

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:18-cv-03204

LORI FRANK,

Plaintiff,

v.

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

Defendants.

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**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT AND OPPOSED MOTION FOR  
FIVE ADDITIONAL PAGES TO RESPOND TO THE CITY'S MOTION**

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Plaintiff Lori Frank, (hereinafter "Plaintiff" or "Ms. Frank"), through her undersigned counsel, hereby files this Unopposed Motion for Extension of Time to Respond to Defendants' Motions for Summary Judgment and Opposed Motion for Five Additional Pages to Respond to the City's Motion as follows:

The parties have conferred about this Motion and neither defendant opposes the extension of time to respond to the Motions for Summary Judgment. The City opposes the additional five pages to respond to the City's Motion for Summary Judgment.

1. Defendants filed separate Motions for Summary Judgment on January 30, 2020.
2. Plaintiff's responses to the Motions for Summary Judgment are now due on February 25, 2020.
3. The parties have been conferring about the possibility of resolving the case and

those discussions have not ended. The Parties determined not to request a stay pending those discussions but to proceed on parallel tracks with continued discussions and fully briefing the Motions for Summary Judgment at the same time.

4. However, during the discussions some time was lost and although there is some overlap in the two Motions for Summary Judgment additional time is needed to fully respond to the two motions. In addition, the undersigned has a third response to a motion for summary judgment in another matter that is due during this same time period.

5. Accordingly, the Parties have conferred and Plaintiff is requesting seven additional days to respond to the City of Fort Collins' Motion for Summary Judgment and nine additional days to respond to Defendant Schiager's Motion for Summary Judgment.

6. Neither Defendant opposes the additional time to respond.

7. Plaintiff further requests five-additional pages to respond to the City of Fort Collins' Motion for Summary Judgment. The City of Fort Collins opposes the additional five pages.

8. In support, the undersigned states that she is diligently attempting to confine the response brief to the 20-page limit but cannot do so.

9. There are numerous factual issues that were not raised in the City's Opening Brief that materially effect Plaintiff's ability to demonstrate a *prima facie* case and present evidence of pretext. In addition, Plaintiff must be able to respond to Defendant's statement of facts as well.

10. Defendant will not be prejudiced if the motion requesting the additional five pages is granted. However, Plaintiff will be prejudiced if the request is denied as she will be unable to fully present her case to the Court to avoid summary judgment.

11. Accordingly, Plaintiff requests that the Court enter an Order extending the time

for Plaintiff to respond to the City's Motion for Summary Judgment through March 4, 2020 and extending the time to respond to Defendant Schiager's Motion for Summary Judgment through March 6, 2020. Further, that Plaintiff be granted leave to file a response brief to the City's motion of no more than 25 pages.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of February 2020.

ROBINSON & ASSOCIATES LAW OFFICE, LLC

s/Jennifer Robinson

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 18, 2020 a true and correct copy of the foregoing was electronically served via email to the following:

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