

<p>DISTRICT COURT, GRAND COUNTY, COLORADO Court Address: 307 Moffat Ave., Hot Sulphur Springs, CO 80451</p>	<p>DATE FILED July 12, 2024 4:01 PM FILING ID: 1A7B070F2778B CASE NUMBER: 2021CV30008</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: GRANBY RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado</p> <p>v.</p> <p>Defendants: HEADWATERS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado; GRAY JAY VENTURES, LLC.; REDWOOD CAPITAL FINANCE CO., LLC, GRANBY PRENTICE, LLC; AND GR TERRA LLC.</p>	
<p><i>Attorneys for Plaintiff:</i> David K. TeSelle, Reg. No. 29648 Lisa R. Marks, Reg. No. 31683 D. Dean Batchelder, Reg. No. 38425 Patrick M. Sweet, Reg. No. 51130 Burg Simpson Eldredge Hersh & Jardine, P.C. 40 Inverness Drive East Englewood, CO 80112 Phone No.: (303) 792-5595 Email: dteselle@burgsimpson.com lmarks@burgsimpson.com dbatchelder@burgsimpson.com psweet@burgsimpson.com</p>	<p>Case Number: 2021CV30008</p> <p>Div.: 1</p>
<p>GRMD’S <u>UNOPPOSED</u> MOTION REGARDING ITS MOTION FOR PARTIAL SUMMARY JUDGMENT</p>	

Plaintiff, Granby Ranch Metropolitan District (“GRMD”), by and through its attorneys, Burg Simpson Eldredge Hersh & Jardine, P.C., respectfully submits this Unopposed Motion Regarding Its Motion for Partial Summary Judgment, and states, as follows:

CERTIFICATE OF C.R.C.P. 121(c) § 1-15(8) CONFERRAL

Counsel for GRMD conferred with counsel for Defendant / Counterclaim Plaintiff Headwaters Metropolitan District (“Headwaters”) regarding this Motion and is authorized to state that Headwaters does not oppose the relief requested herein.

1. The Court, following an unopposed motion for an enlargement of time, set July 11, 2024, as the deadline for parties to file Rule 56 motions. *See* Order dated June 20, 2024 (setting same).

2. Undersigned, as counsel for GRMD, timely filed an opposed Motion for Partial Summary Judgment (“Motion”) on the evening of July 11, 2024. *See* **Exhibit 1** (CCE email filing receipt noting same).

3. The clerk rejected the filing the morning of July 12, 2024, noting that there were technical shortcomings in the filing. Specifically: there was no proposed order attached and there were multiple documents contained in a single document.

4. Undersigned immediately corrected these technical shortcomings. *See* **Exhibits 2** (CCE email filing receipt (attaching proposed order)), **3** (CCE email filing receipt (reformatting previously attached document)).

5. There were no substantive changes to GRMD’s Motion.

6. The filing was accepted July 12, 2024.

7. Upon the clerk accepting the filing, Undersigned immediately conferred with counsel for Headwaters to confirm that they do not dispute that GRMD’s motion was timely filed.

8. Headwaters does not contest that the Motion was timely filed.

9. The Motion was timely filed. There were no substantive changes to the Motion to correct the technical shortcomings, the matter was immediately attended to, and Headwaters does not contend the Motion was untimely.

10. To clarify this matter for the Court and to avoid any doubt, undersigned now raises this matter with the Court and respectfully requests that the Court deem the Motion timely filed on July 11, 2024.

11. There is good cause to grant this request because the Motion was in fact timely submitted to CCE on July 11, 2024, there is no prejudice to any party, this request is unopposed, and there will be no delay in resolution of the case from granting this relief.

12. A proposed order is attached for the Court's convenience.

Respectfully submitted July 12, 2024.

**BURG SIMPSON
ELDREDGE HERSH & JARDINE, P.C.**

Duly signed original is on file in this office and available for inspection and/or copying upon request.

/s/ D. Dean Batchelder

David K. TeSelle, Reg. No. 29648

Lisa R. Marks, Reg. No. 31683

D. Dean Batchelder, Reg. No. 38425

Patrick M. Sweet, Reg. No. 51130

CERTIFICATE OF SERVICE

I certify that on July 12, 2024, a true and correct copy of this **GRMD'S UNOPPOSED MOTION REGARDING ITS MOTION FOR PARTIAL SUMMARY JUDGMENT** was filed and served upon all counsel of record via CCE.

Duly signed original is on file in this office and available for inspection and/or copying upon request.

