

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-00493-RPM

EUGENE HOWARD,

Plaintiff,

v.

CITY OF FORT COLLINS and KATHLEEN WALKER,

Defendants.

---

**UNOPPOSED MOTION REGARDING RULE 26(f) CONFERENCE**

---

Plaintiff, Eugene Howard, by and through his attorney, Mark S. Bove, P.C., hereby moves the Court for an Order allowing the parties to utilize their prior telephone conference as an adequate conferral under Rule 26(f) and the Court's prior Order, stating as follows:

1. The undersigned has conferred with counsel for Defendants, Cathy Greer and Jenny Lopez Filkins, concerning the relief sought by this Motion. Defendants do not oppose the Motion.
2. On April 25, 2017, the Court issued Procedural Order Number One (Doc. 8), which, among other things, ordered the parties to conduct the Rule 26(f)(2) conference in person. In compliance with the Order, the parties scheduled a face to face meeting for May 16, 2017.
3. On May 14, 2017, the mother of the undersigned, who is 98 years of age, was admitted to the hospital in Madison, Wisconsin with serious injuries due to a fall, and accordingly, the undersigned made an emergency trip to Madison on the morning of Monday, May 15, 2017. The parties agreed that, rather than reschedule the personal meeting, they would use the scheduled time on May 16, 2017 to conduct the Rule 26(f) meeting by phone. They were able to do so, and all three attorneys, Ms. Greer, Ms. Lopez Filkins and Mr. Bove, were able to fully confer and discuss all of

the matters provided by the Rule. The parties are proceeding at this point with the Initial Disclosures and the drafting of the Proposed Scheduling Order.

WHEREFORE, Plaintiff requests that the Court allow the parties to utilize their phone conference of May 16, 2017 in lieu of a personal conference for the purposes of Fed.R.Civ.P. 26(f)(2).

Respectfully submitted,

MARK S. BOVE, P.C.

s/ Mark S. Bove  
Mark S. Bove, Atty. Reg. # 9376  
730 Seventeenth Street, Suite 635  
Denver, CO 80202  
Phone: 303-393-6666  
Email: [msbove@aol.com](mailto:msbove@aol.com)

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on May 19, 2017, I electronically filed the foregoing **UNOPPOSED MOTION REGARDING RULE 26(f) CONFERENCE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Cathy Havener Greer, Esq.  
Jenny Lopez Filkins, Esq.

[Cgreer@warllc.com](mailto:Cgreer@warllc.com)  
[Jlopezfilkins@fcgovr.com](mailto:Jlopezfilkins@fcgovr.com)

s/ Mark S. Bove