

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903 Phone: 719.452.5000	<div data-bbox="980 302 1354 415" style="color: blue;">           DATE FILED            June 2, 2025 10:36 AM            FILING ID: 99C24CAE27401            CASE NUMBER: 2025CV30073         </div> <div data-bbox="1065 583 1403 615" style="text-align: center; font-weight: bold;">           ▲ COURT USE ONLY ▲         </div>
<p>Plaintiffs: INTEGRITY MATTERS, a nonprofit corporation, WESTSIDE WATCH, a nonprofit corporation, TRILAKES PRESERVATION INC, a nonprofit corporation, UNITED CONGREGATIONAL CHURCH, a nonprofit corporation, TRINA SHOOK, the business owner of MONUMENTAL MEDSPA, a LLC, KAREN STUTH, an individual, DAILEE FAGNANT, an individual, DONN HUME, an individual, FREDERICK DARLING, an individual, GENE KALESTI, an individual, VICTORIA BAKER, an individual, LAURA HUTH, an individual, and DUSTIN HUTH, an individual.</p> <p>v.</p> <p>Defendant: TOWN OF PALMER LAKE, a statutory town, acting through the Board of Trustees, Mayor Glant Havenar, Mayor Pro Tem Dennis Stern, and City Administrator/Clerk Dawn A. Collins acting in their official capacities</p>	
Attorney for Plaintiffs  Katherine Gayle, #20089  Chief Legal Counsel Integrity Matters Chief Legal Counsel Westside Watch  13790 Voyager Parkway Colorado Springs, CO 80921  Phone: 970-278-6884  Email: katlaw065@gmail.com	Case No: 2025CV30073  Division: 22
<b>PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD TO ADD CRITICAL NEW EVIDENCE IN SUPPORT OF C.R.C.P. 57 - DECLARATORY JUDGMENT FOR VIOLATIONS OF C.R.S. § 24-6-401, 402 OPEN MEETINGS LAW AND 42 U.S.C. §1983 CONSTITUTIONAL CLAIMS</b>	

Plaintiffs, by and through their undersigned counsel, respectfully move this Court to supplement the record with newly obtained documentary evidence relevant to Plaintiffs' C.R.C.P. 57 - Declaratory

Judgment for violations of C.R.S. § 24-6-401, 402 (Open Meetings Law), and 42 U.S.C. §1983 Constitutional claims under the First and Fourteenth Amendments (Freedom of Speech and Due Process) and requests for declaratory and injunctive relief.

**CERTIFICATE OF CONFERRAL:** Pursuant to C.R.C.P. 121(c) § 1-15(8), due to the 2:34 PM Saturday 5/31/2025 public posting of this evidence and the imminent nature of a potential ruling, undersigned has attempted to confer in good faith with Defendants' counsel regarding the relief sought by email sent at 8:54 PM on Saturday 5/31/2025. This motion is being filed prior to receiving a response. Plaintiffs will supplement this certificate if a response is received.

### **INTRODUCTION**

This motion seeks to add 55 screenshots of text messages that were publicly disclosed by Darcy Schoening in a Signal group chat during May 2025. These messages involve Defendants Mayor of Palmer Lake Glant Havenar (Glant), Darcy Schoening (Confidant of Glant, then candidate for head of Colorado GOP - not a resident or business owner in Palmer Lake), Mark Waller (former El Paso County Commissioner and paid lobbyist for Buc-ees), Palmer Lake Trustee Shana Ball, and Nina Ruiz, (former El Paso County Planner, Planner Director of Monument, and Senior Executive Consultant for Vertex) were subsequently preserved and authenticated by Dana Duggan, President of Integrity Matters. The messages provide direct evidence of violation of confidentiality of Executive Sessions, ex parte communication and coordination with Mark Waller for applicants, attempts at manipulation of votes and hearings, speaker control - including directing substance of petitioner's remarks by Mayor, retaliation against political opponents and viewpoint discrimination, use of public office to suppress free speech of citizens and to attempt to prevent citizens of Monument, Colorado, specifically Mayor Pro Tem Steve King, from attending Palmer Lake Board of Trustee meetings and speaking.

Although Plaintiffs no longer seek relief under Rule 106(a)(4) as to the December 12, 2024 vote due to subsequent withdrawal of the annexation petition, the underlying claimsthe claims regarding the May 29, 2025, annexation eligibility hearing remain live. Plaintiffs also continue to pursue declaratory and injunctive relief based on First and Fourteenth Amendment violations and violations of Colorado's Open Meetings Law (C.R.S. § 24-6-402). The newly discovered messages support those claims.

Plaintiffs respectfully request that this Court supplement the record with these materials so that they may be considered in connection with Plaintiffs' surviving claims.

---

## II. LEGAL STANDARD

While review under C.R.C.P. 106(a)(4) is typically limited to the administrative record, Colorado courts allow supplementation when necessary to show bias, improper conduct, or procedural unfairness. See *Board of County Comm'rs v. O'Dell*, 920 P.2d 48 (Colo. 1996). Further, Plaintiffs' constitutional and statutory claims are not restricted to the administrative record and may be supported by any relevant evidence.

C.R.E. Rule 401 defines "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

This evidence establishes direct evidence proving clear violations of Colorado's OML and 42 U.S.C. 1983 Constitutional violations among other allegations:

- Mayor Glant Havenar's long term and repeated ex parte contacts with Mark Waller, the

petitioner's representative.

- Glant's ex parte communication and coordination with Mark Waller, on behalf of applicants, of process, meetings and hearings related to annexation petition, including remotely driving comments at public hearings
- Havenar's bias and prejudgment declaring that the vote will be 4 - 1 before and during the hearing
- Procedural unfairness - Havenar coordinated the hearings and statements in advance with Waller and attempted to limit public comment to exclude citizens in opposition in a prima facie case of viewpoint discrimination
- use of public office to suppress free speech of citizens and to attempt to prevent citizens of Monument, Colorado, specifically Mayor Pro Tem Steve King, from attending Palmer Lake Board of Trustee meetings and speaking.
- Attempts to limit comments to only one hour, the minimum required by statute, despite the significance of the matter at hand
- Darcy Schoening's (Darcy) presence as the eyes and ears of the Mayor who was supposedly out of the country
- Darcy's preferential admission to 12/12/2024 hearing to run things on Glant's behalf
- violation of confidentiality of Executive Sessions,
- attempts at manipulation of votes and hearings,
- deliberate attempts at controlling speakers comments including directing substance of petitioner's remarks re. contiguity



- retaliation against political opponents and viewpoint discrimination,
- Manipulation of public comment on social media through false profiles including “Samantha Stewart” - texts show Glant admitting creation of this profile
- Knowing violation of ethics rules regarding conflict of interest and duty to recuse from votes due to Glant receiving financial benefit from applicants

C.R.E. Rule 901. Requirement of Authentication or Identification outlines the procedures for authentication as Plaintiffs have done here by Dana Duggan, President and Founder of Plaintiff Integrity Matters.

### **III. DESCRIPTION OF EVIDENCE**

Attached as Exhibits A-1 through A-55 are screenshots of group messages and texts from public officials. These include:

- Real-time vote prediction and coordination with a developer representative during public hearings
- Retaliatory and vulgar commentary about named citizens
- Manipulation of public discourse through impersonation and selective blocking
- Discussion of petition signers and organizers in threatening or defamatory terms

This evidence is indexed in a separate exhibit index and authenticated by a sworn declaration from Dana Duggan, filed concurrently.

---

### **IV. REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion to Supplement the Record and accept Exhibits A and A-1 through A-55 as part of the record in support of Plaintiffs' claims for violations of C.R.S. § 24-6-401, 402 Open Meetings Law and 42 U.S.C. §1983 Constitutional Claims relating to Freedom of Speech and Due Process under the First and Fourteenth Amendments.

**Respectfully submitted this 2nd day of June, 2025.**

Respectfully submitted,

Dated: June 2, 2025

By: /s/ Katherine Gayle  
Katherine Gayle, Atty. No. 20089  
Attorney for Plaintiffs

#### CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2025, a true and correct copy of the foregoing **PLAINTIFFS' Motion** was served via the State of Colorado's ICCES e-filing system upon each of the following:

ATTORNEY FOR DEFENDANT  
Nicholas C. Poppe, Reg. No. 47507  
NATHAN DUMM & MAYER P.C.  
7900 E. Union Avenue, Suite 600  
Denver, CO 80237-2776  
Telephone: 303-691-3737  
Email: NPoppe@ndm-law.com

s/Katherine Gayle  
Attorney for Plaintiffs

#### **Attachments:**

Exhibit A – Declaration of Dana Duggan Pursuant to C.R.E. 901

Exhibit A-1 through A-55 – Screenshots of text messages with index

## Exhibit A1-A55

### Declaration of Violations of C.R.S. § 24-6-401, 402 OPEN MEETINGS LAW AND 42 U.S.C. §1983 CONSTITUTIONAL CLAIMS, First and 14th Amendments DISTRICT COURT, EL PASO COUNTY, COLORADO

Case Number: 2025CV30073

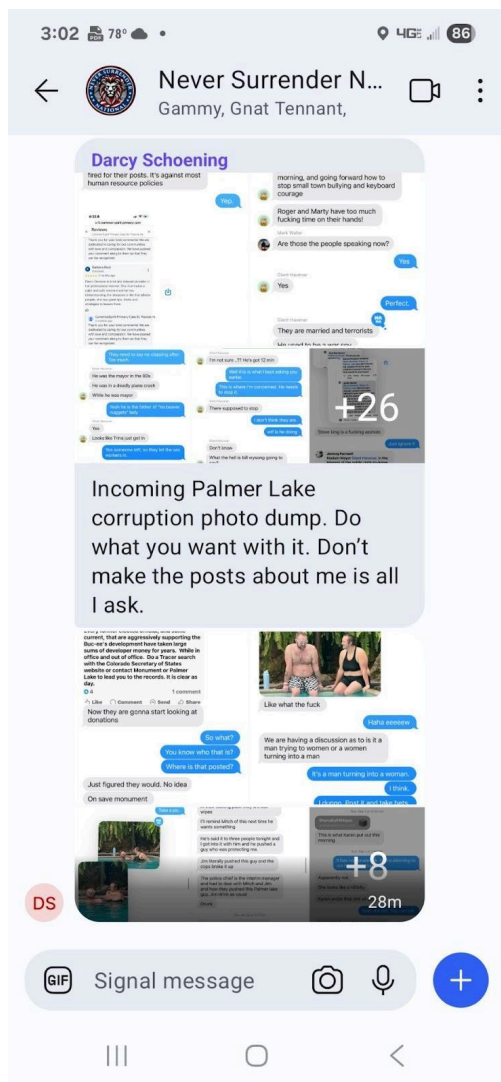
#### DECLARATION OF Dana Duggan

I, Dana Duggan, President of Integrity Matters, declare under penalty of perjury pursuant to Colorado law that the following is true and correct to the best of my knowledge:

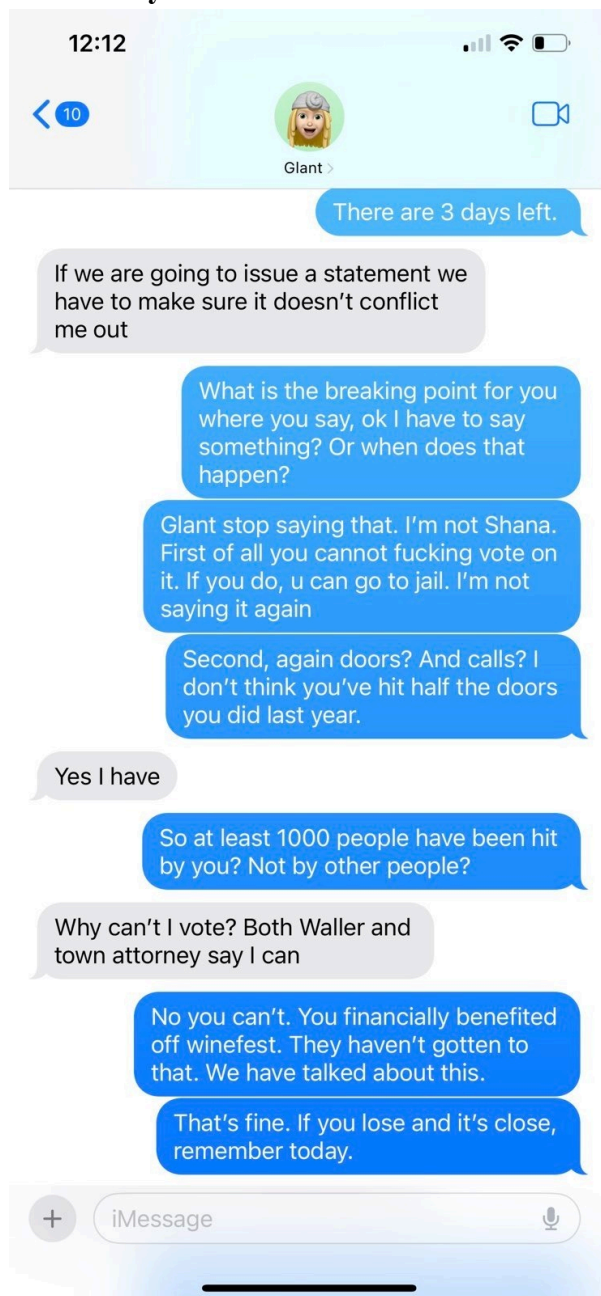
##### 1. Personal Background:

I am a resident of Colorado Springs,, Colorado, and over 18 years of age. I have personal knowledge of the facts stated herein.

- I attest that beginning on Saturday, May 31st, 2025, Darcy Schoening began posting into a Signal group chat of over 100 people across the state, many screenshots of text messages that include messages with Buc-ee's consultant Mark Waller, Mayor of Palmer Lake Glant Havenar and Ms. Schoening. This continued through the evening of Sunday, June 1st, 2025 until she deleted the posts claiming she "accidentally" posted them intending to put them in a folder. Below is a list of those texts and relevance:



**Image 3650 - Darcy Schoening & Mayor Glant Havenar discuss a vote conflict for the Mayor due to financial benefit**



Mayor Havenar and Darcy Schoening in the text chat. Date unknown but between September (winefest) and November 5, 2024 for the election. Mayor Havenar appears to have a conflict of interest, and Darcy Schoening is telling the mayor if she votes on something while making profit from the Palmer Lake Winefest, she may go to jail. Mayor Havenar believes she should be able to vote on a town issue, and Buc-ee's consultant Mark Waller and the town attorney, Scott Krob think she is able to vote. Assuming the 3 days left would imply three days before the election, in which Mayor Havenar won by a slim margin.

**Image 3580 - Darcy Schoening & Glant Havenar, 12/3/2025, Buc-ee's Community Meeting at Palmer Lake Elementary School**



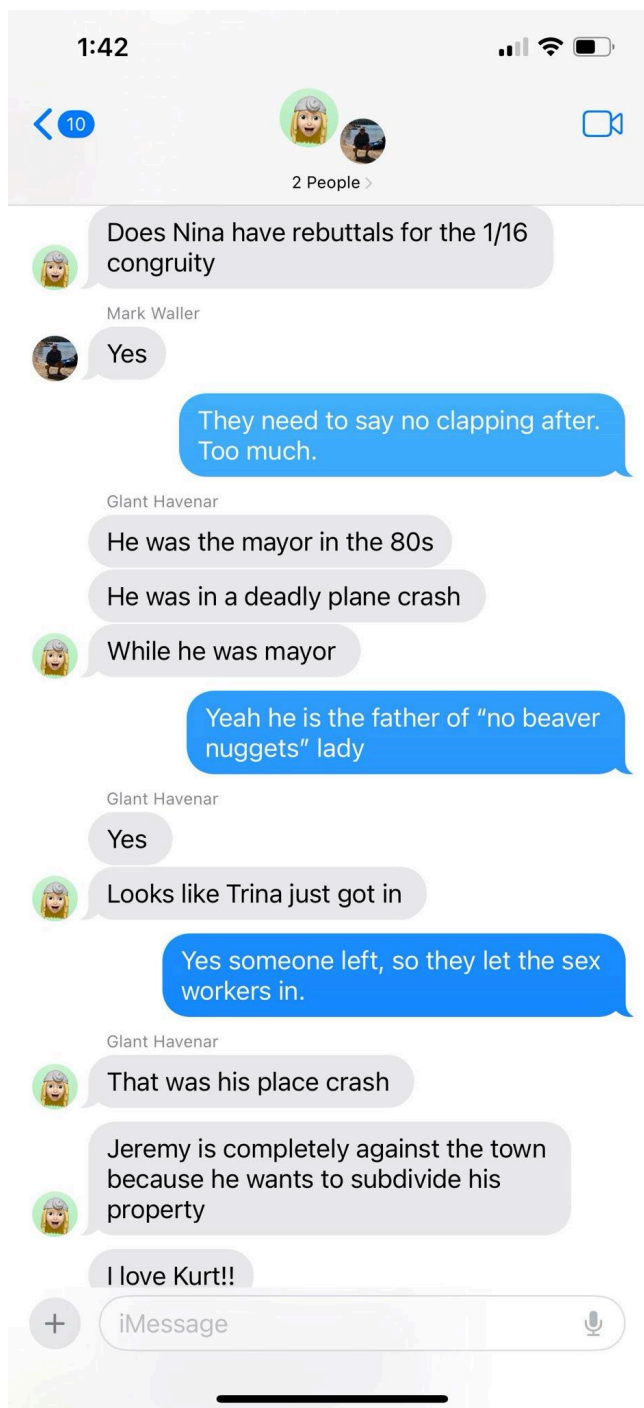
Screen shot from the Palmer Lake elementary school meeting 12.3.24, with the Buc-ee's reps, Stan Beard, and Mark Waller leading the meeting as a Buc-ee's representatives. The photo is of the meeting which was over 300 people in the school auditorium, over maximum capacity. Mayor of Palmer lake, Glant Havenar, gray bubbles, is out of town on vacation. Darcy Schoening, blue bubbles, unknown as to the relationship with Bucee's, but a staunch supporter of Bucee's and always present with the Bucee's consultants, and friends with Mark Waller and the property owners, is at the meeting texting Glant. Steve King is the Mayor Pro Tem of Monument and is present at the meeting as an observer. The meeting is passionate, and Mayor Havenar is upset that Mark Waller, Bucee's consultant, cannot handle the discourse.

**Image 3578 - Darcy Schoening & Mayor Glant Havenar Texting During Buc-ee's  
12/12/2024 Annexation Eligibility Meeting**



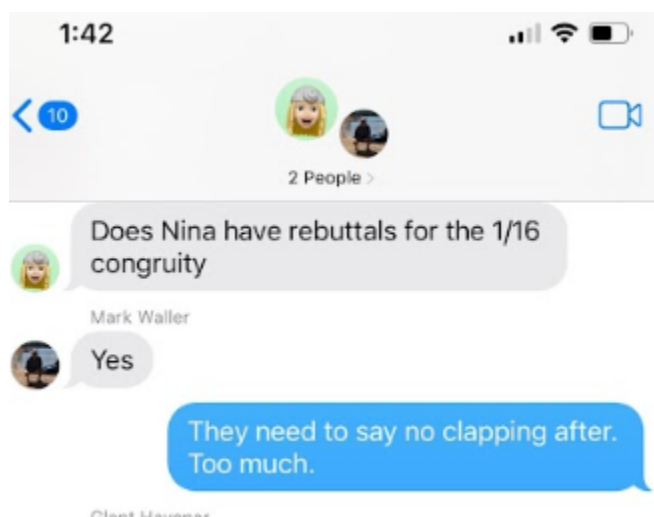
Texting live from the Annexation eligibility hearing at Palmer Lake Town Hall on 12/12/2024 Mayor Glant Havenar is still out of town on vacation but watching the streaming online of the meeting. Darcy Schoening, blue bubbles, is present at the meeting. Mark Waller, Bucee's consultant, is also present in this chat, as noted on the top. The hearing started at 6pm, and statutory requirements for an annexation hearing is one hour of testimony. Mayor Havenar and Darcy Schoening want to have the hearing end at one hour only to fulfill the requirements. Well over 100 people are present at the meeting, although only about 40 were allowed inside at one time, giving preference to residents of Palmer Lake over those who live adjacent to the proposed annexation. The others were forced to wait outside in freezing temperatures. Bill Wysong is an El Paso County Commissioner and was called to testify but inadvertently signed the sheet to speak and left before this point in the hearing.

**Image 3577 - Buc-ee's Consultant Mark Waller, Mayor Glant Havenar & Darcy Schoening show bias and collusion in 12/12/2025 Annexation Eligibility hearing.**



Darcy Schoening, Buc-ee's Consultant Mark Waller and Mayor Glant Havenar texting during the 12/12/2024 Annexation Eligibility hearing.

12/12/2024 - Annexation eligibility hearing: continued (part of Image 3577 above)



Several people testified about the lack of contiguity required to make this an eligible annexation. Mayor Havenar is asking the Bucee's consultant Mark Waller if he has a rebuttal for the testimony. (this application was later dropped and reapplied partially due to contiguity issues after the vote to approve annexation eligibility)

Darcy Schoening did not like the applause given by the crowd for testimony against annexation eligibility.

