

<p>DISTRICT COURT, LARIMER COUNTY, COLORADO 201 La Porte Ave., Suite 100 Fort Collins, CO 80521</p> <hr/> <p><b>Plaintiff: VIRGINIA FARVER,</b></p> <p><b>v.</b></p> <p><b>Defendants: CITY OF FORT COLLINS, FORT COLLINS UTILITIES, and DOES 1-100.</b></p>	<p>DATE FILED: November 29, 2016 9:38 AM FILING ID: 26786DDE5D0E7 CASE NUMBER: 2016CV144</p> <p>COURT USE ONLY</p>
<p>Kimberly B. Schutt, #25947 WICK &amp; TRAUTWEIN, LLC 323 South College Avenue, Suite 3 P.O. Box 2166, Fort Collins, CO 80522 Phone Number: (970) 482-4011 E-mail: <a href="mailto:kschutt@wicklaw.com">kschutt@wicklaw.com</a> FAX Number: (970) 482-8929</p> <p>John R. Duval, #10185 FORT COLLINS CITY ATTORNEY'S OFFICE P.O. Box 580 Fort Collins, CO 80522 Phone: (970) 221-6520 Email: <a href="mailto:jduval@fcgov.com">jduval@fcgov.com</a></p>	<p>Case Number: 2016 CV 144</p> <p>Courtroom: 5B</p>
<p align="center"><b>DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT AND FOR ENLARGEMENT OF PRESUMPTIVE PAGE LIMIT</b></p>	

COMES NOW all of the above-named defendants (“Defendants”), by and through counsel, Kimberly B. Schutt of Wick & Trautwein, LLC, and John R. Duval of the Fort Collins City Attorney’s Office, and hereby respectfully submit the following unopposed motion for enlargement of time to file their motion for summary judgment, and for an enlargement of the presumptive page limit for the motion:

- RULE 121 CERTIFICATION:** Undersigned counsel hereby advise the Court that they have consulted with the Plaintiff regarding the relief sought in this motion and they are authorized to state that she has no objections to the same.
- Pursuant to the deadlines set at the case management conference in this matter, the Defendant’s planned motion for summary judgment is due this Thursday, December 1, 2016 (along with any cross-motion for summary judgment that the Plaintiff wishes to file). Response briefs are due 21 days later, and reply briefs are due 14 days after a response is filed.

3. Defense counsel have worked diligently on the motion, including substantial work over the Thanksgiving holiday. However, the fact of the matter is that it is taking an extraordinary amount of time to gather together all of the necessary documentation dating back more than a decade to show the history of City Council's approval of various aspects of the Advanced Meter Fort Collins Project, including related appropriations, and to put them into some manageable format for the Court's consideration of the issues.

4. Accordingly, the Defendants request that the Court grant a brief enlargement of the deadline for the filing of motions for summary judgment (including any cross-motion that Plaintiff may wish to file), up to and including December 15, 2016. Response briefs would still be filed within 21 days, and reply briefs 14 days after a response is filed, unless further extensions are requested and granted by the Court.

5. This motion is made in good faith. No prejudice should be incurred to any party, as evidenced by the Plaintiff's consent thereto.

6. In addition, the Defendants request that the Court extend the presumptive page limits set by C.R.C.P. 121 § 1-15(1) from 25 pages (but not more than 6,500 words) to 35 pages (but no more than 9,100 words) for the motion for summary judgment (and any cross-motion filed by Plaintiff). Defendants respectfully submit that this enlargement of the presumptive page limit for Rule 56 motions is necessary to adequately provide the Court with the detailed undisputed factual history of the AMFC project and its compliance with relevant City Code and Charter provisions, in order to rebut the multiple claims made by the Plaintiff. Defendants have indicated to the Plaintiff that they would not object to her obtaining a commensurate enlargement of the page limit for her response to the defendant's motion, if she elects to seek one.

WHEREFORE, the Defendants respectfully request the Court to grant an enlargement of the deadline for filing motions for summary judgment to Thursday, December 15, 2016, and for an enlargement of the presumptive page limit to 35 pages (but no more than 9,100 words), and for whatever further relief the Court deems just and proper.

DATED this 29<sup>th</sup> day of November, 2016.

Respectfully submitted,

WICK & TRAUTWEIN, LLC

*This document was served electronically pursuant to C.R.C.P. 121 §1-26. The original pleading signed by Kimberly B. Schutt is on file at the offices of Wick & Trautwein, LLC*

By: s/Kimberly B. Schutt  
Kimberly B. Schutt, #25947  
Attorneys for Defendant

And

John R. Duval, #10185  
FORT COLLINS CITY ATTORNEY'S OFFICE  
P.O. Box 580  
Fort Collins, CO 80522  
(970) 221-6520

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT AND ENLARGEMENT OF PRESUMPTIVE PAGE LIMIT was SERVED via U.S. Mail this 29<sup>th</sup> day of November, 2016, on the following:

Virginia L. Farver  
1214 Belleview Drive  
Fort Collins, CO 80526  
*Pro se Plaintiff*

/s/ Jody L. Minch

*[The original certificate of electronic filing signed by Jody L. Minch is on file with the law offices of Wick & Trautwein, LLC.]*