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| DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO Court Address: 100 Jefferson County Parkway Golden, CO 80401 Telephone No.: (720) 772-2500 | |
| Plaintiffs: BIG SKY METROPOLITAN DISTRICT NO 1, a quasi-municipal corporation and political subdivision of the State of Colorado and GREEN MOUNTAIN WATER AND SANITATION DISTRICT, a quasi-municipal corporation and subdivision of the State of Colorado. v. Defendant: FOSSIL RIDGE METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado. | ▲COURT USE ONLY▲ Case No.: 2017CV31368 Div./Ctrm: 8 |
| <i>Counsel for Defendant Fossil Ridge Metropolitan District No. 1:</i> Kelley B. Duke Esq. #35168 Dino A. Ross, Esq. #20965 Benjamin J. Larson #42540 Ireland Stapleton Pryor and Pascoe, PC 717 17 th Street, Suite 2800 Denver, Colorado 80202 Telephone: (303) 623-2700 Facsimile: (303) 623-2062 E-Mail: kduke@irelandstapleton.com dross@irelandstapleton.com blarson@irelandstapleton.com | |
| ENTRY OF APPEARANCE AND MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING | |

Ireland Stapleton Pryor and Pascoe, P.C. hereby enters its appearance as counsel for the Defendant, Fossil Ridge Metropolitan District No. 1 (“FRMD No. 1”), and moves the Court for a 30-day extension of time to file its Answer or other responsive pleading to Plaintiffs’ Complaint, stating as follows:

CERTIFICATION REGARDING DUTY TO CONFER UNDER RULE 121, SECTION 1-15 (8), C.R.C.P.

The undersigned counsel hereby certifies that during a telephone conference on November 17, 2017, he conferred with counsel for the Plaintiffs regarding the possibility that the undersigned counsel would be retained on November 19, 2017 to represent FRMD No. 1 in this action and that, if that were to occur, the undersigned counsel would be seeking a 30 day

extension of time to file its Answer or other responsive pleading, which time is necessary for the undersigned counsel to come up to speed regarding this matter and to explore whether a prompt resolution of this case can be achieved. On November 17, 2017, the Plaintiffs filed a Status Report with this Court, which, in relevant part, stated: "Counsel for [Plaintiffs] take no position on this request for an extension." Paragraph 6, Status Report.

MOTION

1. FRMD No. 1 is a political subdivision of the State of Colorado that was organized in 2006 pursuant to the Colorado Special District Act, C.R.S. §32-1-101, *et seq.* By law, the District is governed by a five member Board of Directors ("Board"). C.R.S. §§32-1-305.5 and 902.

2. On June 30, 2017, all five of the members of the Board for FRMD No. 1 resigned, leaving FRMD No. 1 without a governing Board. Without a governing Board, FRMD No. 1 has been unable to take any action with respect to the current action before the Court.

3. On November 13, 2017, Judge Oeffler entered an Order Re: Appointment Motions in a separate action pending before this Court, entitled *In the Matter of Fossil Ridge Metropolitan District No. 1*, 2005CV3044. In essence, Judge Oeffler's Order appointed five individuals who are currently serving on either the Board for Fossil Ridge Metropolitan District No. 2 ("FRMD No. 2") or the Board for Fossil Ridge Metropolitan District No. 3 ("FRMD No. 3") to assume control of FRMD No. 1 through the next regular Director election, which is statutorily required to be conducted in May 2018.

4. On Sunday, November 19, 2017, the five Court-appointed members of the Board for FRMD No. 1 hired Ireland Stapleton Pryor and Pascoe, PC to serve as general counsel to FRMD No. 1 and, further, to represent FRMD No. 1 in the current action.

5. Having just been retained to represent FRMD No. 1 in this case, Ireland Stapleton Pryor and Pascoe, PC needs time to obtain and review records from FRMD No. 1's prior legal counsel that relate to the present action and to take such further actions as are necessary to become fully informed as the facts and law surrounding this matter.

6. Further, Kelley Duke, who will serve as lead litigation counsel on this matter, is on maternity leave and returns to work on December 11. An extension of 30 days will allow Ms. Duke the time she needs to become familiar with this matter and meet with FRMD No. 1 to formulate an Answer or other responsive pleading.

7. In addition, as the undersigned counsel discussed with counsel for the Plaintiffs during the November 17 telephone conference, it would be in the best interests of the parties to explore whether a prompt resolution of this matter can be achieved prior to FRMD No. 1 being required to file an Answer or other responsive pleading in this action.

8. Taking into account the Thanksgiving Holiday and Ms. Duke's maternity leave, the undersigned counsel believes a period of 30 days is needed to become fully informed as to the facts and law surrounding this matter, and to explore with counsel for the Plaintiffs whether a prompt resolution of this matter can be achieved.

9. This extension will not unreasonably delay this proceeding or otherwise unduly prejudice any party. This request is made in good faith, and the requested extension is not sought for any improper purpose. *See* C.R.C.P. 1 (noting that the Civil Rules “shall be liberally construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action”).

WHEREFORE, FRMD No. 1 moves this Court for an extension of time, up to and including December 20, 2017, in which to file an Answer or other responsive pleading in this action. A proposed Order is attached for the Court’s convenience.

Respectfully submitted this 20th day of November, 2017.

IRELAND STAPLETON PRYOR & PASCOE, PC

Signed Original on File at Ireland Stapleton Pryor & Pascoe, PC

/s/ Dino A. Ross

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Denver, Colorado 80202

Attorneys for Fossil Ridge Metropolitan District No. 1

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this 20th day of November, 2017 a true and correct copy of the foregoing **ENTRY OF APPEARANCE AND MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING** was electronically served via Colorado Courts E-Filing upon the following:

Charles E. Norton
Kristin N. Cisowski
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And served via regular mail to:

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/s/ Hannah N. Pick
Hannah N. Pick