

DISTRICT COURT ARAPAHOE COUNTY, COLORADO 7325 S. Potomac Street Centennial, CO 80112	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">Case No. 08CV2659</p> <p style="text-align: center;">Division 202</p>
<b>Plaintiff:</b> STATE OF COLORADO <i>ex rel.</i> JOHN W. SUTHERS, ATTORNEY GENERAL  v.  <b>Defendants:</b> COLORADO HUMANE SOCIETY & S.P.C.A., INC.; MARY C. WARREN; ROBERT WARREN; and STEPHENIE L. GARDNER	
Ty Gee, #19772 HADDON, MORGAN, MUELLER, JORDAN, MACKEY & FOREMAN, P.C. 150 East 10 <sup>th</sup> Avenue Denver, CO 80203 Phone: 303.831.7364 Fax: 303.832.2628 E-mail: tgee@hmflaw.com <i>Attorneys for Stephenie L. Gardner</i>	
<b>Defendants Gardner, Mary Warren and Robert Warren's Joint Motion          for Enlargement of Time to File Hearing Brief</b>	

Stephenie Gardner, Mary Warren and Robert Warren, through their respective attorneys, move under C.R.C.P. 6(b) for an enlargement of time within which to file the optional contempt-hearing brief.

*Certificate of conferral.* This Motion is filed on a Saturday. Undersigned counsel did not have an opportunity to confer with plaintiff's counsel. However, based on plaintiff's non-opposition to the Motion to Reset Contempt Hearing, filed yesterday, counsel suggests it is unlikely plaintiff will oppose this Motion.

1. On June 4, 2009, the Court set a contempt hearing for July 9 and 10. The Court also set July 2 as the deadline for any hearing brief. The hearing brief would be filed by the parties to aid the Court in resolving legal issues relating to the hearing.

2. The individual defendants yesterday (June 26) moved unopposed to reset the contempt hearing. The grounds for the Motion to Reset are substantially the grounds for this Motion: Defendants received notice from codefendant Colorado Humane Society's insurance carrier, Philadelphia Insurance Companies, that it was denying all coverage to the individual defendants. The decision was unexpected, because the language of the policy makes it plain that Philadelphia Insurance is required to pay the individual defendants' defense costs. Regardless, the decision significantly impairs the individual defendants' defense of the contempt motion, not to mention the defense of this action generally, in the ways described in the Motion to Reset.

3. Additionally, undersigned counsel will be out of the state through July 5.

4. The individual defendants suggest this Motion should be resolved as follows:

a. If the Motion to Reset is granted, this Court should enlarge the time within which the individual defendants may file the hearing brief to and including seven days before the reset contempt hearing.

b. If the Motion to Reset is denied, this Court should enlarge the time within which the individual defendants may file the hearing brief to and including July 7.

WHEREFORE, the movants respectfully request that this Court enlarge the time within which they may file the hearing brief in accordance with Paragraph 4, above.

Dated: June 27, 2009.

HADDON, MORGAN, MUELLER, JORDAN,  
MACKEY & FOREMAN, P.C.

s/ Ty Gee

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**Certificate of Service:** I certify that on June 27, 2009, a copy of the foregoing *Defendants Gardner, Mary Warren and Robert Warren's Joint Motion for Enlargement of Time to File Hearing Brief* was served via LexisNexis File & Serve upon the following:

Alissa Hecht Gardenswartz, Esq.

Leeann Richey, Esq.

Jay Simonson, Esq.

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s/ Ty Gee

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