

**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 UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

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 to Amend Scheduling Order and states as follows:

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

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

1. The current remaining case deadlines are: Service of written discovery – 12/6/2024; Rebuttal expert disclosures – 12/23/2024; Rule 702 Motions – 1/22/2025; Discovery cut-off – 1/27/2025 and Notice of Intent to file Dispositive Motions – 2/10/2025. [Doc. No. 66; RNR Civ. Practice Standard 7.1C(a)].

2. On November 22, 2024, the parties served their expert disclosures pursuant to Fed.R.Civ.P. 26(a)(2). Plaintiff endorsed Arthur C. Nelson of Tucson, Arizona as a retained expert

pursuant to Fed.R.Civ.P. 26(a)(2)(B). Defendant endorsed Wayne F. Lorenz of Denver as a retained expert pursuant to Fed.R.Civ.P. 26(a)(2)(B).

3. Undersigned counsel anticipates taking Mr. Nelson's in-person deposition and Plaintiff's counsel anticipates taking Mr. Lorenz's in-person deposition; however, given the holidays, vacation schedules and other commitments, it appears the earliest both experts' depositions could be scheduled is late January 2025.

4. In an abundance of caution, brief extensions of the Rule 702 motions deadline, discovery cut-off and deadline of notices of intent to file dispositive motions are necessary.

5. For the reasons described above, Defendant requests an extension of the Rule 702 motions deadline and discovery cut-off to February 28, 2025 and an extension of the deadline of notices to file dispositive motions to March 10, 2025.

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

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

8. The requested extensions of the remaining case deadlines will not unduly affect the efficient administration of the case. A Final Pretrial Conference has not been set and the case is not set for trial.

9. This is the fourth request to amend the Scheduling Order. Plaintiff's Unopposed Motion to Modify Scheduling Order was filed on February 9, 2024 and granted that same day. [Doc. Nos. 46 & 48]. A Joint Motion to Modify Scheduling Order was filed July 22, 2024 [Doc. No. 61] and granted on July 26, 2024 [Doc. No. 63]. Finally, Defendant's Unopposed Motion to

Amend Scheduling Order was filed on October 8, 2024 and granted that same day. [Doc. Nos. 64 & 66].

10. Pursuant to D.C.COLO.LCivR 6.1(c), a copy of this Motion will be served contemporaneously by undersigned counsel on Defendant.

WHEREFORE, Defendant Granby Ranch Metropolitan District respectfully requests that the Scheduling Order be amended to extend the following deadlines: Rule 702 motions from 1/22/25 to 2/28/25, discovery cut-off from 1/27/25 to 2/28/25 and notice of intent to file dispositive motions from 2/10/25 to 3/10/25.

Dated this 2nd day of December, 2024.

Respectfully submitted,

s/ William T. O'Connell, III

William T. O'Connell, III

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024, I electronically filed the foregoing, **DEFENDANT'S UNOPPOSED MOTION TO AMEND SCHEDULING ORDER** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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