

COLORADO SUPREME COURT

2 East 14th Avenue
Denver, CO 80203

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Colorado Court of Appeals
Case No. 2015CA1956
Opinion by Judge Harris, Dailey
and Plank, JJ. concur

Douglas County District Court
Case No. 2015CV30013
Honorable Richard B. Caschette, Judge

PETITIONER: CAROUSEL FARMS
METROPOLITAN DISTRICT, a quasi-
municipal corporation and political
subdivision of the State of Colorado

v.

RESPONDENT: WOODCREST HOMES,
INC., a Colorado corporation

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Case No. 2018SC30

**REQUEST FOR ORAL ARGUMENT MOTION OF *AMICUS CURIAE*
THE INSTITUTE FOR JUSTICE IN SUPPORT OF RESPONDENT**

Pursuant to C.A.R. 29 (g) and C.A.R. 34 (a), the Institute for Justice (IJ) respectfully requests this Court’s leave to participate in oral argument in the above-captioned case, *Carousel Farms Metropolitan District v. Woodcrest Homes, Inc.*, 2018SC30. IJ filed an *amicus* brief in support of the respondent, Woodcrest Homes, Inc. that was granted acceptance on October 18, 2018. Jeffrey Redfern was granted *pro hac vice* on October 16, 2018. IJ requests ten minutes of argument time specifically to address the issue of constitutional public use. Respondent has consented to IJ’s participation and has agreed to cede ten minutes.

Good reason for IJ’s participation is that IJ is recognized as the national leader in litigating “right-to-take” eminent domain cases. IJ has decades of experience and expertise litigating public use questions around the country, including in *Kelo v. City of New London*, 545 U.S. 469 (2005), which is of central importance to the present case. IJ is familiar with case law from other states as well and can give the Court perspective on how other jurisdictions have handled similar issues. Additionally, Petitioner’s reply brief devoted considerable time to responding to the points in IJ’s amicus brief. The reply brief names IJ

twelve times and cites IJ's amicus brief six times. The fact that Petitioner considers IJ's brief so worthy of a response indicates that those issues should also be explored at oral argument.

Dated this 14th day of November, 2018.

Respectfully submitted,

INSTITUTE FOR JUSTICE

*This document has been e-filed.
Pursuant to C.A.R. 30(f), a duly
signed physical copy of this
document is available for
reproduction at the office of the
Institute for Justice.*

/s/ Diana Simpson

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Certificate of Service

I hereby certify that on November 14, 2018, a true and correct copy of the foregoing Request for Oral Argument Motion of *Amicus Curiae* the Institute for Justice in Support of Respondent was filed and served on the following via the Colorado e-filing system:

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/s/ Diana Simpson
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