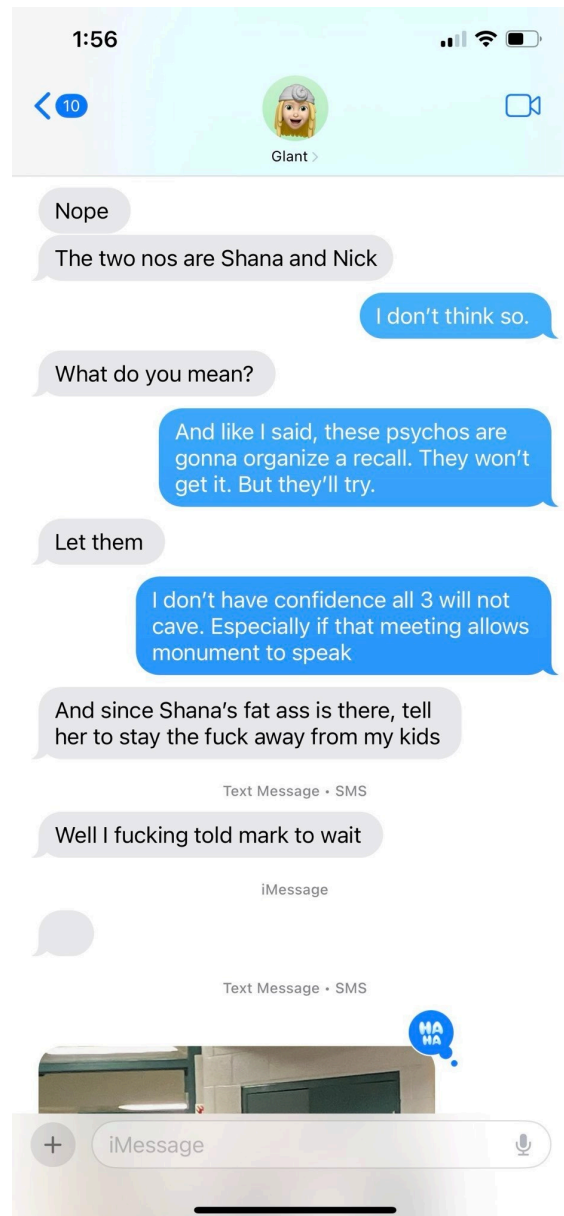


**Image 3576: Buc-ee's Consultant Mark Waller, Mayor Glant Havenar & Darcy Schoening discussing speakers in 12/12/2025 hearing**



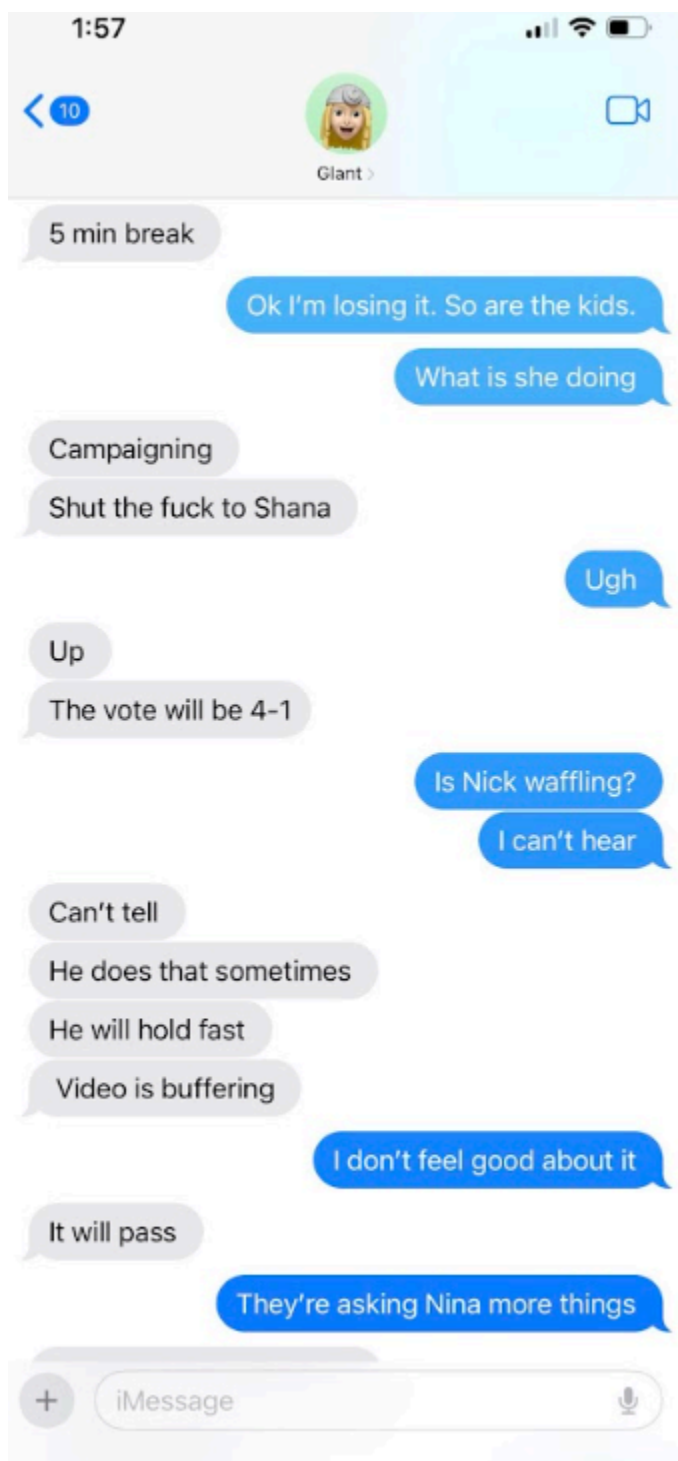
Still referencing the 12.12.24 annexation eligibility hearing. Tony Keith is a local news reporter for KOAA. The statement in the first bubble is referencing Mayor Mitch LaKind of Monument who published a social media post on the OML issues regarding the hearing posted by Palmer Lake, which required ID checks at the door and preferential seating for Town residents. Mark Waller, Bucee's consultant, is in the group text. Roger and Marty are Roger Moseley and Marty Brodzik, husband and wife, who testified against the proposed annexation and who also currently have a pending lawsuit around Town misappropriation of funds.

**Image 3582 - Mayor Glant Havenar & Darcy Schoening showing bias and collusion in 12/12/2025 hearing.**



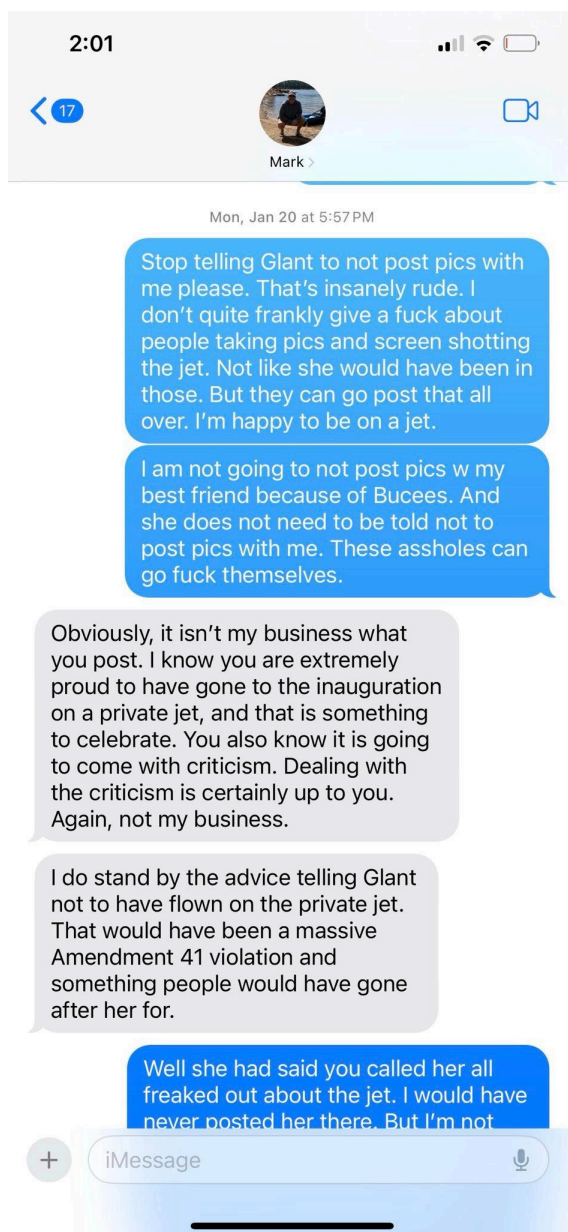
**12.12.24 Eligibility hearing continued** Shana Ball (current) and Nick Ehrhardt (former) are/were Palmer Lake Trustees. Mayor Havenar and Darcy Schoening discussing who will be no votes for the eligibility hearing. There is chatter in online social media that there will be a recall if the Trustees vote for eligibility. Mark Waller, Buco's consultant, was told to wait for some unknown reason, probably because Mayor Havenar is still out of town, so most likely was told to reschedule the hearing.

**Image 3584 - Mayor Glant Havenar & Darcy Schoening.**



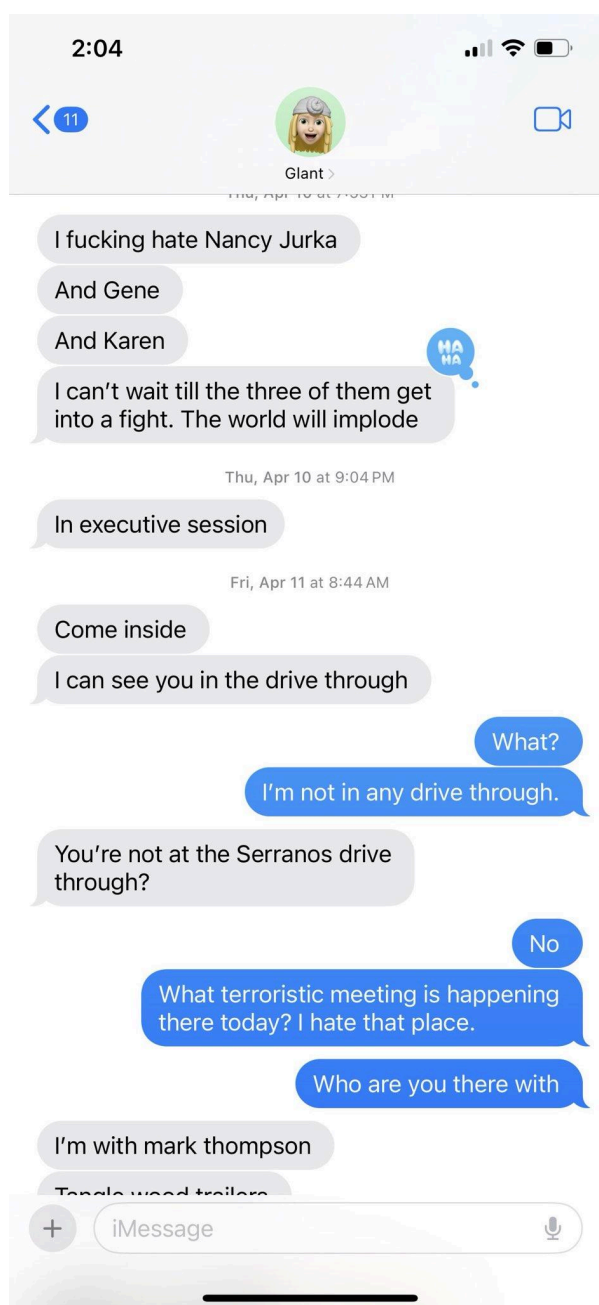
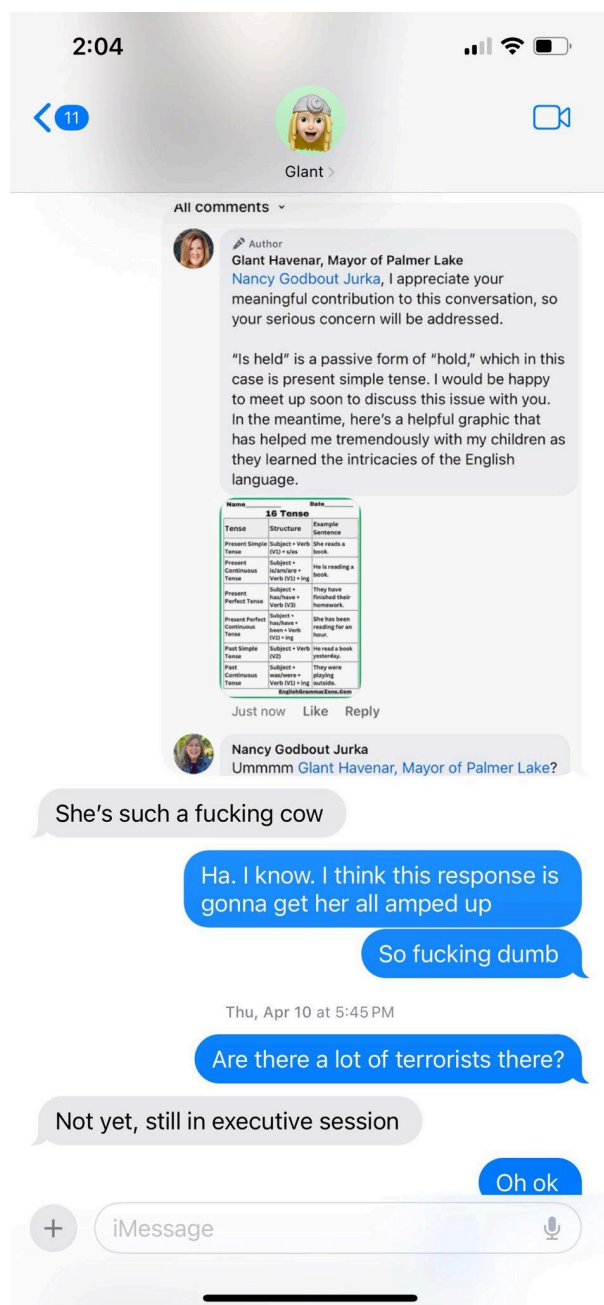
**12.12.24 Eligibility hearing continued:** During the deliberation portion of the hearing while Shana Ball is talking, and Mayor Havenar and Darcy Schoening are anticipating the vote. Ultimately, the vote passed 4-1 with Samantha Padgett the lone no vote.

**Image 3677 - Buc-ee's Consultant Mark Waller & Darcy Schoening discuss Mayor Glant Havenar posting photos of herself with Ms. Schoening on a private jet flight to the Trump Inauguration**



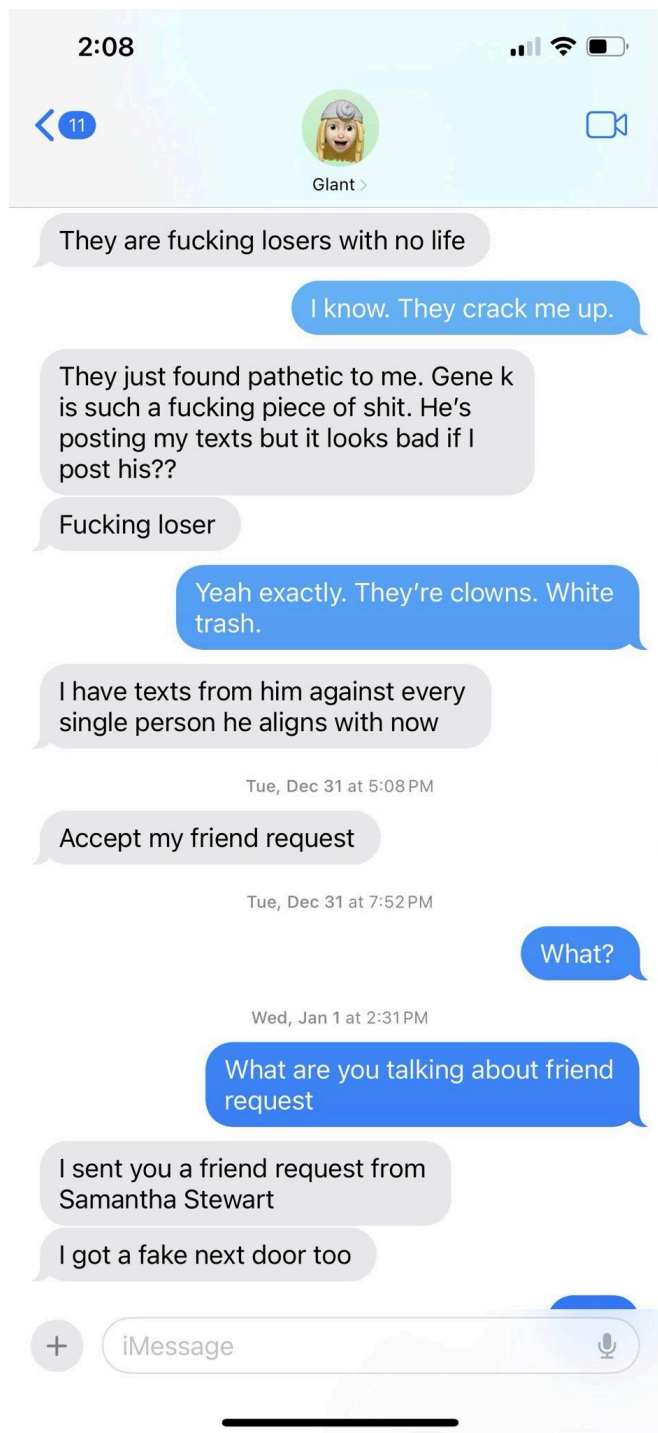
**1/20/2025 After the eligibility hearing.** Buc-ees consultant Mark Waller and Darcy Schoening in the text. Darcy Schoening is being warned by Mark Waller, Buc-ee's consultant to not take Mayor Havenar on a private jet to the Trump inauguration as it may violate Amendment 41. It is unknown whether Mayor Havenar was on the flight.

### Images 3593 & 3594



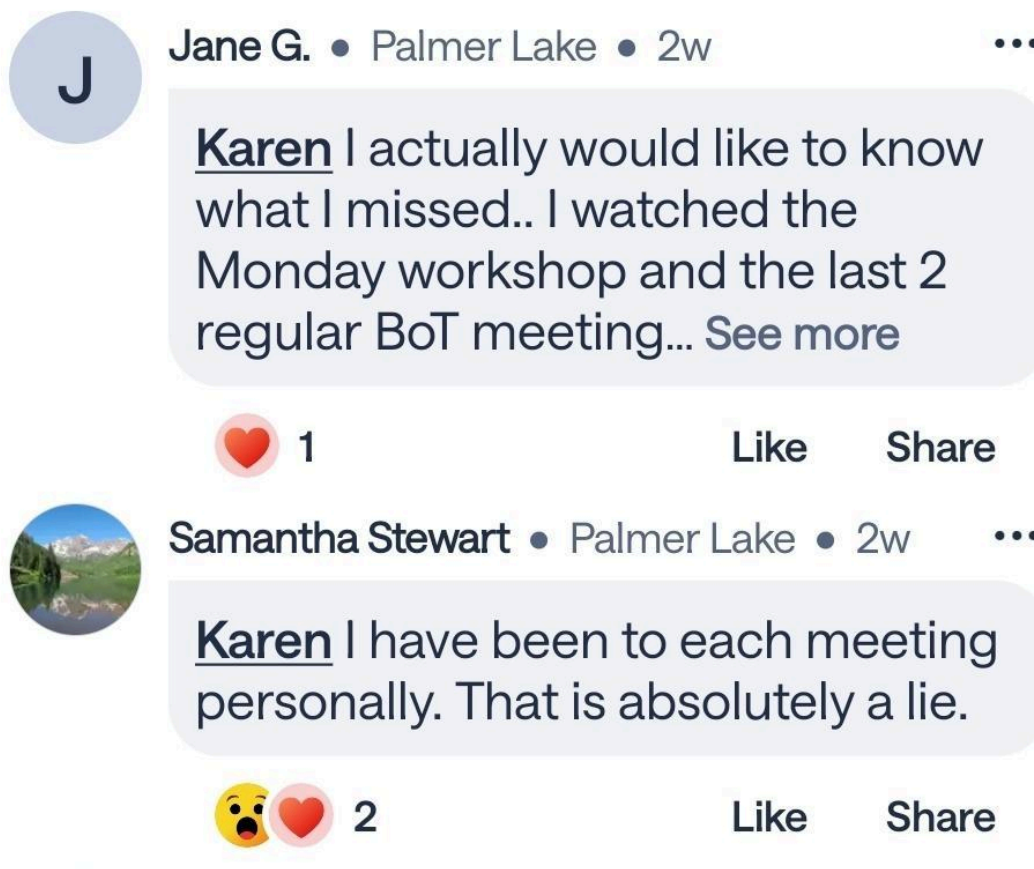
4/10/2025: Mayor Havenar texting Darcy Schoening during Executive Session.

