

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.

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**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE A REPLY IN SUPPORT OF MOTION TO STAY DISCOVERY**

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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 Unopposed Motion for Extension of Time to File a Reply in Support of Motion to Stay:

**Certificate of Conferral**

Undersigned Counsel conferred with Counsel for the Plaintiff, via email on August 7, 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 July 24, 2019, the Defendants filed a Motion to Stay discovery, pending the resolution of the Motion to Dismiss and criminal appeal (ECF No. 35). A response was filed by the Plaintiff on July 29, 2019 (ECF No 39).

A Reply in support of the Motion to Stay is due on or before August 12, 2019.

The Defendants are requesting a seven-day extension of time, until **August 19, 2019** to file a Reply in support of the Motion to Stay. The extension of time is necessary as undersigned Counsel was involved in an accident, and is currently recuperating. Counsel expects to be “back up to speed” in a few days. The seven-day extension would allow time to properly assess the Plaintiff’s arguments, and submit a Reply.

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 Stay, be extended to August 19, 2019.

Respectfully submitted, this 7th day of August, 2019.

*s/ Mark S. Ratner, Esq.* \_\_\_\_\_  
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**Attorneys for Defendants**

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

I HEREBY CERTIFY that on the 7th day of August, 2019, I electronically filed the foregoing **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A REPLY IN SUPPORT OF MOTION TO STAY DISCOVERY** with the Clerk of Court using the CM/ECF system and U.S. Mail as follows:

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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