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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

April 1, 2020

David Green
Founder and Chief Executive Officer
7707 SW 44th Street
Oklahoma City, OK 73179

**RE: Executive Order D 2020 017 and Second Updated Public Health Order 20-24
Implementing Stay at Home Requirements**

Dear Mr. Green:

It has come to the attention of the Colorado Department of Public Health and Environment (CDPHE) that Hobby Lobby has reopened its Colorado stores this week. This action is in direct violation of Executive Order D 2020 017, issued by Governor Polis on March 25, 2020, and Second Updated Public Health Order 20-24 Implementing Stay at Home Requirements, issued by Jill Hunsaker Ryan, MPH, Executive Director of CDPHE on March 27, 2020.

Pursuant to C.R.S. § 24-33.5-704(2), Executive Order D 2020 017 has the full force and effect of law. Second Updated Public Health Order 20-24 is issued pursuant to the Governor's directive and CDPHE's power "to investigate and control the causes of epidemic and communicable diseases affecting the public health," C.R.S. § 25-1.5-102(1)(a)(I). The executive order mandates the temporary closure of all businesses except those deemed "critical businesses" by CDPHE through Public Health Order 20-24 or any successor public health order. These two lawful orders only permit the continued operation of a limited number of specific businesses. As it applies to you, the public health order permits continued operation of only "critical retail," which includes:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores

- Restaurants and bars (for take-out/delivery only as necessary under Executive Order D 2020 011 and PHO 20-22, as amended)
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant to Executive Order D 2020 011)
- Liquor stores
- Firearms stores
- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products)
- Establishments engaged in the sale of products that support working from home

Second Updated Public Health Order 20-24 Implementing Stay at Home Requirements III.C.4 (Mar. 27, 2020), copy attached. For the avoidance of doubt, and as you have been previously notified, Hobby Lobby is not a “critical business” and is not otherwise exempt from the requirements of Executive Order 2020 017 and Second Updated Public Health Order 20-24.

You are directed to immediately close all Hobby Lobby locations within the State of Colorado in compliance with Executive Order D 2020 017 and Second Updated Public Health Order 20-24. Immediate compliance is compulsory, and any future or continuing non-compliance will be subject to the full force and effect of injunctive relief to enforce Executive Order D 2020 017 and Public Health Order 20-24, including entry of a temporary restraining order. Please contact us to confirm your compliance with this demand by April 2, 2020, at 5:00 p.m.

This matter is serious and requires your immediate attention.

Sincerely,

FOR THE ATTORNEY GENERAL



W. Eric Kuhn
Senior Assistant Attorney General
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Cc: Steve Green, President
Peter Dobelbower, Senior Vice President and General Counsel