

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:16-cv-00966-CBS

KENNYBERG ARAUJO, and  
FRANCIS GONZLES,

Plaintiffs,

v.

THE CITY OF FORT COLLINS, Colorado, a home rule municipality;  
DONALD VAGGE, former Deputy Chief of Police, in his individual and official capacities, and  
GARY SHAKLEE, Police Sergeant, in his individual and official capacities;

Defendants.

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**DEFENDANTS' UNOPPOSED MOTION FOR FIVE-DAY EXTENSION OF TIME**

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Defendants, The City of Fort Collins (“Fort Collins”), Donald Vagge, and Gary Shaklee, by and through their respective undersigned counsel, pursuant to D.C. COLO. LCivR 6.1, hereby request a five-day extension of time to respond to Plaintiffs’ First Amended Complaint and Demand for Jury Trial (“Amended Complaint”) from September 21, 2016 to and including September 26, 2016. As grounds, Defendants state:

**CERTIFICATE OF COMPLIANCE WITH D.C. COLO. LCivR 7.1**

Laura B. Wolf, counsel for Plaintiffs, states that the Plaintiffs have no objection to the relief requested herein.

1. Yesterday, September 7, 2016, the Plaintiffs filed an Amended Complaint that is 46 pages in length, with 340 paragraphs of allegations (262 more than the original Complaint).

2. Under F.R.C.P. 15(a)(3), Defendants' responsive pleading is due September 21, 2016.
3. Lead counsel for Fort Collins, Cathy Havener Greer, is presently out of the country, returning September 14, 2016.
4. In light of the extensive new allegations in the Amended Complaint, all defense counsel need additional time to discuss the issues raised with their clients, conduct necessary interviews, and review pertinent documents and file materials, in order to fully and accurately respond. This need is particularly acute for Fort Collins, due to Ms. Greer's travel schedule, as well as several depositions and other pre-scheduled pressing matters during the week after her return.
5. A brief extension from September 21 to September 26 will not prejudice any party or negatively impact the Court. Indeed, September 26, 2016 is also the deadline for the parties to file a proposed Scheduling Order, so the proposed extension will have the effect of consolidating that deadline with the responsive pleading deadline, while still ensuring that responsive pleadings have been filed before the Scheduling Conference set for October 3, 2016.
6. No previous extensions of time have been sought in this matter.
7. Pursuant to D.C. COLO. LCivR 6.1 (c), a copy of this Motion has been served upon all Defendants by their respective counsel.

WHEREFORE, Defendants Fort Collins, Donald Vagge, and Gary Shaklee respectfully request that this Court grant their motion for an extension of time to and including September 26, 2016 in which to respond to Plaintiffs' Amended Complaint.

Dated this 8<sup>TH</sup> day of September, 2016.

Respectfully submitted,

*S/ Brendan L. Loy*

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**ATTORNEYS FOR DEFENDANT  
DONALD VAGGE**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 8, 2016, a true and correct copy of the above and foregoing **DEFENDANTS' UNOPPOSED MOTION FOR FIVE-DAY EXTENSION OF TIME** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

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