

<p>DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO 100 Jefferson County Parkway Golden, CO 80401</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>WILLIAM MONTGOMERY,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>BEST BUY, L.P.,</p> <p style="padding-left: 40px;">Defendant.</p>	
<p>Attorneys for Best Buy, L.P.: Lori K. Bell, Reg. No. 31714 Stephanie E. Boutsicaris, Reg. No. 51297 Montgomery Amatuzio 4100 East Mississippi Avenue, Suite 1600 Denver, CO 80246-3048 Telephone: 303-592-6600 lbell@mac-legal.com sboutsicaris@mac-legal.com</p>	<p>Case No.: 2023CV00226</p> <p>Division: 6</p>
<p>BEST BUY’S RESPONSE IN OPPOSITION TO PLAINTIFF’S SECOND MOTION FOR RECONSIDERATION</p>	

Best Buy Stores L.P. (“Best Buy”), by and through its attorneys of record, Montgomery | Amatuzio, hereby submits its Response in Opposition to Plaintiff’s Second Motion for Reconsideration. Best Buy respectfully requests that this Court deny Plaintiff’s Second Motion for Reconsideration. As grounds, Best Buy states as follows:

1. A motion to reconsider must allege a manifest error of fact or law that clearly mandates a different result or other circumstance resulting in manifest injustice. C.R.C.P. 121 § 1-15 (11).
2. Plaintiff did not meet his burden in proving a manifest error of fact or law that clearly mandates a different result or other circumstance resulting in manifest injustice.
3. Plaintiff uses this Second Motion for Reconsideration to re-hash arguments that previously failed; he is impermissibly trying to get a second bite at the apple.
4. A party moving to reconsider must show more than a disagreement with the court's decision. *Id.*
5. Plaintiff's Second Motion for Reconsideration fails to show more than mere disagreement with the Court's decision.
6. A motion to reconsider must be submitted within 14 days from the date of the Court's order. *Id.*
7. Plaintiff submitted his motion fifteen days after the Court's order; thus, his Second Motion for Reconsideration is untimely and should be denied on that basis alone.

WHEREFORE, for the forgoing reasons, Best Buy respectfully requests that this Court deny Plaintiff's Second Motion for Reconsideration.

Filed on February 7, 2025.

MONTGOMERY | AMATUZIO

By: s/ Stephanie E. Boutsicaris
Lori K. Bell
Stephanie E. Boutsicaris

Attorneys for Best Buy Stores, L.P.

CERTIFICATE OF SERVICE

I hereby certify that, on February 7, 2025, a true and correct copy of the foregoing was prepared for service to the following in the manner indicated below:

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s/ Samantha Trujillo
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