

DISTRICT COURT, EL PASO COUNTY, COLORADO

270 S. Tejon St. Colorado Springs CO 80903

DATE FILED: September 28, 2022 4:56 PM
FILING ID: 2505DA44ACCB8
CASE NUMBER: 2022CV31462

Petitioners: **TIMOTHY J. KIRKWOOD and
PAUL T. PRENTICE**

v.

Respondents: **HOLLY WILLIAMS, CARRIE GEITNER,
STAN VANDERWERF, LONGINOS
GONZALEZ, JR. and CAMI BREMER in
their official capacities as members of
Respondent BOARD OF COUNTY
COMMISSIONERS OF EL PASO COUNTY;
and CHUCK BROERMAN, in his official
capacity as County Clerk and Recorder**

COURT USE ONLY

Petitioners' Attorney:
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Case No: 2022CV031462

Div: 21

PETITIONERS' UNOPPOSED MOTION FOR LEAVE TO FILE SURREPLY

Petitioners respectfully ask the Court for leave to file a Surreply in opposition to the Respondents' Motion to Dismiss, no later than 1:30 p.m. September 29, 2022.

Counsel conferred. The Motion is UNOPPOSED.

In support of this motion, Petitioners show the Court:

1. On September 15, 2022, Respondents filed a Motion to Dismiss pursuant to C.R.C.P. 12(b)(5), which asserted that the complaint failed to state a claim.

2. On September 22, 2022, Petitioners filed their opposition brief.

3. On September 26, 2022 Respondents filed their Reply, raising new arguments and citing Orders from other district courts that were not cited in the Motion to Dismiss or in Petitioners' opposition brief.

4. In fairness, before the Court rules on the Motion to Dismiss, Petitioners should have an opportunity to respond to the additional authorities and new arguments cited by Respondents.

5. Although C.R.C.P. 121-1-15 does not provide for a surreply, C.A.R. 28(c) allows a surreply "with leave of court."

WHEREFORE, Petitioners respectfully request leave of Court to file a Surreply no later than 1:30 p.m. September 29, 2022.

Respectfully submitted September 28, 2022

JOHN CASE, P.C.
Counsel for Petitioners

s/John Case
John Case, #2431

CERTIFICATE OF SERVICE

The undersigned certifies that on September 28, 2022, he filed and served the foregoing document via ICCES to the following:

Clerk of the District Court of El Paso County
270 S. Tejon St.
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Nathan Whitney
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s/John Case _____
John Case