

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:21-cv-01314-RBJ-NRN

GARY SCHWARTZ,
Court-Appointed Receiver for Mark Ray,
Custom Consulting & Product Services, LLC,
MR Cattle Production Services, LLC,
Universal Herbs, LLC,
DBC Limited, LLC,
RM Farm & Livestock, LLC,
Sunshine Enterprises,
and real property/equipment/inventory at 12700 East Lone Chimney Road, Glencoe, OK 74032,

Plaintiff,

v.

RONALD THROGMARTIN,

Defendant.

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE
PLEADING**

Pursuant to D.C.Colo.LCivR 6.1, Defendant Ronald Throgmartin moves the Court for an Order to extend the time to file a responsive pleading up to and including 14 days after this case resumes if Defendant’s pending Motion For Stay Of Proceedings is granted, or up to and including 14 days after the Motion For Stay is denied. In support of this Motion, Defendant states:

Satisfaction of Duty to Confer

1. Prior to filing this Motion, in accordance with D.C.Colo.LCivR 7.1, counsel for Defendant conferred in good faith with counsel for Plaintiff about extending the responsive pleading deadline until an Order on the Motion For Stay is entered. Counsel for Plaintiff informed

Defendant's counsel that Plaintiff is not agreeable to an indefinite extension pending resolution of the Motion For Stay, so this filing became necessary.

Background and Requested Relief

2. On May 20, 2021, the parties filed a Stipulation extending Defendant's responsive pleading deadline to June 10, 2021 (Filing 10).

3. On May 26, 2021, Defendant filed a Motion For Stay of Proceedings and Request for Extension of Time to File a Responsive Pleading (Filing 15).

4. Defendant filed the Motion For Stay of Proceedings because on April 22, 2021, a seven-count indictment was returned against Defendant, and the counts in the indictment are interrelated to the claims brought by Plaintiff in this civil matter. Defendant seeks a stay of these proceedings before having to file a responsive pleading and before discovery commences to protect his full rights and privileges under the Fifth Amendment.

5. The Motion For Stay included a Request for an Extension of Time to File a Responsive Pleading until the Motion For Stay is adjudicated, but Defendant filed this separate Motion out of an abundance of caution.

WHEREFORE, Defendant Ronald Throgmartin respectfully requests an extension of time of 14 days to file a responsive pleading after this case resumes after a stay is granted or within 14 days if a stay is denied.

RONALD THROGMARTIN, Defendant.

By: s/ Michael J. Mullen
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Certificate of Service

Michael J. Mullen certifies that on June 10, 2021, the foregoing Motion for Extension of Time to File a Responsive Pleading was filed using the CM/ECF system, which sent notice to the following:

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Under D.C.Colo.LCivR 5.1, notice of such electronic filing constitutes a certificate of service.

s/ Michael J. Mullen