

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. WC-2010-0227
	)	
Aspen Woods Apartment Associates, LLC,	)	
Barry Howard, Aspen Woods Apartments,	)	
Sapal Associates, Sachs Investing Co.,	)	
Michael Palin, Jerome Sachs, and	)	
National Water & Power, Inc.,	)	
	)	
Respondents.	)	

**RESPONDENT ASPEN WOODS APARTMENT  
ASSOCIATES, L.L.C.'S MOTION FOR  
EXENTION OF TIME TO RESPOND  
TO AMENDED COMPLAINT**

Respondent Aspen Woods Apartment Associates, L.L.C. ("Aspen Woods"), respectfully moves that the Commission extend the time for Aspen Woods to respond to the Amended Complaint. As grounds, Aspen Woods states:

1. On October 27, 2010, the Commission ordered that the Staff's Motion for Leave to Amend Complaint be granted, and that "Respondents shall respond to the amended complaint no later than November 22, 2010."
2. In other orders, dated October 12, 2010, the Commission ordered that the Staff respond to the Motion for Summary Determination filed by Aspen Woods and National Water & Power, Inc., by November 22, 2010.

3. Aspen Woods has previously pointed out to the Commission the financial hardship and burden that this litigation has unfairly imposed on it. *See Aspen Woods Apartment Associates, L.L.C.’s Opposition to Motion for Leave to File Amended Complaint (October 12, 2010), ¶ 11.*

4. In its Order of October 27, 2010, permitting the filing of the Amended Complaint, the Commission, apparently sensitive to the burden this litigation has imposed on Aspen Woods, noted that its “expedited timetable to address the jurisdictional arguments” was to “eliminate any possible delay or unnecessary increase in the cost of litigation in relation to this threshold issue.” *Order, p. 4.* The extension of time requested in this Motion is consistent with the Commission’s goal of eliminating any “unnecessary increase in the cost of litigation.”

5. No party would suffer any harm from the requested extension. The main new allegations in the Amended Complaint involve two apartment complexes identified in the Amended Complaint as “Madison at Seven Trails” and “Madison at Walnut Creek.” The docket sheet on EFIS shows no evidence that those entities, whoever they are, have been served with a copy of the Complaint or otherwise brought into the case. *See 4 CSR 240-2.070 (requiring service by certified mail on the entity against whom the complaint has been filed).* Those entities would, at a minimum, have thirty (30) days after such service to respond to the Amended Complaint. *Id.*

WHEREFORE, for the reasons set forth above, Respondent Aspen Woods respectfully moves that the Commission enter its order granting this motion and ordering

that Respondent Aspen Woods file its responsive pleading to the Amended Complaint ten days after Aspen Woods' Motion for summary determination is denied, should that occur.

Respectfully submitted,

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COUNSEL FOR ASPEN WOODS APARTMENT  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served by hand-delivery, facsimile transmission, certified mail, electronic mail and/or United States mail, postage prepaid, to the following parties of record this 18th day of November, 2010:

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