

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 19-cv-00901-NRN

MICHAELLA LYNN SURAT,

Plaintiff,

v.

RANDALL KLAMSER in his individual capacity, and
CITY OF FORT COLLINS, a municipality,

Defendants.

DEFENDANTS' UNOPPOSED MOTION TO RESET SCHEDULING CONFERENCE

Defendants RANDALL KLAMSER, in his individual capacity, and CITY OF FORT COLLINS, a municipality, (collectively "Defendants"), by and through their attorneys, Hall & Evans, L.L.C., submit the following as their Unopposed Motion to Reset Scheduling Conference:

Certificate of Conferral

Undersigned Counsel conferred with Counsel for the Plaintiff, via email and telephone on May 14, 2019. Counsel for the Plaintiff does not oppose the requested relief.

I. INTRODUCTION AND ARGUMENT

According to the allegations of the Complaint, this matter arises out of the arrest of Plaintiff on or about April 6, 2017. Plaintiff generally alleges a violation of 42 U.S.C. § 1983, and her rights pursuant to the Fourth and Fourteenth Amendments to the United States Constitution.

The Complaint in this matter was filed on or about March 26, 2019 (ECF No. 1). On March 27, 2019, the Court entered an Order setting a scheduling/planning conference for June 5, 2019 (ECF No. 5).

On April 8, 2019, Plaintiff executed requests for waivers for the two named Defendants (*Exhibit A*). Said waivers were signed by the Defendants on April 12, 2019 (*Exhibit B*). Pursuant to the applicable Rules, responses to Plaintiff's Complaint are due by June 7, 2019, which is after the scheduling conference.

The Defendants request the scheduling conference set on March 27, 2019 be reset to a time subsequent to the deadline for a response to Plaintiff's Complaint. Conducting the scheduling conference after the Defendants file a response, will promote judicial efficiencies as the parties will be in a better position to address the scope of discovery, and other pertinent issues moving forward.

This is the first request for an extension of time by the Defendants.

WHEREFORE, the Defendants respectfully request the Court grant their Motion, and reset the June 5, 2019 scheduling conference.

Respectfully submitted this 14th day of May, 2019.

s/ Mark S. Ratner
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**ATTORNEYS FOR DEFENDANTS RANDALL
KLAMSER AND CITY OF FORT COLLINS**

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 14th day of May, 2019, I electronically filed the foregoing **DEFENDANTS' UNOPPOSED MOTION TO RESET SCHEDULING CONFERENCE** with the Clerk of Court using the CM/ECF system with service upon the following:

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Via U.S. Mail

City of Fort Collins and Officer Randall Klamser
c/o Fort Collins Deputy City Attorney, John Duval, Esq.,
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s/ Mary McNichols _____
Legal Assistant to Mark S. Ratner, Esq.
Hall & Evans, L.L.C.