

Myers & Sons Construction, L.P. v. City of Colorado Springs and Colorado Springs Utilities
El Paso County District Court Case No. 20CV31791

CLAIM: Plaintiff alleges defendants breached the contract during the COVID pandemic.

STATUS: October 5, 2020 City received summons and complaint. October 8, 2020 Defendants file waiver and acceptance of service. October 26, 2020 Defendants file unopposed motion for extension of time to file responsive pleading. October 27, 2020 Court grants motion for extension of time. November 9, 2020 Defendants file motion to dismiss. November 30, 2020 Plaintiff files response to motion to dismiss. December 7, 2020 Defendants file reply to motion to dismiss. December 29, 2020 Court denies motion to dismiss. January 12, 2021 City files answer. February 25, 2021 parties file notice of status conference. March 10, 2021 Plaintiff files proposed stipulated protective order. March 10, 2021 City files motion to approve stipulated protection order. March 12, 2021 Court grants stipulated protective order and motion to approve stipulated protection order. March 22, 2021 Plaintiff files motion for approval of pro hac vice admission. March 29, 2021 Court grants motion for approval of pro hac vice admission. March 30, 2021 Plaintiff files motion to consolidate actions. April 9, 2021 Plaintiff files motion to compel disclosure of EADOC project management system. April 27, 2021 City files motion for leave to file amended answer and counterclaim. April 28, 2021 Court grants motion for leave to file amended answer and counter claim. April 30, 2021 Court grants with amendments motion to consolidate actions. April 30, 2021 City files response to motion to compel disclosure of EADOC project management system. May 7, 2021 Plaintiff files answer and affirmative defenses. May 7, 2021 Defendant Travelers insurance files answer. May 7, 2021 Plaintiff files reply to motion to compel. May 18, 2021 Plaintiffs response to defendant's motion for leave to file amended answer. May 19, 2021 Court denies motion to compel disclosure of EADOC project management system. May 25, 2021 Defendants file reply to Plaintiff's response in opposition to motion for leave to file amended answer and counterclaims. June 11, 2021 Plaintiff files motion to approve stipulation to protective order and ESI and paper document production protocol. June 14, 2021 Court grants motion to approve stipulation to protective order and ESI and paper document production protocol. July 29, 2021 Plaintiff files notice of trial setting, status conference and trial readiness conference. August 13, 2021 Plaintiff files motion to compel. August 16, 2021 Court denies Plaintiff's motion to compel. September 3, 2021 City files response to motion to compel. September 8, 2021 City files request to rule on April 27, 2021 motion for leave to file amended answer and counter claim. September 9, 2021 Court grants City's motion for leave to file amended answer and counter claim. September 9, 2021 Plaintiff files reply to motion to compel. September 13, 2021 Plaintiff files notice of settlement and dismissal without prejudice of Weifield Group Contracting, Inc. September 13, 2021 Court grants Plaintiff's notice of settlement and dismissal without prejudice of Weifield Group Contracting, Inc. September 22, 2021 Plaintiff files motion for enlargement of time to file response to City's counterclaims. September 23, 2021 Court grants Plaintiff's motion for enlargement of time to file response to City's counterclaims. September 24, 2021 Court denies Plaintiff's motion to compel. October 7, 2021 Plaintiff files answer to counterclaim. November 1, 2021 City files motion for enlargement of time for response to request for production of documents. November 2, 2021 Court grants City's motion for enlargement of time for response to request for production of documents. January 21, 2022 Defendants file unopposed motion for extension of time for response to second discovery requests. January 21, 2022 Court grants unopposed motion for extension of time for response to second discovery requests. March 9, 2022 Plaintiff files motion for out of state counsel. March 10, 2022 Court grants motion for out of state counsel. January 3, 2023 Plaintiff files motion for protective order. January 9, 2023 Defendant

Travelers files motion for protective order. January 10, 2023 Plaintiff files notice regarding motions schedule and pretrial readiness conference. January 24, 2023 City files response to motion for protective order. January 31, 2023 Plaintiff files reply in support of motion for protective order. February 1, 2023 City files motion to exceed page limits. February 1, 2023 City files motion for summary judgment and motion for determination of question of law. February 1, 2023 Court grants motion to exceed page limits. March 3, 2023 Court denies Plaintiff's motion for protective order. March 3, 2023 Court denies Travelers motion for protective order. April 6, 2023 Court denies City's motion for summary judgment and motion for determination of question of law. April 6, 2023 Court denies Plaintiff and Counterclaim Defendant's motion for partial summary judgment. May 16, 2023 City files motion to join necessary party. May 24, City files motion to continue trial date. June 6, 2023 MWH Constructors, LLC files notice of opposition to defendants' motion to join necessary parties. June 6, 2023 Beers Construction files response and notice of non-opposition to motion to join necessary party. June 6, 2023 Plaintiff files response in opposition to defendant's motion to join necessary party. June 13, 2023 City files reply in support of motion to join necessary party. June 14, 2023 Plaintiff files opposition to motion to continue trial date. June 14, 2023 Beers Construction files non-opposition to motion to continue trial date. June 16, 2023 Plaintiff files request for oral argument on pending motions. June 20, 2023 City files reply in support of motion to continue trial date. June 22, 2023 Plaintiff files notice regarding settlement related to City's pending motion to join necessary party. June 23, 2023 City files motion for protective order. June 29, 2023 Plaintiff files notice regarding MWH's release of verified statement of claim related to City's pending motion to join necessary party. June 30, 2023 Court grants motion to continue trial date. June 30, 2023 Court denies motion to join necessary party. July 13, 2023 Plaintiff files motion for modification and/or reconsideration of June 30, 2023 order to continue trial date. July 13, 2023 Plaintiff files notice of trial setting conference. July 14, 2023 Court denies motion for modification and/or reconsideration of June 30, 2023 order to continue trial date. July 14, 2023 Plaintiff files opposition to motion for protective order. July 20, 2023 City files motion for extension of time. July 20, 2023 Court grants motion for extension of time. July 28, 2023 City files reply in support of motion for protective order. July 28, 2023 Court denies motion for protective order. August 30, 2023 Court issues stipulated amended case management order. January 19, 2024 Plaintiff files notice of amended trial setting and pre-trial conference. January 23, 2024 Plaintiff files notice of discovery dispute conference. January 26, 2024 City files statement for discovery dispute. January 26, 2024 Plaintiff files statement for discovery dispute hearing. January 29, 2024 discovery dispute conference held.