

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:23-cv-01351-RMR-STV

GRCO LLC, a Missouri limited liability company,

Plaintiff,

v.

GRANBY RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation
and political subdivision of the State of Colorado,

Defendant.

**DEFENDANT’S INITIAL DISCLOSURES PURSUANT TO
FED. R. CIV. P. 26(a)(1)**

Defendant Granby Ranch Metropolitan District, by and through counsel, William T. O’Connell III and Saugat K. Thapa of Wells, Anderson & Race, LLC, hereby submits the following Fed. R. Civ. P. 26(a)(1) Disclosures:

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information--along with the subjects of that information--that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Plaintiff GRCO LLC will have knowledge and information regarding the allegations in its Amended Complaint and its damages if any.

2. Current members of Defendant’s Board of Directors Matt Girard, Natascha O’Flaherty and Stefan Haberer, must be contacted through undersigned counsel, may have knowledge and information regarding the Capital Facilities Fee (“CFF”), CFF collection and Fund placement, the District’s Resolutions regarding CFF, the District’s Service Plan and amendments to same.

3. District Manager Charles Wolfersberger, must be contacted through undersigned counsel, may have knowledge and information regarding the CFF and CFF collection and Fund placement.

4. Former members of Defendant's Board of Directors may have knowledge and information regarding the CFF, CFF collection and Fund placement, the District's Resolutions regarding CFF, the District's Service Plan and amendments to same.

B. A copy--or a description by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Board Resolutions including 2005 Board Resolution 05-26 (CFF) and 2006 Board Resolution 06-07 (CFF).

2. Financials including 2018 Annual Financials [Audited] and 2020 – 2022 Annual Service Plan Report.

3. 2018 Bond Debt including Indenture of Trust for the District's Series 2018 Limited Tax General Obligation Refunding Bonds.

4. Formation Documents including Service Plan and First and Second Amendments to same.

5. Intergovernmental Agreements including IGA with Town of Granby Re: CFF, August 22, 2016 Letter Agreement with Granby Realty Holdings, LLC and amendments to same on November 17, 2017 and April 11, 2018.¹

¹ All documents identified in Section B are included in the Document Library on the District's website: www.granbyranchmetro.org

- C. **A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

Not applicable to Defendant at this time, although it reserves the right to seek attorney's fees and costs in defending this action.

- D. **For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Defendant is a member of the Colorado Special Districts Pool self-insurance agreement. Documents related to same are included in the Document Library on the District's website: www.granbyranchmetro.org

These disclosures are made based on the information reasonably available to Defendant at this time. As additional information may be acquired through the discovery process, Defendant hereby reserves the right to amend and/or supplement these disclosures pursuant to Fed. R. Civ. P. 26(e).

Dated this 27th day of September 2023.

Respectfully submitted,

s/William T. O'Connell, III
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 27, 2023, a true and correct copy of the above and foregoing **DEFENDANT’S INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)** was e-mailed to the following:

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