**Image 3596 - Mayor Glant Havenar discussing one of her new fake social media accounts used to manipulate and control the public narrative.**



January 1st, 2025: Mayor Havenar discusses one of her new fake social media accounts she uses to control the narrative. This is on Nextdoor where she also served and may still serve as a Lead where we submitted examples of her using that position to remove comments which were filed as part of the 66 complaints and growing with the Attorney General initially submitted in this complaint. She uses the social media to control the narrative. Just a few recent Nextdoor posts using her fake profile account, Samantha Stewart, below.





Mayor Glant Havenar talking to herself using her fake social media account Samantha Stewart claiming nails were put in all four tires to manipulate the public. Police records show no filings to this or death threats she also claims in posts online. Residents claim this to be inaccurate as




they drove behind her.



Karen S. Author · Palmer Lake, CO · 15h  
 K Lonnae This BOT passed an ordinance for themselves that only they can bring weapons -- concealed weapons -- to a BOT meeting. I assume they have to have concealed carry permits. If they have those, then why pay our police to be there? Did they know when passing this local ordinance a few months ago that they would be doing things against the will of the citizens?

♡ ○ Reply ↗ Share ...

 Samantha Stewart · Palmer Lake, CO · 14h · Edited  
 Karen help me understand this? According to the resolution attached, it allows for all people who have a conceal carry permit to carry in town limits.  
<https://www.townofpalmerlake.com/media/15171>

♡ ○ Reply ↗ Share ...

Karen S. Author · Palmer Lake, CO · 12h · Edited  
 K Samantha Hi Glant, this is your new fake profile (Samantha Stewart) I believe. You had Dennis Stern propose this because you wanted it -- if conceal carry is legal throughout Palmer Lake, why did you need an extra ordinance to allow you and the BOT to come to Town members locked and loaded? Help me understand this.

♡ 1 ○ Reply ↗ Share ...



Add a comment...

Image 3579

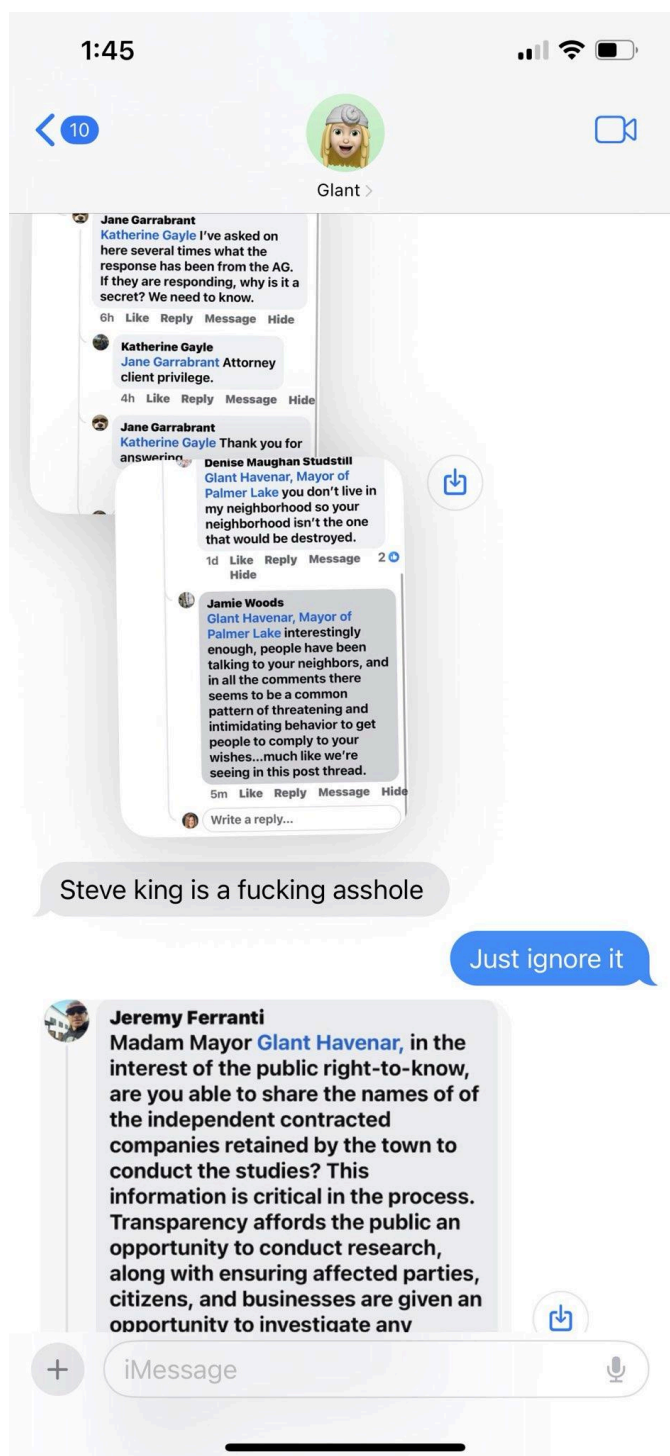


Image 3580

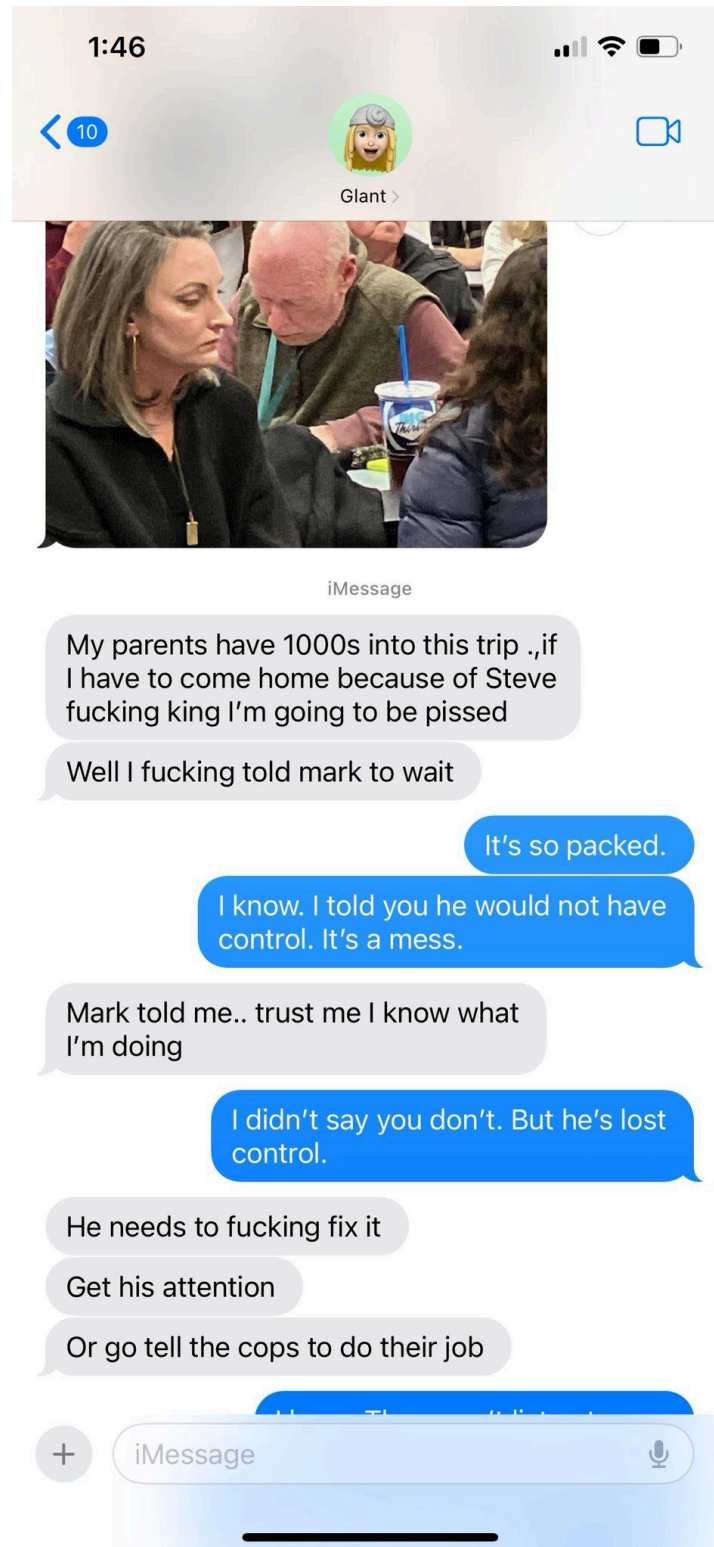
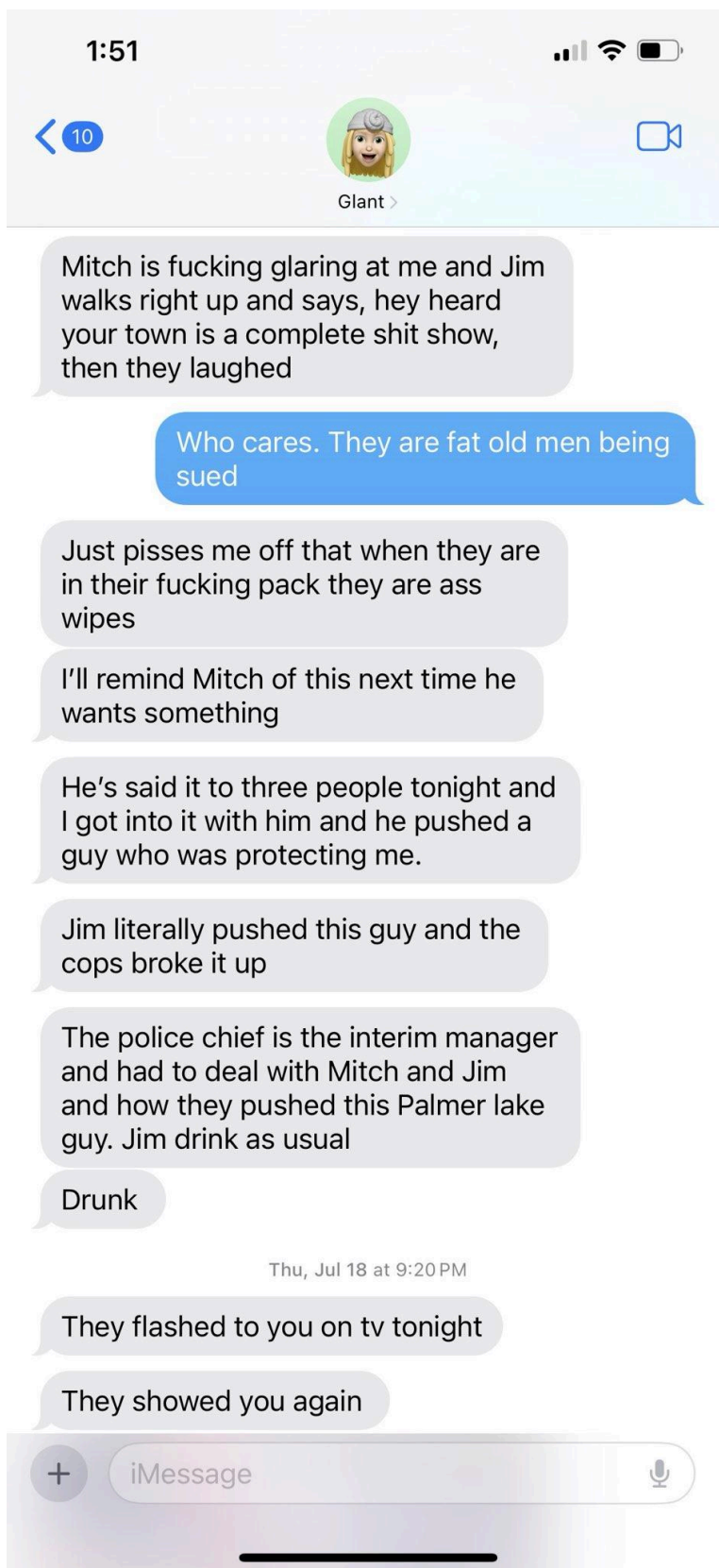


