

DISTRICT COURT, LARIMER COUNTY,
COLORADO
201 LaPorte Avenue, Suite 100
Fort Collins, CO 80521-2761
Phone: 970-498-6100

DATE FILED: November 16, 2017 3:21 PM
FILING ID: 85C47A1F4A343
CASE NUMBER: 2017CV30903

Plaintiff: ILSE G. WESTPHAL

v.

Defendants: ANTHONY JOHN JANSA; JANSA
TRUCKING, LLC, a Colorado Limited Liability
Company; JANSA TRUCKING, LLC, a North Dakota
Limited Liability Company; THE CITY OF FORT
COLLINS, a Colorado municipal corporation

Attorneys for Defendant City of Fort Collins

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COURT USE ONLY

Case No. 2017-CV-030903

Div. 3C

**DEFENDANT CITY OF FORT COLLINS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT AND JURY DEMAND**

Defendant City of Fort Collins, by and through its counsel, HALL & EVANS, LLC., submits the following unopposed Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint and Jury Demand:

CERTIFICATION – C.R.C.P. 121

Counsel for Defendant Peter Middleton contacted and talked with counsel for Plaintiff David Herrera regarding this motion. Plaintiff does not object to the relief requested herein.

1. On October 25, 2017, Plaintiff filed her Civil Complaint and Jury Demand (“Complaint”) against Defendants, alleging, among other things, violation of Colorado’s Premises Liability Act, C.R.S. § 13-21-115.

2. Defendant was served October 26, 2017. Defendant’s current deadline to answer is November 16, 2017.

3. With the Thanksgiving holiday approaching and the press of other business, Defendant requests an extension of time, until November 30, 2017, to answer or otherwise respond to the current Complaint. Defendant anticipates filing a motion to dismiss on the basis of governmental immunity and C.R.C.P. 12(b)(1). The two-week extension will not prejudice the parties and will not unnecessarily delay the case. Therefore, there is good cause for the extension.

WHEREFORE, Defendant respectfully requests this Court allow Defendant until November 30, 2017 in which to file an answer or otherwise respond (e.g. filing a motion to dismiss) to Plaintiff’s Complaint, and for any other relief the Court deems just and appropriate.

Dated: November 16, 2017

HALL & EVANS, LLC

/s/ Peter C. Middleton

Peter C. Middleton, Esq., #32335
of HALL & EVANS, L.L.C.
ATTORNEYS FOR DEFENDANT
CITY OF FORT COLLINS

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2017, I electronically filed and served the foregoing **DEFENDANT CITY OF FORT COLLINS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT AND JURY DEMAND** via the Colorado Courts E-Filing system upon the following:

David M. Herrera, Esq.
HERMS & HERRERA, L.L.C.
3600 South College Avenue, Suite 204
Fort Collins, CO 80525
david@hhlawoffice.com

Original Signature on File

/s/Julie Eaglesham _____

Julie Eaglesham