

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 20-mc-00145-RM

SPIDER LABS, LTD.

Respondent,

v.

JOHN DOE,

Movant.

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**ORDER**

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This matter is before the Court on Spider Labs, Ltd.’s Motion for Leave to File Supplemental Brief, which John Doe opposes. After reviewing the record, and being otherwise fully advised, the Court grants the motion. The Court does so for at least two reasons.

First, because Spider Labs argues the issue is one of standing. It is unclear whether Spider Labs is asserting Article III standing or “prudential standing” is at issue. *See The Wilderness Soc’y. v. Kane Cty.*, 632 F.3d 1162, 1168 (10th Cir. 2011) (en banc) (discussing the two strands of standing). The Court may raise either strand *sua sponte*. *In re Peebles*, 880 F.3d 1207, 1212 (10th Cir. 2018) (Article III standing); *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1162 (10th Cir. 2013) (Bacharach, J., concurring) (prudential standing).

Next, because briefing is not yet complete. Thus, the Court finds no prejudice to Doe to allow the supplement, and no undue delay in resolving the motion to quash. Instead, the limited additional briefing will allow the Court to be fully apprised of all the issues and arguments.

Based on the foregoing, it is **ORDERED**

(1) That Spider Labs, Ltd.'s Motion for Leave to File Supplemental Brief (ECF No. 18)

is GRANTED;

(2) That, on or before Wednesday, November 18, 2020, Spider Labs may file a supplemental brief, not exceeding five pages in length,<sup>1</sup> to address the issue of whether Doe is entitled to invoke the First Amendment; and

(3) That, within five business days of the service of Spider Labs' supplemental brief, Doe may file a response, subject to the same limitations set forth in (2) above.

DATED this 12th day of November, 2020.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge

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<sup>1</sup> Excluding the certificate of service.