Image 3581



## Image 3583

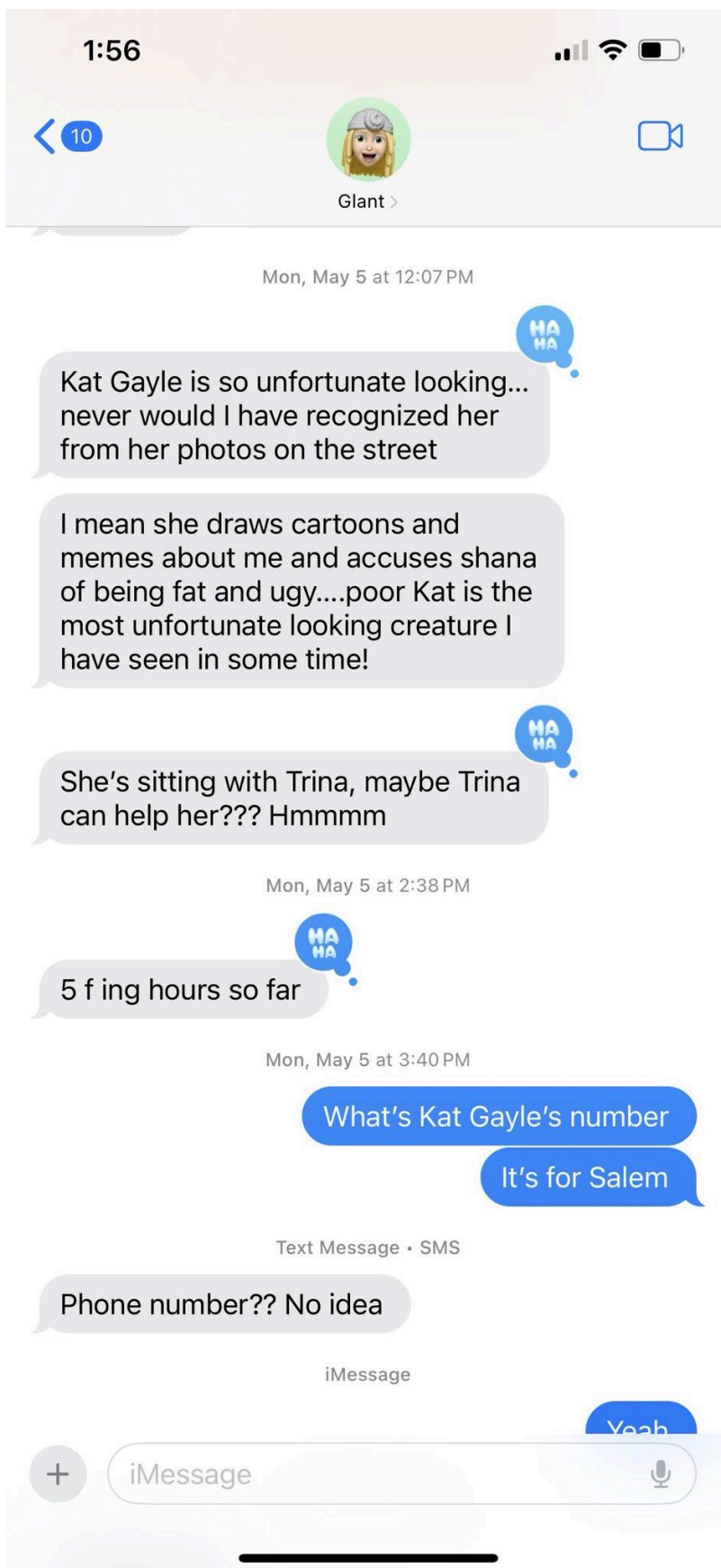


Image 3585

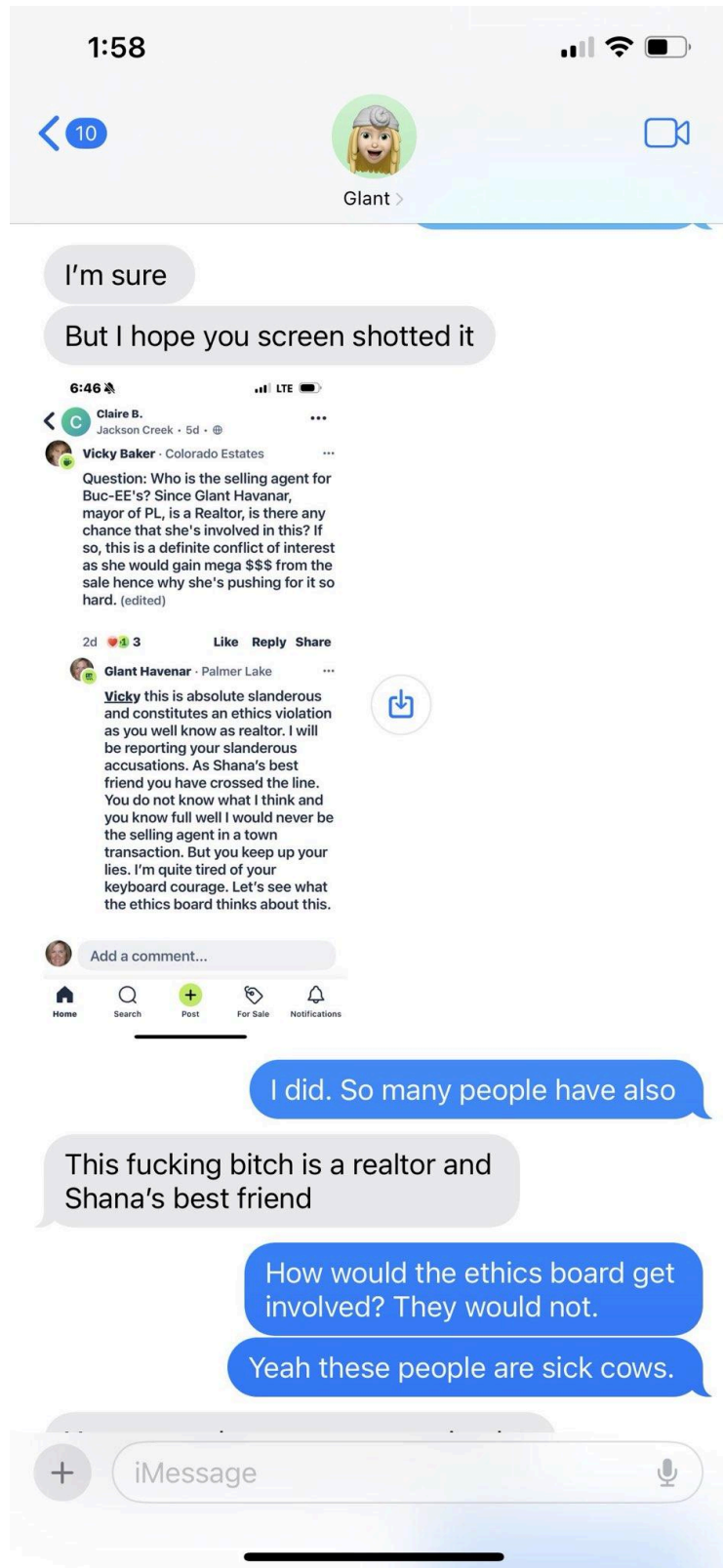




Image 3586

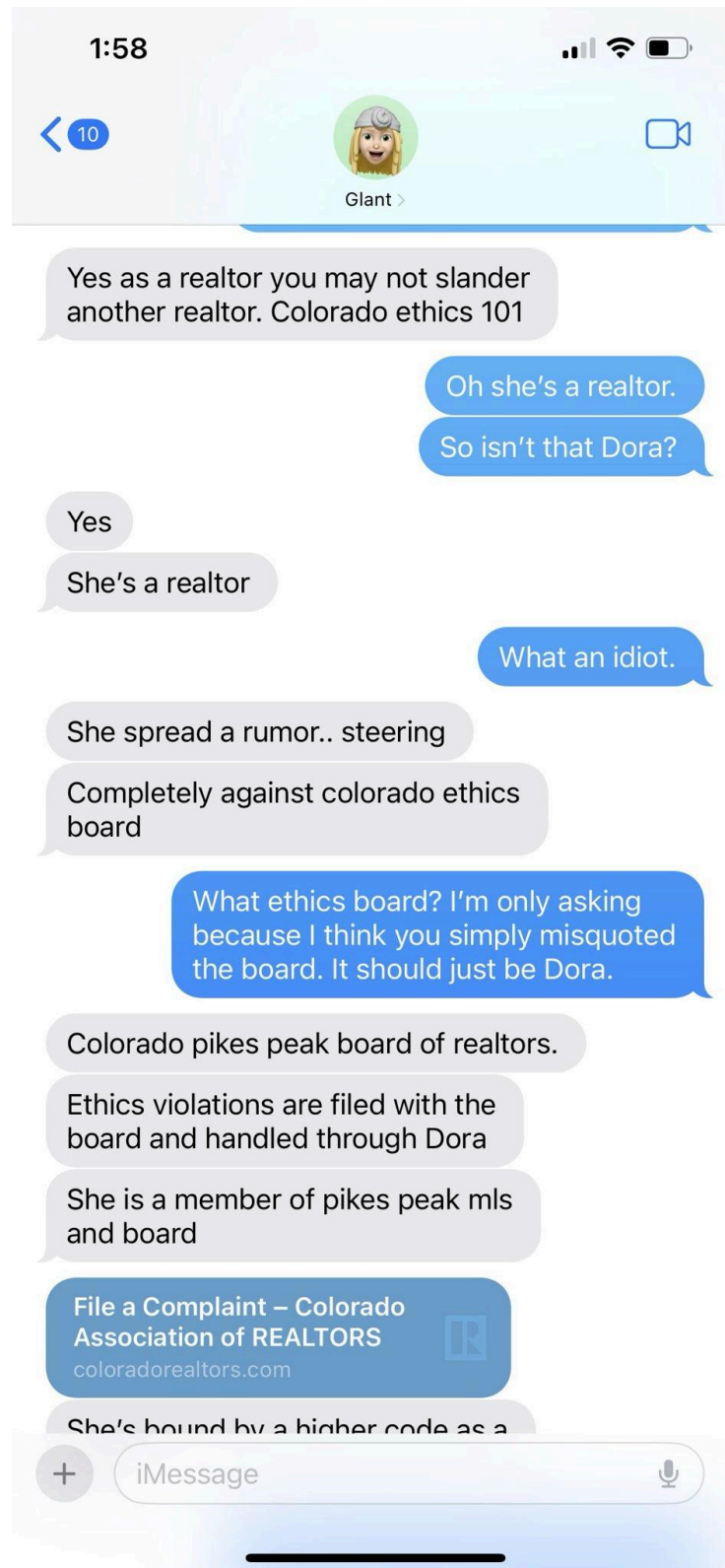


Image 3587

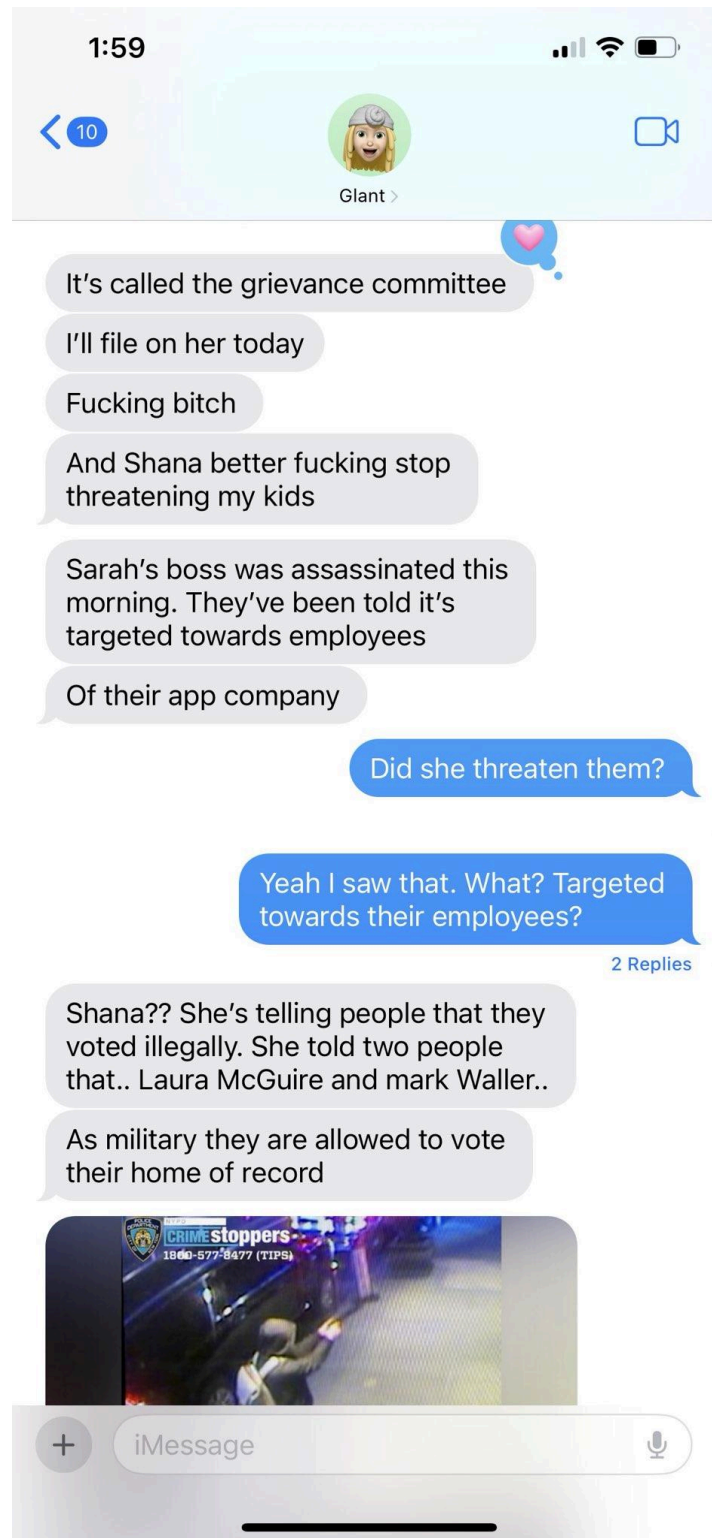




Image 3588

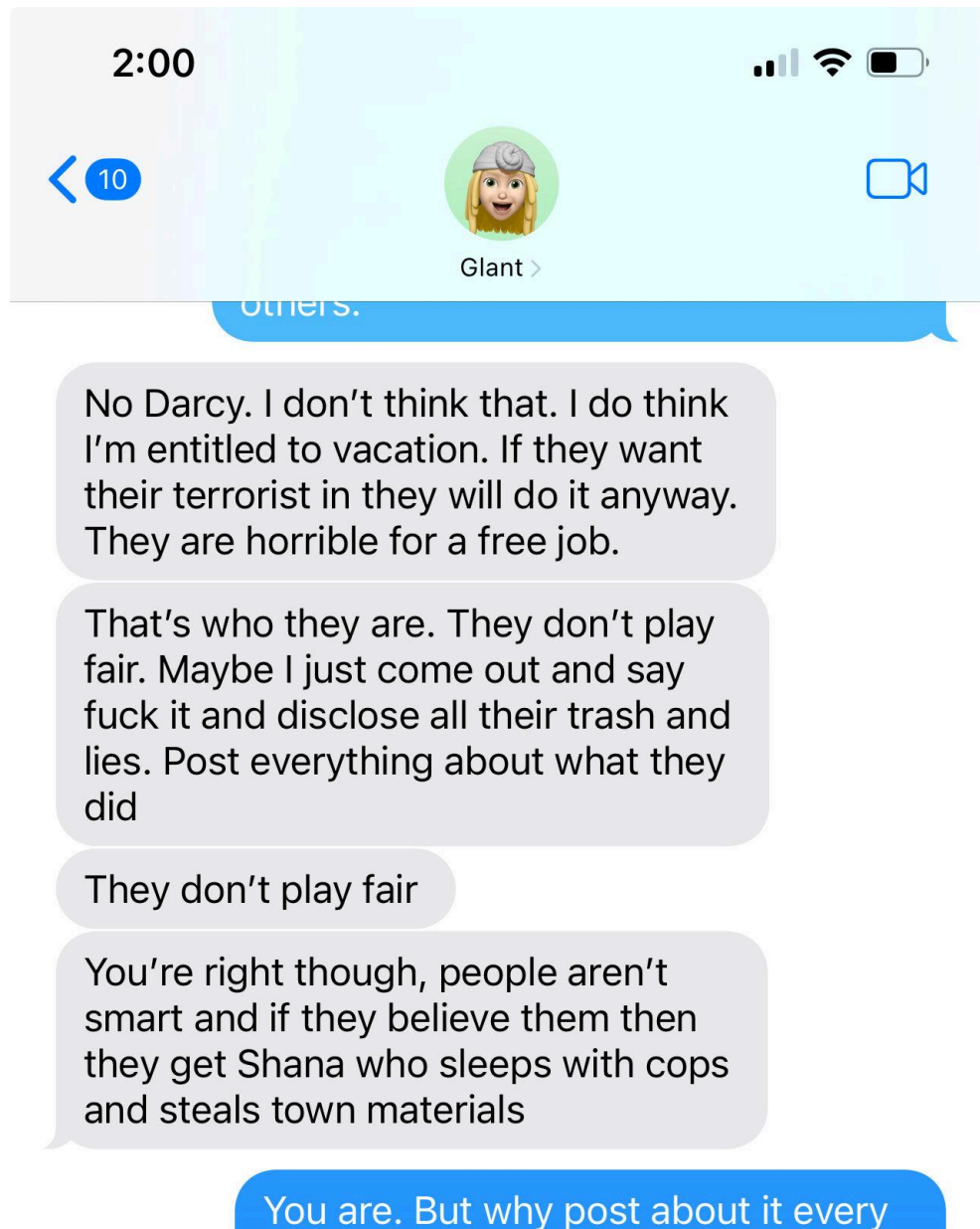


Image 3589

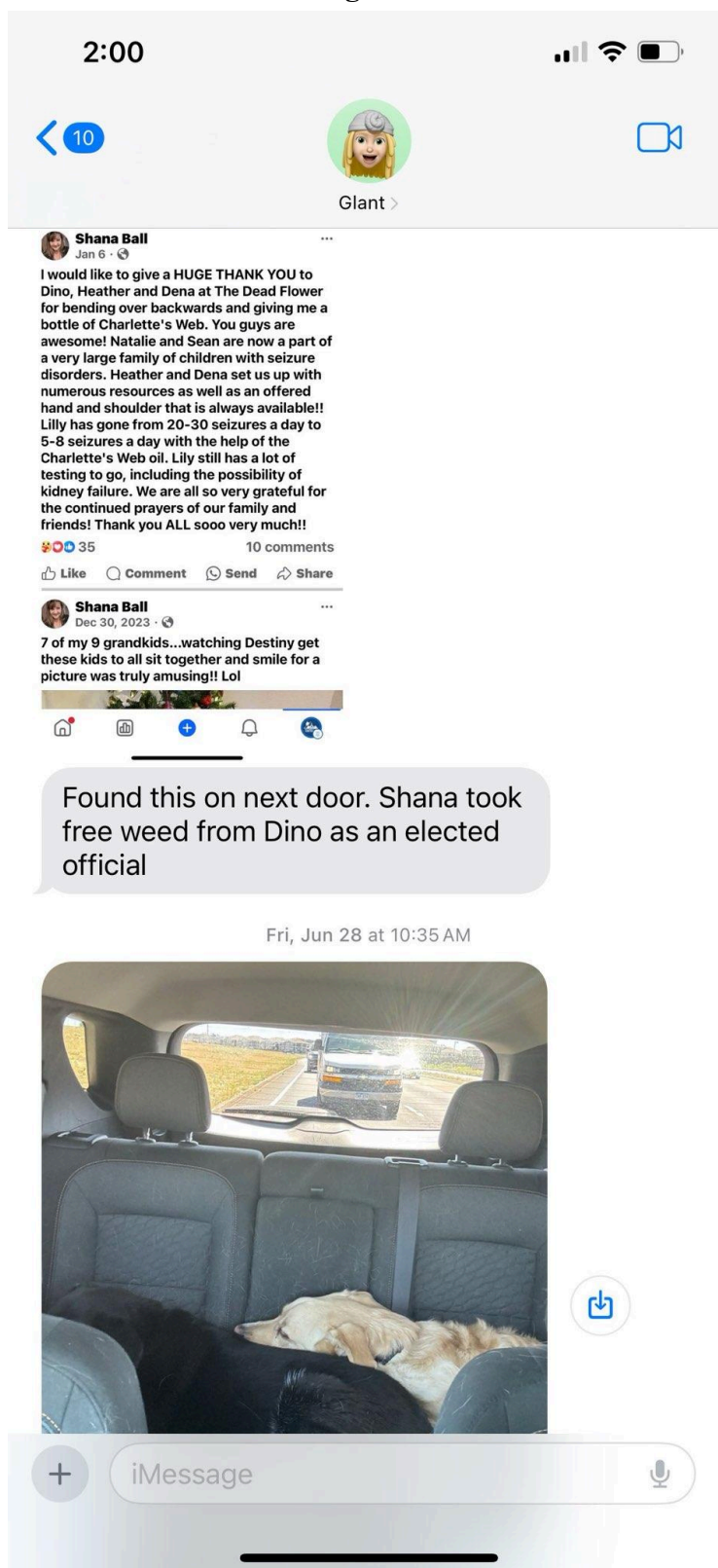


Image 3590

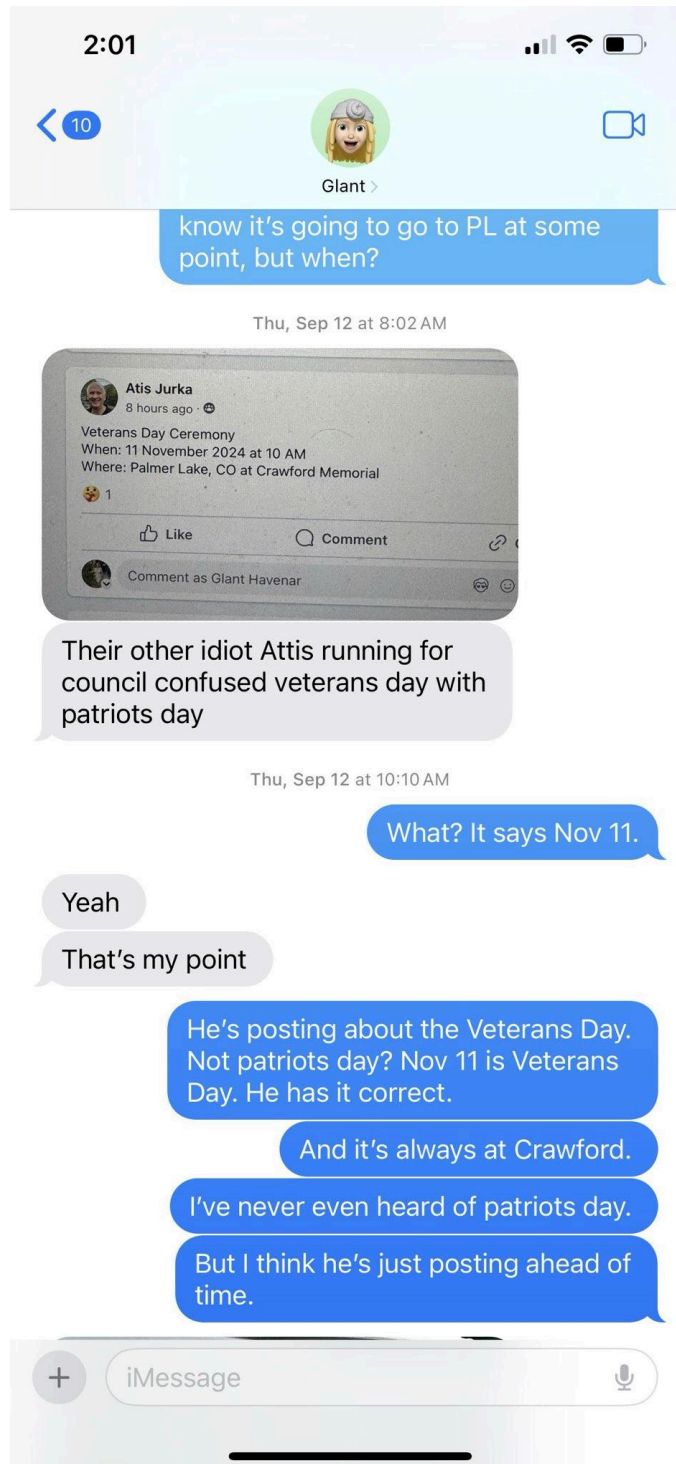


Image 3591

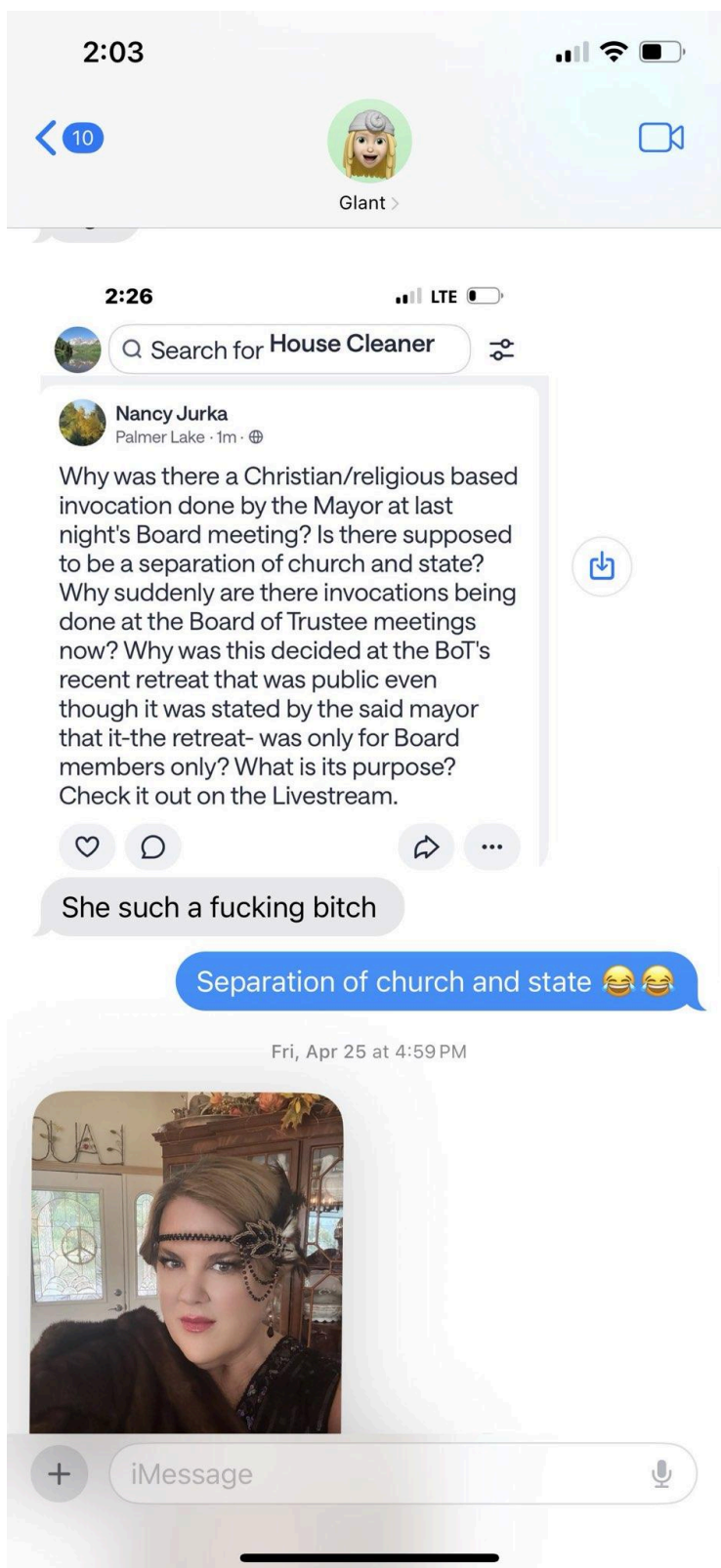


Image 3595



## Image 3597

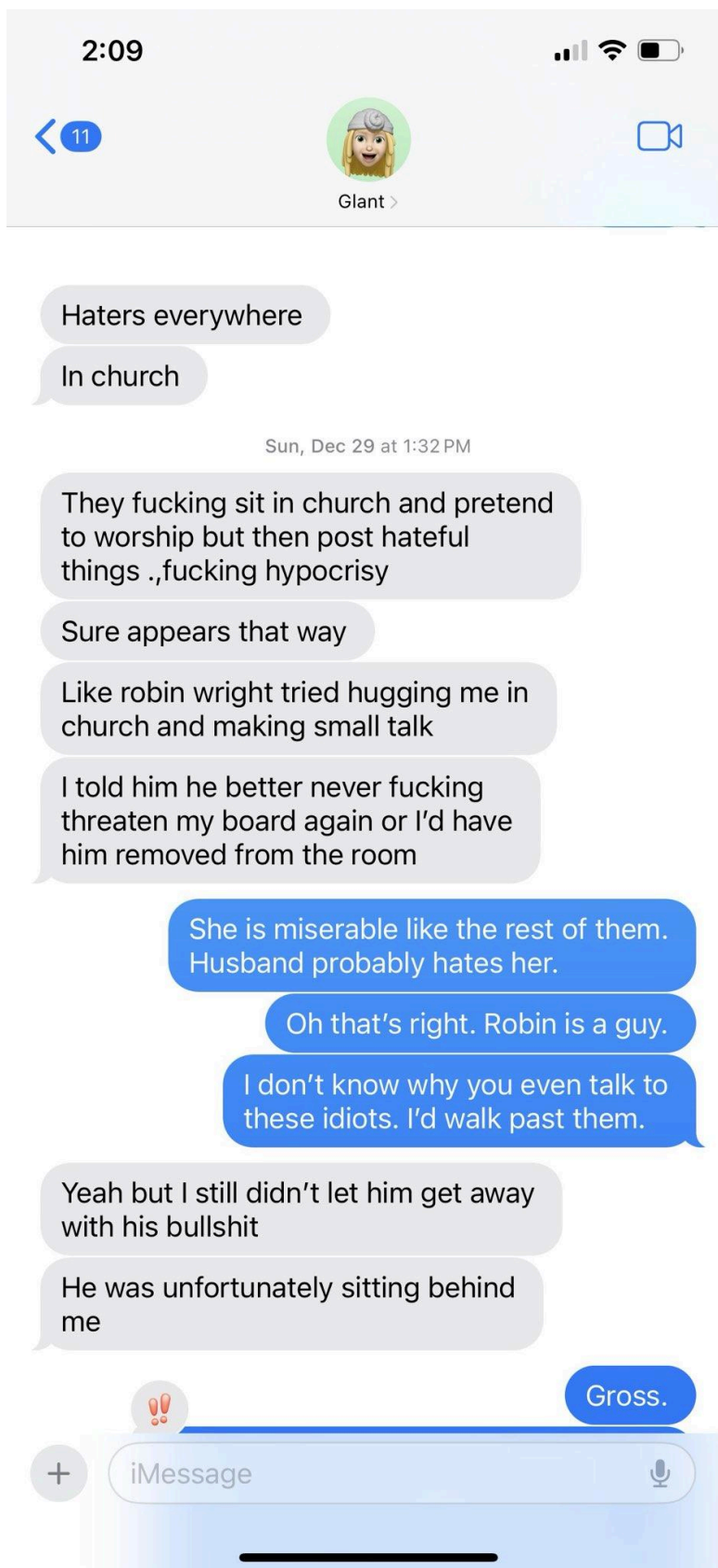




Image 3598

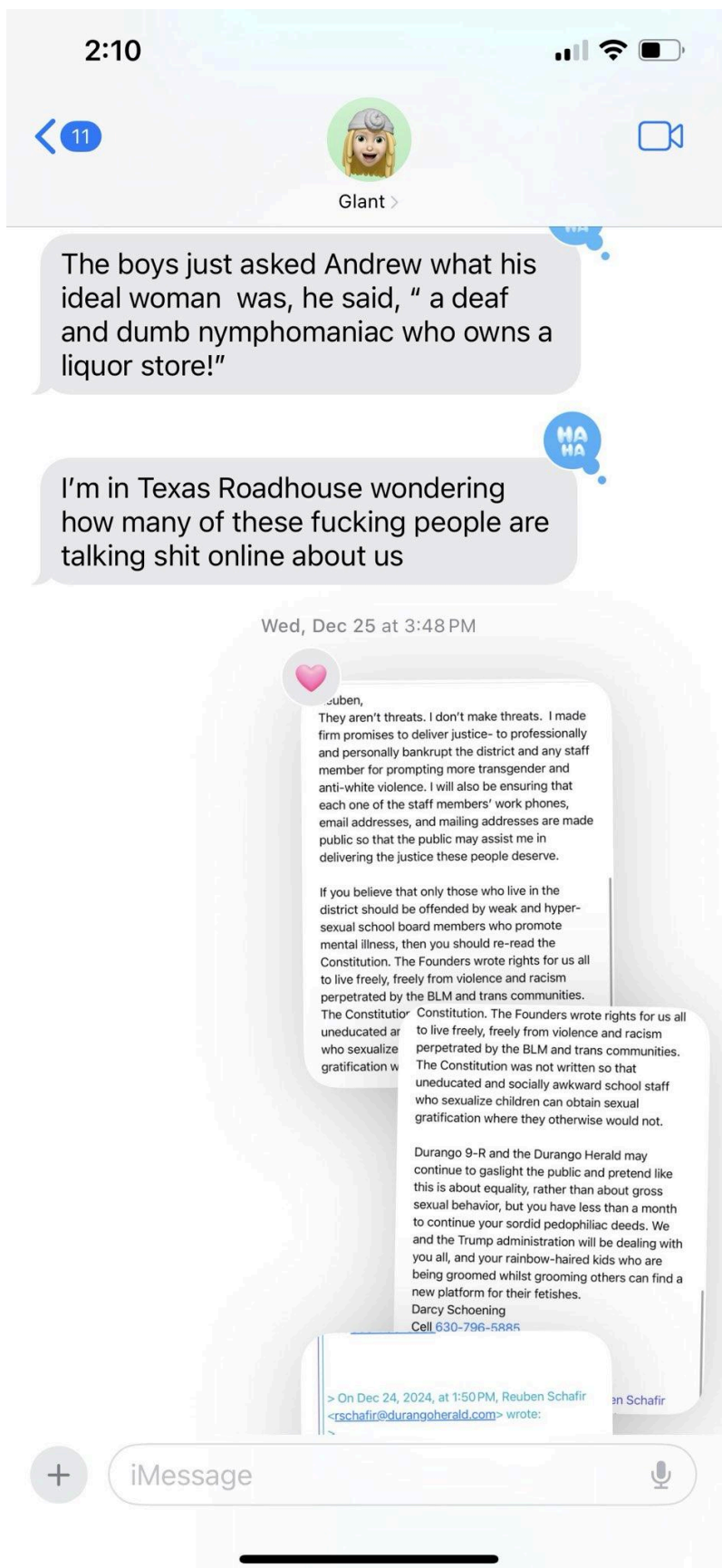
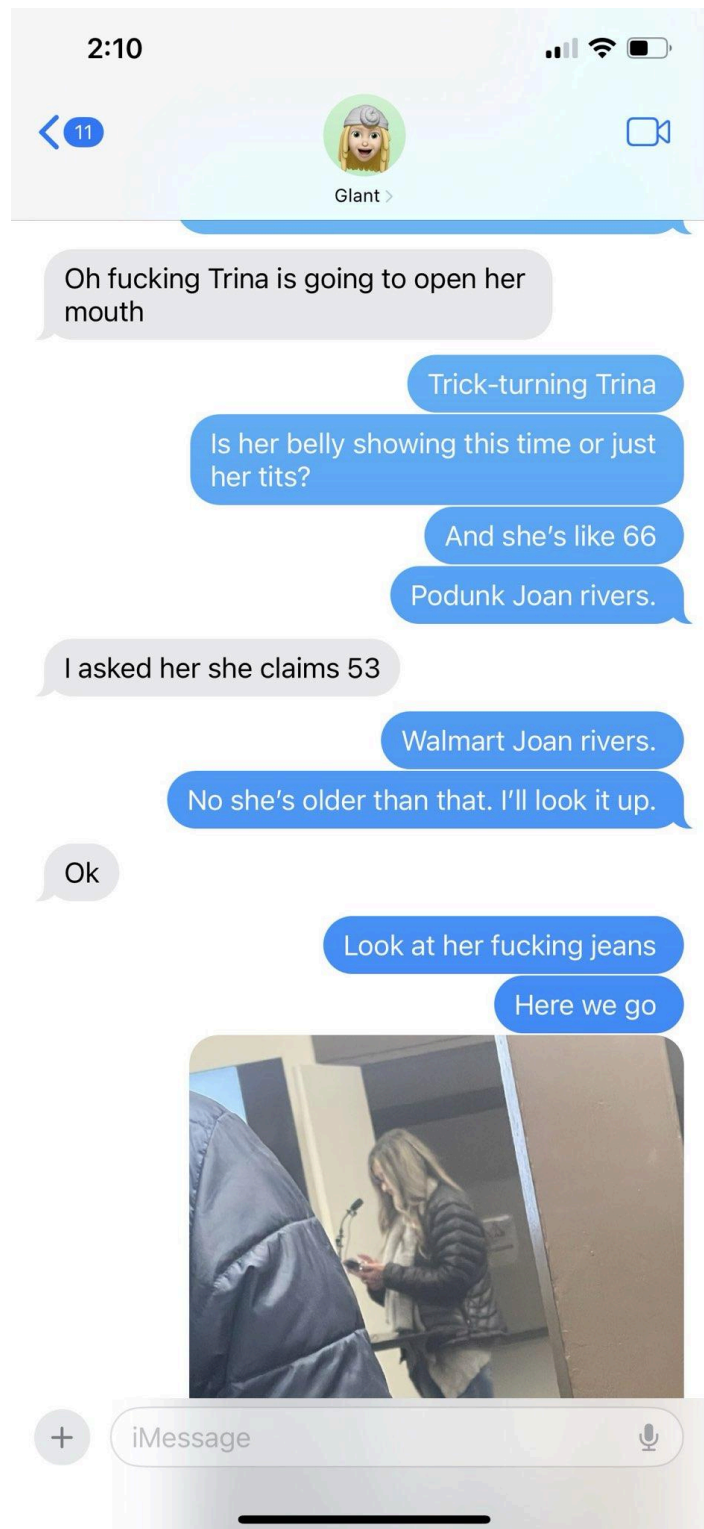


