

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-00217-REB-KLM

WILLIAM MONTGOMERY,

Plaintiff,

v.

MATTHEW CHERNAK,
MIKE HOWARD,
MATTHEW BROUGH.

Defendants.

**MOTION TO EXCEED PAGE LIMITATIONS REGARDING PLAINTIFF'S
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

Plaintiff, by and through undersigned counsel, hereby moves the court for an exception to the Court's Civ. Practice Standard III(A) pertaining to page limitations, to permit Plaintiff ten (10) additional pages for his response to Defendants' Motion to Dismiss. In support, Plaintiff states as follows:

CERTIFICATION PURSUANT TO D.C.COLO.LCivR 7.1(a)

Undersigned counsel certifies that he has conferred with counsel for Defendants via email concerning the motion. Defendants oppose the relief sought herein.

1. On May 9, 2018, Defendants filed a motion to dismiss (Doc. 16). Plaintiff's response deadline is currently May 30, 2018.
2. The Courts' Practice Standard III(A) limits the number of pages that may be offered in response to such a motion to 15 pages.

3. Defendants' motion includes a cornucopia of arguments, including that the Court should review outside exhibits, claims about Plaintiff's prior Complaint, factual argument about probable cause, assertions of qualified immunity regarding three constitutional claims, and in-depth argument about recent developments in the status of the law pertaining to malicious prosecution and First Amendment retaliation claims.

4. Defendants motion is peppered with argument in footnotes that were obviously designed to save space in the pleading.

5. In response, Plaintiff must not only respond to address all of the matters raised in Defendants' motion, but must have sufficient room to address fact-intensive claims, including the lack of probable pertaining to five criminal charges that were originally asserted against Plaintiff, in support of the wrongful arrest and malicious prosecution theories. The First Amendment retaliation claim is also fact-intensive.

6. Moreover, as this Court is aware, the mere assertion of qualified immunity places a heavy burden on Plaintiff that typically requires much more citation and explanation to address than Defendants' require to assert.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully prays that the Court GRANT this motion and permit Plaintiff to exceed the page limitations by ten (10) pages when responding to Defendants' Motion to Dismiss.

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/ **Raymond K. Bryant**
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Certificate of Service

I hereby certify that on this 29th day of May, 2018, a true and correct copy of Plaintiff's **MOTION TO EXCEED PAGE LIMITATIONS REGARDING PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS** was filed with the Court and is expected to be served on the following entities registered with the ECF system:

Attorneys for Defendants

Thomas J. Lyons, Esq.^[SEP]

Christina S. Gunn, Esq.^[SEP]

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s/ Raymond K. Bryant