

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, *et al.*,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION
TO EXCEED PAGE LIMITATIONS REGARDING PLAINTIFF'S
RESPONSE TO DEFENDANTS' MOTION TO DISMISS [ECF 22]**

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 Response to Plaintiff's Motion to Exceed Page Limitations Regarding Plaintiff's Response to Defendants' Motion to Dismiss ("Motion to Exceed Page Limits"):

The undersigned counsel does not ordinarily object during conferral related to reasonable requests for additional pages by opposing counsel, and cannot recall having filed a written response related to such a request. However, given Plaintiff's Motion to Exceed Page Limits remains outstanding and Defendants' Reply in Support of Motion to Dismiss is being filed contemporaneously, the undersigned felt it necessary to explain the reason for the objection.

As addressed in Defendants' Reply in Support of their Motion to Dismiss, Plaintiff's Response is quite long - nearly doubling the Court's ordinary allowance - for a responsive brief to a motion which did not exceed limitations. Rather than maintain a tight focus on the narrow issues raised in Defendants' Motion to Dismiss, the Response contains lengthy arguments which unnecessarily parse each of Plaintiff's claims and each element of the underlying charges. This effort to intensely deconstruct Defendants' arguments and citations is merely a smokescreen, aimed to distract from the assertion Plaintiff has failed to state a claim and qualified immunity applies, and instead convince the Court some viable constitutional claim must exist somewhere within Plaintiff's prolix argument.

Defendants have the utmost respect for this Court, the Constitutional principles underlying this matter, and Plaintiff's right to present arguments in support of his claims; nonetheless the words of American humorist Henry Wheeler Shaw (pen name Josh Billings) ring true, "There's a great power in words, if you don't hitch too many of them together." Given Defendants' Motion to Dismiss is fully briefed, Defendants do not wish to have Plaintiff's Response stricken, requiring Defendants' to begin their Reply anew.

WHEREFORE, Defendants Matthew Chernak, Mike Howard and Matthew Brough respectfully request this Court grant their pending Motion to Dismiss, and for all other and further relief as this Court deems just and appropriate.

Dated this 20th day of June, 2018.

Respectfully submitted,

s/ Christina S. Gunn _____

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

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 20th 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

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