

Rabbi Jacob Bellinsky  
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January 30, 2025

Christopher M. Wolpert, Clerk  
United States Court of Appeals for the Tenth Circuit  
Byron White U.S. Courthouse  
1823 Stout Street  
Denver, CO 80257

Re: Request for Disciplinary Review - Attorneys Allison R. Ailer & John F. Peters Nos. 24-1351/24-1352

To: Clerk Wolpert:

Pursuant to Section 6.2 of the Plan for Attorney Disciplinary Enforcement ("Plan") and the precedent established in *United States v. Springer*, 2011 U.S. App. LEXIS 26255 (10th Cir. 2011), I am bringing to your attention serious misconduct by Attorneys Allison R. Ailer and John F. Peters warranting disciplinary review.

#### DOCUMENTED MISCONDUCT

##### Current Coordinated Procedural Manipulation:

Attorney Peters, at Attorney Ailer's apparent direction, improperly cross-filed case-specific documents between separate appeals (Document 34) despite the clear impropriety of such action. Specifically, counsel filed a joint response in 24-1352 but deliberately allowed it to be cross-filed into 24-1351 despite exclusively containing the cause number, procedural history, and correspondence related to 24-1352 and no reference to 24-1351. Attorney Ailer then failed to properly respond to the Motion to Amend in 24-1351 while engaging in procedural manipulation through this improper cross-filing with Peters.

When confronted with this error and other ongoing improprieties through emails (see attached), Attorney Ailer, despite representing state defendants in both appeals, has refused multiple requests to file a simple Notice of Non-Opposition in Case 24-1351. This refusal has necessitated additional motion practice and court intervention, reflecting the type of conduct as part of a pattern and practice over a year of litigation that appropriately necessitates disciplinary review. As in *Springer*, counsels' actions here reflect a pattern that delays proceedings and undermines the efficient administration of justice.

The coordinated manipulation is particularly troubling given that the amendments at issue in case 24-1351 mirror those already accepted by the Court in case 24-1352. After Appellant filed a detailed supplement in 24-1352 and the court accepted those amendments on January 29, 2025, Attorneys have nonetheless refused to file a simple Notice of Non-Opposition in 24-1351. While these are separate and distinct cases, the amendments in both appeals involve the same refinements to legal analysis regarding individual capacity representation, terminology, and precision. Counsel's insistence on forcing unnecessary supplemental filings regarding already-accepted amendments, while simultaneously engaging in improper cross-filing between cases, is especially concerning given that

counsel has already obtained substantial extensions in both appeals - a 30-day extension in 24-1351 (answer brief due February 6, 2025) and a 45-day extension in 24-1352 (answer brief due February 20, 2025). This pattern of tactical delay and procedural manipulation, occurring after already securing significant and unwarranted extensions of time, reflects a deliberate strategy to undermine the efficient administration of justice.

Pattern of Professional Misconduct:

The current procedural manipulation continues a documented pattern from district court proceedings (1:24-cv-03163/1:24-cv-03461) through appellate proceedings (24-1351/24-1352) where counsel has:

1. Filed materially fraudulent motions containing misrepresentations about undisputed case facts, plaintiff's claims, jurisdiction, immunity, abstention doctrines, and more
2. Maintained improper representation creating clear conflicts of interest
3. Demonstrated persistent bias and cultural insensitivity in dealings with Jewish religious matters
4. Engaged in tactical delays through coordinated procedural manipulation
5. Misused state resources and funding to benefit both private & individual defendants sued in their personal capacities only
6. Conspired and blocked legitimate discovery through coordinated motions for stay
7. Used procedural devices to block legitimate discovery
8. Created unnecessary delays through coordinated misconduct

VIOLATIONS OF PROFESSIONAL CONDUCT RULES

Said ongoing pattern of misconduct by counsel across multiple cases implicates not only criminal violations of the law, but numerous violations of professional ethics rules, including but not limited to:

Rule 3.3 (Candor Toward Tribunal):

- Making known misrepresentations
- Failing to correct known procedural errors
- Concealing conflicts of interest

Rule 3.4 (Fairness to Opposing Party):

- Creating unnecessary procedural obstacles
- Conspiring and coordinating between adverse parties
- Using improper tactics to cause delay

Rule 8.4(c) (Dishonesty/Misrepresentation):

- Filing knowingly invalid documents
- Maintaining improper representation
- Making false statements to courts

Rule 8.4(d) (Conduct Prejudicial):

