

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-03204-RBJ

LORI FRANK,

Plaintiff,

vs.

CITY OF FORT COLLINS, a municipality;
TERENCE F. JONES, former Interim Chief of Police, in his individual capacity; and
JEROME SCHIAGER, former Deputy Chief of Police, in his individual capacity,

Defendants.

**DEFENDANT CITY OF FORT COLLINS' UNOPPOSED MOTION FOR AN
ADDITIONAL EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST SET
OF DISCOVERY REQUESTS**

Defendant City of Fort Collins (hereinafter "the City"), by and through its counsel of record, Cathy Havener Greer and Kathryn A. Starnella of Wells, Anderson & Race, LLC, and Jenny Lopez Filkins of the Fort Collins City Attorney's Office, hereby requests a further extension of time up to and through July 10, 2019 in which to respond to Plaintiff's First Set of Requests for Production of Documents. In support, the City states as follows:

Conferral Pursuant to D.C.COLO.LCivR 7.1

On June 25, 2019, Ms. Greer contacted Plaintiff's counsel by email to confer about the requested extension of time and is able to represent that said extension is unopposed.

Motion

1. On May 24, 2019, Plaintiff submitted discovery requests to the City. Upon the City's Motion [ECF No. 33], the Court issued an order granting a one-week extension for the City to respond to Plaintiff's Discovery Requests [ECF No. 34]. The responses to these requests are currently due on July 1, 2019.

2. Following the City's Motion, Plaintiff filed a similar motion request an extension of time in which to respond to Defendants' discovery requests to Plaintiff, also served on May 24, 2019, due to Plaintiff's counsel's absence [ECF No. 35]. The Court issued an order granting Plaintiff's motion [ECF No. 36] and Plaintiff's responses are currently due on July 10, 2019.

3. Since the first request for an extension, counsel of record for the City have encountered demands on their time which have delayed the review of potentially responsive records in the form of flight cancellations causing unforeseen travel delays and scheduled depositions in other cases which other attorneys would not be able to handle, including a deposition on July 1, 2019.

4. Counsel for the City require additional time to review documents which are potentially responsive to Plaintiff's first set of discovery. Given Plaintiff's 20-year employment history with the City and more than 1,200 electronic files which may contain some responsive documents, counsel for the City require an additional extension of time.

5. The City requests a brief additional extension of time, to and through July 10, 2019, in order to review the files for responsiveness, privilege, and confidentiality, and to make any necessary redactions.

6. The City does not make this request to cause undue delay and no party will be prejudiced should the requested relief be granted.

7. The City shall not seek any further extension of time in which to respond to Plaintiff's first set of discovery requests.

WHEREFORE, Defendant City of Fort Collins respectfully requests that this Court grant its motion and extend its deadline to respond to Plaintiff's first set of discovery requests to and through July 10, 2019.

Dated this 28th day of June, 2019.

Respectfully submitted,

s/ Kathryn A. Starnella

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Attorney for Defendant City of Fort Collins

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2019, a true and correct copy of the above and foregoing **DEFENDANT CITY OF FORT COLLINS' UNOPPOSED MOTION FOR AN ADDITIONAL EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS** 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:

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I further certify that a true and correct copy of the above and foregoing was served on the City of Fort Collins and Terence Jones through electronic mail.

s/ Bettye Gadison

Bettye Gadison
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