

APPROVED BY COURT

03/04/2021

DATE FILED: March 4, 2021 10:57 AM
CASE NUMBER: 2019CV30887



JASON D. CARRITHERS
District Court Judge

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway, Golden, CO 80401	
Plaintiff: BIG SKY METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, v. Defendant: GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado.	Case No. 2019cv30887
Plaintiff: CDN RED ROCKS, LP, a Colorado limited partnership, v. Defendant: GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado.	Case No. 2019cv31158
Plaintiff: STREAM REALTY ACQUISITION, LLC, a Texas limited liability company, v. Defendant: GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado.	Case No. 2019cv31172
Plaintiff: THREE DINOS, LLC, v. Defendant: GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado.	Case No. 2019cv31185
Plaintiff: CARDEL HOMES U.S. LIMITED PARTNERSHIP, a Florida limited partnership, v. Defendant: GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado.	Case No. 2019cv31250
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JOINT MOTION TO RESET CASE DEADLINES

Plaintiffs Big Sky Metropolitan District No. 1 (“Big Sky”), CDN Red Rocks, LP (“CDN”), Stream Realty Acquisition, LLC (“Stream”), Three Dinos, LLC (“3 Dinos”), Cardel Homes U.S. Limited Partnership (“Cardel”) and Defendant Green Mountain Water and Sanitation District (“Green Mountain”) (CDN, Stream, 3 Dinos, and Cardel, collectively, the “Developer Plaintiffs”), through their respective counsel, submit the following Joint Motion to reset case deadlines in light of the Court resetting the trials for Big Sky and the Developer Plaintiffs.

CERTIFICATION REGARDING C.R.C.P. 121, SECTION 1-15(8)

All counsel have conferred and agree to jointly submit this motion.

MOTION

1. At the February 12, 2021 status conference, the Court set new trial dates for the Big Sky trial and Developer Plaintiffs trial. The Big Sky trial is now scheduled to begin August 16, 2021. The Developer Plaintiffs’ trial is now scheduled to begin January 11, 2022.

2. As was also discussed at the February 12 status conference, the rescheduled trial dates necessitated the parties conferring and creating a new case schedule. The parties have conferred and propose the following schedule. The concept is to have a largely unified discovery schedule so all discovery will be done in both portions of the case by the time of the Big Sky trial. The parties have extended certain deadlines to allow the Court more time to review and rule on certain motions, like summary judgment and challenging experts. In addition, in light of

the unique, two-step schedule for trial, the parties have agreed to a deadline after judgment is entered in the Big Sky trial for the all parties in the Developer Plaintiffs' trial to submit briefs as to the effect of the Big Sky trial's judgment on the Developer Plaintiffs' trial.

3. For all the reasons, the parties propose the following schedule:
 - a. Defendant Green Mountain's expert disclosures in the Developer Plaintiffs' trial will be due on April 2, 2021. (Green Mountain's expert disclosures in the Big Sky trial have been completed.)
 - b. Plaintiffs CDN, Stream, 3 Dinos, and Cardel's rebuttal disclosures in the Developer Plaintiffs' trial will be due on April 23, 2021. (Big Sky's rebuttal disclosures in the Big Sky trial have been completed.)
 - c. Deadline to file summary judgment: June 7, 2021 (both the Big Sky and Developer Plaintiffs' trials).
 - d. Last day to file cross-motions for summary judgment: June 28, 2021 (both trials).
 - e. Deadline to file motions challenging admissibility of expert testimony pursuant to CRE 702:
 - i. June 7, 2021 (Big Sky trial)
 - ii. October 5, 2021 (Developer Plaintiffs' trial)
 - f. Discovery Cutoff: June 28, 2021 (both trials).

- g. Deadline to exchange draft of witness lists and exhibits lists, and copies of exhibits:
 - i. July 2, 2021 (Big Sky trial)
 - ii. November 30, 2021 (Developer Plaintiffs' trial)
- h. Last day to file pretrial motions, including motions in limine:
 - i. July 12, 2021 (Big Sky trial)
 - ii. December 7, 2021 (Developer Plaintiffs' trial)
- i. Last day for proponent to provide designation of preserved witness testimony to other parties:
 - i. July 19, 2021 (Big Sky trial)
 - ii. December 14, 2021 (Developer Plaintiffs' trial)
- j. Last day for responsible party to file proposed trial management order:
 - i. July 19, 2021 (Big Sky trial)
 - ii. December 14, 2021 (Developer Plaintiffs' trial)
- k. Last day for responsible party to file trial briefs:
 - i. August 2, 2021 (Big Sky trial)
 - ii. December 28, 2021 (Developer Plaintiffs' trial)
- l. Last day to file with courtroom clerk proposed joint and disputed jury instructions and verdict forms, as applicable:
 - i. August 9, 2021 (Big Sky trial)
 - ii. January 4, 2022 (Developer Plaintiffs' trial)

- m. Last day to provide documentary exhibits to the Court:
 - i. August 16, 2021 (Big Sky trial)
 - ii. January 11, 2022 (Developer Plaintiffs' trial)
- n. Any motions related to the effect of the Big Sky judgment on the Developers Plaintiffs' trial: 21 days after entry of judgment in the Big Sky trial.

WHEREFORE, for the foregoing reasons, the Parties request that this Court reset the above deadline dates in the case.

A proposed Order is attached.

Dated: February 23, 2021

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CERTIFICATE OF SERVICE

I certify that on the 23rd day of February, 2021, a true and correct copy of the foregoing was served electronically via ICCES to the following:

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