

**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.

PLAINTIFFS' MOTION TO MODIFY SCHEDULING ORDER [DOC. 41]

Plaintiff, by and through undersigned counsel, file their Unopposed Motion to Modify Scheduling Order [Doc. 41], and in support thereof states as follows:

CONFERRAL STATEMENT PURSUANT TO D.C. Colo. L. Civ. R. 7.1

Undersigned Counsel for Plaintiffs certify that he conferred in good faith with Mark Ratner, counsel for Defendants who indicated that Defendants do not oppose the relief requested herein.

CERTIFICATION PURSUANT TO D.C. Colo. L. Civ. R. 6.1(c)

Counsel for Plaintiff certifies that this motion will be served contemporaneously on his client upon the filing of this motion.

CURRENT DEADLINES AND CASE STATUS

1. Per the Scheduling Order entered in this case [Doc. 41], the current deadlines are as follows:

- a. Discovery cut-off: April 3, 2020;

- b. Deadline to file dispositive motions: April 24, 2020;
- c. Deadline for Plaintiffs to designate affirmative experts: November 25, 2019
- d. Deadline for Defendants to designate affirmative experts: January 6, 2020
- e. Deadline to designate rebuttal experts: February 6, 2020;

2. Plaintiffs are diligently prosecuting their case and are continuing to engage in discovery; however, Plaintiffs need additional time for all aspects of discovery. The parties are in the process of setting depositions for January and February; however, no depositions have been definitively set as of the filing of this motion. Both parties have submitted written discovery requests; however, no responses have been submitted. Given this posture, it is necessary for the parties to extend the deadline for expert reports until after discovery responses have been submitted and at least the depositions of the parties have been taken, which requires all discovery deadlines to be pushed back accordingly.

3. It is necessary to extend the discovery deadlines to allow the parties to complete all necessary aspects of discovery effectively and have the necessary information to provide to their experts.

4. Accordingly, Plaintiff is proposing the below discovery schedule:

- a. Discovery cut-off: June 3, 2020;
- b. Deadline to file dispositive motions: June 29, 2020;
- c. Deadline for Plaintiff to designate affirmative experts: January 27, 2020;
- d. Deadline for Defendants to designate affirmative experts: March 6, 2020;
- e. Deadline to designate rebuttal experts: April 6, 2020;

5. It is believed the above schedule for discovery deadlines will allow the parties enough time to complete the necessary aspects of discovery.

6. Good cause exists for modifying the current Scheduling Order to extend discovery cut-off and dispositive motions deadlines in accordance with the above proposed schedule.

7. The requested extension will not unduly prejudice any party and is not requested for improper purposes or to delay the case.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court modify the current Scheduling Order to extend the discovery deadlines as set forth above in the proposed schedule, and for such other and further relief as the Court deems just and proper.

Respectfully submitted this 22nd day of November 2019.

KILLMER, LANE & NEWMAN, LLP

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 22nd day of November 2019 I filed a true and correct copy of the foregoing MOTION TO AMEND SCHEDULING ORDER via CM/ECF which will serve the following via E-Mail:

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