

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

*Defendants.*

---

**UNOPPOSED MOTION FOR LEAVE TO FILE COMBINED RESPONSE AND REPLY  
IN CONNECTION WITH STATE OFFICIALS' MOTION TO STAY ALL  
DISCLOSURES AND DISCOVERY & MOTION FOR ORDER PROHIBITING  
PLAINTIFFS' USE OF OPEN RECORDS LAWS TO CIRCUMVENT DISCOVERY**

---

Plaintiffs Masterpiece Cakeshop Incorporated and Jack Phillips move this Court to permit Plaintiffs to file a combined response, not to exceed 25 pages, and Defendants (State Officials) to file a combined reply, not to exceed 17 pages, in connection with the State Officials' Motion to Stay All Disclosures and Discovery [Doc. No. 48] and Motion for Order Prohibiting Plaintiffs' Use of Open Records Laws to Circumvent Discovery [Doc. No. 46] (collectively, Defendants' motions). Plaintiffs understand that Judge Daniel's Practice Standards limit memorandum in support of motions to 15 pages, responsive memorandum to 15 pages, and reply memorandum to 10 pages. Plaintiffs also know that Magistrate Judge Varholak's Practice Standards instruct parties to comply with the presiding Article III District Judge's practice standards for all referred motions.

As required by Local Rule 7.1(a), Plaintiffs' counsel conferred with Defendants' counsel about this motion, and Defendants indicated that they do not oppose the relief requested herein.

In support of this motion, Plaintiffs state as follows:

1. Plaintiffs seek permission to file a combined response to Defendants' motions, not to exceed 25 pages. A response is due this Wednesday, November 7, 2018. If Plaintiffs filed separate responses to Defendants' motions, they would have 30 pages to respond—15 for their response to one, and 15 for their response to the other.

2. By combining these responses into one, not to exceed 25 pages, Plaintiffs can more efficiently respond to both motions, saving time for the Court and the parties by reducing the risk of repetition and so reducing the number of total pages submitted.

3. By way of a reciprocal request, Defendants seek to file a combined reply, not to exceed 17 pages. Were Defendants to file their replies separately, they would have 20 pages—10 for one motion, and 10 for the other.

4. By combining these replies into one, not to exceed 17 pages, Defendants can more efficiently respond to both motions, saving time for the Court and the parties by reducing the risk of repetition and so reducing the number of total pages submitted.

5. While Judge Daniel's Practice Standards permit exceptions to brief page limits when the complexity and numerosity of the issues require longer briefing, that test need not be applied in this situation, where the requested relief reduces, rather than increases, the total page limit.

THEREFORE, Plaintiffs ask that the Court permit Plaintiffs to file a combined response, not to exceed 25 pages, and Defendants to file a combined reply, not to exceed 17 pages, in connection with the Defendants' motions and order as follows:

1. Plaintiffs may file a combined response, the text of which is not to exceed 25 pages, to State Officials' Motion to Stay All Disclosures and Discovery [Doc. No. 48] and Motion for Order Prohibiting Plaintiffs' Use of Open Records Laws to Circumvent Discovery [Doc. No. 46].

2. Defendants may file a combined reply, the text of which is not to exceed 17 pages, in support of State Officials' Motion to Stay All Disclosures and Discovery [Doc. No. 48] and Motion for Order Prohibiting Plaintiffs' Use of Open Records Laws to Circumvent Discovery [Doc. No. 46].

Respectfully submitted this 6th day of November, 2018.

Attorneys for Plaintiffs:

*s/ James A. Campbell*

---

Kristen K. Waggoner (Arizona Bar No. 032382)  
James A. Campbell (Arizona Bar No. 026737)  
Jonathan A. Scruggs (Arizona Bar No. 030505)  
Jacob P. Warner (Arizona Bar No. 033894)  
Katherine L. Anderson (Arizona Bar No. 033104)  
ALLIANCE DEFENDING FREEDOM  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 (facsimile)  
kwaggoner@ADFlegal.org  
jcampbell@ADFlegal.org  
jscruggs@ADFlegal.org  
jwarner@ADFlegal.org  
kanderson@ADFlegal.org

David A. Cortman (Georgia Bar No. 188810)  
ALLIANCE DEFENDING FREEDOM  
1000 Hurricane Shoals Road NE, Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
(770) 339-6744 (facsimile)  
dcortman@ADFlegal.org

Nicolle H. Martin (Colorado Bar No. 28737)  
7175 W. Jefferson Avenue, Suite 4000  
Lakewood, CO 80235  
(303) 332-4547  
(303) 425-3201 (facsimile)  
nicollem@comcast.net

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2018, the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

LeeAnn Morrill  
First Assistant Attorney General  
Public Officials Unit  
State Services Section  
1300 Broadway, 6th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6159  
Facsimile: (720) 508-6041  
leeann.morrill@coag.gov

Vincent E. Morscher  
Senior Assistant Attorney General  
Civil Litigation and Employment Law  
Section  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6588  
Facsimile: (720) 508-6032  
vincent.morscher@coag.gov

Grant T. Sullivan  
Assistant Solicitor General  
Public Officials Unit  
State Services Section  
1300 Broadway, 6th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6349  
Facsimile: (720) 508-6041  
grant.sullivan@coag.gov

Jacquelynn Rich Fredericks  
Assistant Attorney General  
Higher Education Unit  
State Services Section  
1300 Broadway, 6th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6603  
Facsimile: (720) 508-6041  
jacquelynn.richfredericks@coag.gov

*Attorneys for Defendants*

*s/ James A. Campbell*  
\_\_\_\_\_  
James A. Campbell