

# **Bond Case Briefs**

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## **STATES - COLORADO**

### **Raven v. Polis**

**Supreme Court of Colorado - February 1, 2021 - P.3d - 2021 WL 320607 - 2021 CO 8**

Transgender women who were confined in correctional facilities of Colorado Department of Corrections (CDOC) brought action against defendants including CDOC and state Governor, alleging discrimination and seeking declaratory, injunctive, and monetary relief.

After the District Court, City and County of Denver denied Governor's motion to dismiss, Governor brought petition for exercise of original jurisdiction.

Following issuance of order to show cause, the Supreme Court held that:

- Relief in nature of an original proceeding was appropriate, but
- Governor was proper defendant to action.

Relief in the nature of an original proceeding was appropriate for Governor's claim that trial court should have dismissed him from action because he was not a proper defendant, in discrimination action brought by transgender inmates against Governor and Colorado Department of Corrections (CDOC); direct appeal would be inadequate remedy because it would come only after Governor's participation in discovery and trial.

Because the Governor is the state's supreme executive, with ultimate authority over the executive agencies under his control, the Governor is an appropriate defendant in an action that seeks to enjoin or mandate enforcement of a statute, regulation, ordinance, or policy.