

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.

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**PLAINTIFF'S UNOPPOSED MOTION FOR ADDITIONAL  
7-DAY EXTENSION OF TIME, UNTIL AUGUST 7, 2018, TO FILE  
F.R.C.P. 25 MOTION TO SUBSTITUTE ESTATE AS PLAINTIFF**

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Plaintiff, Dakota McGrath, by and through counsel, Anthony Viorst of the Viorst Law Offices, P.C., hereby moves for an additional 7-day extension of time, until August 7, 2018, to file an F.R.C.P. 25 motion to substitute the estate as the plaintiff in this matter, as follows:

**Certification**

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

1. Plaintiff Dakota McGrath has died. Undersigned counsel intends to substitute Plaintiff's estate as the Plaintiff in this matter, pursuant to F.R.C.P. 25.
2. Undersigned counsel is not a probate lawyer, and the paperwork to establish the estate has been completed by outside counsel. Outside counsel has informed undersigned counsel that the paperwork has been submitted to the appropriate government entity, but that he is still waiting for "letters of administration." Apparently, the estate is not considered a viable

entity until the “letters of administration” have been issued. Outside counsel has informed undersigned counsel that the “letters of administration” should be issued by the end of the week.

3. The parties have now resolved this matter, so the substitution of the Estate as the Plaintiff in this case is a mere formality.

WHEREFORE, for the foregoing reasons, Plaintiff moves for an unopposed 7-day extension of time, until August 7, 2018 to file an F.R.C.P. 25 motion to substitute the estate as the plaintiff in this matter.

Dated this 30<sup>th</sup> day of July, 2018.

THE VIORST LAW OFFICES, P.C.

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

*s/ Anthony Viorst*

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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@hsspc.com](mailto:tony@hsspc.com)  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of July, 2018, I electronically filed a true and correct copy of the above and foregoing **PLAINTIFF'S UNOPPOSED MOTION FOR ADDITIONAL 7-DAY EXTENSION OF TIME, UNTIL AUGUST 7, 2018, TO FILE F.R.C.P. 25 MOTION TO SUBSTITUTE ESTATE AS PLAINTIFF** 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*

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Legal Assistant