

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	
District Court, Teller County, Colorado Honorable Scott A. Sells Case No. 2019CV30051	
Plaintiffs-Appellants: BERCK NASH; JOANNA NASH; RODNEY SAUNDERS; PAUL MICHAEL STEWART; and JANET GOULD, v. Defendant-Appellee: JASON MIKESELL, in his official capacity as Sheriff of Teller County, Colorado.	
▲ COURT USE ONLY ▲ Case No.: 2023CA589	
Attorneys for Plaintiffs-Appellants: Names: Stephen G. Masciocchi, #19863 Hannah E. Armentrout, #53990 Alexandria E. Pierce, # 53763 Address: HOLLAND & HART LLP 555 17th Street, Suite 3200 Denver, Colorado 80202 Phone/Fax: 303-295-8000/303-295-8261 E-Mail: smasciocchi@hollandhart.com hearmentrout@hollandhart.com aepierce@hollandhart.com Names: Byeongsook Seo, #30914 Stephanie A. Kanan, #42437 Address: SNELL & WILMER, LLP 1200 17th St., Suite 1900 Denver, Colorado 80202 Phone/Fax: 303-634-2000/303-634-2020 E-mail: bseo@swlaw.com skanan@swlaw.com	

Names:	Timothy R. Macdonald, #29180 Mark Silverstein, #26979 Anna I. Kurtz, #51525	
Address:	ACLU FOUNDATION OF COLORADO 303 E. 17th Ave., Suite 350 Denver, Colorado 80203	
Phone/Fax:	303-777-5482/303-777-1773	
E-mail:	tmacdonald@aclu-co.org msilverstein@aclu-co.org akurtz@aclu-co.org	
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF		

Plaintiffs-Appellants Berck Nash, Joanna Nash, Rodney Saunders, Paul Michael Stewart, and Janet Gould respectfully move the Court for an extension of time, up to and including January 16, 2023, to file their Reply Brief. As grounds, Plaintiffs state as follows.

1. Defendant-Appellee, Sherriff Jason Mikesell, filed his Answer Brief on December 5, 2023. Per C.A.R. 31(a), the reply brief is currently due on December 26.

2. Under C.A.R. 26(c), this Court may enlarge the time prescribed for doing any act for good cause shown. Plaintiffs' counsel require additional time to prepare and file the Reply Brief for two reasons.

3. First, Plaintiffs' counsel who are responsible for researching and writing the reply brief have long-scheduled vacation plans for the upcoming holidays, beginning before Christmas Day, and more specifically, each of them has plans for out-of-town travel. This includes Stephen Masciocchi, and Hannah Armentrout, Alexandria Pierce, Mark Silverstein, and Anna Kurtz.

4. Second, Advocates for Victims of Illegal Alien Crime (AVIAC) has moved for leave to file an amicus curiae brief in support of Sheriff Mikesell. The Sheriff's Answer Brief was due on December 7, 2023, and any motion for leave and proposed amicus brief were due that day. C.A.R. 29(e). AVIAC filed its brief

on December 11, four days late. AVIAC wishes to raise “unique legal arguments,” which it cannot do. *See Gorman v. Tucker*, 961 P.2d 1126, 1131 (Colo. 1998); *Denver US. Nat'l Bank v. People*, 480 P.2d 849, 851 (Colo. App. 1970). If the Court accepts this tardy filing, Plaintiffs will need to address AVIAC’s unique arguments in a shortened timeframe.

5. This is Plaintiffs’ first motion for extension of time to file their Reply Brief. We are aware that this Court typically grants only a two-week extension of time for replies, but the circumstances described above warrant one additional week. The requested extension will not prejudice any party and will not materially delay the progress of this appeal.

For these reasons, Plaintiffs asks the Court to extend the time to file their Reply Brief, up to and including January 16, 2024.

Dated December 14, 2023.

Respectfully submitted,

s/Stephen G. Masciocchi

Stephen G. Masciocchi, # 19873

Hannah E. Armentrout, # 53990

Alexandria E. Pierce, # 53763

HOLLAND & HART, LLP

Byeongsook Seo, #30914

Stephanie A. Kanan, #42437

SNELL & WILMER LLP

*In cooperation with the American Civil
Liberties Union Foundation of Colorado*

Timothy R. Macdonald, #29180

Mark Silverstein, # 26979

Anna I. Kurtz, #51525

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF COLORADO

CERTIFICATE OF SERVICE

I certify that on December 14, 2023, I served a copy of the foregoing document to the following by:

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Paul W. Hurcomb, Teller County Attorney
SPARKS WILLSON, P.C.
24 South Weber Street, Suite 400
Colorado Springs, CO 80903

Michael D. Kuhn, #42784
LEVENTHAL LEWIS
KUHN TAYLOR SWAN PC
24 South Weber Street, Suite 205
Colorado Springs, CO 80903
Email: mkuhn@ll.law

The following will be served via Email:

Lorraine Woodward
Attorneys United for a Secure America (AUSA)
25 Massachusetts Ave.
Washington, D.C. 20001
Email: LWoodwark@IRLI.org

s/ Brenda S. Proskey
Holland & Hart LLP