

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

IN RE:	)	
	)	
THE BANNING LEWIS RANCH COMPANY, LLC.,	)	Civil Action No. 15-01442-REB Bankruptcy Case No. 10-13445-KLC (Chapter 11) (main case pending in the United States Bankruptcy Court for the District of Delaware;11-01634-
Debtor,	)	HRT(adversary proceeding pending in the United States Bankruptcy Court for the District of Colorado)
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THE BANNING LEWIS RANCH COMPANY, LLC; BLH NO. 1, LLC; BLH NO. 2, LLC; BANNING LEWIS HOLDINGS, LLC,	)	
Appellants,	)	
v.	)	
City of Colorado Springs, Colorado; Colorado Springs Utilities,	)	
Appellees.	)	

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**FOURTH STATUS REPORT AND JOINT MOTION TO RE-OPEN CASE FOR LIMITED  
PURPOSE, EXTEND ABATEMENT OF APPEAL PENDING SETTLEMENT  
NEGOTIATIONS, AND CLOSE CASE SUBJECT TO REOPENING FOR GOOD CAUSE**

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Pursuant to Rule 8013 of the Federal Rules of Bankruptcy Procedure, Appellants  
 The Banning Lewis Ranch Company LLC; BLH No. 1 LLC; BLH No. 2, LLC; and  
 Banning Lewis Holdings, LLC (“Appellants”) and Appellees the City of Colorado  
 Springs, Colorado, on behalf of itself and its Enterprise Colorado Spring Utilities  
 (“Appellees”) (collectively, the “Movants”), through their respective undersigned

attorneys, submit this Fourth Status Report and Joint Motion to Reopen Case for Limited Purpose, Extend Abatement of Appeal Pending Settlement Negotiations, and Close Case Subject to Reopening for Good Cause. As grounds for this motion, Movants state:

Pursuant to prior motions filed jointly by the parties, this bankruptcy appeal has been stayed since August 2015 and has been administratively closed (subject to reopening for good cause) since October 2015, in order to allow the parties to engage in settlement discussions in an attempt to resolve the matters contested in the appeal. In their last status report and joint motion to extend the abatement, filed February 15, 2016, the parties indicated that they (together with two other major landowners in Banning Lewis Ranch) had been meeting regularly since the initial stay order and had made significant progress toward resolving the numerous and complex issues involved, but that more time was needed because of the complexities involved. Dkt. #13, p. 3. They further requested that the case and all case deadlines continue to be abated until May 2, 2016, at which time the parties would file a further status report advising the Court as to whether they have been able to successfully resolve their dispute and how this case should proceed. *Id.* The Court did not rule upon that request.

Since the last status report, the parties have continued their ongoing discussions and have come closer toward accomplishing a potential settlement. Because of the complexity of the issues, the need to protect the interests of owners within Banning Lewis Ranch that are not parties to this appeal, and the need to obtain formal City Council approval of any proposed settlement, the parties respectfully request that this

appeal and all deadlines in the appeal continue to be abated until August 1, 2016, at which time the parties will file a further status report advising this Court as to whether they have been able to successfully resolve their dispute and, based on such report, their views as to how this case should proceed.

**WHEREFORE**, the Movants respectfully request that the Court re-open this case for the limited purpose of extending the abatement; hold this appeal and all deadlines in this appeal in abeyance until August 1, 2016, at which time the parties shall file a further status report, as described above; and grant such additional relief as the Court deems proper. For the Court's convenience, a proposed order is attached hereto.

Dated: May 2, 2016

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**Attorneys for Appellees**

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THE BANNING LEWIS RANCH COMPANY, LLC; BLH NO. 1, LLC; BLH NO. 2, LLC; BANNING LEWIS HOLDINGS, LLC,	)	
Appellants,	)	
	)	
v.	)	
	)	
City of Colorado Springs, Colorado; Colorado Springs Utilities,	)	
Appellees.	)	

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**ORDER**

**Blackburn, J.**

This matter is before me on the parties' **Fourth Status Report and Joint Motion to Re-Open Case for Limited Purpose, Extend Abatement of Appeal Pending Settlement Negotiations, and Close Case Subject to Re-Opening for Good Cause** filed May 2, 2016. Previously, the Court stayed this action until February 15, 2016, and closed this case administratively to permit the parties to pursue settlement discussions.

On February 15, 2016, the parties filed a status report and request that the appeal be held in abeyance until May 2, 2016, at which time they would file a further status report. In the present status report and motion, the parties request that the Court re-open the case for the limited purpose of extending the abatement; hold this appeal and deadlines in abeyance until August 1, 2016, 2016, to permit the parties to continue their settlement discussions; and again administratively close the case. The parties report that they have continued to make progress in their settlement discussions, but the complexity of the issues involved requires more time to attempt to reach a full settlement.

I find and conclude that an additional abatement of this appeal is proper to permit the parties to continue to pursue a settlement of this appeal. For the purpose of managing the docket of this court, I find also that this case should remain under administrative closure during the abatement of this appeal, subject to reopening for good cause.

**THEREFORE, IT IS ORDERED** as follows:

1. That under **D.C.COLO.LCivR 41.2**, this case is re-opened for the limited purpose of resolving the motion addressed in this order;

2. That the continuance of the abatement of this appeal requested in the **Fourth Status Report and Joint Motion to Extend Abatement of Appeal Pending Settlement Negotiations** filed May 2, 2016, is granted;

3. That this appeal and all concomitant deadlines are abated until August 1, 2016, to accommodate continued settlement discussions;

4. That on or before August 1, 2016, the parties shall file a status report

which

(a) advises the court of the status of their settlement negotiations; and

(b) if a settlement has not been reached by August 1, 2016, informs the court of the views of the parties on how the appeal should proceed;

5. That if the parties successfully and fully resolve their dispute, on or before August 1, 2016, the appellants shall file a motion to dismiss appeal; and

6. That under **D.C.COLO.LCivR 41.2**, this case again is closed administratively, subject to reopening for good cause.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016 at Denver, Colorado.

**BY THE COURT:**

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Robert E. Blackburn  
United States District Judge

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