IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-03460-PAB-NRN

NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS,

Plaintiff,

v.

JILL HUNSAKER RYAN, EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT, in her official capacity,

Defendant.

PLAINTIFF NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS' MOTION FOR ORAL ARGUMENT ON ITS MOTION FOR PRELIMINARY INJUNCTION (ECF No. 11) AND DEFENDANT'S MOTION TO DISMISS DUE PROCESS CLAIMS (ECF No. 20)

Pursuant to Fed. R. Civ. P. 78(a) and D.C.COLO.LCivR 7.1(h), Plaintiff National Association of Wholesaler-Distributors ("NAW") moves for combined oral argument, as soon as practicable, on its Motion for Preliminary Injunction, ECF No. 11, and Defendant Jill Hunsaker Ryan's Motion to Dismiss Due Process Claims ("Motion to Dismiss"), ECF No. 20. NAW does not request an evidentiary hearing.

D.C.COLO.LCivR 7.1(a) CONFERRAL STATEMENT

Undersigned counsel conferred with Rebecca J. Fischer, counsel for Defendant, on November 17, 2026, by email. Based on that conversation, Defendant does not oppose oral argument on the two motions but opposes hearing the two motions together. Defendant requests separate arguments with the Motion to Dismiss argued first.

MOTION

On August 5, 2026, NAW moved for a preliminary injunction. ECF No. 11. Ms. Ryan filed her response on September 16, 2026, ECF No. 15, and NAW filed its reply on September 28, 2026, ECF No. 17. On October 13, 2026, Ms. Ryan moved to dismiss Counts I and II of the five-count Complaint. ECF No. 20. NAW responded on November 3, 2026, ECF No. 31, and Ms. Ryan replied on November 17, 2026, ECF No. 34.

Oral argument can be warranted if it will be particularly beneficial in the adjudication of a motion. *See, e.g.*, *Eco-Site LLC v. Cnty. of Pueblo, Colorado*, No. 17-CV-02535-CMA-STV, ECF No. 95 (D. Colo. May 29, 2019) (granting in part motion for oral argument on summary judgment motions). Here, oral argument would assist the Court in deciding NAW's Motion for a Preliminary Injunction because the motion seeks relief based on five constitutional claims challenging a Colorado statute, the Producer Responsibility Program for Statewide Recycling Act. Colo. Rev. Stat. §§ 25-17-701 to -716. Combining argument on the two motions could be especially helpful because the Motion to Dismiss challenges two of the same five claims.

Prompt argument is also warranted because, until NAW receives injunctive relief, its members will continue to suffer irreparable harm, including both the irreparable harm presumed to be inherent in any violation of a constitutional right, ECF No. 11 at 18–19, and the harm from NAW members' ongoing payment of fees that they cannot later recover from the State, *id.* at 19.

CONCLUSION

For the above reasons, NAW respectfully requests that the Court set oral argument on NAW's Motion for Preliminary Injunction, ECF No. 11, and Defendant's Motion to Dismiss, ECF No. 20, at the same hearing. A proposed order is submitted with this motion.

DATED: November 18, 2026

Respectfully submitted,

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