

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

Civil Action No. 22-cv-01537-NYW-GPG

TALBOTT’S MOUNTAIN GOLD LLLP, a Colorado limited liability limited partnership;
TALBOTT LAND AND PROPERTY LLLP, a Colorado limited liability limited partnership;
BLAINE D PRODUCE COMPANY LLC, a Colorado limited liability company;
BOX ELDER RANCH, LLC, a Colorado limited liability company;
BOX ELDER RANCH, INC., a Colorado corporation;
MARC ARNUSCH FARMS LLC, a Colorado limited liability company; and
MAUCH FARMS, INC., a Colorado corporation,

Plaintiffs,

v.

JOSEPH M. BARELA, in his official capacity as Executive Director of the Colorado
Department of Labor and Employment; and
SCOTT MOSS, in his official capacity as Director of the Division of Labor Standards and
Statistics, Colorado Department of Labor and Employment,

Defendants,

and

COLORADO LEGAL SERVICES; and JANE DOE,

Intervenor-Defendants.

STATUS REPORT

Plaintiffs, by and through undersigned counsel, hereby file this Status Report pursuant to the Court’s Minute Order of February 9, 2023, and report as follows:

1. As represented to the Court during the February 9, 2023, status conference in this matter, Plaintiffs requested the State Defendants to waive sovereign immunity so as to permit the addition of a demand for compensation to Plaintiffs’ First Amended Complaint.

2. The State Defendants will not grant such a waiver.

3. Plaintiffs have therefore, contemporaneous with this Status Report, filed an Unopposed Motion to Dismiss their remaining claims without prejudice, thereby concluding this matter.

4. Intervenors' position, with which Plaintiffs take issue, is as follows. Plaintiffs have informed Intervenors and the Court they no longer believe they can pursue their initial or amended Complaint under existing law and have chosen at this time not to file another Complaint in this matter. Although they have suggested they will seek to litigate in Colorado court, Plaintiffs have not informed Intervenors whether they will pursue any other action and the substance of that action. Therefore, while Intervenors have no basis to compel Plaintiffs to pursue a case that always lacked a legal basis, in recognizing as much Intervenors in no matter concede that: (i) Plaintiffs can pursue another action; (ii) Plaintiffs' chosen forum for that action is appropriate and that the action should be pursued in State rather than federal court, or (iii) if any future action by Plaintiffs is removed to or proceeds in federal court it should not be related to this action, particularly in light of the numerous arguments Plaintiffs have waived.

Submitted this 24th day of February, 2023.

By: *s/Kevin C. Paul*

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2023, a true and correct copy of the foregoing **STATUS REPORT** was electronically filed and served with the Clerk of Court using the CM/ECF system to:

<p>John Lizza First Assistant Attorney General Krista Maher Senior Assistant Attorney General Christopher K. Boeckx Assistant Attorney General Tanya M. Santillan Assistant Attorney General Colorado Attorney General’s Office State Services Section Public Officials Unit 1300 Broadway, 6th Floor Denver, Colorado 80203 Email: john.lizza@coag.gov; krista.maher@coag.gov; chris.boeckx@coag.gov; tanya.santillan@coag.gov <i>Attorneys for Defendants</i></p>	<p>David S. Muraskin Shelby Leighton Karla Gilbride Public Justice 1620 L. St, NW, Suite 630 Washington, DC 20036 Email: dmuraskin@publicjustice.net; sleighton@publicjustice.net kgilbride@publicjustice.net</p> <p>Trent Taylor Farmworker Justice 1126 16th St. NW, Suite LL101 Washington, DC 20006 Email: ttaylor@farmworkerjustice.org</p> <p>Valerie Collins David Seligman Towards Justice 1410 High Street, Suite 300 Denver, CO 80218 Email: david@towardsjustice.org valerie@towardsjustice.org <i>Attorneys for Intervenor-Defendant Colorado Legal Services</i></p>
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s/Kevin C. Paul

A duly signed original is kept on file at the offices of Range PC.