

DISTRICT COURT, GRAND COUNTY, COLORADO Court Address: Grand County Combined Courts 307 Moffat Ave Hot Sulphur Springs, CO 80451 Telephone No.: (970) 725-3357	DATE FILED: November 16, 2022 4:34 PM FILING ID: 4E56F7D91FC93 CASE NUMBER: 2021CV30008
<b>Plaintiff:</b> GRANBY RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado,  v.  <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 style="text-align: center;"><b>▲COURT USE ONLY▲</b></p> Case No.: 2021CV030008  Div.: Rm.:
<b>ATTORNEYS FOR PLAINTIFFS:</b> David K. TeSelle, Reg. No. 29648 Brian K. Matise, Reg. No. 33755 Erica N. Garcia, Reg. No. 56450 Burg Simpson Eldredge Hersh & Jardine, P.C. 40 Inverness Drive East Englewood, Colorado 80112 Telephone: (303) 792-5595 Facsimile: (303) 708-0527 E-Mail: dteselle@burgsimpson.com E-Mail: bmatise@burgsimpson.com E-Mail: egarcia@burgsimpson.com	
<b>PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO CONTINUE</b>	

Plaintiff Granby Ranch Metropolitan District (“GRMD”) by and through undersigned counsel, submits this Response to Defendants’ Motion to Continue, and in support thereof, states as follows:

1. On November 3, 2022, Defendants filed their Motion to Continue, requesting that the Court continue the current trial date to allow Defendants more time to conduct fact and expert discovery, submit judgment motions, and prepare for trial.

2. Plaintiff generally does not object to this request, so long as the trial is continued to a date within 60 days of the original trial date, February 6, 2023.

3. Plaintiff's prospective residents continue to be charged the \$10,000 amenity fee per home, and Plaintiff's current residents continue to be deprived of preferential access to facilities pursuant to the LPA.

4. A continuance exceeding 60 days would result in prejudice to the Plaintiff, as is residents would be yet again be deprived of preferential access to facilities subject to the LPA during the summer months.

### **CONCLUSION**

For the reasons discussed above, Plaintiff Granby Ranch Metropolitan District respectfully requests that trial be continued to a date which does not exceed 60 days after the original trial date of February 6, 2023.

Respectfully submitted this 16<sup>th</sup> day of November 2022.

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

*(Original signature on file)*

/s/ Erica N. Garcia

David K. TeSelle, Reg. No. 29648

Brian K. Matise, Reg. No. 33755

Erica N. Garcia, Reg. No. 56450

***Attorneys for Granby Ranch Metropolitan District***

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of November 2022, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO CONTINUE** was filed and served via Colorado Courts E-Filing on all Counsel of Record.

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