



Oct. 11, 2006

Dear Paragon Patron:

As a valued supporter of Paragon Theatre, we want to make you aware of our plans to take legal action seeking protection of our First Amendment right to free expression. In all aspects of our work, we strive to be a leader in our local artistic community, and in this regard we feel that a proactive response to this important legal question is aligned with our organizational mission and values.

Paragon, along with Curious Theatre Company in Denver and Theatre13 in Boulder have filed a joint complaint in Denver District Court against the Colorado Department of Health. We allege that the newly passed "Colorado Clean Air Act" does not allow for artistic portrayal of smoking, particularly through the use of non-tobacco cigarettes. We believe that this law violates our right to free expression protected by the First Amendment to the U.S. Constitution.

We are seeking to protect the artistic intent of playwrights and theatre companies in staging live performances that include the portrayal of smoking as an integral part of the script. The lawsuit seeks an injunction that would prevent the State from enforcing the new law or its fine schedule against theatres using smoking in live theatre performances.

This is a narrow and limited challenge that we believe does not alter the spirit of the new law. We are simply looking for recognition of an exception that was contemplated in the legislation, has been allowed in other states including New York and California, and enables theatre companies to continue to exercise their artistic freedom of expression. Our policy here at Paragon is to only include smoking in productions of scripts that explicitly require it, and in such cases we will always use non-tobacco products.

It is likely that there will be news coverage surrounding Paragon's involvement in this lawsuit that is being handled on a pro bono basis by the law firm Holland & Hart. First and foremost, I encourage you to call or email me with any concerns. If you receive any inquiries, please feel free to direct them to me.

We hope that the outcome of this lawsuit is in our favor, but if it is not, we will respect and abide by the law. Please note that our current production, *Hedda Gabler* by Henrik Ibsen playing at the Phoenix Theatre until November 4th does not contain any smoking.

Thank you for your continued support of Paragon Theatre.

Sincerely,
Michael Stricker
Executive Director
Paragon Theatre
Honest. Intimate. Bold.

THROUGH ITS COMMITMENT TO THE CLASSICS AS WELL AS THE DEVELOPMENT OF NEW WORKS, PARAGON THEATRE'S ENSEMBLE OF ARTISTS USES A SUPERIOR COLLABORATIVE APPROACH TO CREATE THE MOST HONEST, PROVOCATIVE, INTIMATE THEATRE IN DENVER.