

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

**PLAINTIFFS-APPELLEES' MOTION FOR EXTENSION  
TO FILE RESPONSE BRIEF**

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<p>FREE THE NIPPLE, et al.</p> <p>Plaintiffs – Appellees,</p> <p>v.</p> <p>CITY OF FORT COLLINS,</p> <p>Defendant – Appellant.</p>	<p>Case No. 17-1103</p>
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Plaintiffs-Appellees, by and through their attorneys of Killmer, Lane & Newman, LLP, respectfully request an extension of time of 14-days, up to and including, September 11, 2017, to file their Response Brief in this matter. In support thereof Plaintiffs-Appellees state as follows:

1. The Response Brief is presently due on August 28, 2017.
2. Certification of Compliance with 10<sup>th</sup> Cir. R. 27.5(B)(2):

Undersigned counsel has conferred with counsel for Defendant-Appellant, Andrew Ringel, who states that Defendant does not oppose the relief requested herein.

3. No prior motions to extend the time to file the Response Brief have been filed.

4. For the following reasons, it will not be possible for the undersigned to file the Response Brief by the August 28, 2017 deadline.

5. In addition to the usual press of business, Plaintiffs-Appellees' counsel David A. Lane was out of town the week of July 24, 2017, and Plaintiff-Appellees' counsel Andy McNulty drafted and submitted preliminary injunction briefing *Arizona Association for Criminal Justice v. Mark Brnovich*, No. 2:17-cv-01422-SPL, was in all-day depositions on August 7, 2017 and August 22, 2017, drafted summary judgment briefing in *Lyall v. City and County of Denver*, No. 1:16-cv-2155-WJM-CBS, and is arbitrating a case in front of Judge Sandy Brooke at the Judicial Arbitrator Group on August 29th and 30th.

6. Additionally, Plaintiffs-Appellees' counsel David A. Lane was out of the country in relation to a death penalty trial the week of August 14, 2017, and will be taking multiple all-day depositions, including one on August 23, 2017 and one every day of the week of August 28, 2017.

WHEREFORE, undersigned counsel respectfully requests that this Court grant Plaintiffs-Appellees a 14-day extension of time, up to and including, September 11, 2017 to submit their Response Brief.

Respectfully submitted this 23rd day of August, 2017

KILLMER, LANE & NEWMAN, LLP

s/ Andy McNulty

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this **MOTION FOR EXTENSION TO FILE RESPONSE BRIEF** was served on August 23, 2017, via CM/ECF to the following:

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*s/ Jamie Akard*  
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**CERTIFICATE OF DIGITAL SUBMISSION**

I hereby certify that with respect to the foregoing:

- (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, McAfee, Version 4.8.0.1500 updated on August 23, 2017 and according to the program are free of viruses.

KILLMER, LANE & NEWMAN, LLP

s/ Jamie Akard  
Jamie Akard