

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

Defendant.

DEFENDANT'S UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Defendant RANDALL KLAMSER, in his individual capacity, by and through his counsel, Mark S. Ratner, Esq., Gillian Dale, Esq., and Brenden Desmond, Esq., of Hall & Evans, L.L.C., hereby submits the following Unopposed Motion to Amend the Scheduling Order as follows:

CERTIFICATE OF COMPLIANCE WITH D.C.COLO.LCivR 7.1(A)

Pursuant to D.C.COLO.LCivR 7.1(A), the undersigned counsel conferred with counsel for Plaintiff. Counsel for Plaintiff does not oppose the relief sought in this Motion.

1. The scheduling order in this matter provides for the following deadlines, as amended (ECF No. 61):

- Discovery Cut-Off: June 3, 2020
- Dispositive Motion Deadline: June 29, 2020

2. The Parties are diligently pursuing discovery. To date, the depositions of Plaintiff, Defendant Randall Klamser, and Fort Collins Police Officer Garrett Pastor have been conducted. The parties have also scheduled the depositions of Plaintiff's expert,

Dan Montgomery and Plaintiff's parents, and are in the process of scheduling a 30(b)(6) representative of the City of Fort Collins.

3. There are a number of additional depositions, however, which need to be scheduled including witnesses Michael Findlay and Cory Esslinger, as well as Plaintiff's non-retained medical providers. The parties continue their efforts to coordinate schedules, including those of the medical care providers. However, due to the number of upcoming depositions, Defendant is requesting an additional 60-days with respect to the remaining discovery deadlines.

4. Defendant therefore requests the Scheduling Order to be amended as follows:

- Discovery Cut-Off: **August 3, 2020** (61 days – 60 days falls on a Sunday)
- Dispositive Motion Deadline: **August 28, 2020**

5. The Defendant is requesting this extension as additional time is needed to conduct the discovery. It should be noted, however, that General Order 2020-8 has continued all civil trials through July 6, 2020. This matter is not yet set for trial, and therefore it is anticipated a 60-day modification of the existing dates will not result in a significant delay or prejudice to the parties. This request is also not made for the purposes of delay.

6. The Defendant has requested an extension of discovery deadlines one time previously – requesting an extension of expert disclosure deadlines. (ECF No. 90). Defendants also requested three extensions to respond to discovery requests. (ECF No. 65). The immediate request, however, is the first of its kind.

7. Pursuant to D.C.Colo.LCiv.R. 6.1(c), the undersigned counsel has served their client's representative with a copy of this Motion as reflected on the accompanying certificate of service.

8. WHEREFORE, for all the foregoing reasons, Defendant respectfully requests the Court modify the Scheduling Order by extending the discovery cut-off and dispositive motion deadline by 60-days, and for entry of all other relief as this Court deems just and appropriate.

Dated this 12th day of May, 2020.

Respectfully submitted,

s/ Brenden Desmond
Mark S. Ratner, Esq.
Gillian Dale, Esq.
Brenden Desmond, Esq.
Hall & Evans, L.L.C.
1001 17th Street, Suite 300
Denver, CO 80202
303-628-3300
Fax: 303-628-3368
ratnerm@hallevans.com
daleg@hallevans.com
desmondb@hallevans.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 12th day of May, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

David Lane
Andrew McNulty
Helen S Oh
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
hoh@kln-law.com

Attorneys for Plaintiff

Randall Klamser, Defendant
via Email

s/ Elizabeth Musgrave, Legal Assistant of
Hall & Evans, L.L.C.