

**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.

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**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND  
TO PLAINTIFF’S SECOND AMENDED COMPLAINT**

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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 its Unopposed Motion for Extension of Time to Respond to Plaintiff’s Second Amended Complaint [Doc. No. 53] and states as follows:

**CERTIFICATE OF CONFERRAL PURSUANT TO D.C.COLO.LCivR 7.1(a)**

Undersigned counsel conferred with Plaintiff’s counsel Denyse Jones regarding the relief requested in this Motion. This Motion is unopposed.

1. On December 21, 2023, Magistrate Judge Varholak issued a Recommendation on Defendant’s Motion to Dismiss. [Doc. No. 42]. Judge Varholak recommended granting the Motion to the extent it sought dismissal of Counts III, IV, VI and IX of Plaintiff’s Amended Complaint and denying the Motion to the extent it sought dismissal of Counts I, II, V, VII and VIII of Plaintiff’s Amended Complaint. [Doc. No. 42, pp. 33 – 34].

2. On January 4, 2024, Plaintiff filed its Objections to the Recommendation. [Doc. No. 43]. On January 18, 2024, Defendant filed its Response to Plaintiff's Objections. [Doc. No. 44]. On February 26, 2024, the Court issued an Order overruling Plaintiff's Objections and accepting and adopting Judge Varholak's Recommendation. [Doc. No. 49].

5. The deadline for Defendant to respond to the remaining claims in Plaintiff's Amended Complaint was March 11, 2024. However, given Plaintiff's counsel's representation that Plaintiff intended to file a Second Amended Complaint, Defendant filed a Motion for Extension of Time to respond to the remaining claims. [Doc. No. 50]. The Court granted Defendant an extension until April 12, 2024 to respond to the First Amended Complaint and ordered that "[a]ny request for an extension of [Defendant's deadline to respond to Plaintiff's Second Amended Complaint] may be sought after the anticipated second amended complaint is filed." [Doc. No. 52].

6. Plaintiff filed its Second Amended Complaint on March 22, 2024. [Doc. No. 53]. The Second Amended Complaint contains one-hundred and thirty-six paragraphs, adds factual allegations and a new claim (Count II), and makes other changes to "facts and legal challenges." [See *id.* at 19-20; and Doc. No. 55-1, Ex. A to Pl.'s Notice of Filing of Second Amended Complaint at 1].

9. Per Fed. R. Civ. P. 15(a)(3), the deadline for Defendant to respond to Plaintiff's Second Amended Complaint is April 5, 2024. In order to adequately analyze the Second Amended Complaint and respond thereto, Defendant respectfully requests **a two-week extension** of this deadline, to and including **April 19, 2024**.

10. Defendant's request is made in good faith and for good cause and not for any dilatory or improper purpose.

11. Plaintiff does not object to the extension and will not be prejudiced by it.

12. This is Defendant's third request for an extension of time. Defendant's first Unopposed Motion for Extension of Time [Doc. No. 8] was granted on June 21, 2023. [Doc. No. 9], and its Second Motion for Extension of Time [Doc. No. 50] was granted on March 7, 2024. [Doc. No. 52].

13. Pursuant to D.C.COLO.LCivR 6.1(c), this Motion has been served contemporaneously by undersigned counsel on Defendant.

WHEREFORE, Defendant Granby Ranch Metropolitan District respectfully requests an extension of time, to and including April 19, 2024, to respond to Plaintiff's Second Amended Complaint.

Dated this 29<sup>th</sup> day of March, 2024.

Respectfully submitted,

*s/ William T. O'Connell, III*

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29 2024, I electronically filed the foregoing, **DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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