

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' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME
TO SERVE RESPONSES TO DISCOVERY**

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 Motion for Extension of Time to File Responses to Plaintiff's First Set of Written Discovery:

Certificate of Conferral

Pursuant to D.C.Colo.LCivR 7.1(a), the undersigned Counsel conferred with Counsel for the Plaintiff, via email on December 12, 2019. Counsel for the Plaintiff does not oppose the relief requested herein.

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 alleges a violation of 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 1].

On October 15, 2019, Plaintiff submitted her First Set of Written Discovery Requests to Defendant City of Fort Collins. On that same date, Plaintiff submitted her First Set of Written Discovery on Defendant Randall Klamser.

Defendants' responses are currently due on December 16, 2019.

Defendants respectfully request a fourteen-day extension of time, until **December 30, 2019**, to submit their Responses to Plaintiff's First Set of Discovery Requests. The extension of time is necessary due to lead counsel, Christina S. Gunn, abruptly being called out of town to assist and to provide support with regard to a family member's medical emergency. Defendants have begun drafting its Responses to Plaintiff's Discovery Requests; however, due to unfortunate circumstances, Ms. Gunn suddenly had to leave the state and postpone finalizing Defendants' Discovery Responses.

Defendants' request for an extension of time will not delay the proceedings or prejudice the parties as this lawsuit has just commenced.

Pursuant to D.C.COLO.LCivR 6.1(b), Defendants state this is the second extension of time requested by Defendant City of Fort Collins and Defendant Randall Klamser in this matter.

Pursuant to the Court's Practice Standards, and D.C.COLO.LCivR 6.1(c), 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 Unopposed Motion for Extension of Time to Serve Responses to Discovery and to extend the deadline to submit their Responses to Plaintiff's First Set of Discovery Requests to December 30, 2019.

Respectfully submitted, this 16th day of December 2019.

s/ Mark S. Ratner, Esq. _____

Mark S. Ratner, Esq.

Christina S. Gunn

Hall & Evans, L.L.C.

1001 17th Street, Suite 300, Denver, CO 80202

ratnerm@hallevans.com

gunnc@hallevans.com

Attorneys for Defendants

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 16th day of December 2019, I electronically filed the foregoing **DEFENDANTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO SERVE RESPONSES TO DISCOVERY** with the Clerk of Court using the CM/ECF system and U.S. Mail as follows:

David Lane, Esq.
Andrew McNulty, Esq.
Killmer, Lane & Newman, LLP
1543 Champa St, Suite 400
Denver, CO 80202
303-571-1000 Phone
303-571-1001 Fax
dlane@kln-law.com
amcnulty@kln-law.com
Attorneys for Plaintiff

Via U.S. Mail

City of Fort Collins and Officer Randall Klamser
c/o Fort Collins Deputy City Attorney, John Duval, Esq.
City Hall West
300 LaPorte Ave.
Fort Collins, CO 80521

s/ Nicole Marion

Legal Assistant