

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 18-cv-02074-WYD

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation, *et al.*,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official capacity, *et al.*,

Defendants.

**NON-PARTY AUTUMN SCARDINA'S MOTION FOR EXPEDITED RULING ON THE
MOTION TO INTERVENE REGARDING PLAINTIFFS' REQUEST FOR
PRELIMINARY INJUNCTION**

Non-Party Autumn Scardina, by and through her attorneys Paula Greisen of KING & GREISEN, LLP, and John H. McHugh of REILLY POZNER, LLP, hereby requests an expedited ruling on her Motion to Intervene [Doc. 117] regarding the Plaintiffs' request for preliminary injunction, and as grounds therefor, state as follows:

D.C.COLO.LCiv.R 7.1

Pursuant to D.C.COLO.LCiv.R 7.1, the undersigned counsel has conferred with both Plaintiffs' counsel and Defendants' counsel and were informed that they do not take a position on the motion.

1. Plaintiffs filed their Amended Motion for Preliminary Injunction and Memorandum of Law in Support [Doc. 104] on January 18, 2019. The State Officials' Response [Doc. 116] was filed on February 8, 2019.

2. Ms. Autumn Scardina is the complainant and a party to the State Civil Rights Proceeding that the Plaintiffs are attempting, by their Motion for Preliminary Injunction, to halt.

3. Ms. Autumn Scardina filed her Motion to Intervene Regarding Plaintiffs' Request for Preliminary Injunction [117], along with her Opposition to Plaintiffs' Motion for Preliminary Injunction [Doc. 117-1], on February 8, 2019.

4. The Court issued a Minute Order [Doc. 119] requiring the parties to respond to Ms. Scardina's Motion to Intervene by February 19, 2019. The State Officials took no position in their Response [Doc. 122], and Plaintiffs' filed a Response in Opposition [Doc. 123]. Ms. Scardina filed her Reply [Doc. 125] on February 20, 2019, so the matter has been fully briefed.

5. The Parties are currently conducting discovery, including the exchange of documents and scheduling depositions. Ms. Scardina's deposition is currently set for March 1, 2019 and undersigned counsel understand that other depositions are also in the process of being scheduled. However, the Parties refuse to provide any information to undersigned counsel concerning discovery, including the schedule for other depositions, until this Court rules on Ms. Scardina's motion to intervene. Ms. Scardina wants the right to participate in, or at a minimum, to attend those depositions and receive the related discovery.

6. In addition, Plaintiffs have filed documents under seal in this matter, *see* Plaintiffs' Reply to Amended Motion for Preliminary Injunction and accompanying exhibits [Doc. 127/128]. Ms. Scardina desires access to those documents to prepare for the hearing on the preliminary injunction.

7. Ms. Scardina asks the Court to expedite a ruling on her Motion to Intervene in this matter in order to preserve her right to participate in discovery for the upcoming hearing on the Plaintiffs' motion for preliminary injunction scheduled for March 14 and 15, 2019.

WHEREFORE, due to the circumstances, Ms. Scardina respectfully requests an expedited ruling regarding her Motion to Intervene to allow her to participate in discovery in this matter.

DATED this 27th day of February 2019.

Respectfully submitted,

s/ Paula Greisen
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2019, I electronically filed the foregoing **NON-PARTY AUTUMN SCARDINA'S MOTION FOR EXPEDITED RULING ON THE MOTION TO INTERVENE REGARDING PLAINTIFFS' REQUEST FOR PRELIMINARY INJUNCTION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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