

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' AMENDED UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE A REPLY IN SUPPORT OF MOTION TO DISMISS**

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., submits the following as their Amended Unopposed Motion for Extension of Time to File a Reply in Support of Motion to Dismiss:

Certificate of Conferral

Undersigned Counsel conferred with Counsel for the Plaintiff, via email on July 8, 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. The Complaint generally alleges a violation of 42 U.S.C. §1983, and specifically 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 June 7, 2019, the Defendants filed a Motion to Dismiss, seeking dismissal of all claims pursuant to Fed. R. Civ. P. 12(b)(6) (See ECF No. 23). On July 3, 2019, after being granted an extension of time, the Plaintiff filed a Response in opposition to the Motion to Dismiss (ECF No. 28).

A Reply in support of the Motion to Dismiss, is due on or before July 17, 2019. The Defendants are requesting a seven-day extension of time, until **July 24, 2019**, to file a Reply in support of the Motion to Dismiss. The extension of time is necessary in order to have sufficient time to properly assess the arguments set forth in Plaintiff's Response, given the filing of the Motion over the July 4th holiday weekend and because both Counsel for the Defendants will be out of the office within the next week.

Pursuant to the Court's Practice Standards, a copy of this Motion has been served on John Duval, Esq., Deputy City Attorney for the City of Fort Collins, as well as Fort Collins Police Officer Randall Klamser.

WHEREFORE, the Defendants respectfully request the Court grant their Motion, and extend the deadline for the filing of a Reply to Defendants' Motion to Dismiss, be extended to July 24, 2019.

Respectfully submitted, this 8th day of July, 2019.

s/ Mark S. Ratner, Esq.

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CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 8th day of July, 2019, I electronically filed the foregoing **DEFENDANTS' AMENDED UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A REPLY IN SUPPORT OF MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system and U.S. Mail as follows:

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Via U.S. Mail
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c/o Fort Collins Deputy City Attorney, John Duval, Esq.
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s/ Mary McNichols

Legal Assistant