- Undermining judicial process
- Creating unnecessary delays
- Manipulating procedures

LEGAL BASIS FOR REVIEW

Under Section 4.2 of the Plan, as discussed in *In re Barringer*, 2011 U.S. App. LEXIS 22142 (10th Cir. 2011), an attorney must be notified of alleged misconduct and given an opportunity to respond before sanctions are imposed. Attorney Ailer's and Attorney Peter's misconduct, like the sanctionable behavior in *Springer*, warrants issuance of an order to show cause and referral to the Disciplinary Panel for investigation. As demonstrated in *Nielson v. Soltis*, 1994 U.S. App. LEXIS 29917 (10th Cir. 1994), such referral is appropriate where counsel's conduct undermines the integrity of appellate proceedings.

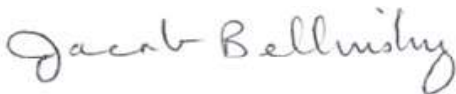
REQUEST FOR ACTION

I respectfully request pursuant to Section 6.2 of the Plan and consistent with precedent from *Springer*:

1. Issuance of an order to show cause why discipline should not be imposed
2. Initiation of a disciplinary case for review by the Disciplinary Panel
3. Appointment of investigating counsel to examine the pattern of misconduct and violations
4. Such other action as deemed appropriate, including but not limited to, criminal referral

I am immediately prepared to provide additional evidence and extensive documentation, including court filings, criminal complaints, conferral correspondence, and other material documenting coordinated misconduct and criminal violations of the law. Please advise if you require any further information.

Respectfully submitted,



Rabbi Jacob Bellinsky  
Crime Victim/Witness/Whistleblower

cc:

Office of Attorney Regulation Counsel #25-386 (via: [attorney\\_registration@coloradosupremecourt.us](mailto:attorney_registration@coloradosupremecourt.us))

Independent Ethics Commission (via: [iecinfo@state.co.us](mailto:iecinfo@state.co.us))

Colorado Attorney General's Office

AG Philip Jacob Weiser (via: [phil.weiser@coag.gov](mailto:phil.weiser@coag.gov); [ag@coag.gov](mailto:ag@coag.gov); [attorney.general@coag.gov](mailto:attorney.general@coag.gov))

Natalie Hanlon Leh, Chief Deputy Attorney General (via: [natalie.hanlonleh@coag.gov](mailto:natalie.hanlonleh@coag.gov))

Shannon Stevenson, Solicitor General (via: [shannon.stevenson@coag.gov](mailto:shannon.stevenson@coag.gov))

Tanja Wheeler, Associate Chief Deputy (via: [tanja.wheeler@coag.gov](mailto:tanja.wheeler@coag.gov))

Allison Ailer (via: [allison.ailer@coag.gov](mailto:allison.ailer@coag.gov))

Elizabeth Phillips (via: [elizabeth.phillips@coag.gov](mailto:elizabeth.phillips@coag.gov))

Hall & Evans, LLC - Attorneys At Law

John F. Peters (via: [petersj@hallevans.com](mailto:petersj@hallevans.com))

Andrew D. Ringel (via: [ringela@hallevans.com](mailto:ringela@hallevans.com))

Attachment: Emails - Urgent Request for Immediate Notice of Non-Opposition in Case No. 24-1351



Jacob &lt;jbellinsky@gmail.com&gt;

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**Urgent: Request for Immediate Notice of Non-Opposition in Case No. 24-1351**

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Rabbi Jacob Bellinsky &lt;jbellinsky@gmail.com&gt;

Wed, Jan 29, 2025 at 10:11 PM

To: Allison Ailer &lt;Allison.Ailer@coag.gov&gt;

Cc: "Peters, John F. Jack" &lt;petersj@hallevans.com&gt;, "Ringel, Andrew D." &lt;ringela@hallevans.com&gt;, Attorney General &lt;ag@coag.gov&gt;, attorney.general@coag.gov, phil.weiser@coag.gov, natalie.hanlonleh@coag.gov, shannon.stevenson@coag.gov, tanja.wheeler@coag.gov, Elizabeth Phillips &lt;elizabeth.phillips@coag.gov&gt;

Dear Ms. Ailer,

Your response to my earlier email and phone conversation only further demonstrates a disturbing pattern of procedural manipulation, unprofessional conduct, and cultural insensitivity. Your email grossly mischaracterizes both our phone conversation and my positions. I reject all of your characterizations and misdirection from the core matter at hand. The issue is, and remains, your own failure to properly handle these separate cases with separate responses, and your failure to respond to the Court's order by its deadline.