Image 3599



Personal attacks on Plaintiff Trina Shook



## Image 3600

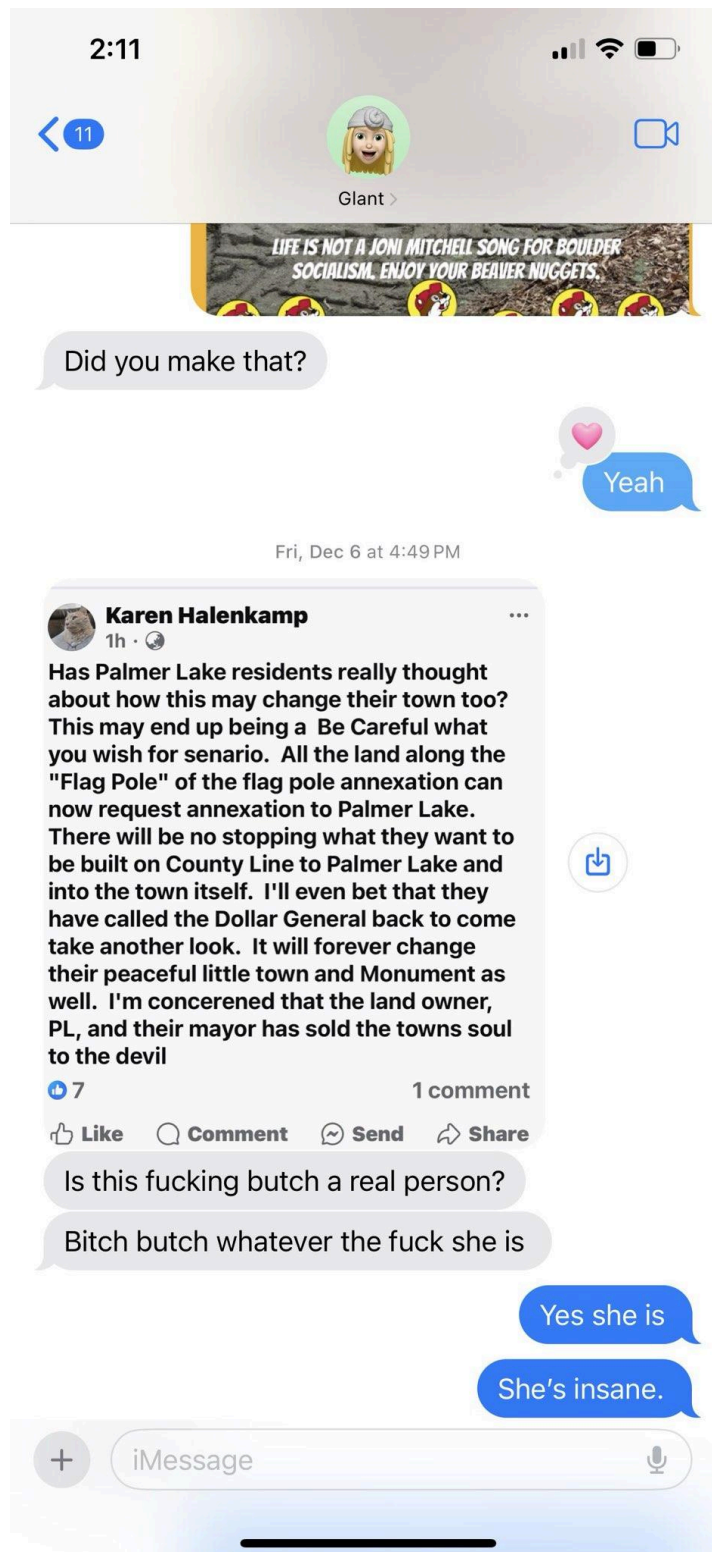


Image 3601

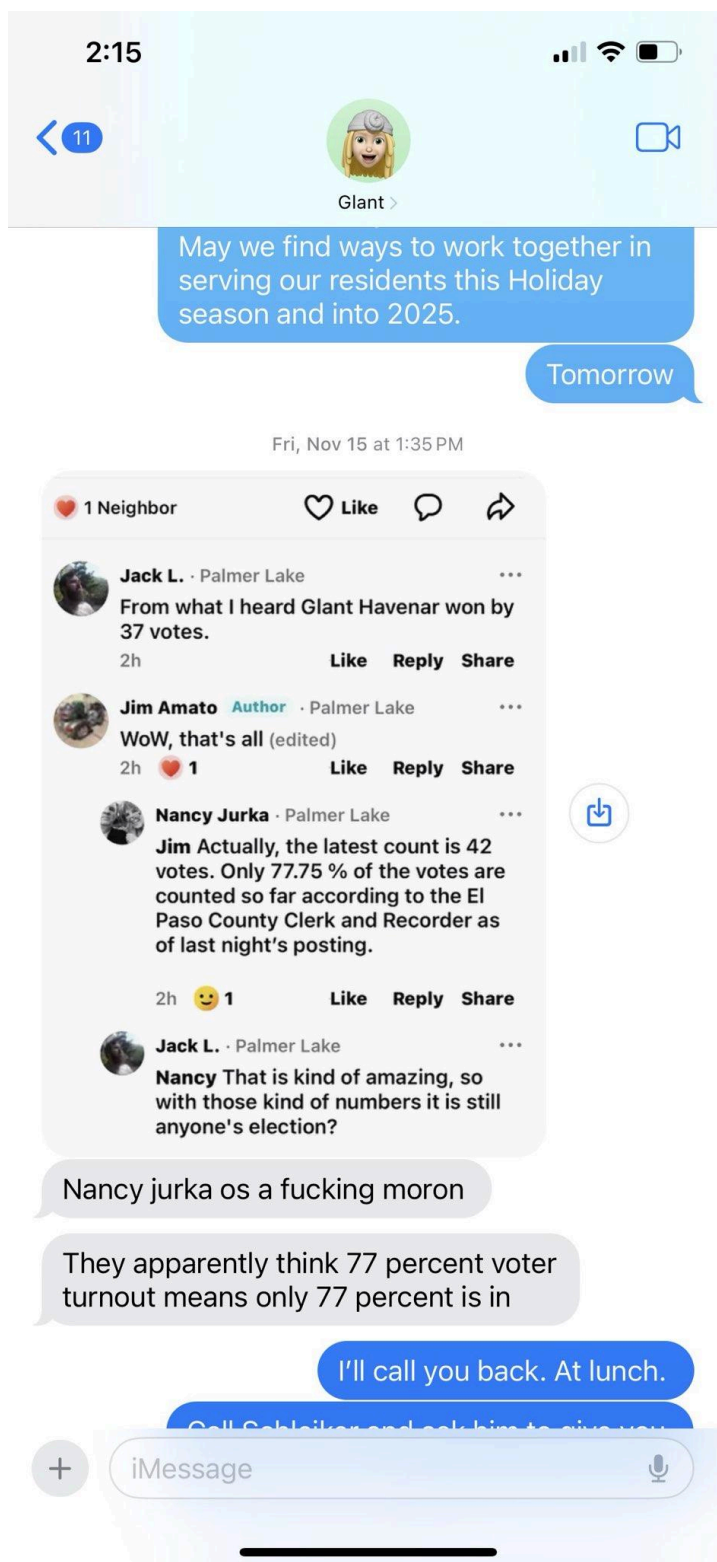
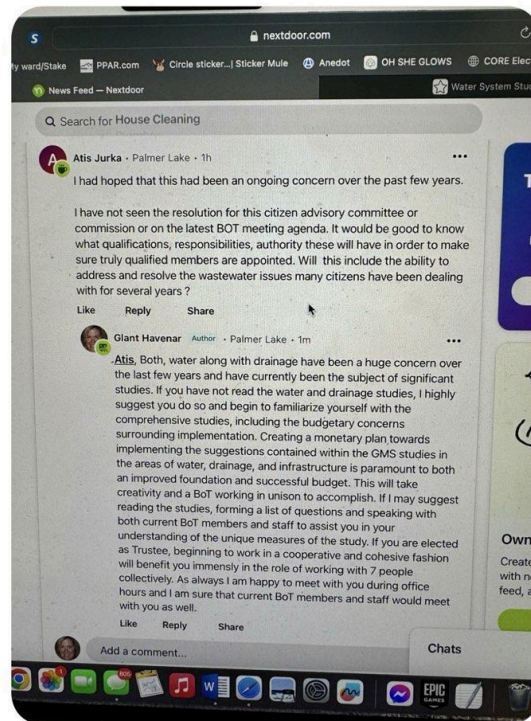


Image 3602



Thank you!!

Fri, Nov 1 at 4:38 PM



This guy is a fucking Jack ass

Yeah he's a loser. I hid his fb comment until I get home to respond.

I answered him on Nextdoor see above as I could not see his Facebook bullshit

That way he knows it's there. He can see it. No one else can see it.

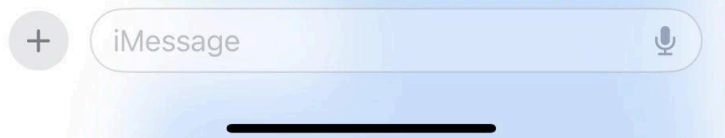
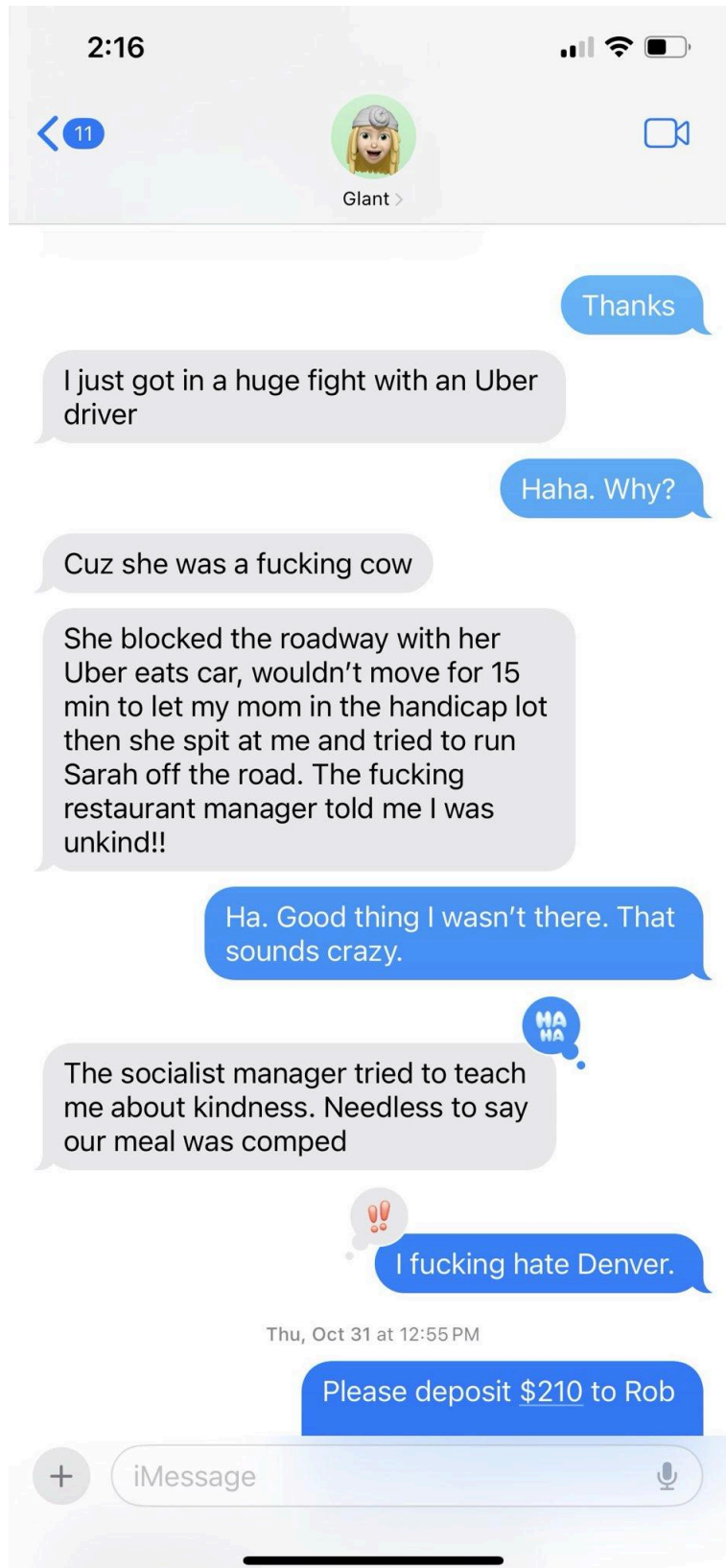


