

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-00884-CMA

CHAYCE AARON ANDERSON,

Plaintiff,

v.

JASON SHUTTERS,

Defendant.

**MOTION FOR EXTENSION OF TIME TO FILE PROPOSED SCHEDULING ORDER
AND CONTINUE SCHEDULING CONFERENCE
FROM DEFENDANT JASON SHUTTERS**

Defendant Jason Shutters, through his attorneys, Hall & Evans, L.L.C., moves for Extension of Time to File Proposed Scheduling Order and to Continue Scheduling Conference, as follows:

1. **D.C.Colo.LCivR 7.1(b)(1) Duty to Confer:** Plaintiff, *pro se*, is currently an incarcerated prisoner. Pursuant to D.C.Colo.LCivR 7.1(b)(1), there is no duty to confer with an unrepresented prisoner.

2. According to the allegations of Plaintiff's Amended Complaint [ECF No. 9], this matter appears to arise from Plaintiff's arrest and conviction on charges involving sexual assault.

3. This matter is currently set for a scheduling conference on Friday, September 15, 2017, at 10:00 a.m. [ECF No. 21].

4. The Court directed the Parties to file a joint proposed scheduling order prior to that scheduling conference [ECF No. 21].

5. Mr. Shutters' Response to Plaintiff's Amended Complaint is currently due on September 13, 2017 [ECF No. 32]. Counsel for Mr. Shutters was recently retained, is currently working on that Response, and intends to have that Response filed with the Court by the specified deadline.

6. As of the date of this Motion, counsel for Mr. Shutters is still investigating the allegations of the Amended Complaint and lacks the specifics necessary to draft a proposed scheduling order. The Amended Complaint lacks clarity as to what purported claims Plaintiff asserts against Mr. Shutters and the legal and factual bases for those claims.

7. To the extent that Plaintiff's allegations against Mr. Shutters are decipherable, Mr. Shutters intends to move to dismiss Plaintiff's claims, assert the doctrine of qualified immunity, and move to stay these proceedings accordingly. As such, undertaking further efforts to obtain specifics for purposes of drafting a proposed scheduling order and participating in a scheduling conference would be impractical at this time.

8. For these reasons, Mr. Shutters moves for an extension of time of 21 days from the date of this Motion to file the Parties' Proposed Scheduling Order, up to and including Monday, October 2, 2017, and moves to continue the scheduling conference to a date thereafter.

9. Mr. Shutters does not submit this Motion for purposes of delay and believes that no party will be prejudiced by the requested extension of time.

WHEREFORE, Defendant Jason Shutters respectfully requests that the Court grant his Motion, extend the time for filing the Proposed Scheduling Order, up to and including October 2, 2017, and continue the scheduling conference to a date thereafter.

DATED this 11th day of September, 2017.

Respectfully submitted,

s/ Mark S. Ratner

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of Hall & Evans, LLC

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ATTORNEY FOR JASON SHUTTERS

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on the 11th day of September, 2017, I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO FILE PROPOSED SCHEDULING ORDER AND TO CONTINUE SCHEDULING CONFERENCE**, with the Clerk of Court using the CM/ECF system to the following:

Plaintiff:

Chayce Aaron Anderson, *Pro Se*
Arkansas Valley Correctional Facility
12790 Hwy. 96
Ordway, CO 81034

s/Rochelle Gurule, Legal Assistant to
Mark Ratner, Esq.
of Hall & Evans, L.L.C.