

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-03204-RBJ-NRN

LORI FRANK,

Plaintiff,

v.

CITY OF FORT COLLINS, a municipality, and
JEROME SCHIAGER, former Deputy Chief of Police, in his individual capacity,

Defendants.

**UNOPPOSED MOTION BY DEFENDANT SCHIAGER
TO MODIFY SCHEDULING ORDER**

Defendant JEROME SCHIAGER, former Deputy Chief of Police, by his attorney, David R. DeMuro of VAUGHAN & DeMURO, submits this unopposed motion to modify the Scheduling Order (Doc. 28) in the manner previously approved by the Court at a hearing on September 16, 2019. In support of this motion, this defendant states:

CERTIFICATION

Pursuant to D.C.COLO.LCivR 7.1(a), defendant Schiager's counsel has conferred with counsel for the other parties who agree with this motion and do not oppose it.

1. At the conclusion of the hearing before the Court on September 16, 2019, on discovery issues, the parties addressed the need for 45 days of additional time to complete expert disclosures, discovery and briefing of any dispositive motions. The Court approved the parties' request, but ordered that the trial date (presumably the final

deadline dates just prior to trial) would not be affected. Attached to this motion as Exhibit A is an excerpt from the transcript of the September 16, 2019, hearing where the Court and the parties addressed this 45-day extension on limited matters.

2. Since the September 16, 2019, hearing, the parties have proceeded to conduct pretrial matters based on the 45-day extension of several dates, but failed to submit anything to the Court to memorialize the new dates, which is appropriate because the new deadlines are an amendment to the Scheduling Order.

3. Therefore, defendant submits this unopposed motion to confirm the adoption of the following new deadlines, each of which extends a deadline set forth in the Scheduling Order by 45 days:

- a. October 30, 2019 – deadline to designate experts;
- b. November 29, 2019 – deadline to designate rebuttal experts;
- c. December 15, 2019 – discovery cut-off;
- d. January 30, 2020 – deadline to file dispositive motions;
- e. February 25, 2020 – deadline to file response to dispositive motions;
- f. March 13, 2020 – deadline to file reply on dispositive motions.

4. This motion does not affect any of the dates in April and May, 2020, previously set by this Court in the Scheduling Order or in the Court's civil trial standards, including the Trial Preparation Conference at 1:30 p.m. on April 24, 2020, and the Jury Trial that is set to commence at 9:00 a.m. on May 18, 2020.

WHEREFORE, Defendant Schiager requests that this Court enter an order granting this motion and thereby amending the Scheduling Order.

Respectfully submitted,

Date: November 22, 2019

s/ David R. DeMuro
David R. DeMuro
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ATTORNEY FOR DEFENDANT SCHIAGER

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2019, 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:

Jennifer Robinson
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and I hereby certify that the foregoing was placed in the U.S. Mail, postage prepaid, and addressed to the following:

[none]

s/ David R. DeMuro
David R. DeMuro