

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-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.

**DEFENDANT CITY OF FORT COLLINS' MOTION FOR EXTENSION OF TIME TO
FILE MOTION TO MAINTAIN LEVEL 1 RESTRICTION ON PLAINTIFF'S FILINGS
(DOCS ## 60-2 through 60-4)**

Defendant City of Fort Collins, by and through its attorneys Cathy Havener Greer, and Kathryn A. Starnella, of Wells, Anderson & Race, LLC and Jenny Lopez Filkins, Senior Assistant Attorney, City of Fort Collins, hereby seek an extension of time—to and including Monday, December 2, 2019—in which to file a motion to maintain the Level 1 restriction on four documents that are marked “CONFIDENTIAL” pursuant to the Protective Order (Doc. # 32). In support, the City states as follows:

1. D.C.COLO.LCivR 7.1 conferral: On November 8, 2019, and November 22, 2019, undersigned counsel corresponded with Jennifer Robinson, counsel for Plaintiff Lori Frank about her need to file motions to maintain the Level 1 restriction for certain confidential documents she filed under that restriction level on November 8, 2019. Undersigned counsel sought confirmation that Ms. Robinson intended to file timely the requisite motion. On November 22, 2019,

undersigned counsel followed-up by leaving a voicemail message. Undersigned counsel has received no response and, therefore, Plaintiff's intention to file the requisite motion is unknown. Thus, the City intends to file a motion to maintain the Level 1 restriction; however, additional time is needed to prepare the motion.

2. On November 8, 2019, Plaintiff's counsel filed three confidential executive summaries for investigations of certain workplace complaints made by non-parties. (Docs. ## 60-2 through 60-4). These summaries are marked, "Attorney's Eyes Only" and "Confidential."¹

3. The Protective Order in this case limits the disclosure of "Confidential Material" to certain individuals and entities. (Doc. # 32, ¶ 6.) It does not permit disclosure of "Confidential Material" to the public.

4. The Protective Order also directs parties to file any "Confidential" documents "as a restricted document in accordance with the requirements of D.C.COLO.LCivR 7.2." *Id.* at ¶ 14.

5. Under D.C.COLO.LCivR 7.2(b), Level 1 restriction limits access to the parties and the Court. To maintain the Level 1 restriction, a party must file a motion to restrict within 14 days of the restricted document's filing. D.C.COLO.LCivR 7.2(e).

6. On November 8, 2019, Plaintiff's counsel filed "Confidential" documents under Level 1 restriction. *See* Docs. ## 60-2 through 60-4. Therefore, under D.C.COLO.LCivR 7.2(e), a motion to restrict is due today, November 22, 2019.

7. Because it appears that Plaintiff does not intend to file the requisite motion to maintain the Level 1 restriction, the City needs additional time to prepare the requisite motion.

¹ On November 4, 2019, the Court ruled that only the "Confidential" designation applies to these documents. (Doc. # 54 at 2).

8. Accordingly, the City requests a short extension of time to and including Monday, December 2, 2019, in which to file the requisite motion to maintain the Level 1 restriction on Docs. ## 60-2 through 60-4.

WHEREFORE, Defendant the City of Fort Collins requests that this Court grant an extension of time to and including December 2, 2019, for it to file a motion to maintain the Level 1 restriction on Docs. ## 60-2 through 60-4.

Dated this 22nd day of November 2019.

Respectfully submitted,

S/ Kathryn A. Starnella

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 22, 2019, a true and correct copy of the above and foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

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