

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official capacity;
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND TO THE VERIFIED COMPLAINT**

Defendants, by and through the Colorado Attorney General's Office and undersigned counsel, move for an extension of time to answer or otherwise respond to the Verified Complaint [Doc. 1], as follows.

D.C. COLO.LCivR 7.1(a) and 6.1(c) CERTIFICATION

Undersigned counsel certifies that she conferred in good faith with counsel for Plaintiffs regarding the relief requested by this Motion and is authorized to represent that the Plaintiffs do

not oppose such relief. She further certifies that she has contemporaneously served this Motion for extension of time on her clients.

MOTION

1. Plaintiffs served Defendants with their Verified Complaint [Doc. 1] on August 22, 2018, rendering an answer or other responsive pleading due on September 12, 2018.

2. For the following reasons, Defendants respectfully request a 28-day extension of time, through and including October 10, 2018, to file their answer or other responsive pleading:

a. The Verified Complaint [Doc. 1] contains 335 paragraphs of factual allegations and legal contentions that Defendants and their counsel must investigate in formulating a defense strategy.

b. It also asserts four causes of action, one of which has four discrete sub-claims (free speech), and all of which present complex constitutional questions. As a result, Defendants' counsel must research numerous claims and defenses.

c. Undersigned counsel must consult with and obtain direction from nine individual clients about litigation matters, six of whom comprise the Colorado Civil Rights Commission (the "Commission"), which is a state public body that may only meet at a properly noticed public meeting pursuant to Colorado's Open Meetings Law, §§ 24-6-401, *et seq.*, C.R.S. (2017).

d. The Verified Complaint alleges that a charge of discrimination in a place of public accommodation was filed against Plaintiffs with the Colorado Civil Rights Division and is still pending [Doc. 1, ¶¶ 174-211], but does not allege that the Commission has taken any action on the charge under C.R.S. § 24-34-306(4). Assuming without admitting that the alleged charge exists, the soonest that the Commission would

do so is at its next meeting on September 28, 2018. As a result, certain Defendants' defenses may change depending on what action, if any, the Commission takes at the meeting.

e. A 21-day extension would move Defendants' deadline to answer or otherwise respond to October 3, 2018, which is only three business days after the Commission's September 28, 2018 meeting and therefore would provide insufficient time for undersigned counsel to finalize a draft response, circulate it to all nine Defendants, and receive direction regarding the filing of same. For this reason, Defendants respectfully request a 28-day extension of time.

3. This is Defendants' first request for an extension of time and it is not sought for purposes of delay.

WHEREFORE, Defendants respectfully request that this Court enter an order extending the time for filing their answer or other responsive pleading to the Verified Complaint through and including October 10, 2018.

Respectfully submitted this 10th day of September, 2018.

CYNTHIA H. COFFMAN
Attorney General

s/ LeeAnn Morrill

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2018, I served a true and complete copy of the within **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE VERIFIED COMPLAINT** upon all counsel of record and parties who have appeared in this matter through ECF or as otherwise indicated below:

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