



IN THE 13th JUDICIAL DISTRICT  
IN AND FOR THE STATE OF COLORADO

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ORDER ENJOINING KATHLEEN MARIE BOLLERS-DOLAN, DOB, OCTOBER 4,  
1964, FROM FILING PLEADINGS PRO SE

2023-2

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Since 1994, Kathleen Bollers-Dolan, date of birth, October 4, 1964, under various permutations of her name, has been involved in 28 cases in the 13th Judicial District. Though the number of cases may seem small, since 2013, her pro se filing of multiplicitious, redundant, frivolous, groundless, vexatious, and nonsensical pleadings has increased manifold. Often, her pleadings are refilings of the same pleadings denied by county and district court judges. Her refilings contain no new documents or information and, frequently, rehash or restate issues resolved in her prior domestic relations cases.

As sanctions for Ms. Bollers' substantially frivolous, groundless, or vexatious pleadings and litigation, the courts of this District have imposed awards of fees and costs in favor of opposing parties. However, that has not restrained Ms. Bollers' frenetic filings. For example, in the matters of Logan County Court Case Numbers 23C69 and 70, alone, Ms. Bollers, who is not an attorney, has filed 210 redundant, frivolous, groundless, or vexatious e-mails and attached pleadings between February and July 2023. Over a three-day period from Monday, July 17, through Wednesday, July 19, 2023, Ms. Bollers filed 38 redundant, frivolous, groundless, or vexatious e-mails and attached pleadings. This does not count the number of abusive telephone calls by Ms. Bollers to court staff.

The Colorado Supreme Court has upheld the right of trial courts to impose and enforce injunctions prohibiting pro se litigants from appearing pro se. Bd. of Cnty. Comm'rs v. Winslow, 706 P.2d 792, 794 (Colo. 1985). The common thread running through the Supreme Court opinions is that a litigant's right of access to the courts must be balanced against and, in a proper case, must yield to the interests of other litigants and of the public in general in protecting judicial resources from the deleterious impact of repetitious, baseless pro se litigation and preventing abuse of the judicial process, refusing to allow the judicial process to be used to harass others, and conserving limited judicial resources.

Id. See also People v. Dunlap, 623 P.2d 408, 410 (Colo. 1981); Bd. of Cnty. Comm'rs v. Barclay, 594 P.2d 1057, 1059 (Colo. 1979); People v. Spencer, 524 P.2d 1084, 1086 (Colo. 1974).

An injunction may be necessary and appropriate to prevent further abuse of judicial resources by a pro se litigant because a party acting in her own behalf is not subject to the disciplinary procedures that prevent abuse of the system by attorneys. Shotkin v. Kaplan, 180 P.2d 1021, 1022 (Colo. 1947). Forbidding a party from filing cases pro se does not infringe upon her constitutional right of access to the courts because she may still obtain access to judicial relief by employing an attorney authorized to practice in the State of Colorado. Winslow, 706 P.2d at 794-95.

A district court has jurisdiction to prevent an abuse of judicial process by a pro se litigant in the courts of any county in the district. The district court is in the best position to evaluate disruption of its judicial processes and it has the inherent power to control the conduct of litigants appearing before it. Id. at 795; Shotkin, 180 P.2d at 1022. So long as the power to enjoin pro se appearances does not extend beyond the boundaries of the judicial district, there is no danger that an injunction will control the course of proceedings in another judicial district or that a district court will usurp the supervisory duties of the Colorado Supreme Court.

In determining whether to issue this injunction, this Court considered the seriousness of the abuses of Ms. Bollers filing 210 redundant, frivolous, groundless, or vexatious e-mails and attached pleadings between February and July 2023 and, some days, up to three hours of court staff time on the telephone with Ms. Bollers and processing e-mails and attachments from Ms. Bollers. In light of the Colorado Supreme Court's previous cases enjoining pro se appearances, the Court determines an injunction is proper and the only avenue left to curb Ms. Bollers' abuses. Winslow, 706 P.2d at 795.

The Court recognizes these restrictions are a harsh sanction and litigiousness alone is insufficient reason to restrict access to the Court. However, where, as here, Ms. Bollers has engaged in a pattern of litigation activity which is manifestly abusive and no other sanctions have proven effective to curb the abuses, restrictions are appropriate. In re Winslow, 17 F.3d 314, 315 (10th Cir. 1994). Thus, this Court imposes restrictions commensurate with its inherent power to enter orders necessary or appropriate in aid of its jurisdiction.

Therefore, as this Court finds Ms. Bollers has seriously abused the judicial process, judicial resources, and court staff, she is enjoined from appearing pro se or filing for waiver of fees as a proponent of any motion or claim, that is, as a plaintiff, third-party claimant, cross-claimant, or counter-claimant or from filing any further actions or pleadings in the county or district courts of the 13th

Judicial District wherein she appears pro se and seeks affirmative relief, as contrasted from purely defensive action.

Before initiating any pro se action in this District, Ms. Bollers must first obtain the court's permission to file the action. To do so, Ms. Bollers must submit to the court three documents in the form described below, those being, 1) a petition requesting leave to file pro se, 2) an affidavit, and 3) a copy of the pleading sought to be filed in this District.

