

DISTRICT COURT, DENVER COUNTY, COLORADO
Denver City and County Building
1437 Bannock Street, Denver, CO 80202

DATE FILED
September 20, 2024 3:50 PM
FILING ID: FB37DE2B36542
CASE NUMBER: 2024CV30763

Plaintiffs: Ross Berman, an individual; Jason H. Karp, an individual; IMJ I LLC, a Delaware limited liability company; Rachel Farber as trustee for the Rachel Farber Revocable Trust; Stephen Farber as trustee for the Stephen Farber Revocable Trust; and Red Cloud Capital, LLC, a Connecticut limited liability company; **and Plaintiff-Intervenors:** Trevor Gallup, an individual; and Lynn Honderd, an individual.

v.

Defendants: Bellrock Brands Inc., a British Columbia corporation; BRB DB Holdings, Inc., a Delaware corporation; BRB Mary's Holdings Corp., a Delaware corporation; Dixie Brands (USA) Inc., a Delaware corporation; Mary's Operations, LLC, a Colorado limited liability company; Mary's Pets, LLC, a Colorado limited liability company; Mary's Nutritionals, LLC, a Colorado limited liability company; DB Finance, Nevada, LLC, a Nevada limited liability company; and DB Oklahoma, LLC, a Colorado limited liability company.

v.

Third-Party Defendants: Andrew Schweibold, an individual; James Harvey, an individual; Rise Investments International II Series 7, LLC, a Georgia limited liability company; High Street Capital Partners, LLC, a New York limited liability company; and Acreage Holdings America, Inc., a Nevada Corporation.

Chris P. Montville, #40837
HADDON, MORGAN AND FOREMAN, P.C.
945 North Pennsylvania Street
Denver, CO 80203
Tel 303.831.7364
cmontville@hmflaw.com

Attorneys for Third-Party Defendant Andrew Schweibold

▲ COURT USE ONLY ▲

No. 2024CV030763

Courtroom 466

Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand

Third-Party Defendant Andrew Schweibold submits the following *Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand* filed by Intervenors.

Certificate of Conferral

Undersigned counsel has conferred with counsel for the Intervenors. They do not oppose the relief requested.

Discussion

1. On June 27, 2024, Intervenors Trevor Gallup and Lynn Honderd filed a Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand.
2. On July 18, 2024, Plaintiffs Ross Berman and Jason H. Karp filed their Motion to Strike Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand.
3. On August 14, 2024, undersigned counsel accepted service of the Summons and Third-Party Complaint on behalf of Mr. Schweibold. By agreement, his answer is due on September 20, 2024.
4. If the Plaintiffs' Motion to Strike is granted, Third-Party Defendant's answer would be unnecessary.
5. On August 25, 2024, the Court granted a motion filed by Third-Party Defendant Rise Investments International II Series 7, LLC, seeking the same relief requested here.
6. Accordingly, Third-Party Defendant requests an extension of time to answer or

otherwise respond to the Third-Party Complaint of fourteen (14) days after the Court's order denying the Motion to Strike.

7. No party will be prejudiced by this request which should not unduly delay these proceedings.

WHEREFORE, Third-Party Defendant Andrew Schweibold respectfully requests an extension of time to respond to the Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand of 14 days after the entry of an order, if any, denying Plaintiffs' Motion to Strike.

September 20, 2024

s/ Chris P. Montville

Chris P. Montville, #40837
HADDON, MORGAN AND FOREMAN, P.C.
945 N. Pennsylvania Street
Denver, CO 80203
Tel 303.831.7364
cmontville@hmflaw.com

Attorneys for Third-Party Defendant Andrew Schweibold

Certificate Of Service

I certify that on September 20, 2024, I electronically filed the foregoing *Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand* with the Clerk of Court via the Colorado Courts E-filing system, which will send notification of the filing to all parties of record.

s/ Stephanie Poole

DISTRICT COURT, DENVER COUNTY, COLORADO
Denver City and County Building
1437 Bannock Street, Denver, CO 80202

DATE FILED
September 20, 2024 3:50 PM
FILING ID: FB37DE2B36542
CASE NUMBER: 2024CV30763

Plaintiffs: Ross Berman, an individual; Jason H. Karp, an individual; IMJ I LLC, a Delaware limited liability company; Rachel Farber as trustee for the Rachel Farber Revocable Trust; Stephen Farber as trustee for the Stephen Farber Revocable Trust; and Red Cloud Capital, LLC, a Connecticut limited liability company; **and Plaintiff-Intervenors:** Trevor Gallup, an individual; and Lynn Honderd, an individual.

v.

Defendants: Bellrock Brands Inc., a British Columbia corporation; BRB DB Holdings, Inc., a Delaware corporation; BRB Mary's Holdings Corp., a Delaware corporation; Dixie Brands (USA) Inc., a Delaware corporation; Mary's Operations, LLC, a Colorado limited liability company; Mary's Pets, LLC, a Colorado limited liability company; Mary's Nutritionals, LLC, a Colorado limited liability company; DB Finance, Nevada, LLC, a Nevada limited liability company; and DB Oklahoma, LLC, a Colorado limited liability company.

v.

Third-Party Defendants: Andrew Schweibold, an individual; James Harvey, an individual; Rise Investments International II Series 7, LLC, a Georgia limited liability company; High Street Capital Partners, LLC, a New York limited liability company; and Acreage Holdings America, Inc., a Nevada Corporation.

▲ COURT USE ONLY ▲

No. 2024CV030763
Courtroom 466

Order Re Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Joint Amended Complaint in Intervention, Third-Party Complaint in Intervention, and Jury Demand

THIS MATTER comes before the Court on Third-Party Defendant Andrew Schweibold's Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Joint Amended Complaint in Intervention, Third-Party Complaint in

Intervention, and Jury Demand. The Court, having reviewed the Motion and being fully advised as to the premises thereof, hereby GRANTS the Motion.

The Court ORDERS that, if the Court denies the pending Motion to Strike, Mr. Schweibold shall have fourteen days to answer or otherwise respond to the Third-Party Complaint.

IT IS SO ORDERED.

Dated: _____

BY THE COURT:

DISTRICT JUDGE