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| DISTRICT COURT, ADAMS COUNTY, COLORADO1100 Judicial Center Drive, Brighton, CO 80601 | DATE FILED: February 27, 2017 11: FILING ID: 38EE949EBDFB8 CASE NUMBER: 2015CV31808* COURT USE ONLY 
 |
| **PLAINTIFF: KATHRYN WINDT V.****DEFENDANTS: IVONNE BECERRIL AND AURELIO MEZA-CUEVAS** |
| Name: **THE LAW OFFICE OF STEPHEN COOK, P.C.**Address: 2590 Trailridge Drive East, Suite 202 Lafayette, CO 80026Telephone: 303-543-1000Facsimile: 303-543-8582Atty. Reg#: Stephen H. Cook: 6692 | Case No. 2015CV31808Ctrm: |
| **JOINT STIPULATED MOTION TO CONTINUE TRIAL FOR THE PURPOSE OF ADDING A NEW PARTY** |

The parties, through counsel, jointly move for and stipulate to, a continuance of the trial date, and as grounds therefore state:

1. This case is set for trial March 6, 2017.
2. The defendants are married. The defendant driver, Ms. Becerril, was driving a car owned by Defendant Meza-Cuevas.
3. Mr. Meza-Cuevas was recently deposed. In his deposition, he testified that Ms.

Becerril was talking with him on her cell phone when the collision occurred.

1. Mr. Meza-Cuevas revealed that when he was talking with his wife, he was at a worksite doing a job as part of his employment with, and ownership of, a construction- related business called Al’s Tiling, LLC. He testified that he was instructing his wife to bring work-related papers to the jobsite. He testified that he was also having his wife stop and purchase food for him, and bring it to him at the job site.
2. There is a *prima facie* claim against Al’s Tiling, LLC for being vicariously liable for the conduct of the defendants on agent-principal, and/or employee-employer grounds.
3. Mrs. Windt was not aware of this situation until the recent deposition of Mr. Meza- Cuevas.
4. Allowing the Complaint to be amended to include Al’s Tiling, LLC would also be to the benefit of the Ms. Becerril, as there is limited policy coverage under the automobile she was driving which is an amount that is less than the special damages sustained by Mrs. Windt.
5. Plaintiff will file a motion to amend the complaint to include Al’s Tiling, LLC to which the Defendants will stipulate.
6. Al’s Tiling, LLC had commercial liability insurance at the time of the incident.
7. Continuing the trial to allow Al’s Tiling, LLC to be added as a defendant would be judicially efficient. It will avoid the necessity of filing a separate action against that party only. It would allow the liability and damage claims to be heard in one trial, instead of two.

Wherefore, the parties jointly request and stipulate to a continuance of the trial date of March 6, 2017 to allow time for a motion to amend to add a new party, and for the trail to be reset after the case is at issue with the new party added.

Dated: February 27, 2017.

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| **RUEBEL & QUILLEN, LLC***Original Signature on file*By: */s/Casey Quillen* Casey QuillenAttorney for Defendants | **THE LAW OFFICE OF STEPHEN COOK, P.C.***Original Signature on file*By: */s/ Stephen H. Cook* Stephen Cook H Attorney for Plaintiff |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on February 27, 2017 via *CCES* to the following:

Jeffrey Ruebel Casey Quillen

RUEBEL & QUILLEN, LLC

8501 Turnpike Drive, Suite 106

Westminster, CO 80031

*Original Signature on file*

*/s/ Ashley Neumann*

Ashley Neumann