvey Steinberg represented Mr. Burneson. In fact Mr. Steinberg requested the Court to issue an Order to Seal the Records in the case he represented Mr. Burneson and Mr. Lane was the cause of requiring the Order to Seal the record which was granted by Chief Judge Sylvester.

2. The Order to Seal didn't stop Mr. Lane from wrongfully exposing issues involved in the case to the membership of the Dam East Homeowners Association. Mr. Burneson has letters to Mr. Steinberg complaining about Mr. Lane's violation of the Court Order which are considered client privilege by Mr. Burneson. The advice given to Mr. Burneson by Mr. Steinberg was to sue Jeffrey Lane for slander for violating the Court Order to seal the record. This action will be included in a future lawsuit against the HOA and Mr. Lane by Mr. Burneson for slander.

3. The membership of the Dam East were wrongfully misled by Mr. Lane that Mr. Burneson committed a felony which is a lie to prejudice the membership against Mr. Burneson. This same lie is present in today's current Lawsuit before this court. Mr. Lane has no defense to this charge of slander since the records are sealed and he has no facts to support his slander committed against Mr. Burneson.

4. Rule 1.10 (2) "any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9 © that is material to the matter. Mr. Lane has joined the law firm with the information and files of the client Mr. Burneson. Mr. Steinberg cannot allow Mr. Lane to represent the Dam East Homeowner Association from his law firm due to his knowledge of the case now sealed and the fact he advised Mr. Burneson to sue Mr. Lane for slander for violating the Sealed Order that is still in place. Mr. Steinberg must order Mr. Lane to cease and desist in his representation of the Dam East Homeowner Association.

5. As previous stated Mr. Springer a partner of this law firm has a sister who is a residence member of the HOA The Dam East Homeowner Association and this material fact alone requires Mr. Lane to stop his involvement in this litigation.

6. "Adverse Positions" 1.9 " The second aspect of loyalty to a client is the lawyer's obligation to decline subsequent representations involving positions adverse to a former client arising in substantially related matters. This obligation requires abstention from adverse representation by the individual lawyer involved, but doesn't properly entail abstention of other lawyers through imputed disqualification. Hence, this aspect of the problem is governed by Rule 1.9 (a). Thus, if a lawyer left one firm for another, the new affiliation would not preclude the firms involved from continuing to represent clients with adverse interests in the same or relate matters, so long as the conditions of paragraphs (b) and (c) concerning confidentiality have been met. THE CONDITIONS OF PARAGRAPHS (b) and (c) concerning confidentiality have NOT BEEN MET.

7. Mr. Steinberg has been informed in writing by Mr. Burneson that he does not give his consent to Mr. Lane's representation of The Dam East Homeowner Association. Mr. Steinberg has received copies of all correspondence between Mr. Lane and Mr. Burneson so he can't claim he isn't aware of this conflict.

8. The Client relationship between Mr. Burneson and Mr. Steinberg still exists since Mr. Steinberg will be involved in litigation between Mr. Burneson and Mr. Lane in the near future.. Mr. Steinberg has the responsibility to manage his law firm by complying with all rules stated herein and must order Mr. Lane to cease and desist representing The Dam East Homeowner Association immediately. If Mr. Steinberg fails to take this action a hearing must be held and Mr. Steinberg will be called as a witness to testify. It is Mr. Burneson's contention the evidence presented at this hearing will be sufficient to prove grounds for disbarment by the Colorado Supreme Court of Colorado. The existence of this conflict was known when Mr. Lane was being considered for employment by Mr. Steinberg. Mr. Steinberg can't ask the court to manage his law firm when it is his responsibility to prevent misconduct by any person hired by his law firm including himself..

The continuance of this conflict proves this law firm loses ethics when income is matched against the risk of being caught violating 4 rules of a Lawyers Conduct.

9. Mr. Lane's Paragraph 7 is **fraud on the court**. He claims that the case Under Order to Seal to be criminal which is in violation of the Order to Seal in itself and there was no criminal charge made against Mr. Burneson as stated in the Order to Seal. . It's the criminal subject that Mr. Lane leaked to the members of the Dam East Homeowners Association that will be the damages and slander against both Mr. Lane an now this law firm whose actions to date prove collision between all three lawyers against Mr. Burneson. The hiring of Mr. Lane by Springer and Steinberg with full knowledge of Mr. Lane's past and present litigation against Mr. Burneson can't be held as not knowing it would be in violation of the facts of law stated herein. It appears their actions of hiring Mr. Lane was to see if they could get away with it which is a disgrace of three officers of the court.

10. Supporting Mr. Burneson's claims please see the following cases City and County of Denver v. County Court of the City and County of Denver, 37 P.3d 453 (Colo.App. 04/12/2001 and People v. District Court, 951 P.2d 926 (Colo. 01/20/1998)

11. Rule 1.10 Information acquire by the lawyer in the course of representing a client may not subsequently be use or revealed by the lawyer to be disadvantaged of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about the client when later representing another client. That doesn't work when the information is sealed by COURT ORDER.

12. "Conduct violating this rule in conjunction with other disciplinary rules is sufficient to justify disbarment." People b Schaefer, 944 P.2d 78 (Colo. 1997)

13 All documents of this litigation including this Response will be published on the Internet at www.court-house.com.

WHEREFORE Plaintiff James W. Burneson Pro Se requests the Court to Order the law firm of Springer and Steinberg and to Order Mr. Jeffrey Lane to stop any 's representation of the Defendant The Dam East Homeowner Association immediately and he is to have no further contact with anyone associated with the Defendant.

Executed on this _____ day of March 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 March 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 _____ March 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

Faxed Denver Office
Jeffrey Lane
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 requirement is 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
10200 E Girard Ave.
Denver, CO 80014

Blind copies to many.

By _____
Jim Burneson