

<p>DISTRICT COURT, DENVER COUNTY, COLORADO 1437 BANNOCK STREET DENVER, CO 80202</p>	<p>DATE FILED: November 9, 2023 4:37 PM FILING ID: 3B13FFEACD10D CASE NUMBER: 2023CV31880</p>
<p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff</p> <p>vs.</p> <p>MULUEMEBET TASEW and 25632 EAST INDORE DRIVE, AURORA, COLORADO 80016, Defendants</p>	<p>Δ COURT USE ONLY Δ</p> <p>Case No: 23CV31880</p> <p>Division: 215</p>
<p>PHILIP J. WEISER, Attorney General Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, CO 80203 Daniel T. Brechbuhl* Assistant Attorney General II (720) 508-6482 E-Mail: Daniel.Brechbuhl@coag.gov Registration Number: 31047 *Counsel of Record</p>	
<p align="center">MOTION FOR DEFAULT JUDGMENT FOR FORFEITURE AND PERMANENT ORDER OF ABATEMENT</p>	

COMES NOW THE State of Colorado, by and through its Attorney General, and moves the Court to enter Default Judgment for Forfeiture and Permanent Order of Abatement in its favor, and against Muluemebet Tasew and 25632 East Indore Drive, Aurora, CO 80016 (hereafter, “Defendants”), as follows.

I. INTRODUCTION:

Despite proper service, Defendants have failed to appear in this case or respond. Accordingly, the Plaintiff respectfully requests the Court grant its Motion for Default Judgment for Forfeiture and Permanent Order of Abatement pursuant to C.R.S. §16-13-301, et. seq., against Defendant Muluemembet Tasew and Defendant Tasew's real property located at 25632 East Indore Drive, Aurora, CO 80016 in the amount of \$693,338.10. Plaintiff further requests that the judgment may be filed as a lien against the real property at issue, as set forth below.

II. PROCEDURAL HISTORY:

1. On June 28, 2023, the Plaintiff filed the Complaint for Forfeiture under the Colorado Abatement of Public Nuisance Statute C.R.S. § 16-13-301, et. seq., and the Motion for Temporary Restraining Order and Order to Seize Ex Parte.

2. The Court granted a Temporary Restraining Order pursuant to C.R.S. § 16-13-308 on June 30, 2023.

3. On July 7, 2023, the Plaintiff filed the Motion for Service of Process by Publication under C.R.C.P. 4(g)(2).

4. On July 14, 2023, the Court allowed the Plaintiff to pursue Service of Process by Publication.

5. On August 29, 2023, the Court issued the Order finding that the Plaintiff satisfied Service of Process by Publication under C.R.C.P. 4(g)(2).

6. On October 4, 2023, the Plaintiff filed the Motion for Clerk's Default. On October 6, 2023, the Court's Clerk issued the Clerk's Default against Defendant Tasew, Muluemembet et al.

III. LEGAL STANDARD:

Rule 55(a), C.R.C.P., states:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

A part entitled to judgment by default "shall apply to the Court therefor." C.R.C.P. 55(b).

Rule 121 § 1-14, C.R.C.P., further provides that to enter default judgment under Rule 55(b), C.R.C.P., a party should file the original summons showing valid service on the defendant, as well as an Affidavit stating facts showing that the venue is proper and that the defendant is not a minor, incapacitated person, officer of agency of the State of Colorado, or in the military service. *Id.* The affidavit may be executed by the attorney for the moving party. *Id.*

IV. REQUEST FOR DEFAULT JUDGMENT:

Despite proper service by publication pursuant to C.R.C.P. 4 (see Exhibit 1), Defendant Tasew has not appeared in this case within the time required for appearance, nor at all, and no Answer or other pleading is on file. Default judgment is thus proper under C.R.C.P. 55 and 121, §1-14.

Defendant Tasew committed a class one public nuisance at the real property that is the subject of this action, which is identified as follows:

The real property at issue is identified as:

Lot 11, Block 2 Tallyn's Reach Sub 12th FLG 1st Amendment,
City of Aurora, County of Arapahoe, State of Colorado,

According to the recorded plat thereof.