Image 3603



## Image 3604

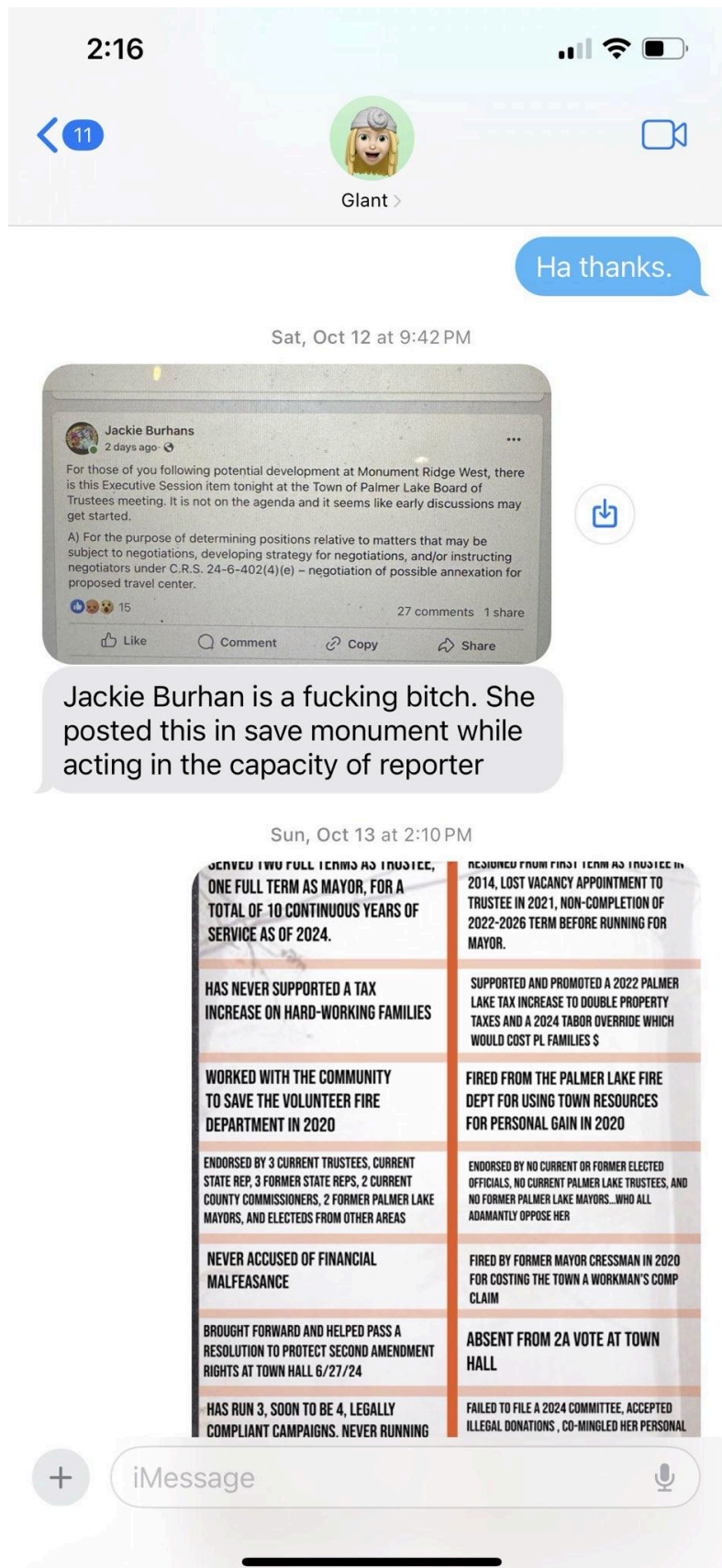
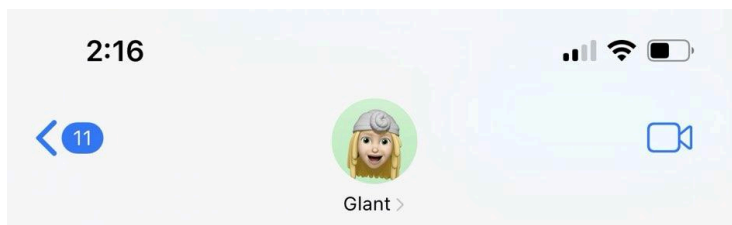
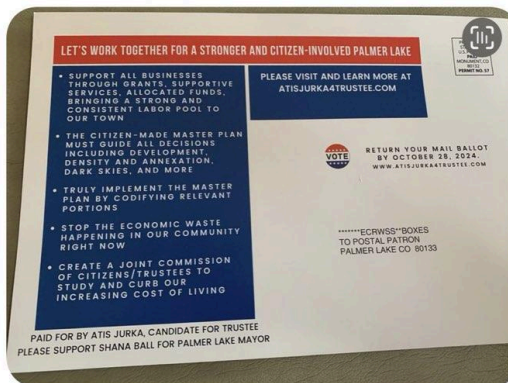




Image 3605



Sat, Oct 12 at 12:42 PM



Atis fucking jurka

Hahahaha

And there's a typo



iMessage



Image 3606

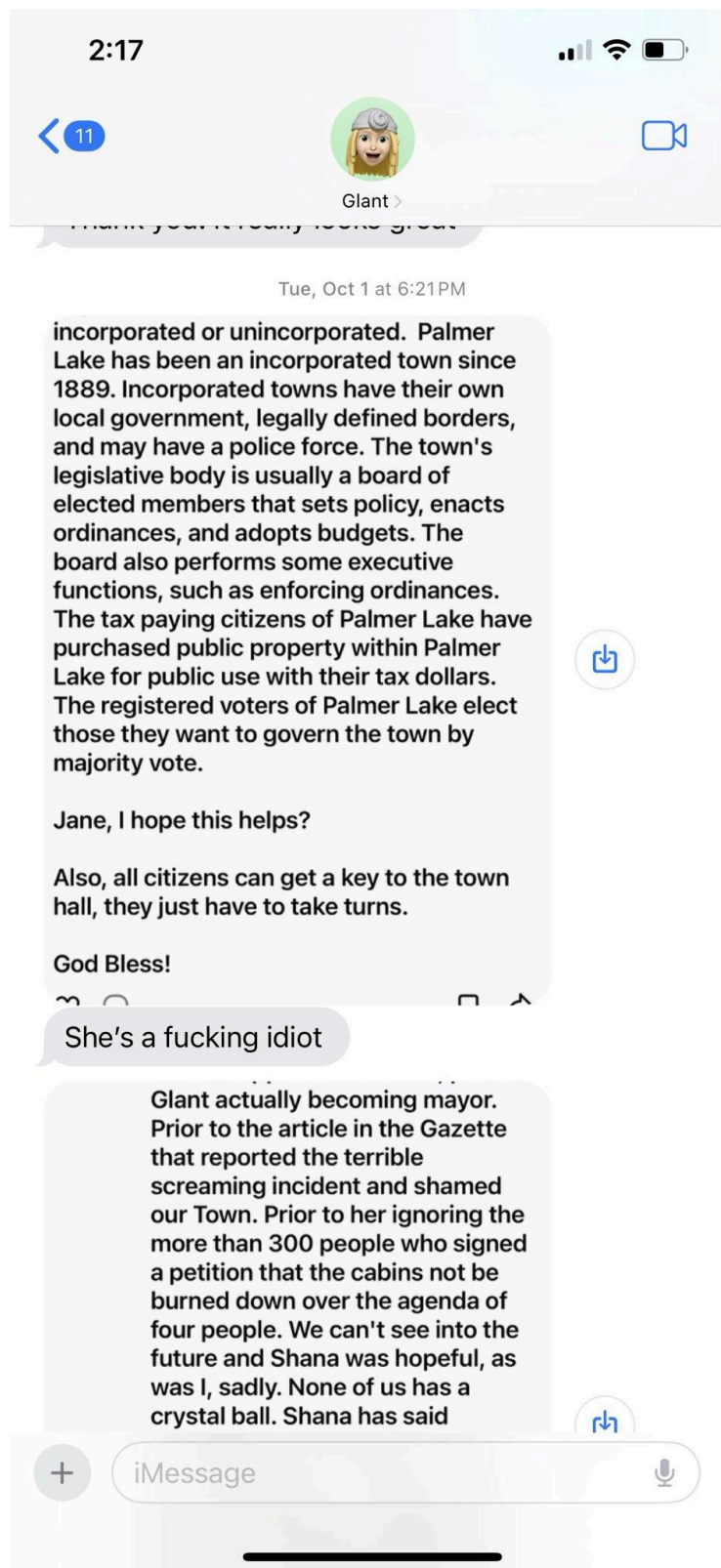
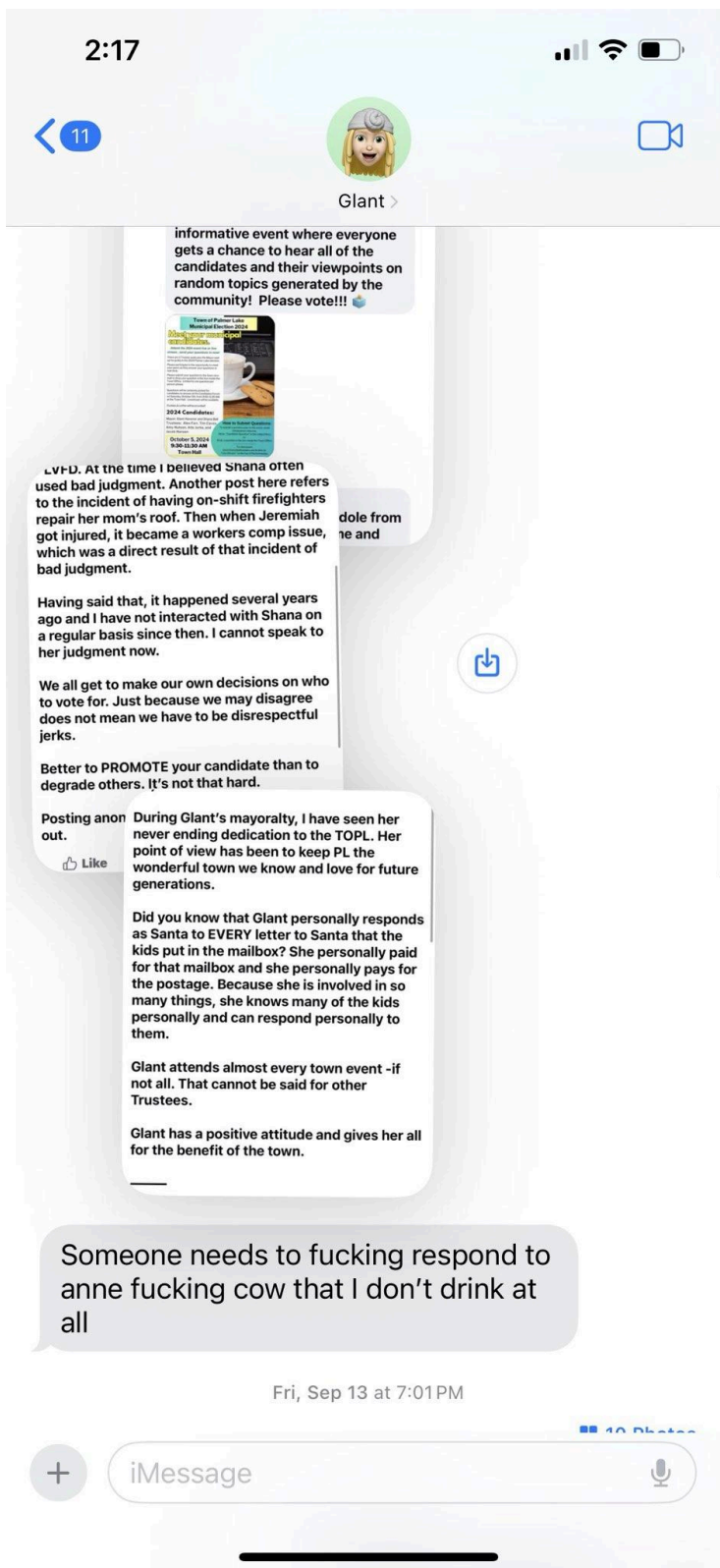




