

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, and
MATTHEW BROUGH,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR REPLY IN SUPPORT OF MOTION TO DISMISS AMENDED COMPLAINT**

Defendants Matthew Chernak, Mike Howard and Matthew Brough, by and through their counsel, Thomas J. Lyons, Esq. and Christina S. Gunn, Esq., of Hall & Evans, L.L.C., hereby respectfully submit this Motion for Extension of Time for Reply in Support of Motion to Dismiss Plaintiff's Amended Complaint, as follows:

1. Pursuant to D.C.Colo.LCiv.R. 7.1(b)(1), prior to filing the instant Motion, the undersigned counsel conferred with counsel for the Plaintiff, Raymond Bryant, Esq., who stated Plaintiff does not object to the relief sought in this motion.
2. Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint on May 9, 2018. [ECF 17.]
3. Plaintiff filed a Response to the Motion to Dismiss on May 31, 2018. [ECF 24.] Plaintiff also filed an accompanying motion for leave to file the response with an

additional ten pages beyond the Court's limitation, which was opposed by Defendants. [ECF 22.] This motion remains pending.

4. Pursuant to the Federal Rules of Civil Procedure and Local Rules of the United States District Court for the District of Colorado, Defendants' Reply in Support of their Motion to Dismiss is due on or before June 13, 2018. Defendants respectfully request an extension of seven (7) days until and including June 20, 2018, to file their Reply in Support of their Motion to Dismiss the Amended Complaint.

5. The undersigned counsel has the primary responsibility for researching and drafting Defendants' Reply in Support of their Motion for Dismiss the Amended Complaint. In addition to that responsibility, the undersigned counsel has also had the following other commitments on other matters, in addition to the other general matters for which the undersigned counsel is directly responsible or has supervisory responsibility over as a general daily matter: (a) a position statement and response by an employer to a claim brought with the Department of Labor alleging an USERRA violation by a former employee; (b) a position statement and response by an employer to a claim of gender discrimination brought with the Colorado Civil Rights Division and the United States Equal Employment Opportunity Commission by a former employee; (c) preparation of a final pretrial order and attendance at a final pretrial conference in Swan v. Fauvel, et al., Civil Action No. 15-cv-00103-WJM-NYW; (d) a settlement conference with Magistrate Judge Michael Hegarty in McCully v. El Paso County, et al., Civil Action No. 16-cv-00867-WJM-MJH; and (e) an investigation related to a death in a detention facility.

6. In addition, the undersigned counsel had a personal trip scheduled from June 7, 2018 through June 10, 2018, which was planned and paid for prior to the setting of the deadline for Defendants' Reply in Support of their Motion to Dismiss.

7. Based on the above other commitments and the nature of the task related to preparation of a reply to Plaintiff's twenty-five-page response brief, the undersigned counsel requires an additional seven (7) days to complete the Reply Brief.

8. Pursuant to D.C.Colo.LCiv.R. 6.1(c), the undersigned counsel has served her clients with a copy of this Motion as reflected in the Certificate of Service below.

WHEREFORE, for all of the foregoing reasons, Defendants Matthew Chernak, Mike Howard and Matthew Brough respectfully request this Court extend the deadline for their Reply in Support of Motion to Dismiss Plaintiff's Amended Complaint until and including June 20, 2018, and for all other and further relief as this Court deems just and appropriate.

Dated this 6th day of June, 2018.

Respectfully submitted,

s/ Christina S. Gunn
Thomas J. Lyons, Esq.
Christina S. Gunn, Esq.
Hall & Evans, L.L.C.
1001 17th Street, Suite 300
Denver, CO 80202
303-628-3300
Fax: 303-628-3368
lyonst@hallevans.com
gunnc@hallevans.com

**ATTORNEY FOR DEFENDANTS CHERNAK,
HOWARD, AND BROUGH**

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 6th day of June, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Raymond K. Bryant
raymond@rightslitigation.com

and served a true and correct copy of the foregoing on the following non-CM/ECF participant via electronic mail:

Matthew Chernak
Mike Howard
Matthew Brough

s/ Rebecca Walker, Legal Assistant to
Christina S. Gunn, Esq. of
Hall & Evans, L.L.C.