

|   |  |
|---|--|
| DISTRICT COURT, CITY AND COUNTY OF DENVER<br>COLORADO<br>1437 Bannock Street<br>Denver, Colorado 80202  | DATE FILED: June 26, 2019 11:10 AM<br>FILING ID: 65038F2517E0A<br>CASE NUMBER: 2018CV31475 |
| <p><b>Plaintiff:</b><br/>         EVERGREEN ALLIANCE GOLF LIMITED, L.P., d/b/a<br/>         ARCIS GOLF;</p> <p>v.</p> <p><b>Defendants:</b><br/>         CLAYTON EARLY LEARNING, AS TRUSTEE OF THE<br/>         GEORGE W. CLAYTON TRUST, a Colorado Trust; and<br/>         THE CITY AND COUNTY OF DENVER, COLORADO, a<br/>         municipal Corporation of the State of Colorado.</p>       | <p style="text-align: center;">▲ COURT USE ONLY ▲</p>                                      |
| <p>Attorneys for Defendant Clayton Early Learning:</p> <p>Jonathan G. Pray, #36576<br/>         David B. Meschke, #47728<br/>         BROWNSTEIN HYATT FARBER SCHRECK, LLP<br/>         410 Seventeenth Street, Suite 2200<br/>         Denver, Colorado 80202-4432<br/>         Phone: 303.223.1100<br/>         Fax: 303.223.1111<br/>         Email: jpray@bhfs.com; dmeschke@bhfs.com</p> | <p>Case Number: 2018CV31475</p> <p>Division: 275</p>                                       |
| <p><b>DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME</b></p>  |  |

Defendant, Clayton Early Learning, as Trustee of the George W. Clayton Trust (“Clayton”) and Defendant the City and County of Denver, Colorado (“City”), (collectively, the “Defendants”) moves<sup>1</sup> this Court to extend the deadline for Clayton to respond to Plaintiff’s Second Amended Complaint, the City to serve its initial disclosures, the expert disclosure deadlines, and the deadline to File Status Report with this Court. In support of this Unopposed Motion, the Defendants state as follows:

---

<sup>1</sup> *C.R.C.P. 121 § 1-15 Certification*: Counsel for Defendants have conferred with counsel for Plaintiff, Frank Visciano, regarding the relief requested and is authorized to state that Plaintiff is unopposed.

1. Plaintiffs' Second Amended Complaint was accepted for filing on April 19, 2019.
2. During the in-person status conference on May 16, 2019, the Court provided a number of deadlines, including, but not limited to: i) a July 8, 2019 deadline for Clayton to respond to Plaintiff's Second Amended Complaint; (ii) a July 8, 2019 deadline for the City to serve its C.R.C.P. 26(a)(1) initial disclosures; (iii) a July 8, 2019 deadline for the Parties to provide a Status Report to the Court with respect to global settlement; (iv) an August 15, 2019 deadline for Plaintiff to produce expert reports; and (v) a September 16, 2019 deadline for Defendants to produce expert reports.
3. The real estate closing that will bring this matter to a close is scheduled for July 11, 2019.
4. Therefore, the Defendants requests an extension of time, up to and including July 22, 2019 for: (1) Clayton to respond to Plaintiff's Second Amended Complaint, (2) for the City to serve its initial disclosures; and (3) to provide a Status Report to the Court.
5. In addition, the Defendants request extensions of time regarding the production of expert reports as follows:
  - a. Plaintiff: August 22, 2019
  - b. Defendants: September 16, 2019
  - c. Rebuttal: September 30, 2019
6. The Defendants seek these extensions in good faith and not for the purposes of delay. This request will not prejudice the Plaintiff or Defendants.

WHEREFORE, the Defendants respectfully requests that this Court:

- a) grant an extension of time, up to and including July 22, 2019, for Clayton to respond to Plaintiff's Second Amended Complaint;
- b) grant an extension of time, up to and including July 22, 2019, for the City to serve its C.R.C.P. 26(a)(1) initial disclosures;
- c) grant an extension of time, up to and including July 22, 2019, to provide a Status Report to the Court; and
- d) grant extensions of time for the production of expert reports to August 22, 2019, for Plaintiff's expert reports; September 16, 2019, for Defendants' expert reports; and September 30, 2019 for rebuttal expert reports.

A proposed Order is attached.

DATED this 26<sup>th</sup> day of June, 2019.

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

**KRISTIN M. BRONSON**  
**Denver City Attorney**

By:           s/Jonathan G. Pray            
Jonathan G. Pray, #36576  
David B. Meschke, #47728

By:           s/Renee` A. Goble            
Renee` A. Goble, Atty. No. 40202  
Edward Gorman, Atty. No. 48629

Counsel for Defendant Clayton Early Learning,  
as Trustee of the George W. Clayton Trust

Counsel for Defendant City and County of  
Denver

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 26<sup>th</sup> day of June, 2019, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME** was filed with the Court and served via Colorado Courts E-filing System on all counsel of record.

*s/Penny G. Lalonde*  
Penny G. Lalonde, Paralegal