

DISTRICT COURT, GRAND COUNTY, COLORADO PO Box 192/307 Moffat Avenue Hot Sulphur Springs, CO 80451 970-725-3357	DATE FILED: April 2, 2022 2:31 PM CASE NUMBER: 2021CV30008
<b>Plaintiff:</b> GRANBY RANCH METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado,  v.  <b>Defendants:</b> HEADWATERS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado; GRAY JAY VENTURES, LLC.; REDWOOD CAPITAL FINANCE CO., LLC, GRANBY PRENTICE, LLC; and GR TERRA, LLC.	▲ <b>COURT USE ONLY</b> ▲
	Case No. 2021CV30008  Division 1
<b>ORDER GRANTING THE DEFENDANT GR TERRA LLC'S MOTION TO STAY RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT PENDING DISCOVERY PURSUANT TO C.R.C.P. 56(F)</b>	

This matter comes before the Court on the Defendant GR Terra LLC's ("GR Terra"), Motion to Continue or Stay Response to Motion for Partial Summary Judgment Pending Discovery Pursuant to C.R.C.P. 56(f). The Court reviewed GR Terra's motion, the Plaintiff Granby Ranch Metropolitan Districts' response, and GR Terra's reply. GR Terra's motion became ripe on March 31, 2022. The Court finds and rules as follows:

The Court grants GR Terra's Motion to Continue or Stay Response to Motion for Partial Summary Judgment Pending Discovery Pursuant to C.R.C.P. 56(f). The Court stays GR Terra's response to the Plaintiff's Motion for Partial Summary Judgment until the parties complete discovery in accordance with the Case Management Order to be entered by this Court.

GR Terra brings its request pursuant to Colorado Rule of Civil Procedure ("C.R.C.P.") 56(f). C.R.C.P. 56(f) states

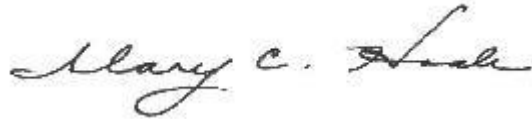
Should it appear from the affidavits of a party opposing the motion that the opposing party cannot for reasons stated by affidavit facts essential to justify its opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other orders as is just.

The Court finds the affidavit of GR Terra's counsel affirming GR Terra's motion to be sufficient. GR Terra's motion is highly specific and the affidavit by counsel affirms the facts contained in the motion.

Pursuant to A-1 Auto Repair & Detail, Inc. v. Bilunas-Hardy, 93 P.3d 598, 604 (Colo. App. 2004) GR Terra must the proposed discovery is necessary and that the proposed discovery could produce facts to preclude summary judgment. GR Terra has done so here in both its motion and its reply

Dated this 2<sup>nd</sup> day of April, 2022.

BY THE COURT:

A handwritten signature in cursive script that reads "Mary C. Hoak". The signature is written in black ink and is positioned above a horizontal line.

Mary C. Hoak, District Court Judge