IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:26-cv-03889

GARY PETERSON, Derivatively on Behalf of VAIL RESORTS, INC.,

Plaintiff,

v.

ROBERT A. KATZ, D. BRUCE SEWELL, HILARY A. SCHNEIDER, PETER A. VAUGHN, SUSAN L. DECKER, MICHELE ROMANOW, NADIA RAWLINSON, IRIS KNOBLOCH, and REGINALD CHAMBERS

Defendants,

-and-

VAIL RESORTS, INC., a Delaware Corporation,

Nominal Defendant.

JOINT MOTION TO STAY ACTION PENDING FINAL RESOLUTION OF MOTIONS TO DISMISS IN RELATED ANTITRUST ACTIONS

Under D.C.COLO.LCiv 7.1(a), the parties plaintiff Gary Peterson ("Peterson") and defendants Robert A. Katz, D. Bruce Sewell, Hilary A. Schneider, Peter A. Vaughn, Susan L. Decker, Michele Romanow, Nadia Rawlinson, Iris Knobloch, and Reginald Chambers ("Individual Defendants") and nominal defendant Vail Resorts, Inc. ("Vail Resorts," collectively with Individual Defendants, "Defendants" and with Peterson, the "Parties") certify that they have conferred and jointly seek this relief. In support of this Joint Motion, the Parties state as follows:

1. On March 23, 2026, plaintiffs Landin Goloja, Tyler Maybee, Caitlan Reynolds, and Daniel Sheiner filed a putative antitrust class action against Vail Resorts and Alterra Mountain Company ("Alterra") in the U.S. District Court for the District of Colorado, Civil Action No. 1:26-

cv-01191 (the "*Goloja* Action"). That case is assigned to Judge Regina M. Rodriguez and Magistrate Judge Susan Prose. On June 18, 2026, defendants moved to dismiss the complaint and to strike class allegations. ECF Nos. 32-35. Those motions are fully briefed and *sub judice*.

2. On August 5, 2026, plaintiffs Nicholas Green, James "Scott" Douglas, and Joseph Goad filed a putative antitrust class action against Vail Resorts, Alterra, Boyne USA, Inc. d/b/a Boyne Resorts, Powdr Corp., RRC Associates, Inc., and National Ski Areas Association in the U.S. District Court for the District of Colorado, Civil Action No. 1:26-cv-03555 (the "*Green* Action"). That case is assigned to Judge Regina M. Rodriguez and Magistrate Judge Susan Prose. Any motion to dismiss to be filed by defendants in the *Green* Action is due on or before October 23, 2026, responses are due on or before December 18, 2026, and replies are due on or before January 22, 2027. ECF No. 43.

3. The *Goloja* Action and *Green* Action are referred to collectively as the Antitrust Actions.

4. On August 24, 2026, Plaintiff filed this shareholder derivative complaint (the "Complaint") on behalf of nominal defendant Vail Resorts, alleging claims against the Individual Defendants (the "Action") (ECF No. 1). The Complaint references and relies upon allegations from the Antitrust Actions. *Id.*

5. On September 15, 2026, the Parties filed a Stipulated Motion Regarding Service and Extension of Defendants' Time to Respond to the Complaint, in which the parties agreed to extend the time for Defendants to respond to the Complaint to October 30, 2026. ECF No. 6. Defendants agreed to accept service of process of the Complaint and summons on behalf of all Defendants, without prejudice and without waiver of any of Defendants' defenses, objections, arguments, or requests for relief including without limitation any jurisdictional defenses, other

than a defense as to the sufficiency of service. *Id.* On September 15, 2026, the Court granted this motion. ECF No. 8.

6. On September 15, 2026, Defendants filed a Notice of Case Association, identifying this Action as having related facts and at least one party in common with the *Goloja* Action and the *Green* Action. The same day, Vail Resorts filed Notices of Case Association in the Antitrust Actions. *Goloja* Action, ECF No. 55; *Green Action*, ECF No. 57.

7. Because this Action involves certain of the same parties and allegations as the Antitrust Actions, the Parties respectfully request that the Court temporarily stay this Action pending final resolution of motions to dismiss in the Antitrust Actions, inclusive of any subsequent motions to dismiss and related appeals, should they be filed. In doing so, the interests of preserving the Parties' and the Court's resources and ensuring efficient and effective case management will be served.

WHEREFORE, the Parties, through their undersigned counsel, respectfully request that the Court enter an Order as follows:

1. All proceedings, including any motion practice, obligation to respond to the Complaint and any amended complaint, all discovery and disclosure obligations under the applicable local and federal rules, and any other deadlines, in this Action are hereby stayed until there is final resolution of motions to dismiss in the Antitrust Actions, inclusive of any subsequent motions to dismiss and related appeals, should they be filed.

2. Defendants shall promptly notify Plaintiff of any filed related derivative actions (a "Related Derivative Action"), any related shareholder litigation demands or shareholder inspection demands, or additional antitrust suits of which they become aware, that assert allegations that are

substantially similar to the allegations made in this Action. Defendants shall promptly notify Plaintiff if a Related Derivative Action is not stayed for a similar or longer period than the Action.

3. During the pendency of the stay, Defendants shall provide Plaintiff with unredacted copies of any complaints filed in a Related Derivative Action, any shareholder litigation demands, or shareholder inspection demands that assert allegations that are substantially similar to the allegations made in this Action, and any documents produced in response to any such shareholder inspection demands, subject to the Parties entering into a reasonable confidentiality agreement and/or protective order.

4. During the stay, Plaintiff may file an amended complaint, but Defendants need not answer, move, or otherwise respond thereto during the pendency of the stay.

5. Within thirty (30) days after the end of the stay, the parties shall meet and confer and submit a proposed scheduling order governing further proceedings in this Action.

6. All hearings and conferences, including the Initial Case Management Conference set for October 28, 2026 at 10:30 a.m., shall be adjourned during the stay.

7. The stay is without prejudice to the rights, defenses, or arguments of any party and shall not be construed as a waiver of any and all rights, defenses, or arguments that any Party might otherwise have (including, by way of example only, improper venue, lack of personal jurisdiction or lack of subject matter jurisdiction), and the Parties reserve all rights.

8. In the event that Defendants agree in an agreement or stipulation reduced to writing and signed by Defendants to terms or conditions in connection with any stipulation, agreement, or motion to stay a Related Derivative Action that are more favorable to the plaintiff(s) therein, those more favorable terms or conditions shall be deemed incorporated herein, upon written notice and election by Plaintiff.

9. Pursuant to D.C.COLO.LCivR 6.1(c), counsel for the Parties certify that this stipulated motion will be served simultaneously on their respective clients.

10. WHEREFORE, the Parties respectfully request that the Court grant this motion and enter the proposed order submitted herewith.

Dated: September 28, 2026

Respectfully Submitted,

/s/ *Stephanna Szotkowski*

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Attorneys for Plaintiff

I hereby certify that the foregoing paper complies with the length limitation set forth in DDD Civ. P.S. III(A)(1).

/s/ *Stephanna Szotkowski*
Stephanna Szotkowski

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2026, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to the email addresses denoted on the Court's Electronic Mail Notice List.

I further certify that I caused a copy of the foregoing to be served on the following parties via e-mail:

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