

DISTRICT COURT, GRAND COUNTY, COLORADO 307 Moffat Avenue Hot Sulphur Springs, CO 80451	DATE FILED May 23, 2025 3:05 PM FILING ID: 33ED16ED3991D CASE NUMBER: 2021CV30008
<p><b>Plaintiff:</b> GRANBY RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado,</p> <p>v.</p> <p><b>Defendants:</b> 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 Headwaters Metropolitan District and GR Terra LLC:</i>          Jamie H. Steiner, #49304          JoAnn T. Sandifer (<i>Admitted Pro Hac Vice</i>)          Husch Blackwell LLP          1801 Wewatta St., Suite 1000          Denver, CO 80202          Phone: 303-749-7200          Fax: 303-749-7272          E-mail: jamie.steiner@huschblackwell.com          joann.sandifer@huschblackwell.com</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <p>Case No. 2021CV30008</p> <p>Division 1</p>
<p><b>HEADWATERS’ UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBIT C TO EXHIBIT 1 TO DECLARATION OF JAMIE H. STEINER IN SUPPORT OF DEFENDANTS’ MOTION FOR ATTORNEYS’ FEES AND COSTS AS SUPPRESSED</b></p>	

In accordance with Colorado Rule of Civil Procedure 121 § 1-5, Defendant/Counterclaim Plaintiff Headwaters Metropolitan District (“Headwaters”), by and through its undersigned counsel, submits its Unopposed Motion for Leave to File Exhibit C to Exhibit 1 to the Declaration of Jamie H. Steiner in Support of Defendants’ Motion for Attorneys’ Fees and Costs as Suppressed

because the Exhibit contains confidential business information pursuant to a Licensing Agreement with a non-party vendor of Husch Blackwell LLP's. The potential for harm to the privacy of these entities outweighs any potential public interest in the information contained in the exhibit. Accordingly, Headwaters requests that the Court restrict access to Exhibit C to Exhibit 1 (the "Exhibit") to only the parties and the Court.

### **CERTIFICATE OF CONFERRAL**

Headwaters' counsel has conferred regarding the relief sought in this motion with counsel for Plaintiff Granby Ranch Metropolitan District ("GRMD"). GRMD does not oppose the relief requested herein.

### **INTRODUCTION**

On May 12, 2025, Headwaters filed its Motion of Headwaters Metropolitan District for Award of Damages on Count I of Its Counterclaim Against Defendant Granby Ranch Metropolitan District in the Amount of Its Attorneys' Fees and Costs Submitted Herewith (the "Motion") seeking \$931,894.62 in damages, including \$891,596.50 in attorneys' fees and \$40,298.12 in costs related to the Exclusion Agreement. Multiple declarations accompany the Motion, including the Declaration of Jamie H. Steiner in Support of Defendants' Motion for Attorneys' Fees and Costs (the "Declaration").

Initially, when Headwaters filed its Motion and related materials, the court assigned them a protected status, but the status was later changed to public, prompting the present Motion. The Exhibit includes market research data from Thomson Reuters—Financial Insights, subscribed to by Husch Blackwell LLP. This Exhibit should be protected due to its confidential and proprietary nature.

## **LEGAL STANDARD**

“Upon motion by any party named in any civil action, the court may limit access to court files.” (C.R.C.P. 121 § 1-5.) An order limiting access to court files shall be granted upon a finding that the harm to the privacy of a person in interest outweighs the public interest. *Vail Clinic Inc. v. Sports Rehab Consulting LLC*, No.22CA0807, 2023 WL 12061329, at \*2 (Colo. App. Aug. 10, 2023) (quoting C.R.C.P. § 1-5.2). Thus, C.R.C.P. 121 § 1-5 creates a balancing test. “On one side, there is the public’s interest in the accessibility of court files generally. On the other side, there is the harm to the privacy of any person in interest.” *Vail Clinic*, 2023 WL 12061329, at \*2.

## **ARGUMENT**

Headwaters request restricted access to the Exhibit. This restriction is imperative to protect confidential and proprietary business information contained within the document, which was obtained pursuant to a Licensing Agreement. Businesses, including law firms, may quickly lose their competitive advantages if pricing information is disclosed to the public. Courts recognize the importance of commercial confidentiality and have determined that releasing this data could negatively affect competitive standing. *See id.*; *see also Two Moms & a Toy, LLC v. Int’l Playthings, LLC*, 10-cv-2271-PAB-BNB, 2011 WL 5593572, at \*3 (D. Colo. Oct. 17, 2011).

The Exhibit contains proprietary and confidential information that is frequently shielded from public access. Revealing this information would give competitors and non-parties valuable insights, while offering little benefit to the public. Restricted access to the Exhibit is necessary to safeguard Husch Blackwell’s privacy interest in its relationship with the non-party vendor related to pricing/attorney rates. There is no countervailing and compelling public interest in access to this information.

**CONCLUSION**

For the foregoing reasons, Headwaters respectfully requests that the Court enter an order allowing Exhibit C to Exhibit 1 to the Declaration of Jamie H. Steiner in Support of Defendants' Motion for Attorneys' Fees and Costs to be filed and maintained as suppressed.

Dated: May 23, 2025

HUSCH BLACKWELL LLP

/s/ Jamie H. Steiner

Jamie H. Steiner, #49304

JoAnn T. Sandifer (Admitted Pro Hac Vice)

*Attorneys for Defendants Headwaters*

*Metropolitan District and GR Terra LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2025, a true and correct copy of the foregoing **HEADWATERS' UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBIT C TO EXHIBIT 1 TO DECLARATION OF JAMIE H. STEINER IN SUPPORT OF DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS AS SUPPRESSED** was served via the Colorado Courts e-filing system addressed to the following:

David K. TeSelle  
D. Dean Batchelder  
Patrick M. Sweet  
BURG SIMPSON ELDREDGE HERSH & JARDINE, P.C.  
40 Inverness Drive East  
Englewood, CO 80112  
dteselle@burgsimpson.com  
dbatchelder@burgsimpson.com  
psweet@burgsimpson.com  
*Attorneys for Plaintiff*

Mark E. Champoux  
Kyler K. Burgi  
DAVIS GRAHAM & STUBBS LLP  
1550 Seventeenth Street, Suite 500  
Denver, CO 80202  
Telephone: (303) 892-9400  
Facsimile: (303) 893-1379  
mark.champoux@dgsllaw  
kyler.burgi@dgsllaw.com  
*Attorneys for Defendant Gray Jay Ventures, LLC and  
Granby Prentice, LLC*

*/s/ Ann Stolfa*  
\_\_\_\_\_  
Senior Paralegal