

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 15, 2018 7:28 AM CASE NUMBER: 2017CA463
Weld County 2015CV30776	
Plaintiffs-Appellants: Motherlove Herbal Company, a Colorado Certified B Corporation; Indianhead West Homeowners Association, Inc, a Colorado nonprofit corporation; Rockin S Ranch LLC, a Colorado limited liability company; John Cummings; David Kisker; Gary Oplinger; Wolfgang Dirks; and James Piraino; v. Defendants-Appellees: Board of County Commissioners of Weld County, Colorado, Chair Julie Cozad, Pro-Tem Steve Moreno, Sean Conway, Michael Freeman, Barbara Kirkmeyer; Martin Marietta Materials Inc, a North Carolina corporation; and Gerrard Investments LLC, a Colorado limited liability company.	<p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2017CA463
ORDER OF THE COURT	

GRANTED.

Terry, J.
 Casebolt*, J.
 Carparelli*, J.

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2017.

Issue 3/15/2018
 BY THE COURT

<p>COURT OF APPEALS, STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Court of Appeals Case Number: 2017CA0463</p>
<p>Appeal from Weld County District Court The Honorable Todd L. Taylor Case No. 2015CV30776</p>	
<p>Opinion by Judge Terry Judge Casebolt and Judge Carparelli concur</p>	
<p>Plaintiffs-Appellants: MOTHERLOVE HERBAL COMPANY, a Colorado Certified B Corporation; INDIANHEAD WEST HOMEOWNERS ASSOCIATION, INC., a Colorado nonprofit corporation; ROCKIN S RANCH LLC, a Colorado Limited Liability Company; JOHN CUMMINGS, an Individual; DAVID KISKER, an Individual; GARY OPLINGER, an Individual; WOLFGANG DIRKS, an Individual; and JAMES PIRAINO, an Individual</p> <p>v.</p> <p>Defendants-Appellees: THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO; MARTIN MARIETTA MATERIALS INC., a North Carolina corporation; GERRARD INVESTMENTS LLC, a Colorado limited liability company; WELD LV, LLC, a Nevada limited liability company; and WELD LV II, LLC, a Nevada limited liability company</p>	
<p>Attorneys for Defendant-Appellee Martin Marietta Materials, Inc.:</p> <p>Wayne F. Forman, # 14082 Mark J. Mathews, # 23749 Julia E. Rhine, #45630 BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, Colorado 80202-4432 Telephone: 303.223.1100 E-mail: wforman@bhfs.com; mmathews@bhfs.com</p>	
<p style="text-align: center;">DEFENDANT-APPELLEE MARTIN MARIETTA MATERIAL, INC.'S MOTION TO FILE REPLY BRIEF</p>	

Defendant-Appellee Martin Marietta Materials, Inc. respectfully moves the Court to accept Martin Marietta's Reply Brief, submitted with this motion, responding to the arguments made in Appellants' January 23, 2018 Combined Response in Opposition to Appellees' Petitions for Rehearing.

As grounds for this motion, Martin Marietta states that a short reply brief is warranted because the Appellants' Response misstates the Code standards applicable to Martin Marietta's Use by Special Review permit application. By its Reply, Martin Marietta seeks to correct Appellants' misinterpretation of the Weld County Code, misrepresentation of the record below, and mischaracterization of the arguments of Martin Marietta and the Board of County Commissioners.

The tendered Reply Brief is only five pages, and is being submitted three days after Appellants' Response. The Court's consideration of this Reply Brief will not complicate or delay resolution of this matter, and will assist the Court in evaluating the merits of the pending petitions for rehearing.

WHEREFORE, Martin Marietta respectfully requests that the Court accept for filing and consider Martin Marietta's Reply in Support of its Petition for Rehearing tendered with this motion.

Dated: January 26, 2018

BROWNSTEIN HYATT FARBER SCHRECK, LLP

s/ Mark J. Mathews

Mark J. Mathews, # 23749

Wayne F. Forman, # 14082

Julia E. Rhine, # 45630

Attorneys for Defendant-Appellee
Martin Marietta Materials, Inc.

Attachment to Order 2017CA453

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2018, a true and correct copy of **DEFENDANT-APPELLEE MARTIN MARIETTA MATERIALS INC.'S MOTION TO FILE REPLY BRIEF** was filed via the Colorado Courts e-filing system which will provide notification and availability of such filing to the following individuals:

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