A petition requesting permission to file a pro se action must contain the following information:

1. A statement advising the court whether any party to the lawsuit was a party, litigant, judge, attorney, court officer, public official, or participant to, or was in any way involved in, any prior lawsuit or proceedings involving Ms. Bollers, and, if so, in what capacity.
2. A list of all lawsuits in the District or other state court in which Ms. Bollers was or is a party; the name, case number, and citation, if applicable, of each case; a statement indicating the nature of Ms. Bollers' involvement in the lawsuit and its current status or disposition.
3. A list of all state cases in which a judgment was rendered against Ms. Bollers, if any; the name, case number, and citation, if applicable; the amount of the judgment rendered against her; the amount, if any, of the judgment that remains outstanding and the reasons therefor.
4. A list of all state cases in which a judgment was rendered in favor of Ms. Bollers, if any; the name, case number, and citation, if applicable; the amount of the judgment rendered for her; the amount, if any, of the judgment that remains outstanding and the reasons therefor.
5. A list identifying the procedural or monetary sanctions, assessment of attorney fees, contempt orders or jail sentences arising out of a civil prosecution imposed against her by any court, including all appellate courts, if any; the name, case number, and citation, if applicable, of each case; a brief statement explaining the sanctions, contempt order, attorney fees or jail sentence imposed; the type or amount of sanctions; the outstanding amount of any sanctions or attorney fees; and the current status or disposition of the matter.

Ms. Bollers shall also submit with the above petition an affidavit, in the proper legal form, with appropriate jurat and verification, containing the following recitals:

1. That the pleading or claims Ms. Bollers wishes to present have never before been raised by her and disposed of by any state court and are not, to the best of her knowledge, barred by collateral estoppel or res judicata.

2. That to the best of her knowledge the pleading or claims are not substantially frivolous, groundless, or vexatious; that they are well grounded in fact and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; that the lawsuit is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needless increase in the cost of litigation, or to avoid the execution of a valid judgment.
3. That the pleading or claims are not meant to harass any judicial officer, attorney, individual, organization, or entity.
4. That in prosecuting the action, Ms. Bollers will comply with all rules of procedure, including those requiring the service to other parties of all pleadings and papers filed with the court, and will provide the court with acceptable proof that such service was made.

Finally, Ms. Bollers shall include with the above-described petition and affidavit a copy of the pleading, complaint, or any other documents to be filed with the court. The pleading, complaint, or other documentation shall conform with the requirements of this Order, Colorado Rules of Civil Procedure chapters 1 and 2, and all other provisions contained in the Colorado Rules of Civil Procedure or applicable Chief Justice Directives.

The Clerk of the Court for the Logan County Combined Courts shall maintain a file with the general title, "In the Matter of Kathleen Marie Bollers-Dolan, DOB, October 4, 1964." This file shall serve as the repository of all orders relating to Ms. Bollers in this District, documents submitted under the procedures set forth herein, and any order entered pursuant thereto. The Clerk of the Court shall also maintain a docket sheet associated with this file and shall list all documents filed therein.

The petition for leave to file pro se, affidavit, and pleading shall be filed with the Clerk of the Court. The Clerk or her designated deputy shall accept the documents, mark them received, and immediately forward them to the District Court Magistrate.

The Magistrate shall recommend approval or disapproval of the petition. The Magistrate shall consider the following:

1. Whether Ms. Bollers has complied with the procedures set forth in this Order in all particulars;
2. Whether Ms. Bollers' pleading complies with the Colorado Rules of Civil Procedure and Chief Justice Directives;
3. Whether the pleading is substantially frivolous, groundless, or vexatious;
4. Whether the claims raised in Ms. Bollers' pleading have been adjudicated previously by any state court;
5. Whether Ms. Bollers has complied in all respects with the Colorado Rules of Civil Procedure or applicable Chief Justice Directives;

6. Whether the pleading alleges claims against judges, court officials, public officers, or any other individuals who may have immunity from suit; and
7. Whether the pleading meets such other reasonable requirements established by the court.

The Magistrate shall not otherwise address the merits of the pleading.

The Magistrate shall submit proposed findings of fact and a recommendation as to disposition of the petition to the Chief Judge of the 13th Judicial District. Copies of proposed findings and recommendations shall be mailed to Ms. Bollers and all named parties who shall have 21 days after service thereof to serve and file written objections thereto. If no such objections are timely filed, the Magistrate's proposed findings and recommendations may be accepted by the Chief Judge and appropriate orders entered without further notice. No provision is made for oral representations or argument in support of the petition. At the discretion of the Chief Judge, the filings may be presented directly to a district court judge who shall consider the petition under the above standards.

Failure to comply with the procedures and principles set forth in this Order shall be grounds for denying the petition. Likewise, false or misleading recitals in the pleading or the petition shall be grounds for denial and may subject Ms. Bollers to sanctions under Colorado Rules of Civil Procedure 11.

If the court enters an order granting the petition, the Clerk shall cause the pleading and accompanying materials to be filed as of the date of the order. The assignment of the case shall be pursuant to the local practice.

Done this 26th day of July 2023.



CARL S. McGUIRE III  
Chief Judge  
13th Judicial District