

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-CV-01177-LTB-NYW

DAKOTA TYLER MCGRATH,

Plaintiff,

v.

FORT COLLINS POLICE SERVICES OFFICER NICK RODGERS, in his individual
capacity,

Defendant.

**PLAINTIFF'S UNOPPOSED MOTION FOR ADDITIONAL 14-DAY
EXTENSION OF TIME, UNTIL AUGUST 8, 2018, TO RESPOND
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Dakota McGrath, by and through counsel, Anthony Viorst of the Viorst Law Offices, P.C., hereby moves for an additional 14-day extension of time, until August 8, 2018, to file a Response to Defendant's Motion for Summary Judgment, and states as follows:

Certification

Undersigned counsel certifies that he has conferred with opposing counsel, Matthew Hegarty, who does not oppose the relief requested herein.

1. Defendant filed his motion for summary judgment on June 6, 2018.
2. Due to the ongoing negotiations between the parties, and the fact that attorney fees are compensable in 42 U.S.C. §1983 cases, the parties have agreed that it would be mutually beneficial to extend the time for responding to the motion for summary judgment, rather than

having Plaintiff's counsel incur additional attorney fees. Therefore, multiple extensions have been requested, without opposition by defense counsel, and granted by this Court.

3. The parties are cautiously optimistic that a resolution of this matter can be achieved, but negotiations are still ongoing.

4. The most recent due date for filing a responsive pleading was yesterday, July 25, 2018. Although undersigned counsel and defense counsel spoke on June 24, 2018, and defense counsel agreed to an additional 14-day extension of time to file the responsive pleading, undersigned counsel inadvertently failed to file the motion for extension of time on or before the due date.

5. Plaintiff has otherwise been diligent in prosecuting this matter, and is in the process of establishing a probate estate for Mr. McGrath, who has recently died.

6. Undersigned counsel apologizes to this Court for the oversight, and asks for an additional 14-day extension of time, until August 8, 2018, to file the response to Defendant's motion for summary judgment.

WHEREFORE, for the foregoing reasons, Plaintiff moves for an unopposed 14-day extension of time, until August 8, 2018 to file a response to Defendant's Motion for Summary Judgment.

Dated this 26th day of July, 2018.

THE VIORST LAW OFFICES, P.C.

[Original signature on file at Viorst Law Offices, P.C.]

s/ Anthony Viorst

Anthony Viorst, #18508
Viorst Law Offices, PC
950 South Cherry Street, Suite 300
Denver, CO 80246
Telephone: (303) 759-3808
Facsimile: (303) 333-7127
E-mail: tony@hssspc.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2018, I electronically filed a true and correct copy of the above and foregoing **PLAINTIFF'S UNOPPOSED MOTION FOR ADDITIONAL 14-DAY EXTENSION OF TIME, UNTIL AUGUST 8, 2018, TO RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following e-mail address(es):

Matthew J. Hegarty, Esq.
Thomas J. Lyons, Esq.
Hall & Evans, LLC
1001 Seventeenth Street, Suite 300
Denver, CO 80202

[Original signature on file at Viorst Law Offices, P.C.]

s/ Michelle Spadavecchia

Legal Assistant