

DISTRICT COURT, LARIMER (FT COLLINS) COUNTY, COLORADO Court Address: 201 Laporte Avenue, Suite 100, Fort Collins, CO, 80521	DATE FILED: January 9, 2017 4:03 PM CASE NUMBER: 2016CV144 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) VIRGINIA L FARVER v. Defendant(s) CITY OF FORT COLLINS et al.	
Order: UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND FOR ENLARGEMENT OF THE PRESUMPTIVE PAGE LIMIT	

Case Number: 2016CV144
 Division: 5B Courtroom:

The motion/proposed order attached hereto: GRANTED.

Issue Date: 1/9/2017



GREGORY M LAMMONS
 District Court Judge

<input type="checkbox"/> Small Claims <input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <input type="checkbox"/> Probate Court <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Water Court Larimer County, Colorado Larimer County Justice Center 201 La Porte Ave Suite 100 Ft. Collins, CO 80521	2017 JAN -4 AM 10: 38
Plaintiff: Virginia L. Farver v Defendant(s): City of Fort Collins, the Fort Collins Electric Utility; and Does 1 - 100	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 2016 CV 144
Attorney or Party Without Attorney: (Name & Address) 1214 Belleview Drive Fort Collins, CO 80526 Phone Number: 970-689-3798 FAX Number: E-mail: vrfarv@hotmail.com Atty. Reg. #:	Div.:5B Ctrm:
<p style="text-align: center;">Plaintiff's unopposed motion for enlargement of time to file response to Defendants' Motion for Summary Judgment and for enlargement of the presumptive page limit</p>	

COMES NOW the Plaintiff and hereby respectfully submits the following unopposed motion for enlargement of time to file her response to the Defendants' motion for summary judgment and for an enlargement of the presumptive page limit for the response.

1. RULE 121 CERTIFICATION: The Plaintiff hereby advises the Court that she has consulted with the Defendants regarding the relief sought in this motion and that she is authorized to state that Defendants have no objections to the same.
2. Pursuant to the deadlines set at the case management conference in this matter, the Defendants' motion for summary judgment was due on Thursday, December 1, 2016 (along with any cross-motion for summary judgment that the Plaintiff wished to file). Response briefs were due 21 days later, and reply briefs were due 14 days after a response was filed.
3. With the consent of the Plaintiff, the Defendants filed on November 29, 2016 a motion for enlargement of their time to file their motion for summary judgment up to and including December 15, 2016 and for an enlargement of the presumptive page limit to 35 pages (but no more than 9,100 words), which motion the Court approved and so ordered on November 29, 2016.
4. Plaintiff has begun work on her response. However, Plaintiff has had several family and holiday events since receiving Defendants' Motion on December 15, 2016. Also, it was not until

December 30, 2016 that Plaintiff received from Defendants their responses to the following two items:

1. Plaintiff's Notice regarding supplementation of disclosures under C.R.C.P. Rule 26 (e), sent to Defendants on or about October 21, 2016; and
2. Plaintiff's Requested Disclosures per C.R.C.P. Rule 16.1 (k)(B)(iii), emailed to Defendants on November 11, 2016

The disc that Defendants made available to Plaintiff on December 30, 2016 contained over 1,000 pages of bate-stamped documents. It will take Plaintiff considerable time to read and digest these documents to determine what they really show, whether they support Plaintiff's or Defendants' arguments or neither, and to write her response based on these documents among other things.

5 Accordingly, the Plaintiff requests that the Court grant a brief enlargement of the deadline for the filing of her response to Defendants' Motion for Summary Judgment up to and including January 19, 2017. The reply brief would still be due within 14 days after Plaintiff's response is filed unless further extensions are requested and granted by the Court.

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

7. In addition, the Plaintiff requests that the Court extend the presumptive page limits set by C.R.C.P. 121 § 1 -15 from 15 pages (but not more than 3,900 words) to 21 pages (but no more than 5,460 words) for the response to Defendants' motion for summary judgment. Plaintiff respectfully submits that this enlargement of the presumptive page limit for a response to a Rule 56 motion is necessary to adequately provide the Court with the detailed undisputed factual history of the AMFC project and its lack of compliance with relevant provisions of the City Code and Charter, the Colorado Sunshine Act of 1972, as amended, and the Colorado Constitution.

WHEREFORE, the Plaintiff respectfully requests the Court to grant an enlargement of the deadline for filing her response to Defendants' motion for summary judgment to Thursday, January 19, 2017, and for an enlargement of the presumptive page limit to 21 pages (but no more than 5,460 words), and for whatever further relief the Court deems just and proper.

DATED this 3rd day of January, 2017

Respectfully submitted,

Virginia Farver
Plaintiff

AFFIDAVIT OF SERVICE

I declare under oath that I am 18 years or older and not a party to the action and that I served the following documents:

Plaintiff's unopposed motion for enlargement of time to file response to Defendants' Motion for Summary Judgment and for enlargement of the presumptive page limit

Proposed order granting the above motion

on Defendants City of Fort Collins and the Fort Collins Electric Utility

in Larimer County, Colorado on January _____, 2017 at approximately _____ (time) at the following location:

John Duval
Fort Collins City Attorney's Office
City Hall West, 300 LaPorte Avenue
Fort Collins, CO 80521

by **(check only one)**:

_____ personal service

_____ mailing a copy of said document in the U.S. mail, postage paid.

I have not charged any fees for my services in this matter.

VERIFICATION AND ACKNOWLEDGEMENT

I, Virginia Ann Bradley, swear/affirm under oath, and under penalty of perjury, that I have read the foregoing AFFIDAVIT OF SERVICE and that the statements set forth therein are true and correct to the best of my knowledge.

Virginia A. Bradley
Signature

Subscribed and affirmed, or sworn to before me in the County of Larimer, State of Colorado, this

4 day of January, 2017 My Commission expires:

(date) 1/4/17

Nicole Duesler
Notary Public