(Also known as "25632 East Indore Drive, Aurora, Colorado 80016") (hereafter, "Real Property"). Defendant Tasew is the sole owner of the Real Property.

In Denver County District Court Case Number 23CR3615, Defendant Tasew was charged with the offenses of Medicaid Fraud and Waste, and Money Laundering. Defendant Tasew stole \$693,338.10 in Medicaid funds from the Colorado Department of Health Care Policy and Financing, the victim in 23CR3615. Plaintiff's June 28, 2023 Complaint for Forfeiture, and Investigator Kyle Barrett's Affidavit, show that Defendant Tasew used Medicaid proceeds she obtained illegally in the commission of the charged felonies in order to purchase the Real Property. Therefore, the Plaintiff shows that Defendant Tasew committed a class one public nuisance under C.R.S. § 16-13-303(1)(i). Defendant Tasew has left the United States.

An Attorney's Affidavit is attached to this Motion and incorporated herein (see Exhibit 2), which establishes that Defendant Tasew is not an infant or an incompetent person, nor an officer or an agency of the State of Colorado, nor in the military service. Venue is proper in the City and County of Denver because

“the subject matter of the action, or some part thereof, is located or found or in the county where the public nuisance act, or any portion thereof, was committed.”

C.R.S. § 16-13-307(2).

The Court Clerk’s issuance of a Clerk’s Default against Defendants on October 6, 2023 established that Defendant Tasew, as the sole owner of the Real Property, failed to file an answer or other appropriate pleading in the time provided for by Colorado law, or at all. Therefore, “a forfeiture action may proceed and judgment of forfeiture may be entered without a criminal conviction of an owner.”

C.R.S. § 16-13-307(1.7)(b).

The Plaintiff seeks an order of abatement to be attached upon the Real Property. If the existence of a class one public nuisance is established, an order of abatement shall be entered as the judgment in the case. C.R.S. § 16-13-309. Therefore, the Plaintiff requests that in order to abate the class one public nuisance that the Court order \$693,338.10 as a default judgment against Defendants. Because the State lacks express statutory jurisdiction to possess and seize real property for purposes of short sale, the Plaintiff requests an Order authorizing Plaintiff to file a lien against the Real Property in Arapahoe County, Colorado, where the Real Property is located, in the amount of the \$693,338.10 default judgment.

WHEREFORE, the Plaintiff moves the Court for the Default Judgment for Forfeiture of the Real Property against Defendant Muluemebet Tasew; a Finding by the Court that the Real Property is a Class One Public Nuisance; and Entry of

a Permanent Order of Abatement with Default Judgment in the amount of \$693,338.10 payable to the Colorado Department of Health Care Policy and Financing, c/o Colorado Attorney General's Office, Colorado Medicaid Fraud Control Unit, Ralph L. Carr Colorado Judicial Center, 1300 N. Broadway, Ninth Floor, Denver, CO 80203, to be filed as a lien against the Real Property located at 25632 East Indore Drive, Aurora, Arapahoe County, Colorado 80016. The Plaintiff also requests that the Court's June 30, 2023, Temporary Restraining Order, issued pursuant to C.R.S. §16-13-308, be vacated.

Respectfully submitted November 9, 2023.

PHILIP J. WEISER
Attorney General, State of Colorado

By: /s/ George A. Coddington #18750
For DANIEL T. BRECHBUHL, #31047
Assistant Attorney General II

CERTIFICATE OF SERVICE

I certify that on November 9, 2023, a true copy of the foregoing "**MOTION FOR DEFAULT JUDGMENT FOR FORFEITURE AND PERMANENT ORDER OF ABATEMENT**" was e-filed in the Colorado Courts' E-Filing system and served via e-filing on all parties who appear of record and have entered their appearances in the above-captioned case according to Colorado Courts E-Filing.

 /s/ Diann Beck