

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-00884-STV

CHAYCE AARON ANDERSON,

Plaintiff,

v.

CARA BOXBERGER (In their (sic) Individual Capacity only),  
JASON SHUTTERS (In their (sic) Individual Capacity only),  
MARK DELANO (In their (sic) Individual Capacity only).

Defendants.

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**DEFENDANT JASON SHUTTERS' UNOPPOSED MOTION FOR EXTENSION OF  
DISCOVERY DEADLINES**

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Defendant, Jason Shutters, through his Attorneys, Hall & Evans, LLC, submit the following as his Unopposed Motion for Extension of Discovery Deadlines, as follows:

**D.C.Colo.LCivR 7.1(b)(1) Duty To Confer**

Undersigned Counsel conferred with Counsel for the Plaintiff, via email, on February 26, 2019. Plaintiff does not object to the requested relief.

**D.C. Colo.LCivR 6.1(b)**

Pursuant to D.C.Colo.LCivR 6.1(b), this is the second request for extension of time solely by Defendant Shutters. Defendant Shutters also joined in a request for an extension of time, with Plaintiff. A copy of this Motion has been served on the moving attorney's client. Defendant Shutters seeks an extension of the remaining discovery deadlines by 45-days.

1. According to the allegations of Plaintiff's Second Amended Complaint (ECF No.61), this matter arises from Mr. Anderson's arrest (see generally ECF No. 61). Plaintiff claims that during the arrest, he was subjected to excessive force when Detective Shutters applied handcuffs.

2. On December 12, 2018, the parties filed a joint motion to extend discovery deadlines (ECF No. 109), in order to provide sufficient time to complete discovery, including responses to Defendant's interrogatories and requests for production of documents (ECF No. 109 at 2).

3. On December 13, 2018, the Court granted the motion (ECF No. 111). The Court's order provided for the following pertinent discovery deadlines:

- Discovery cut-off: April 4, 2019
- Dispositive motion deadline: May 2, 2019
- Defendant's designation of experts: March 4, 2019
- Rebuttal experts: March 18, 2019
- Interrogatory deadline: March 4, 2019
- Requests for Production of Documents and/or Admissions: March 4, 2019.

Additionally, the Court ordered Plaintiff to provide responses to written discovery by January 28, 2019, and reset the Final Pretrial Conference to July 8, 2019. (ECF No. 111 at 2).

4. The parties have continued to engage in discovery. Responses to Defendant's interrogatories and requests for production of documents were received, and Plaintiff's deposition is currently set for March 7, 2019.

5. The crux of this matter involves a purported injury to Plaintiff's wrists. Any medical treatment and the resulting records are, therefore, pertinent to this matter. The parties, however, are still attempting to obtain proper records from Plaintiff's medical treaters. A subpoena to the hospital where Plaintiff was initially seen, was issued by the Plaintiff. However, the return date is not until March 4, 2019, three-days prior to Plaintiff's deposition. Additionally, after discussions among Counsel, authorizations were subsequently provided to Defendant's Counsel, so that additional medical and prison-related records could be obtained directly from the facilities.

6. The timing of obtaining the aforementioned records, necessitates an extension of the deadlines for discovery cut-off, written discovery, Defendant's expert disclosures and rebuttal experts. Defendant is asking for an extension of forty-five days to these deadlines, so as to give time to obtain records, allow review of any such records, reschedule Plaintiff's deposition, schedule the deposition(s) of treating physicians if necessary, and disclose those medical care providers as experts.

7. Defendant, therefore, is requesting an order which provides for the following new deadlines:

- Defendant's designation of experts: April 18, 2019
- Deadline for written discovery: April 18, 2019
- Rebuttal expert disclosures: May 2, 2019
- Discovery cut-off: May 20, 2019
- Dispositive motion deadline: June 17, 2019

8. The Defendant is not asking to move the Final Pretrial Conference.

WHEREFORE, Defendant, Jason Shutters, respectfully requests this Honorable Court grant his Motion for Extension of Discovery Deadlines as set forth in this Motion, and for any other relief deemed just.

Dated: February 26, 2019

Respectfully Submitted

Duly Signed original in the file located at  
Hall & Evans, LLC

*/s/ Mark S. Ratner*

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Mark S. Ratner, #38517

Hall & Evans, LLC

1001 Seventeenth Street, Suite 300

Denver, Colorado 80202

**Attorneys for Defendant Jason  
Shutters**

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on this 26<sup>th</sup> day of February 2019, I served via email the foregoing **DEFENDANT JASON SHUTTER'S UNOPPOSED MOTION FOR EXTENSION OF DISCOVERY DEADLINES** to the following:

**Jason Shutters**

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