

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and LISA SILVA-DEROU, on behalf of themselves and those similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF COLORADO; PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO; GOVERNOR BILL RITTER, MARK J. ANDERSON AND SARA R. ALT, IN THEIR OFFICIAL CAPACITIES ONLY,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case No.: 2010-CV-1589</p> <p>Division: 6</p>
<p>JOHN W. SUTHERS, Attorney General Maurice G. Knaizer, #5624, First Assistant Attorney General*, maurie.knaizer@state.co.us William V. Allen, #26386, Senior Assistant Attorney General*, will.allen@state.co.us Megan Paris Rundlet, #27474, Assistant Attorney General*, megan.rundlet@state.co.us</p> <p>1525 Sherman Street, 7th Floor Denver, CO 80203 Telephone: (303) 866-5235 FAX: (303) 866-5671 *Counsel of Record</p>	
<p>STATE DEFENDANTS' JOINDER IN PERA DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT</p>	

COME NOW Defendants State of Colorado and Governor Bill Ritter (“State Defendants”), through the Office of the Colorado Attorney General, and join and incorporate herein by reference the PERA Defendants’ Motion for Extension of Time to Respond to Plaintiffs’ Motion for Partial Summary Judgment. As grounds therefore, these Defendants state as follows:

In compliance with applicable rule, undersigned counsel confirms that he did not call Plaintiffs’ counsel to discuss this matter, as the matter was discussed at length between Plaintiffs’ counsel and co-defense counsel for PERA. Plaintiffs interposed an arbitrary deadline of January 10, 2011 for defendants to respond to their dispositive motion. Because the arguments on behalf of State Defendants would be substantially the same to those made by co-defense counsel for PERA, undersigned believes that conferral would be futile.

WHEREFORE, State Defendants join the PERA Defendants’ motion and respectfully request that the Court enter an order granting an extension of time within which to respond to Plaintiffs’ Motion for Partial Summary Judgment and that at the scheduling conference in this matter that the Court set a briefing schedule on Plaintiffs’ motion, as well as the State Defendants’ forthcoming cross-motion for summary judgment, at the case management conference.

JOHN W. SUTHERS
Attorney General

s/William V. Allen

WILLIAM V. ALLEN, 26386*
Senior Assistant Attorney General
Tort Litigation Unit
Civil Litigation and Employment Law Section
Attorneys for Defendants
*Counsel of Record

In accordance with Colo.R.Civ.P. 121 § 1-26(7), a printed or printable copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within State Defendants' Joinder in PERA Defendants' Motion for Extension of Time to Respond to Plaintiffs' Motion for Partial Summary Judgment upon all parties herein by e-filing or by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 13th day of December, 2010 addressed as follows:

Richard Rosenblatt
Richard Rosenblatt & Associates, LLC
8085 East Prentice Avenue
Greenwood Village, CO 80111
rosenblatt@cwa-union.org

William T. Payne
Stephen M. Pincus
Joh Stember
Stember Feinstein Doyle & Payne, LLC
Allegheny Building, 17th Floor
Pittsburgh, PA 15219
wpayne@stemberfeinstein.com
spincus@stemberfeinstein.com
jstember@stemberfeinstein.com

Daniel M. Reilly
Eric Fisher
Jason M. Lynch
Lindsay A. Unruh
Caleb Durling
Reilly Pozner LLP
511 Sixteenth Street, Suite 700
Denver, CO 80202
dreilly@rplaw.com
efisher@rplaw.com
lunruh@rplaw.com
jlynch@rplaw.com
cdurling@rplaw.com

Mark G. Grueskin
Ed Ramey
Isaacson Rosenbaum P.C.
1001 17th Street, # 1800
Denver, CO 80202
mgrueskin@ir-law.com
eramey@ir-law.com

Jean E. Dubofsky, Esq.
Jean E. Dubofsky, P.C.
1000 Rosehill Drive
Boulder, CO 80303

s/Sally Ott