The documented facts remain clear and undisputed:

1. You failed to file any separate response to my Motion to Amend in case 24-1351
2. The deadline for filing any response has now passed without you submitting a response
3. The joint response you reference explicitly lists only case 24-1352 (see attached)
4. The joint response contains only correspondence and procedural history from 24-1352
5. You failed to respond to my January 5 and 6 emails regarding case 24-1351

Furthermore, your attempt to justify your actions through vague references to "clicked buttons" in the CM/ECF system is particularly egregious. The system's checkbox prompt "The document will also be filed in cases that are checked:" requires an intentional action to cross-file between cases. The clerk's office explicitly advised months ago that this checkbox should NOT be used for these distinctly separate cases unless and until the court orders consolidation. Your deliberate decision to check this box despite this guidance reveals this was not a mere technical oversight, but rather another example of your intentional procedural manipulation.

Most tellingly, you completely ignore that the amendments described in my 24-1351 motion mirror those already accepted by the court in case 24-1352, where my supplement went unopposed and my amended brief was accepted. Instead of acknowledging this straightforward parallel and filing a simple Notice of Non-

Opposition, you appear determined to force unnecessary motion practice and further delay.

Your attempt to deflect responsibility through discussions of "clicked buttons" rather than addressing your substantive failures is beneath the professional standards expected of the Attorney General's Office and an Assistant AG. This is particularly troubling given that your office should not even be representing these defendants sued in their individual/personal capacities only for actions taken under color of law - yet rather than addressing that fundamental conflict of interest issue, you choose to engage in procedural gamesmanship.

Your current procedural maneuvering is merely the latest chapter in a troubling pattern of misrepresentation and abuse of process. You know full well these cases should have never been dismissed from the United States District Court for the District of Colorado. Your grossly fraudulent Motions to Dismiss in both cases, readily embraced by Chief Judge Brimmer and Magistrate Varholak to defraud the court record, has only served to delay what should have already proceeded to jury trial. Rather than conceding the clear facts of my cases, you have engaged in an ongoing campaign of procedural gamesmanship designed to avoid discovery and prevent judicial scrutiny of your clients' unlawful actions.

Your conduct violates multiple Rules of Professional Conduct, including:

- Rule 3.3 (Candor Toward the Tribunal)
- Rule 3.4 (Fairness to Opposing Party)
- Rule 8.4(c) (Conduct Involving Dishonesty, Fraud, Deceit or Misrepresentation)
- Rule 8.4(d) (Conduct Prejudicial to the Administration of Justice)

Your conduct also raises serious concerns under Rule 1.9(a) of the Colorado Rules of Professional Conduct regarding conflicts of interest. The Tenth Circuit has consistently held that disqualification is required when representation creates such conflicts, particularly where, as here, there are clear violations of professional standards. See *In re Owners Ins. Co.*, 835 Fed. Appx. 447 (10th Cir. 2020); *Helmer v. Goodyear Tire & Rubber Co.*, 2012 U.S. Dist. LEXIS 185265 (D. Colo. Dec. 21, 2012). While disqualification is considered an extreme remedy, your ongoing pattern of procedural manipulation and misrepresentation to the court, combined with the inherent conflicts in representing individual defendants sued in their personal capacities only, demands such action. See *Cole v. Ruidoso Mun. Sch.*, 43 F.3d 1373 (10th Cir. 1994).

Given your demonstrated inability to maintain impartiality and your ongoing violations of professional ethics, it is time for you to do what integrity and the Rules demand - step down from these cases and self-disqualify. The Tenth Circuit has established clear standards for disqualification based on the ABA Model Rules of Professional Conduct, as adopted by Colorado. See *Olsen v. Owners Ins. Co.*, 2020 U.S. Dist. LEXIS 264878 (D.

Colo. Aug. 17, 2020); *FUNPLEX PSHP. v. FDIC*, 19 F. Supp. 2d 1201 (D. Colo. 1998).

Your continued representation while engaging in misrepresentation to both the district court and now the Tenth Circuit cannot be reconciled with your ethical obligations as an officer of the court. The fact that you appear to be using the Rules of Professional Conduct as procedural weapons for tactical advantage only compounds these violations. See *Coffeyville Res. Ref. & Mktg. v. Liberty Surplus Ins. Corp.*, 261 F.R.D. 586 (D. Kan. 2009).

