

DISTRICT COURT, DENVER COUNTY, COLORADO

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Plaintiff(s): GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and LISA SILVA-DEROU, on behalf of themselves and those similarly situated,

v.

Defendant(s): STATE OF COLORADO; PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO; GOVERNOR BILL RITTER, MARK J. ANDERSON and SARA R. ALT, in their official capacities only.

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Case Number: 2010CV1589

Div. & Ctrm.: 6

PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS

PLAINTIFFS GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and
LISA SILVA-DEROU, on behalf of themselves and those similarly situated, by their undersigned

counsel, respectfully move this Court for leave to file the attached Sur-Reply to Defendants' Reply Memoranda in support of their Motions to Dismiss. Pursuant to Section 1-15(8), Plaintiffs' counsel has conferred with respective counsel for both set of Defendants and they take no position on Plaintiffs' request to file a sur-reply.

On June 23, 2010, the State Defendants and PERA Defendants filed Reply Memoranda in support of their Motions to Dismiss that raise new arguments not addressed in their Initial Memoranda. Plaintiffs seek leave to file the attached sur-reply in order to address these points. A suggested form of Order is filed herewith.

Respectfully submitted on the 8th day of July, 2010.

s/Richard Rosenblatt

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LISA SILVA-DEROU, on behalf of themselves
and those similarly situated.