

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-02867-NYW

FORT COLLINS MENNONITE FELLOWSHIP, a Colorado nonprofit corporation, and  
STEVE RAMER,

Plaintiffs,

v.

THE CITY OF FORT COLLINS, a home rule municipality,  
THE CITY OF FORT COLLINS CITY COUNCIL, and  
LAURIE DAVIS,  
ROBERT DAVIS,  
MARY RAY,  
H. STUART MACMILLAN,  
HOLLY JOHNSON,  
LAURA PETRICK,  
DAVE PETRICK,  
KATHERINE ACOTT,  
WALTER HICKMAN,  
PATRICIA DIEHL,  
LISA EATON,  
FERAH AZIZ,  
TARA MCCORMAC,  
JENNIFER PETRIK,  
PAMELA REJVEM,  
MICHAEL MERCER,  
DENNIS BOOKSTABER,  
BELL GOULD LINDER & SCOTT, P.C.  
TOM HALL, and  
STEVE ACKERMAN, in their individual capacities.

Defendants.

---

**PARTIALLY UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO SERVE DEFENDANT JENNIFER PETRIK**

---

Plaintiffs Fort Collins Mennonite Fellowship (the “**Fellowship**”) and Steve Ramer (“**Ramer**” and collectively with the Fellowship, “**Plaintiffs**”), by and through their undersigned

counsel, hereby file their Motion for Extension of Time to Serve Defendant Laura Petrick, as follows:

1. Certificate of Conferral. Undersigned counsel has conferred with counsel for Defendants, the City of Fort Collins and the Fort Collins City Council (collectively, the “**City Defendants**”) concerning the relief requested herein, and is authorized to state that the City Defendants do not oppose this Motion. The remaining Defendants (collectively, “**Individual Defendants**”), which are parties hereto pursuant to Colo. R. Civ. P. Rule 106(a)(4), have just recently been served, and no counsel representing any of the Individual Defendants has entered an appearance in this case. Undersigned counsel was thus unable to confer with the Individual Defendants.

2. Plaintiffs filed their Complaint and Request for Declaratory Judgment and Injunctive Relief in this case on November 6, 2018 (the “**Complaint**”).

3. Under Fed. R. Civ. P. Rule 4(m), a court must dismiss an action if a defendant is not served within 90 days of filing of the complaint. However, if the “plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”

4. Plaintiffs’ deadline to serve all Defendants pursuant to Fed. R. Civ. P. 4(m) is February 4, 2019.

5. The City Defendants are defendants as to all claims in the Complaint, while the Individual Defendants are defendants solely as to Plaintiffs’ claim pursuant to Colo. R. Civ. P. Rule 106(a)(4).

6. Since filing the Complaint, Plaintiffs and the City Defendants have been actively engaged in settlement discussions that, if successful, will result in dismissal of all claims against all Defendants.

7. Because of the ongoing settlement discussions, Plaintiffs did not immediately initiate service on the Individual Defendants, however, to date, every Defendant, with the exception of Jennifer Petrik (“**Petrik**”), has been served.

8. On February 1, 2019, Plaintiffs’ process server indicated that Petrik owns, but does not reside at, the address she provided before the Fort Collins City Council hearing at issue in this case. Plaintiffs’ process server has made multiple attempts to serve Petrik, and has further indicated that he has not yet been able to ascertain another address at which to find Petrik.

9. Despite Plaintiffs’ diligent efforts to serve all of the Defendants by the February 4, 2019 deadline, it appears that Petrik will not be served by that deadline. Due to the nature of the ongoing settlement negotiations, the number of Defendants, and Plaintiffs’ good faith and diligent efforts to serve all Defendants, Plaintiffs believe that good cause exists to permit a two (2) week extension of time to serve Petrik, up to and including Monday, February 18, 2019.

10. No party will be prejudiced by the relief requested herein.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order granting an extension of time for Plaintiffs to serve Petrik, up to and including Monday, February 18, 2019, and granting any other and further relief as the Court deems just and proper.

Respectfully submitted this 4th day of February, 2019.

/s/ David A. Brewster

---

Brian J. Connolly  
Thomas Macdonald  
Andrew L.W. Peters  
David A. Brewster  
Otten, Johnson, Robinson, Neff  
& Ragonetti, P.C.  
950 Seventeenth Street, Suite 1600  
Denver, Colorado 80202  
Telephone: 303 825 8400  
Facsimile: 303 825 6525  
E-mail: [bconnolly@ottenjohnson.com](mailto:bconnolly@ottenjohnson.com)  
E-mail: [mac@ottenjohnson.com](mailto:mac@ottenjohnson.com)  
E-mail: [apeters@ottenjohnson.com](mailto:apeters@ottenjohnson.com)  
E-mail: [dbrewster@ottenjohnson.com](mailto:dbrewster@ottenjohnson.com)

Attorneys for Plaintiffs FORT COLLINS  
MENNONITE FELLOWSHIP and STEVE  
RAMER

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of February, 2019, a true and correct copy of the foregoing **PARTIALLY UNOPPOSED MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANT JENNIFER PETRIK** was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following email addresses:

Andrew D. Ringel  
Hall & Evans, L.L.C.  
1001 Seventeenth Street, Suite 300  
Denver, CO 80202  
[ringela@hallevans.com](mailto:ringela@hallevans.com)

*Attorney for Defendants The City of Fort  
Collins and The City of Fort Collins City  
Council*

/s/ Margo Brown  
Margo Brown