Image 3607



## Image 3608

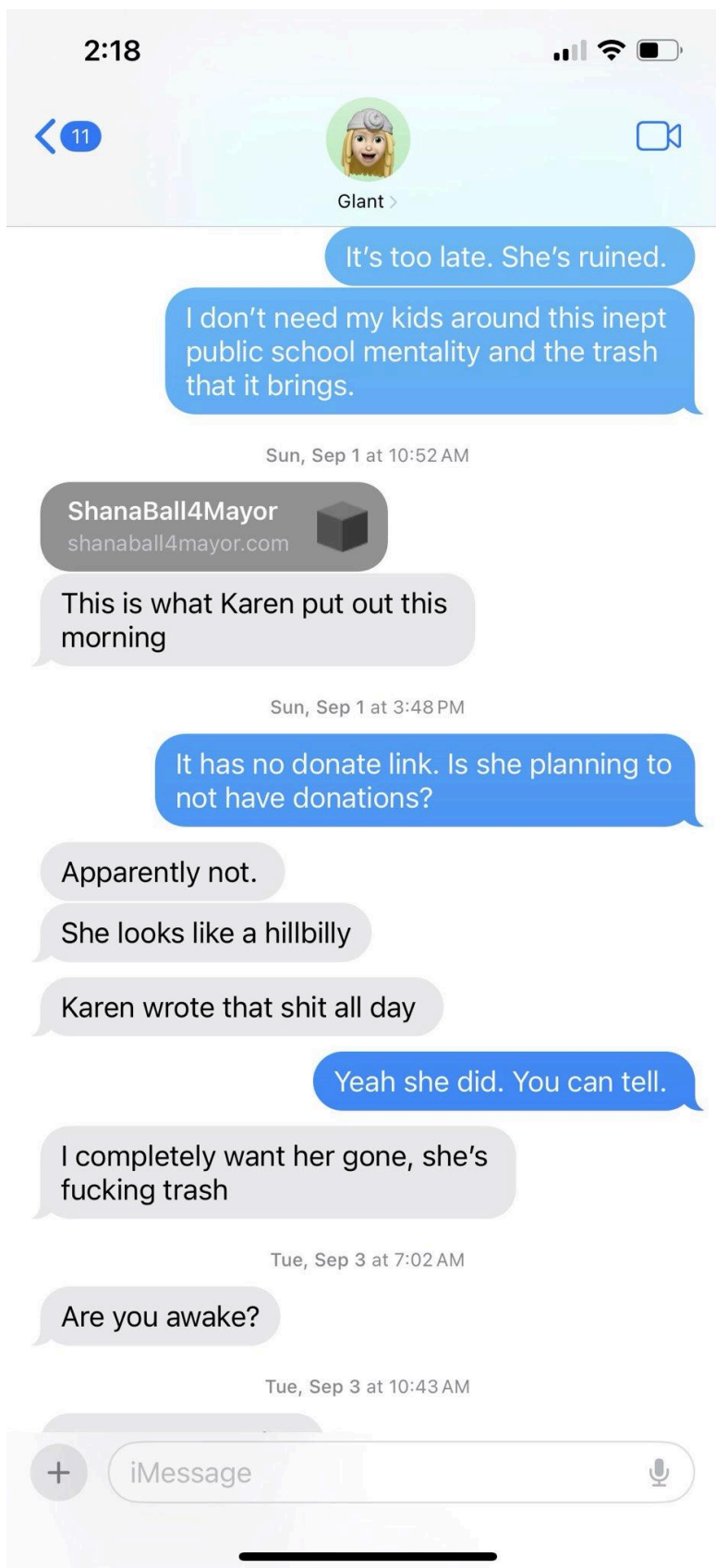


Image 3609

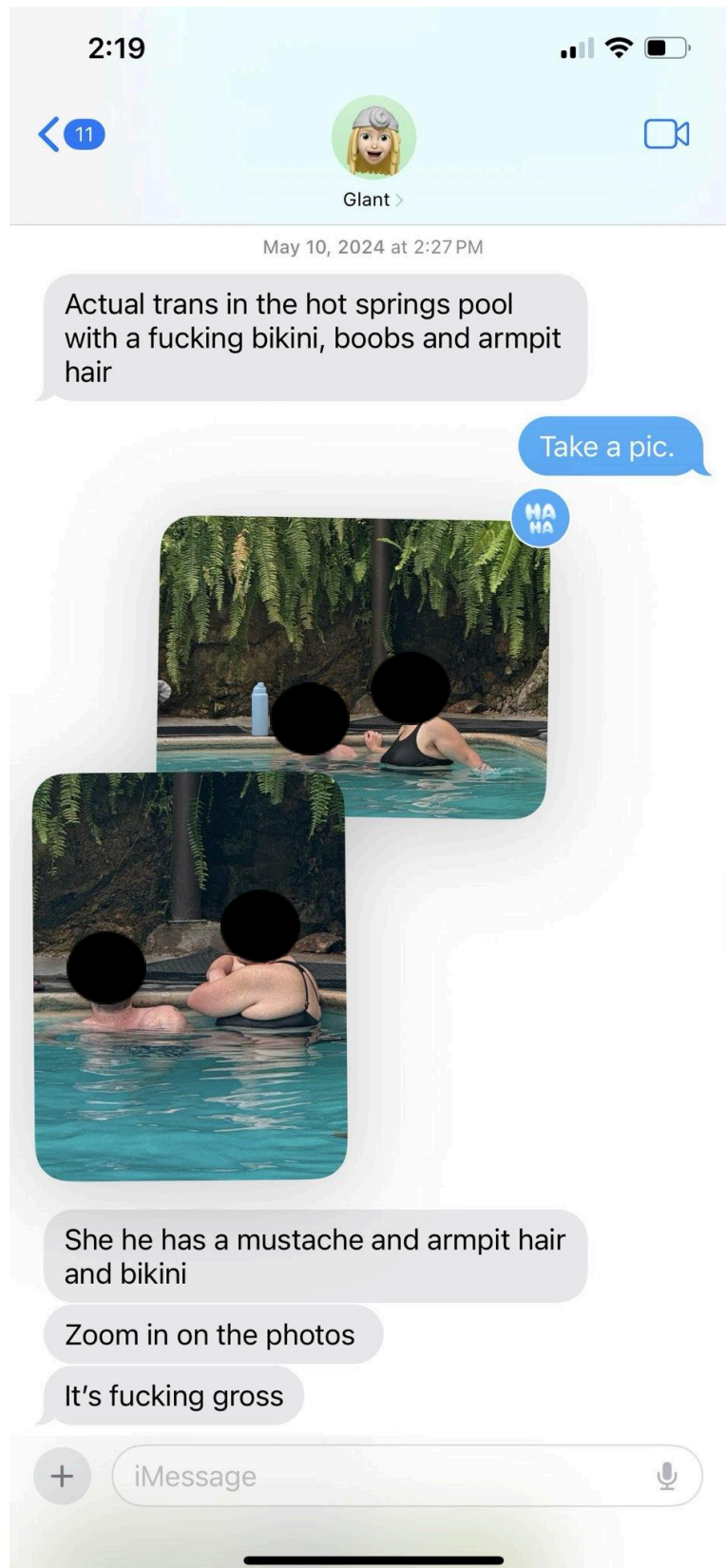


Image 3610

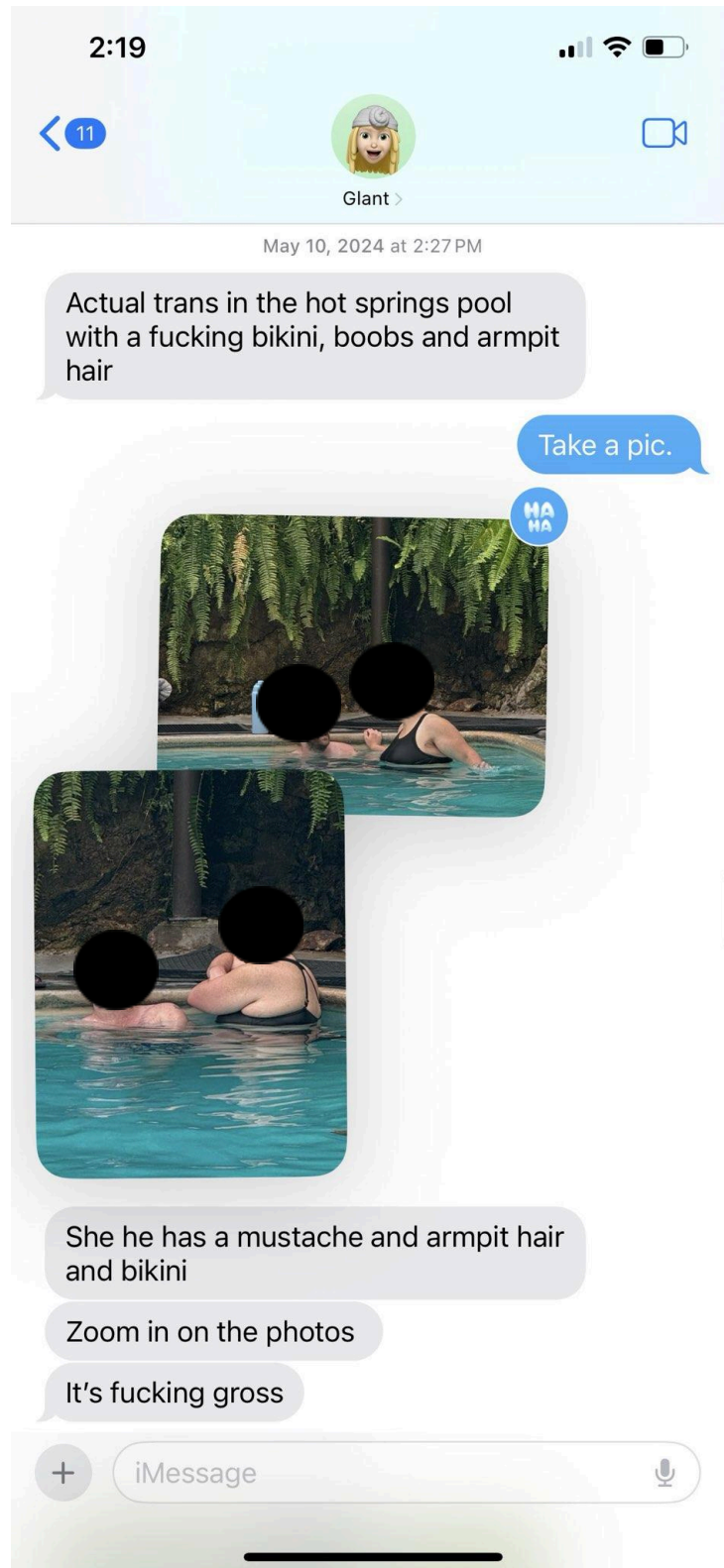


Image 3611

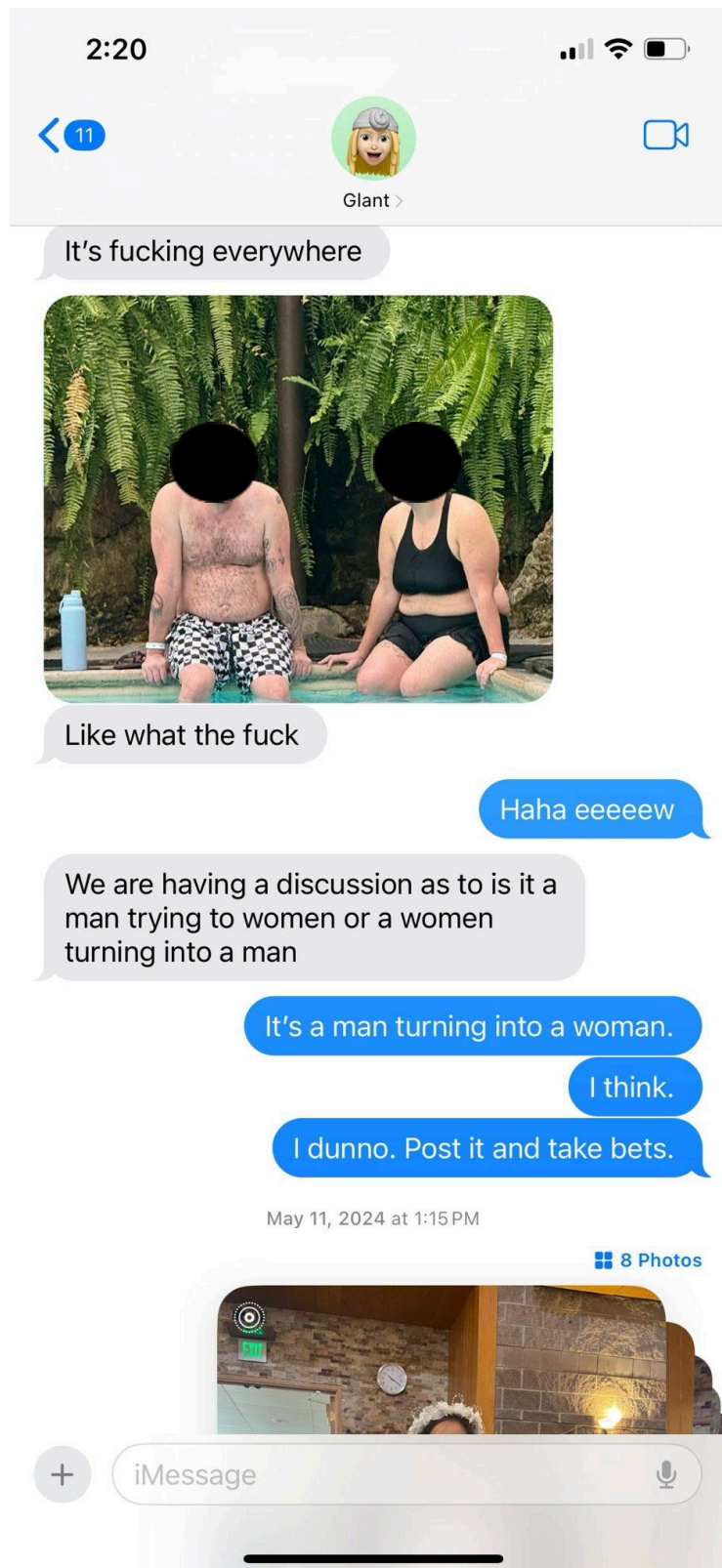
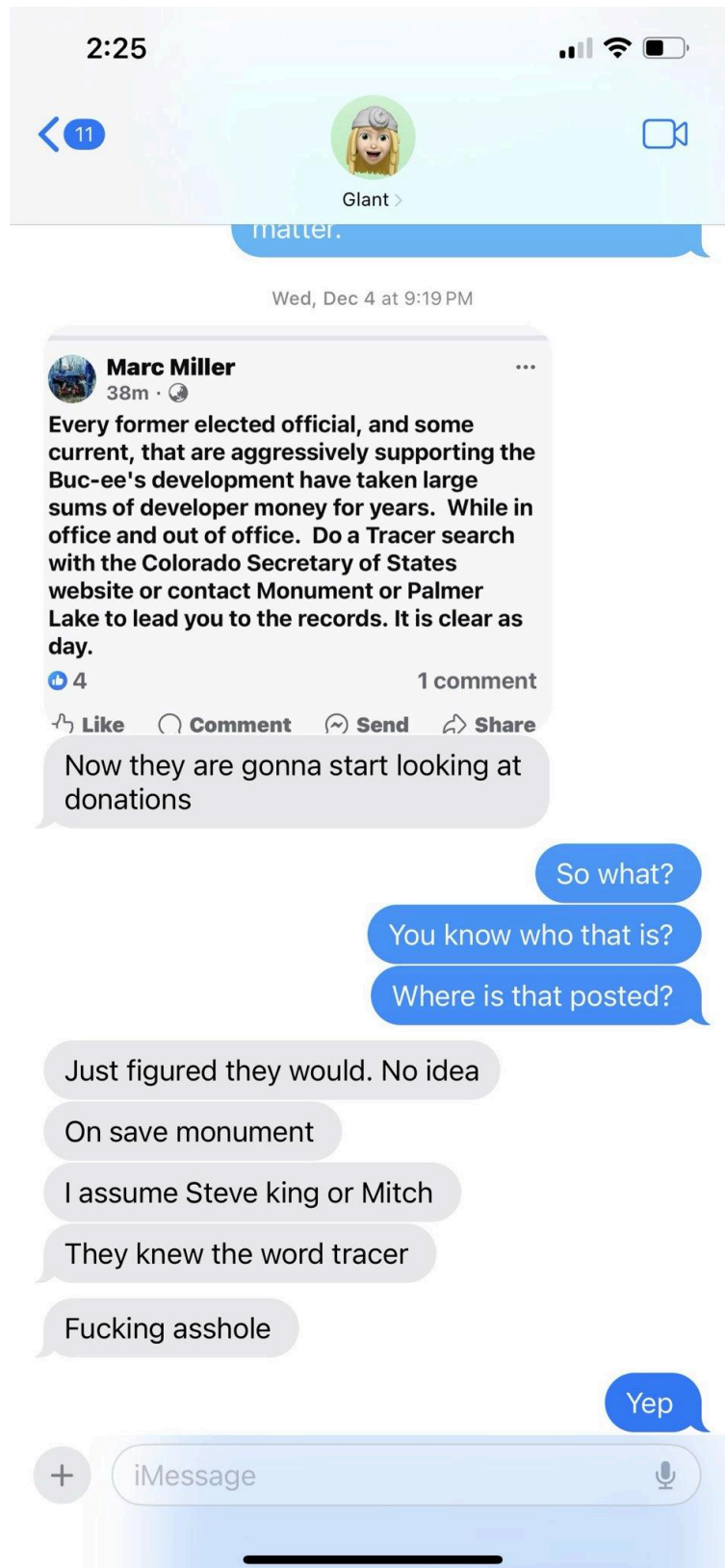


Image 3612





## Image 3664





Image 3665

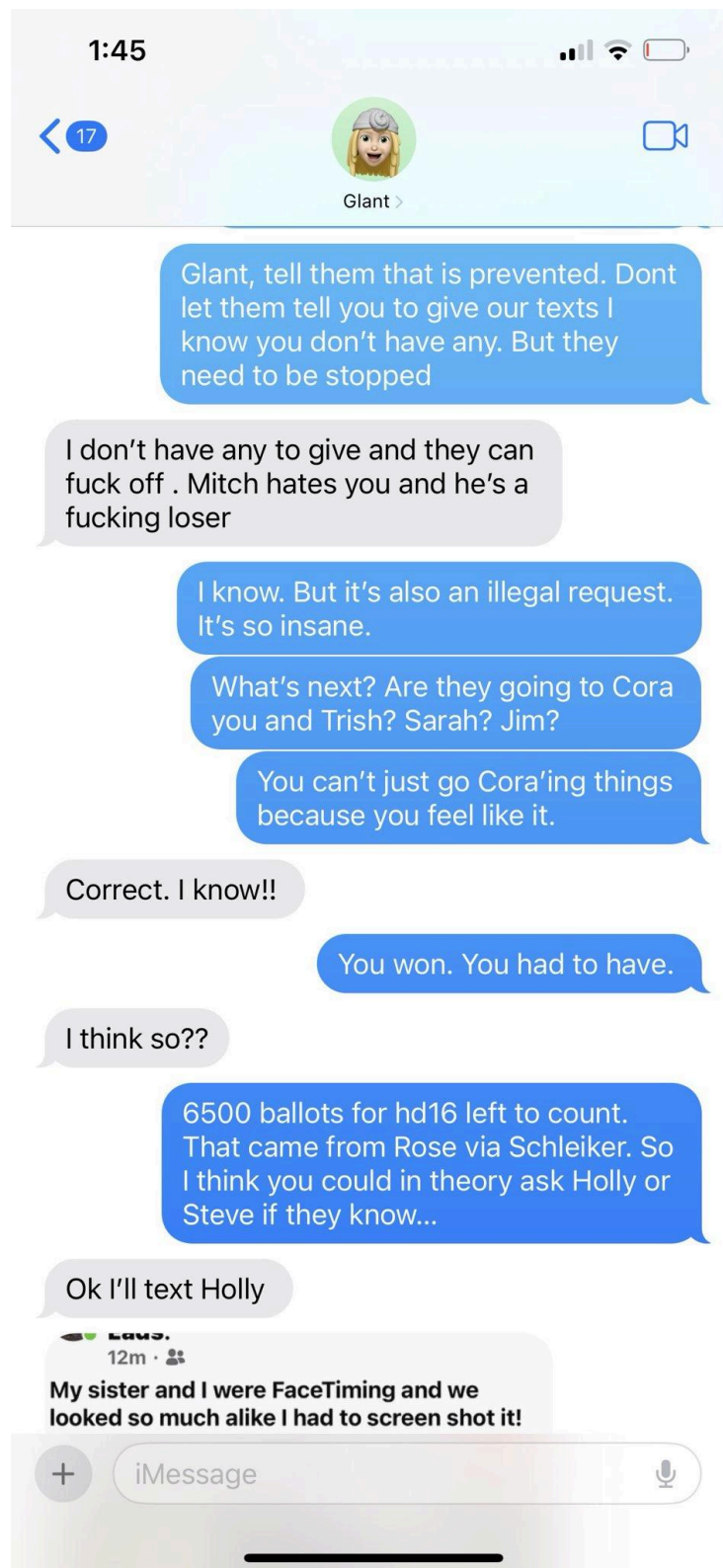
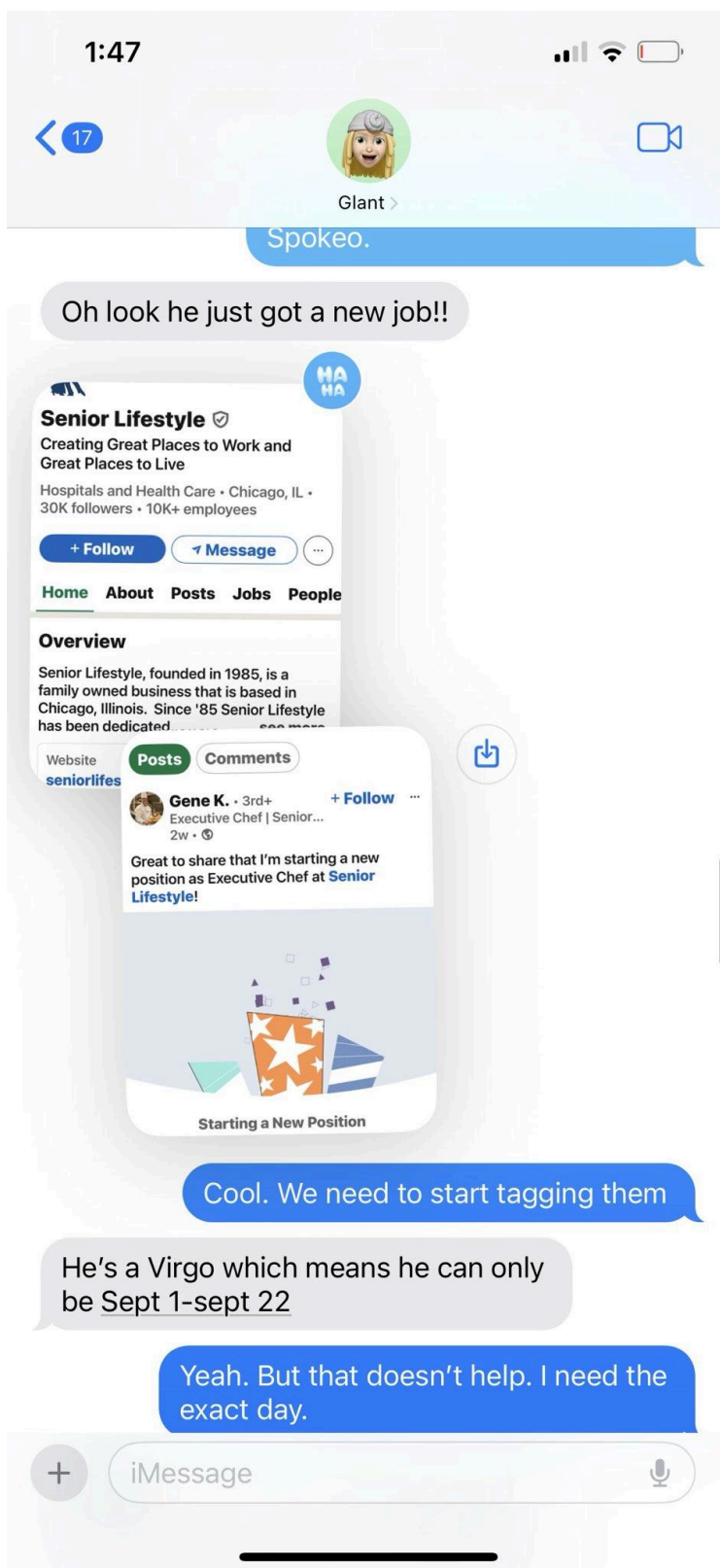


