

DISTRICT COURT, LARIMER COUNTY,  
COLORADO

201 LaPorte Avenue, Suite 100  
Fort Collins, CO 80521-2761  
Phone: 970-498-6100

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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

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***Attorneys for Defendant City of Fort Collins***

Peter C. Middleton, Esq., #32335

HALL & EVANS, L.L.C.

1001 17<sup>th</sup> St., Suite 300

Denver, CO 80202

303-628-3300

303-628-3368 / Fax

[middletonp@hallevans.com](mailto:middletonp@hallevans.com)

John Duval, #10185

Deputy City Attorney

City of Fort Collins

300 LaPorte Avenue

Fort Collins, CO 80522-0580

970-416-2488

[jduval@fcgov.com](mailto:jduval@fcgov.com)

***Attorneys for Plaintiff***

David M. Herrera, Esq., #12818

HERMS & HERRERA, L.L.C.

3600 South College Avenue, Suite 204

Fort Collins, CO 80525

970-498-9999

[david@hhlawoffice.com](mailto:david@hhlawoffice.com)

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Case No. 2017-CV-030903

Div. 3C

**JOINT MOTION TO CONTINUE MAY 7, 2018, *TRINITY* HEARING AND FOR  
EXTENSION OF *TRINITY* DISCOVERY DEADLINE**

Defendant, City of Fort Collins, and Plaintiff, Isle G. Westphal, by and through their counsel, submits their Joint Motion to Continue May 7, 2018, *Trinity* Hearing and for Extension of *Trinity* Discovery Deadline, as follows:

1. **C.R.C.P. 121 § 1-15(8) CONFERRAL:** Undersigned counsel City Defendant certifies he has conferred via telephone conference with counsel for Anthony John Jansa, Jansa Trucking, LLC, a Colorado Limited Liability Company, and Jansa Trucking, LLC, a North Dakota Limited Liability Company (collectively, “Jansa Defendants”) pursuant to Rule 121 §1-15(8). Counsel for Co-Defendants indicated that Co-Defendants do not object to a hearing continuance or deadline extension.

2. On February 1, 2018, the Court entered a Preliminary Case Management Order, setting the matter for hearing pursuant to *Trinity Broadcasting of Denver v. City of Westminster*, 848 P.2d 916 (Colo. 1993) to address City of Fort Collins’ assertion of governmental immunity against Plaintiff’s claims. The Court scheduled the *Trinity* Hearing to take place on May 7, 2018, at 8:30 a.m. The Court scheduled the date for completion of all *Trinity* limited discovery on April 23, 2018.

3. Since that time, counsel for City of Fort Collins has responded to written discovery and engaged in extensive conferral efforts with Plaintiff’s Counsel to resolve outstanding discovery disputes. At present, disputes remain over certain discovery items which require additional conferral, including the scope of Plaintiff’s 30(b)(6) Notice of Deposition. Further, City of Fort Collins has supplemented its document production as part of these conferral efforts, and

Plaintiff's counsel requires time to review that supplemental production before the Parties proceed with depositions. Counsel for the Parties have undertaken and continue to undertake these efforts in the midst of trial preparation for other matters and have made good faith progress toward the completion of *Trinity* discovery.

4. For such cause shown, Plaintiff and City of Fort Collins jointly and respectfully request the Court continue the May 7, 2018, *Trinity* Hearing, and the accompanying April 23, 2018, *Trinity* discovery cut-off date to allow Plaintiff and City of Fort Collins to resolve the remaining discovery disputes and complete depositions prior to the hearing. Based on the outstanding discovery to be completed and the upcoming trial schedules of counsel, the Parties seek a revised *Trinity* Hearing date within the timeframe of June 26 to June 29, 2018, and a revised *Trinity* discovery cut-off date of June 20, 2018. Alternatively, if the Court does not have availability to conduct the hearing within that proposed timeframe, counsel for the Parties request the Court allow a notice to set a new hearing date mutually agreeable to the Parties.

5. No party will be unfairly prejudiced by the granting of this request as this case is at its most infant stages.

WHEREFORE, City of Fort Collins and Isle G. Westphal respectfully request a continuance of the May 7, 2018 *Trinity* hearing and extension of the *Trinity* discovery deadline.

Dated: April 23, 2018

/s/ Peter C. Middleton

Peter C. Middleton, Esq., #32335  
of HALL & EVANS, L.L.C.

**ATTORNEYS FOR DEFENDANT  
CITY OF FORT COLLINS**

/s/ John R. Duval

John R. Duval, Esq., #10185

Deputy City Attorney  
of City of Fort Collins  
**ATTORNEY FOR DEFENDANT  
CITY OF FORT COLLINS**

*/s/ David M. Herrera*

David M. Herrera, Esq., #12818  
of HERMS & HERRERA, L.L.C.  
**ATTORNEYS FOR PLAINTIFF  
ISLE G. WESTPHAL**

*In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of April, 2018, I electronically filed and served the foregoing **JOINT MOTION TO CONTINUE MAY 7, 2018 TRINITY HEARING AND FOR EXTENSION OF TRINITY DISCOVERY DEADLINE** via the Colorado Courts E-Filing system upon the following:

David M. Herrera, Esq., #12818 HERMS & HERRERA, L.L.C. 3600 South College Avenue, Suite 204 Fort Collins, CO 80525 <a href="mailto:david@hhlawoffice.com">david@hhlawoffice.com</a> <i>Counsel for Plaintiff</i>	James M. Meseck, Esq., #33021 Joseph W. Mark, #48644 White and Steele, P.C. 600 17 <sup>th</sup> Street, Suite 600N Denver, CO 80202 <a href="mailto:jmeseck@wsteele.com">jmeseck@wsteele.com</a> <a href="mailto:jmark@wsteele.com">jmark@wsteele.com</a> <i>Counsel for Anthony J. Jansa and Jansa Trucking, LLC</i>
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*Original Signature on File*

*s/ Rebecca Walker*

Rebecca Walker