

From: randall@randallweiner.com <randall@randallweiner.com>
Sent: Wednesday, February 9, 2022 11:41 AM
To: 'Tefertiller, Ryan' <Ryan.Tefertiller@coloradosprings.gov>
Cc: 'annmarie@randallweiner.com' <annmarie@randallweiner.com>
Subject: RE: Appeal of Creekwalk North project

Dear Ryan.

This is a formal request for a continuance of our appeal that was recently scheduled for the March 17, 2022 Planning Commission Meeting.

As I communicated immediately upon being informed of the date, we have a Federal bench trial from March 14-17 in front of Judge Martinez of the U.S. District Court. I am attaching the Minute Order from Judge Martinez' chambers. This is our first trial since Covid, and our entire staff will be involved. (Because it is a bench trial, the odds that this will be held even if there is another Covid outbreak are much higher than with jury trials.)

You can see from the minute order that the trial was scheduled on September 21, 2021. This case was filed on April 29, 2019. It is the continuation of cases going back over five years. It is anticipated to involve at least ten witnesses, and hundreds of exhibits.

While it is conceivable that the trial would end right on schedule at 5pm on March 17, in my experience the last day of a trial is not one to tamper with, that final arguments and the Court's consideration can easily span into the evening hours and that Judge Martinez has the option to continue the trial to Friday (generally a motions' day), which is not uncommon.

In light of the significant scheduling conflict with a Federal trial in this matter, we request that the March 17 appeal be continued until the Commission's next regularly scheduled meeting.

Thank you for Counsel's consideration.

Best,

Randy

Randall M. Weiner
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From: COD_ENotice@cod.uscourts.gov
To: COD_ENotice@cod.uscourts.gov
Subject: Activity in Case 1:19-cv-01246-WJM-STV Stone et al v. High Mountain Mining Company, LLC et al Order
Date: Friday, September 24, 2021 10:23:54 AM

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U.S. District Court - District of Colorado

District of Colorado

Notice of Electronic Filing

The following transaction was entered on 9/24/2021 at 10:23 AM MDT and filed on 9/24/2021

Case Name: Stone et al v. High Mountain Mining Company, LLC et al

Case Number: [1:19-cv-01246-WJM-STV](#)

Filer:

Document Number: 116(No document attached)

Docket Text:

ORDER: A 4-Day Bench Trial to the Court is hereby set to begin on March 14, 2022 at 8:30 a.m., in person, in Courtroom A801. The Final Trial Preparation Conference is set for February 24, 2022 at 2:30 p.m., in person, in Courtroom A801. Counsel are directed to the Court's Revised Practice Standards to ensure compliance with all deadlines triggered by the dates of the Final Trial Preparation Conference and Trial. In so doing, the parties are strongly encouraged to take advantage of the "Trial Preparation Conference & Pretrial Checklist" available [here](#). SO ORDERED by Judge William J. Martinez on 9/24/2021. Text Only Entry (wjmsc,)

1:19-cv-01246-WJM-STV Notice has been electronically mailed to:

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Randall M. Weiner randall@randallweiner.com, annmarie@randallweiner.com,
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1:19-cv-01246-WJM-STV Notice has been mailed by the filer to: