

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FREE THE NIPPLE – FORT COLLINS,)	
BRITTIANY HOAGLAND, and)	
SAMANTHA SIX,)	
Plaintiffs-Appellees,)	
)	
v.)	Case No. 17-1103
)	
CITY OF FORT COLLINS, COLORADO)	
)	
Defendants-Appellants.)	

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE OPENING BRIEF**

Defendant-Appellant 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 Carrie Mineart Daggett, Esq., and John R. Duval, Esq., of the Fort Collins City Attorney’s Office, hereby move for a two-week extension of time to file their Opening Brief in this matter, as follows:

1. Certificate of Compliance with 10th Cir. R. 27.4(B)(2): The undersigned counsel contacted counsel for Plaintiffs, Andrew McNulty, with respect to this Motion, who indicated that Plaintiffs do not oppose the relief requested.

2. Defendant's Opening Brief on appeal is presently due to be filed on July 5, 2016.

3. Defendant has not sought any prior extensions of the deadline for its Opening Brief.

4. The undersigned counsel has been occupied during the time since the filing of the Notice of Appeal with a multitude of other tasks, including without limitation settlement negotiations and a settlement conference in *Mulgeta v. ISS Facility Services*, U.S.D.C. Civil Action No. 16-cv-02515-PAB-MEH; discovery responses and a multitude of depositions in *McCully v. El Paso County*, U.S.D.C. Civil Action No. 16-cv-00867-WJM-MEH; an answer and partial motion to dismiss in *Ihde v. Generational Equity, LLC*, U.S.D.C. Civil Action No. 17-cv-00847-RM-NYW; depositions and discovery pleadings in *Trujillo v. City and County of Denver*, U.S.D.C. Civil Action No. 16-cv-01747-WJM-MJW; discovery responses and depositions in *Townsend v. Adams 12 Five Star Schools*, U.S.D.C. Civil Action No. 16-cv-02354-PAB-MEH; an answer brief in *Renfandt v. New York Life Insurance Co.*, Colorado Supreme Court Case No. 2017SA64; case investigation and witness interviews in *Brabec v. Tom Calabrese Trucking, Inc.*, Denver County District Court Case No. 2017CV030389; discovery pleadings and depositions in *Curran v. AcuStream*, Boulder County District Court Case No.

2016cv031050; and oral argument in *Cantrell v. Gdowski*, Colorado Court of Appeals Case No. 2016CA893. In addition, the undersigned counsel was out of the country for a week, and another of Defendant's attorneys was out of the office on maternity leave.

5. As a result of these tasks, Defendants will be unable to prepare their Opening Brief by the current due date even with the exercise of due diligence. The Opening Brief will address important issues of constitutional law under the equal protection provision of the Fourteenth Amendment to the United States Constitution, and additional time is needed to ensure that the Opening Brief will be thorough and accurate.

6. While other attorneys are entered in this matter, the undersigned counsel was the principal author of the briefing on the Motion to Dismiss in the District Court below and, as a matter of efficiency, will be the preparing the initial draft of the Opening Brief.

WHEREFORE, Defendant City of Fort Collins, Colorado, respectfully requests a two-week extension of time, up to and including July 19, 2017, to file its Opening Brief on appeal.

CERTIFICATE OF DIGITAL SUBMISSION

I hereby certify that with respect to the foregoing motion:

1. all required privacy redactions have been made;
2. if required to file additional hard copies, that the ECF submission is an exact copy of those documents;
3. the digital submissions have been scanned for viruses with the most recent version of a commercial virus scanning program, Malwarebytes, and according to the program are free of viruses.

Respectfully submitted this 28th day of June, 2017.

s/Gillian Dale

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**ATTORNEYS FOR DEFENDANT-
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2017, I electronically filed the foregoing **DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** using the CM/ECF system which will send notification of such filing to the following e-mail address:

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s/Denise Gutierrez, Secretary to _____

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