

DISTRICT COURT, LARIMER COUNTY,
COLORADO

Court Address: 201 La Porte Avenue
Fort Collins, CO 80521
Phone Number: (970) 494-3500

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FILING ID: 244A65396E7CE
CASE NUMBER: 2018CV149

Plaintiff: ERIC SUTHERLAND, *pro se*

v.

Defendants: THE CITY OF FORT COLLINS, a home rule municipality in the State of Colorado; STEVE MILLER, in his capacity as the Larimer County Assessor and all successors in this office; IRENE JOSEY, in her capacity as the Larimer County Treasurer and all successors to this office; and

Indispensable Parties: THE TIMNATH DEVELOPMENT AUTHORITY, an Urban Renewal Authority; and COMPASS MORTGAGE CORPORATION, an Alabama company doing business in Colorado.

▲ COURT USE ONLY ▲

Attorneys for Defendant City of Fort Collins:

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Case No.: 2018CV149

Courtroom/Division: 3C

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CITY OF FORT COLLINS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED MOTION FOR RECONSIDERATION OF ORDER GRANTING FORT COLLINS' SECOND MOTION FOR ATTORNEYS' FEES & COSTS

The City of Fort Collins, by and through its counsel, submits this Unopposed Motion for Extension of Time to Respond to Plaintiff's Amended Motion for Reconsideration of Order Granting Fort Collins' Second Motion for Attorneys' Fees & Costs ("Motion"), and states as follows:¹

1. The Court awarded the City an additional \$22,779.39 in attorneys' fees and costs on January 14, 2020. See Order Granting Fort Collins's Second Motion for Attorneys' Fees (Jan. 14, 2020) ("the Second Fee Order").

2. Mr. Sutherland filed a motion for reconsideration of the Second Fee Order. See Amended Motion for Reconsideration of Order Granting Fort Collins' Second Motion for Attorneys' Fees and Costs (Jan. 28, 2020) ("Sutherland's Motion for Reconsideration").

3. The City's response to Sutherland's Motion for Reconsideration is due today, February 18, 2020.

4. The City requests a two-week extension of time, to and including March 3, 2020, to file its response to Sutherland's Motion for Reconsideration.

5. Good grounds exist for the requested extension. The City, Mr. Sutherland and the Timnath Development Authority currently are engaged in settlement negotiations regarding this matter. Granting the requested extension would allow the parties to focus on potential settlement instead of further briefing on Sutherland's Motion for Reconsideration. This would save time, effort and expense, and may eliminate the need for the Court to expend judicial resources addressing Sutherland's Motion for Reconsideration.

¹ Pursuant to C.R.C.P 121, § 1-15, the City's counsel conferred with Mr. Sutherland regarding this Motion. Mr. Sutherland does not oppose this request for a two week extension of time.

6. The City believes two weeks is a reasonable period of time to allow the parties to either finalize a settlement if possible, or if not allow the City to prepare its response to Sutherland's Motion for Reconsideration.

7. Therefore, the City requests that the Court grant this Motion.

Dated this 18th day of February, 2020

SHERMAN & HOWARD L.L.C.

By: /s/ John W. Mill

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ATTORNEYS FOR DEFENDANT
CITY OF FORT COLLINS

CERTIFICATE OF SERVICE

I hereby certify on the 18th day of 2020, that a true and correct copy of the foregoing **CITY OF FORT COLLINS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED MOTION FOR RECONSIDERATION OF ORDER GRANTING FORT COLLINS' SECOND MOTION FOR ATTORNEYS' FEES & COSTS** was served via Colorado E-filing system, upon the following:

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/s/ Rebecca Janzen

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