Your misrepresentation to the court by allowing a 24-1352-specific response to be cross-filed into 24-1351 without proper cause or notice raises serious ethical concerns. I am attaching the Joint Response from case 24-1352 (Document 35-1) for reference by your superiors, which clearly demonstrates the facts outlined above regarding the case-specific nature of the filing and your office's failure to properly handle these separate cases. These issues, along with your consistent pattern of disrespect in refusing to use my proper title of "Rabbi" despite my clear identification as such - including during today's phone call - will be reported to:

1. The Office of Attorney Regulation Counsel
2. Your superiors at the Colorado Attorney General's Office (now cc:'d)
3. The Tenth Circuit's Clerk for referral to the Disciplinary Panel under the Plan for Attorney Disciplinary Enforcement

Your persistent refusal over more than a year of litigation to properly address me as "Rabbi," instead using "hello" or "Mr." despite knowing my proper title, demonstrates a troubling pattern of cultural insensitivity that has no place in professional legal practice.

Be advised that I will be documenting all time spent addressing your procedural manipulation at my standard rate of \$300 per hour. While I would prefer to focus on the substantive constitutional violations at issue, I will not hesitate to seek compensation for time wasted on unnecessary motion practice caused by your bad-faith and obviously further purposeful delays.

Although it doesn't appear that you have the integrity and ethics to engage cooperatively and do the right thing, the efficient solution remains simple: Have your office file a Notice of Non-Opposition acknowledging your error and allowing both cases to proceed appropriately. Given the late hour, I expect your response first thing tomorrow morning. Additionally, I remind you that your clients' answer brief in 24-1351 remains due on February 6, 2024, and should be responsive to the amended brief as properly filed.

Sincerely,

Rabbi Jacob Bellinsky (303) 883-7706  
Crime Victim/Witness/Whistleblower

American Association of Non-Lawyers (AANL) Member  
Parent-Attorney-Whistleblower-Network (PAWN) Member

On Wed, Jan 29, 2025 at 5:20 PM Allison Ailer <Allison.Ailer@coag.gov> wrote:

Thank you for your telephone call. I now understand, based on your telephone call and the email below, that you believe the Tenth Circuit Court of Appeals acted improperly in Case No. 24-1351 when it entered an order today requiring you to file red lines demonstrating the changes that you made in the Amended Opening Brief. I also understand you believe Mr. Peters' office improperly "clicked a button" in Case No 24-1352 when it filed the objection to your motion to amend in that case and that you believe that "clicked button" led the Tenth Circuit Court of Appeals to improperly also require red lines in Case No 24-1351. Next, you wrongly accuse me of relying on Mr. Peter's joint filing in Case No 24-1351 and accuse me of missing a filing deadline. Finally, you claim to have spoken to someone in the Tenth Circuit's Clerk's Office regarding these issues and to have received some sort of advice. I do not believe the Tenth Circuit, Mr. Peters, myself, or any of our offices has done anything wrong or engaged in improper delay. The Tenth Circuit has ordered you to file redlines in Case No. 24-1351. The State will file an Answer Brief in Case No. 24-1351 when the Tenth Circuit Court of Appeals orders it to do so.

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**From:** Rabbi Jacob Bellinsky <jbellinsky@gmail.com>

**Sent:** Wednesday, January 29, 2025 3:06 PM

**To:** Allison Ailer <Allison.Ailer@coag.gov>

**Cc:** Peters, John F. Jack <petersj@hallevans.com>; Ringel, Andrew D. <ringela@hallevans.com>

**Subject:** Urgent: Request for Immediate Notice of Non-Opposition in Case No. 24-1351

Dear Ms. Ailer,

I am writing regarding a critical procedural matter that requires your immediate attention in Appeal No. 24-1351. On January 6, 2025, I filed separate Motions for Relief to Amend Opening Brief Instantly in both cases 24-1351 and 24-1352. While you joined a response filed by Mr. Peters in case 24-1352, you failed to file any separate response in case 24-1351 by the deadline. The electronic filing of the 24-1352 joint response into the 24-1351 docket through CM/ECF's cross-filing feature does not constitute a valid response in 24-1351, as that joint response:

- References only case number 24-1352, including the cause number at the top of filing
- Contains only email correspondence and procedural history from 24-1352
- Makes no mention of case 24-1351 or its distinct procedural posture and conferral

Under standard appellate procedure, I am entitled to a default judgment on my Motion to Amend in 24-1351 due to your failure to file a timely, case-specific response. The court has nonetheless ordered me today to file a supplement in 24-1351 based on your procedural manipulation of the CM/ECF system and lack of professional standards.

