

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-01308-RBJ-KLM

FREE THE NIPPLE – FORT COLLINS, an unincorporated association,
BRITTANY HOAGLAND, and
SAMANTHA SIX,

Plaintiffs,

v.

CITY OF FORT COLLINS, COLORADO,

Defendant.

**JOINT MOTION FOR STATUS CONFERENCE
REGARDING PRELIMINARY INJUNCTION HEARING**

Defendant City of Fort Collins, Colorado, by its attorneys, Andrew D. Ringel, Esq., Gillian Dale, Esq., and Christina S. Gunn, Esq., of Hall & Evans, LLC; and Plaintiffs Free the Nipple – Fort Collins, Brittany Hoagland, and Samantha Six, by their attorneys David A. Lane, Esq., and Andy McNulty, Esq., of Killmer, Lane & Newman, LLP, hereby submit this Joint Motion for Status Conference regarding Preliminary Injunction Hearing, as follows:

1. Plaintiffs filed a Complaint and Motion for Preliminary Injunction in this matter on May 31, 2016. [ECF 1, 2.]
2. On May 31, 2016, this Court ordered the parties to set an initial scheduling conference no later than 45 days after the response to the Complaint is filed. [ECF 5.]
3. Defendant City of Fort Collins, Colorado, filed a Motion to Dismiss the Complaint and a Response to the Motion for Preliminary Injunction on August 2, 2016. [ECF 18, 19.]

4. In its Response to the Motion for Preliminary Injunction, Defendant requested an evidentiary hearing on Plaintiff's Motion for Preliminary Injunction. Defendant also requested a status hearing to discuss the Court's and counsel's schedule, the expectations and parameters for an evidentiary hearing, and the timing of prehearing disclosure of witnesses and exhibits.

5. The parties agree that a Status Conference would allow the Court and the parties to discuss the details of the Preliminary Injunction Hearing and a schedule for the pre-hearing disclosure of witnesses and exhibits.

6. The parties further agree and respectfully submit that setting a schedule for the Preliminary Injunction Hearing should take precedence over an initial scheduling conference pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1. Consequently, the parties request this Court stay submission of a proposed scheduling order and the corresponding requirements of Fed. R. Civ. P. 26(f) pending resolution of the Motion for Preliminary Injunction.

7. This motion is not brought for improper purposes, but instead is intended to promote efficiency in time and resources for the parties and the Court.

WHEREFORE, the parties respectfully request the Court set a status hearing to discuss scheduling and parameters of an evidentiary Preliminary Injunction Hearing, as well as the timing of prehearing disclosure of witnesses and exhibits; and stay submission of a proposed scheduling order and the corresponding requirements of Fed. R. Civ. P. 26(f) pending resolution of the Motion for Preliminary Injunction; and for all other and further relief as this Court deems just and appropriate.

Dated this 11th day of August, 2016.

Respectfully submitted,

s/ Christina S. Gunn

Christina S. Gunn, Esq.

Andrew D. Ringel, Esq.

Gillian Dale, Esq.

HALL & EVANS, L.L.C.

1001 Seventeenth Street, Suite 300

Denver, Colorado 80202

Phone: (303) 628-3300

Fax: (303) 628-3368

gunnc@hallevans.com

ringela@hallevans.com

daleg@hallevans.com

ATTORNEYS FOR DEFENDANT

s/ Andy McNulty

Andy McNulty, Esq.

David A. Lane, Esq.

KILLMER, LANE & NEWMAN, LLP

1543 Champa Street, Suite 400

Denver, CO 80202

Phone: 303-571-1000

amcnulty@kln-law.com

dlane@kln-law.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 11th day of August, 2016, I electronically filed the foregoing **JOINT MOTION FOR STATUS CONFERENCE REGARDING PRELIMINARY INJUNCTION HEARING** with the Clerk of Court using the CM/EFC system which will send notification of such filing to the following e-mail addresses:

David A. Lane, Esq.
dlane@kln-law.com

Andy McNulty, Esq.
amcnulty@kln-law.com

Jessica K. Peck, Esq.
jessica@jpdenver.com

Carrie M. Dagget, Esq.
cdaggett@fcgov.com

John R. Duval, Esq.
jduval@fcgov.com

s/ Nicole Marion, Legal Assistant to
Christina S. Gunn, Esq.
Andrew D. Ringel, Esq.
Gillian Dale, Esq.
HALL & EVANS, L.L.C.
1001 Seventeenth Street, Suite 300
Denver, Colorado 80202
Phone: (303) 628-3300
Fax: (303) 628-3368
gunnc@hallevans.com
ringela@hallevans.com
daleg@hallevans.com

ATTORNEYS FOR DEFENDANT