

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 19-cv-00901-WJM-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' THIRD MOTION FOR EXTENSION OF TIME  
TO SERVE RESPONSES TO 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., submit the following as their Third 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 30, 2019. Counsel for the Plaintiff does not oppose an extension of time with respect to the City of Fort Collins' responses to Plaintiff's discovery. As of the filing, Plaintiff's Counsel has not yet responded to a separate email with respect to Defendant Klamser's responses.

**I. INTRODUCTION AND ARGUMENT**

1. 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).

2. On October 15, 2019, Plaintiff submitted her First Set of Written Discovery Requests to Defendant City of Fort Collins and Defendant Randall Klamser.

3. On November 7, 2019, the Defendants filed an Unopposed Motion for extension of time to submit discovery responses (ECF No. 52).

4. On November 8, 2019, the Court granted the Defendants' request for an extension of time and ordered responses be provided on or before December 16, 2019 (ECF No. 54).

5. On December 16, 2019, the Defendants' requested a second extension of time (ECF No. 62), which was also unopposed. The extension was predicated on the fact lead Counsel, Christina Gunn was abruptly called out of town to assist and provide support with regard to a family member's medical emergency (ECF No. 62 at 2).

6. On December 18, 2019, the Court granted the request for an extension of time and ordered responses be provided by December 30, 2019 (ECF No. 64).

7. The Defendants are requesting an additional extension of time until January 6, 2020. In support, the Defendants state that Ms. Gunn has suffered a death in the family and has once again been called out of town on an emergent basis. Undersigned Counsel represents that responses are mostly complete. Additional time to obtain further pertinent information as well as

to identify the proper individual to provide a verification for the City of Fort Collins, is still needed. It is the combination of these factors, along with the difficulty of accessing individuals during the holidays, with knowledge and information to properly prepare responses, which is proving to be a challenge. Undersigned Counsel represents he is working diligently to complete the responses, but additional time is needed.

8. Undersigned Counsel conferred with Plaintiff's Counsel, who had no objection to a 7-day extension of time, until January 6, 2020, for the City of Fort Collins' Responses only.

9. Undersigned Counsel sent a second email with respect to Defendant Klamser's responses, after first indicating they would be provided today (December 30<sup>th</sup>). Upon further review, additional time is required. As of the filing of this Motion, no response has been received with respect to that email.

10. Pursuant to D.C.COLO.LCivR 6.1(b), Defendants state this is the third extension of time requested by Defendant City of Fort Collins and Defendant Randall Klamser as it relates to this discovery.

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 January 30, 2020.

Respectfully submitted, this 30<sup>th</sup> day of December 2019.

s/ Mark S. Ratner, Esq.

Mark S. Ratner, Esq.

Christina S. Gunn, Esq.

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**Attorney for Defendants**

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

I HEREBY CERTIFY that on the 30<sup>th</sup> day of December 2019, I electronically filed the foregoing **DEFENDANTS' THIRD 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:

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*Via U.S. Mail*  
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s/ Annah Hillary  
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