Image 3666



## Image 3667



Image 3669

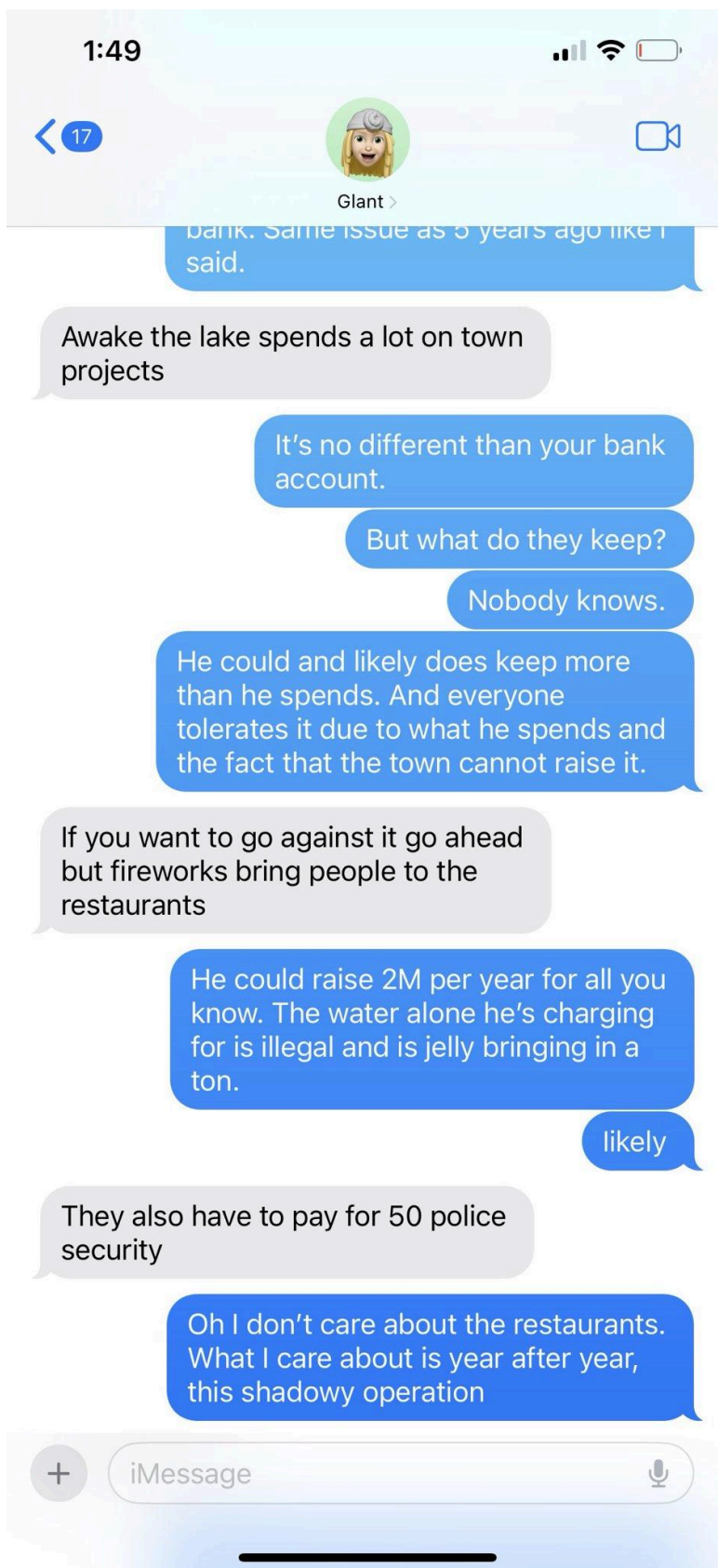


Image 3670

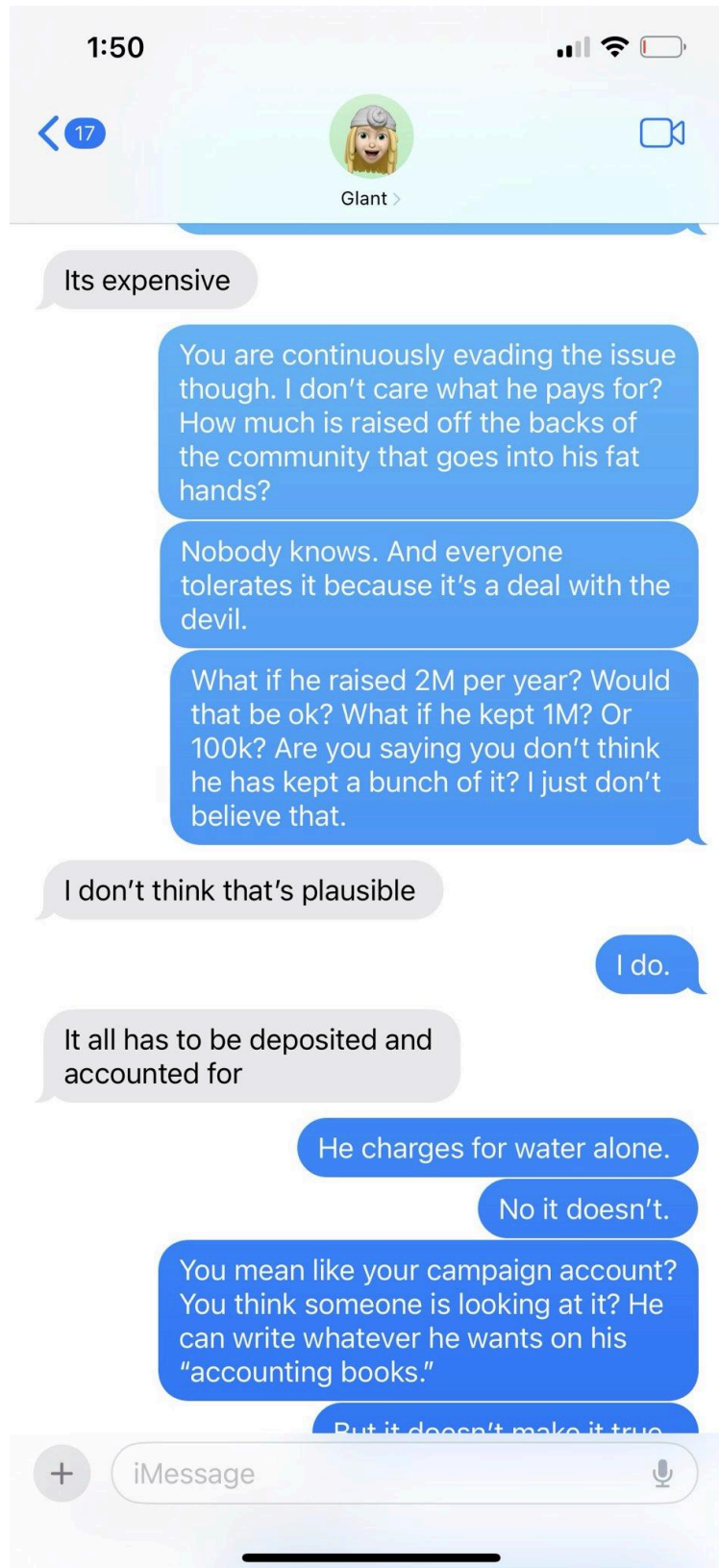


Image 3671

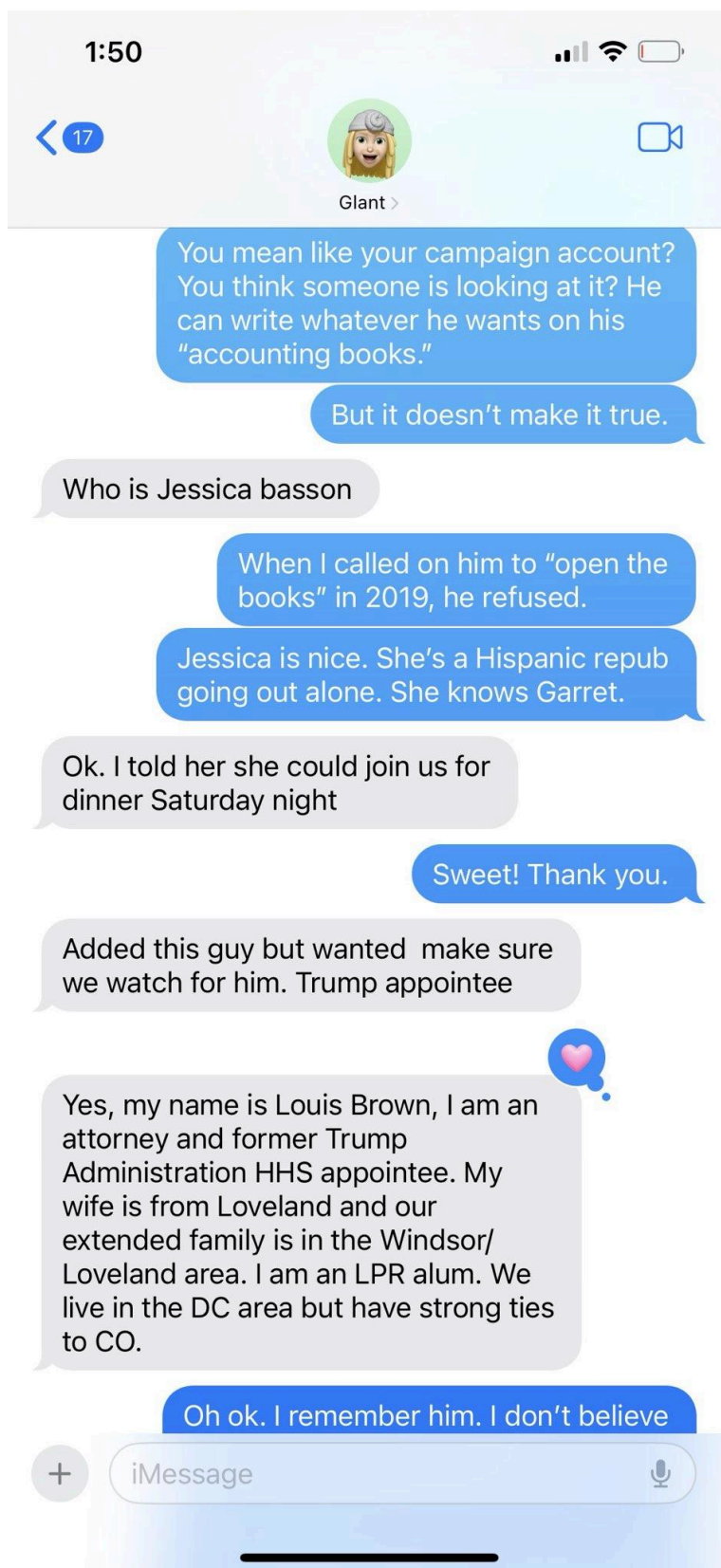
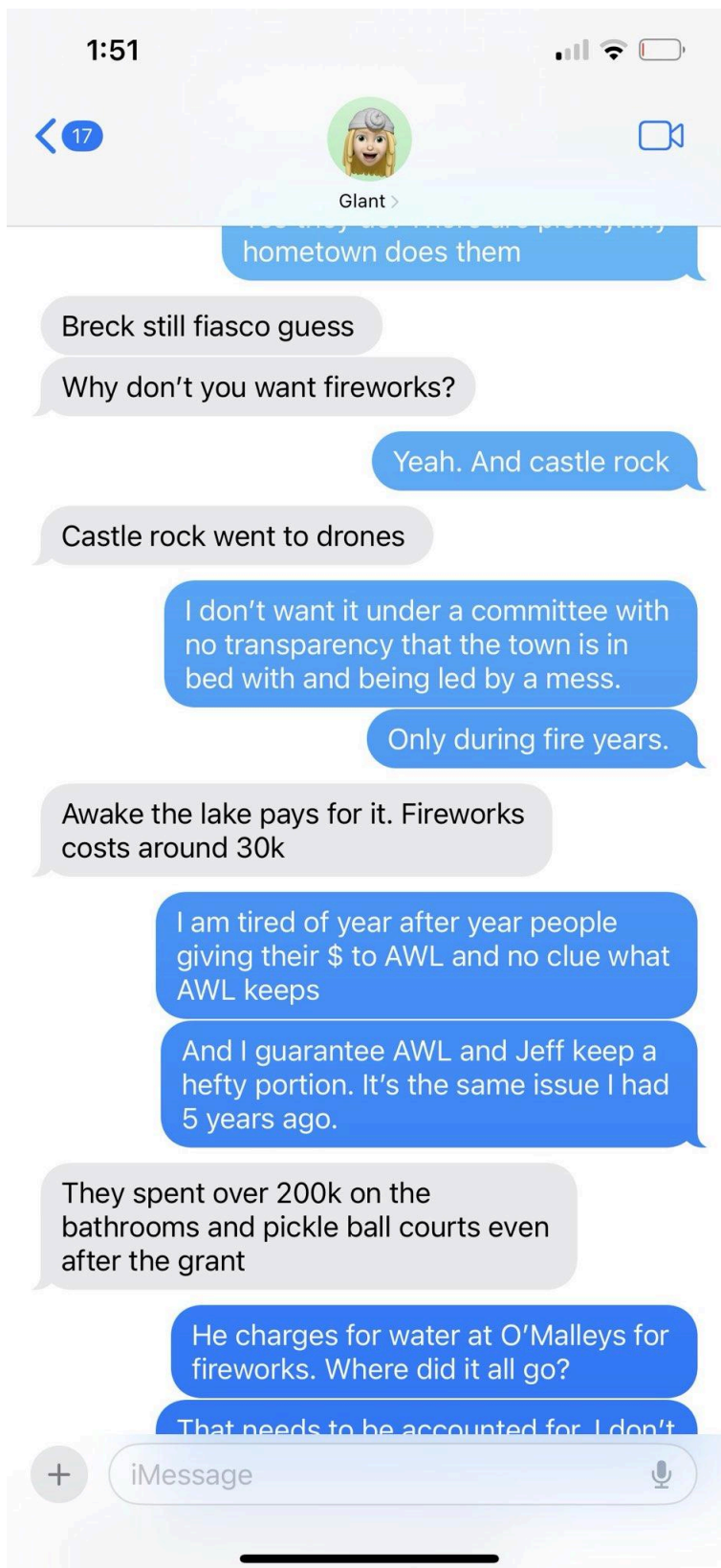




Image 3672





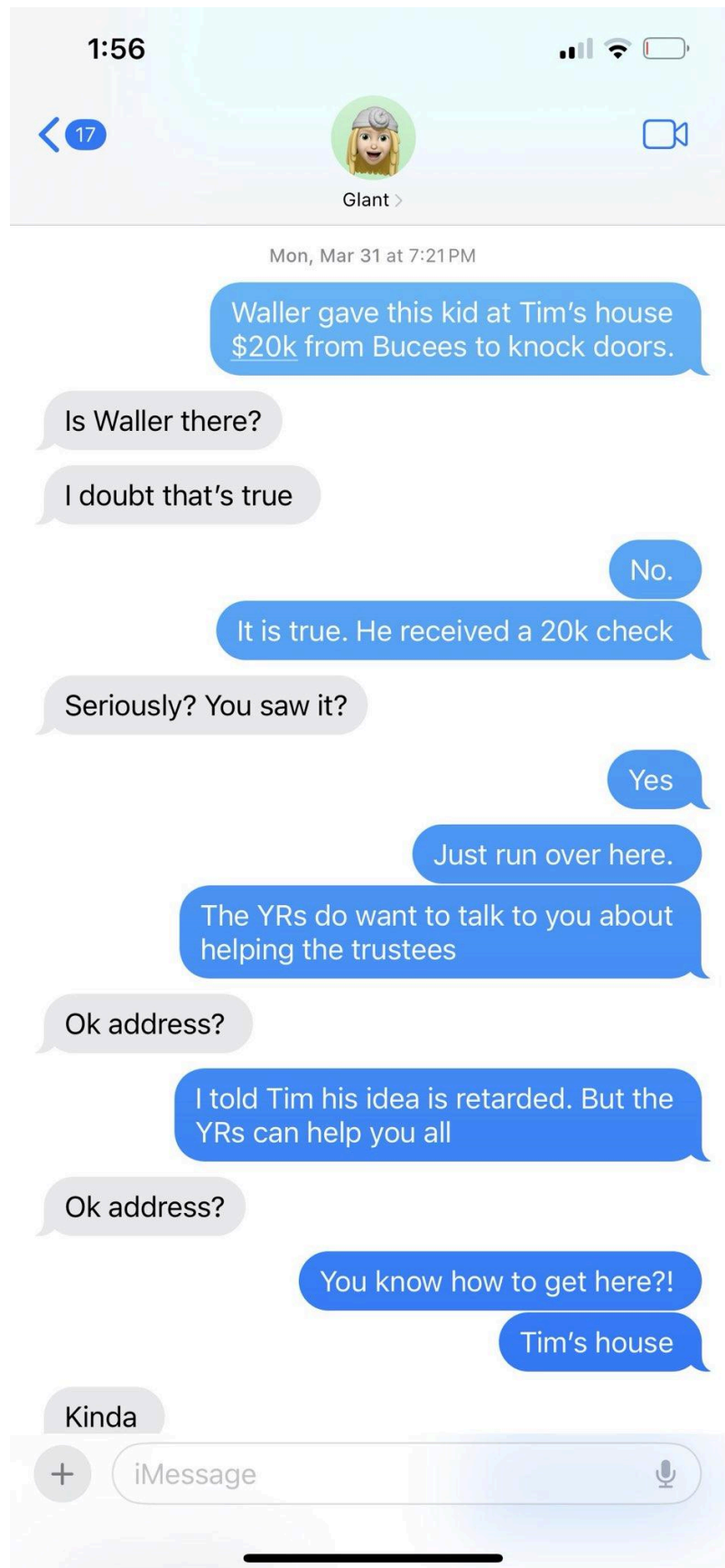
**Image 3673 - Allegations of Buc-ee's paying \$20,000 to stop the Recall and Ballot Initiative**

Image 3674

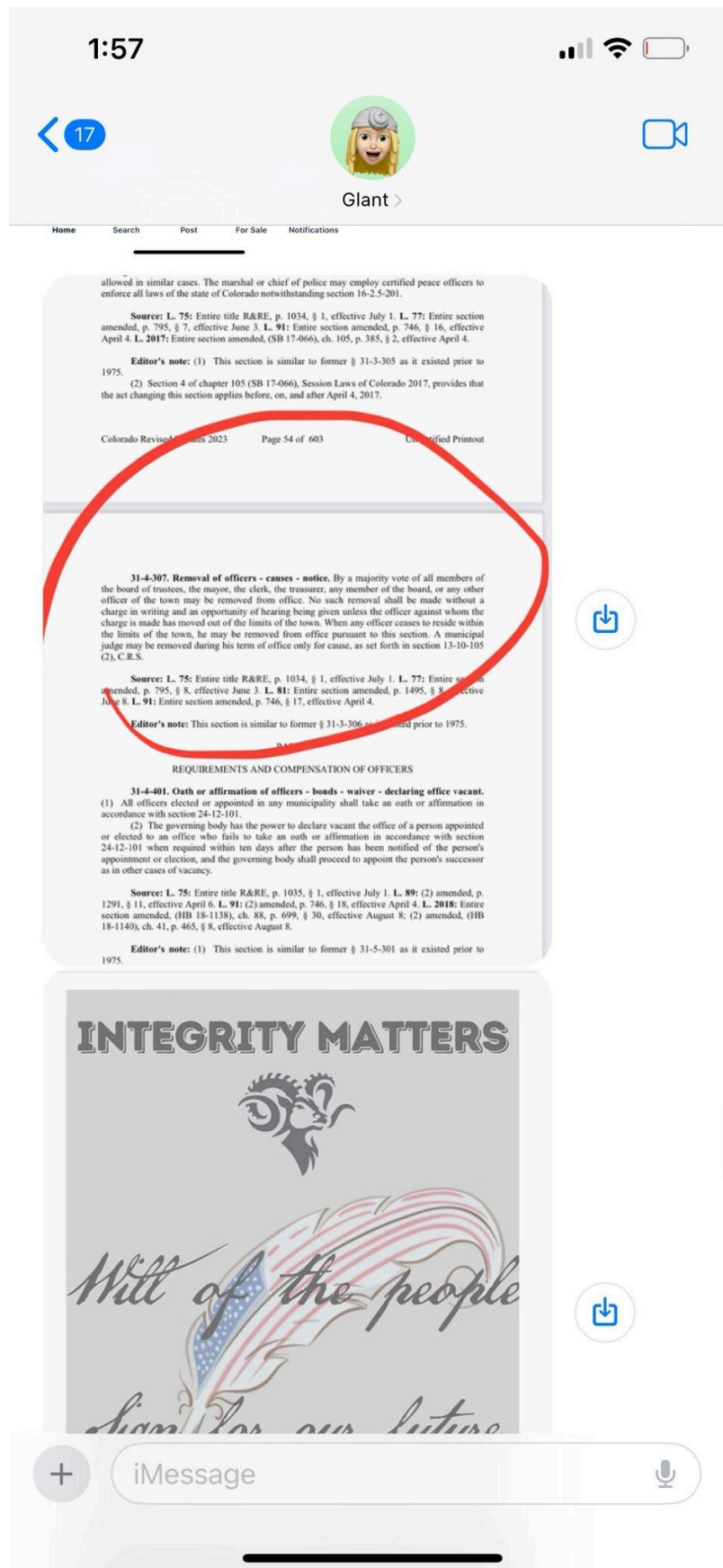
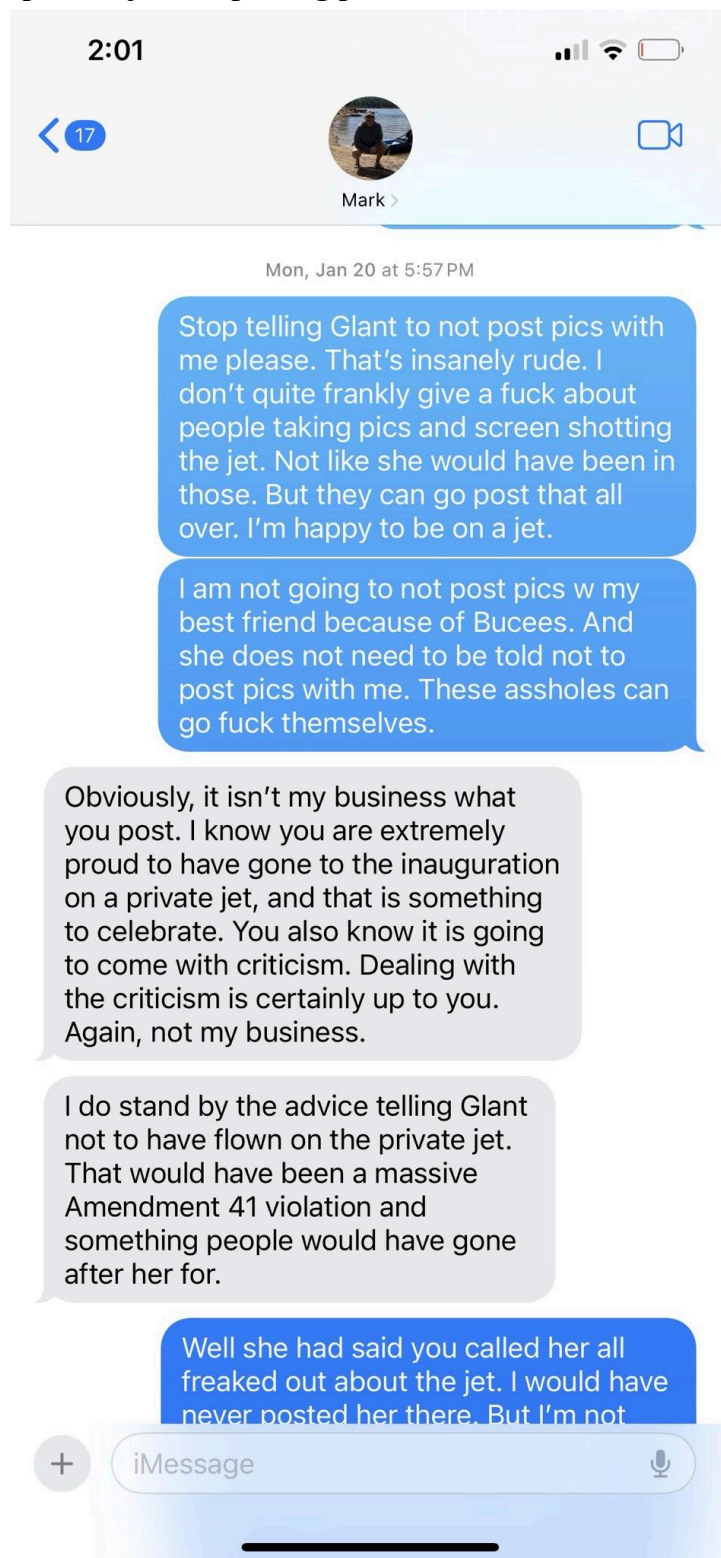


Image 3676



**Image 3677 - Mark Waller texting Darcy Schoening about Mayor Havenar potentially flying on a private jet and posting pictures on social media with Darcy Schoening.**



I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 27, 2025

At: Colorado Springs, Colorado

Signature: 

Printed Name: Dana Duggan