/s/ Natalie Elliott _____
Natalie Elliott

DATE FILED
July 12, 2024 4:01 PM
FILING ID: 1A7B070F2778B
CASE NUMBER: 2021CV30008

EXHIBIT 1

From: [CO E-Filing Courtesy Notices](#)
To: [Dean Batchelder](#)
Subject: Submission Receipt: 2021CV030008 - Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al
Date: Thursday, July 11, 2024 11:44:24 PM

[CAUTION:] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Court: Grand County
Case Caption: Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al
Case Number: 2021CV030008
Filing ID: 19DD56AC34D57
Date Filed: July 11, 2024 at 11:43 PM

E-File Fee: \$12.00
Service Fees: \$12.00
Billing Reference: GRMD - 245782.04

Document ID: BC8E8FE714D45
Document Type: Motion for Summary Judgment
Document Title: Motion for Partial Summary Judgment

Document ID: 2A40592D33616
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: Declaration of D. Dean Batchelder in Support of Motion with Exhibits 1 - 4

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm#/filingInfo?fid=19DD56AC34D57>.

For questions about this case, please contact the court.

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DATE FILED
July 12, 2024 4:01 PM
FILING ID: 1A7B070F2778B
CASE NUMBER: 2021CV30008

EXHIBIT 2

From: [CO E-Filing Courtesy Notices](#)
To: [Dean Batchelder](#)
Subject: Submission Receipt: 2021CV030008 - Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al
Date: Friday, July 12, 2024 9:10:26 AM

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Court: Grand County
Case Caption: Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al
Case Number: 2021CV030008
Filing ID: 58F5D629D5A2D
Date Filed: July 12, 2024 at 09:09 AM

E-File Fee: \$12.00
Service Fees: \$12.00
Billing Reference: GRMD - 245782.04

Document ID: 250BB6266BBFA
Document Type: Motion for Summary Judgment
Document Title: Motion for Partial Summary Judgment

Document ID: 1841CDEA21929
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: Declaration of D. Dean Batchelder in Support of Motion with Exhibits 1 - 4

Document ID: 19D13198B3C47
Document Type: Proposed Order
Document Title: Proposed Order Granting GRMD's Motion for Partial Summary Judgment

Note to Clerk: Resubmitting with proposed order in editable format.

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm#/filingInfo?fid=58F5D629D5A2D>.

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July 12, 2024 4:01 PM
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CASE NUMBER: 2021CV30008

EXHIBIT 3

Natalie Elliott

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Friday, July 12, 2024 10:55 AM
To: Dean Batchelder
Subject: Submission Receipt: 2021CV030008 - Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al

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Court: Grand County
Case Caption: Granby Ranch Metropolitan District v. Headwaters Metropolitan District et al
Case Number: 2021CV030008
Filing ID: F656F09AA70C8
Date Filed: July 12, 2024 at 10:53 AM

E-File Fee: \$12.00
Service Fees: \$12.00
Billing Reference: GRMD - 245782.04

Document ID: DF6D3F29F06D0
Document Type: Motion for Summary Judgment
Document Title: MOTION FOR PARTIAL SUMMARY JUDGMENT

Document ID: B5347749481EE
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: EXHIBIT - DECLARATION OF D DEAN BATCHELDER

Document ID: 7FEB2DF79329D
Document Type: Proposed Order
Document Title: PROPOSED ORDER RE MOTION FOR PARTIAL SUMMARY JUDGMENT

Document ID: F70EB564893F3
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: Exhibit 1 to Declaration of D. Batchelder (Headwaters Answer and Counterclaims)

Document ID: 3BF07566F07D1
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: Exhibit 2 to Declaration of D. Batchelder (Exclusion Agreement)

Document ID: AAA989714E912
Document Type: Exhibit - Attach to Pleading/Doc
Document Title: Exhibit 3 to Declaration of D. Batchelder (Headwaters CRCP 26(a)(1) Initial Disclosures)

Document ID: 25E23927B1B8D

Document Type: Exhibit - Attach to Pleading/Doc

Document Title: Exhibit 4 to Declaration of D. Batchelder (Headwaters CRCP 30(b)(6) deposition transcript)

Note to Clerk: Resubmitting with documents separated. Sorry for the mixup!

View details online at

<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm#/filingInfo?fid=F656F09AA70C8>.

For questions about this case, please contact the court.

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ORDER GRANTING GRMD'S UNOPPOSED MOTION REGARDING ITS MOTION FOR PARTIAL SUMMARY JUDGMENT	

THIS MATTER, having come before the Court on Plaintiff Granby Ranch Metropolitan District's Unopposed Motion Regarding Its Motion for Partial Summary Judgment and the Court having reviewing Motion and any response and reply thereto, and been fully advised herein, hereby:

GRANTS the Motion: GRMD's Motion for Partial Summary Judgment was timely filed on July 11, 2024.

DATED: _____

BY THE COURT:

 DISTRICT COURT JUDGE