To avoid unnecessary delay and additional motion practice, I request that you immediately file a Notice of Non-Opposition to Plaintiff/Appellant's Motion for Relief to Amend Opening Brief in case 24-1351. This is particularly urgent given that your answer brief in 24-1351 remains due on February 5, 2025, and I would oppose any further extensions.

This situation stems entirely from your failure to properly handle these cases as separate matters, despite my careful adherence to proper procedure in filing distinct motions in each case. I had been diligently awaiting the court's order accepting my amended brief in case 24-1351, only to receive today - more than three weeks after filing - an order requiring a supplement due to your procedural missteps. This unnecessary delay directly impacts the timely progression of this appeal and compounds the ongoing damages I continue to incur. Your failure to file a proper separate response in case 24-1351, whether due to oversight or intentional manipulation of the CM/ECF system, has created procedural complications that could have been entirely avoided. The most expeditious solution now is for you to acknowledge your error and file the suggested Notice of Non-Opposition, rather than forcing additional motion practice that would only serve to further delay these proceedings and increase the prejudice I am experiencing.

Your pattern of non-responsiveness in case 24-1351 is further evidenced by your failure to reply to my emails of January 5, 2025 (sent at 10:01 PM MST) and January 6, 2025 (sent at 2:32 AM MST) specifically regarding case 24-1351. While you actively engaged in email correspondence regarding case 24-1352, your selective non-response to communications about 24-1351 reinforces that these are separate and distinct cases and matters requiring separate and distinct treatment. This is documented in the email chain below.

For your convenience, I suggest language along the following lines:

"Notice of Non-Opposition to Appellant's Motion for Relief to Amend Opening Brief"

State Defendants-Appellees hereby give notice that they do not oppose Appellant's Motion for Relief to Amend Opening Brief filed on January 6, 2025 in Case No. 24-1351. The State Defendants-Appellees acknowledge that their prior response was specific to Case No. 24-1352 and did not constitute a proper response in this separate matter. The amendments described in Appellant's motion - including refinements to arguments regarding representation and terminology related to "adjudication" - are substantially similar to those already accepted by the Court in Case No. 24-1352.



If you decline to file this notice promptly, I will have no choice but to immediately:

- File a Motion to Strike your improper cross-filing
- File a Motion for Reconsideration of the Court's supplement order
- File complaints with the Office of Attorney Regulation Counsel and other professional regulatory bodies in law practice regarding this procedural manipulation

I trust you will recognize that filing the suggested Notice of Non-Opposition is the most efficient path forward for all parties and the Court. Please confirm your intended course of action by close of business today.

Sincerely,

Rabbi Jacob Bellinsky (303) 883-7706  
Crime Victim/Witness/Whistleblower  
American Association of Non-Lawyers (AANL) Member  
Parent-Attorney-Whistleblower-Network (PAWN) Member

On Mon, Jan 6, 2025 at 2:32 AM Rabbi Jacob Bellinsky <[jbellinsky@gmail.com](mailto:jbellinsky@gmail.com)> wrote:

Please see attached Motion to Amend and Amended Opening Brief

Thank you,

Rabbi Bellinsky

On Sun, Jan 5, 2025 at 10:01 PM Rabbi Jacob Bellinsky <[jbellinsky@gmail.com](mailto:jbellinsky@gmail.com)> wrote:

Dear Ms. Ailer,

I am writing to inform you that I intend to file a Motion for Relief to Amend Opening Brief Instanter in Case No. 24-1351 in the early hours of January 6, 2025. Due to the time-sensitive nature of this filing and the late hour, I regret that I am unable to fully confer on this matter. However, I wanted to extend the courtesy of notifying you of this impending filing.

The amended brief does not substantially alter the arguments presented but corrects inadvertent errors. I do not believe this amendment will prejudice the Appellees, especially given the recent extension granted for your answer brief now due on February 5, 2025.

If you have any immediate concerns, please let me know. Otherwise, I will proceed with filing as indicated.

Sincerely,

Rabbi Jacob Bellinsky  
Crime Victim/Witness/Whistleblower  
(303)883-7706



**24-1352\_Documents.pdf**

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