

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:18-cv-03112-RBJ-STV

SEAN SLATTON,

Plaintiff,

v.

TODD HOPKINS,  
BRANDON BARNES,  
JOHN HUTTO, and  
FORT COLLINS POLICE DEPARTMENT

Defendants.

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**SECOND MOTION FOR EXTENSION TO FILE PLAINTIFF'S RESPONSES TO  
DEFENDANTS' MOTIONS TO DISMISS**

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Plaintiff, by and through his attorney, David A. Lane, hereby submits the following Motion for Extension of Time to File Plaintiff's Responses to Defendants' Motions to Dismiss and states as follows:

1. Undersigned counsel filed his Entry of Appearance in this case on August 26, 2019 [Doc. 65].
2. Defendant Hopkins filed his Motion to Dismiss on June 14, 2019 [Doc. 28].
3. Defendants Fort Collins, Colorado, Brandon Barnes, and John Hutto filed their Motion to Dismiss on June 17, 2019 [Doc. 39].
4. On August 28, 2019 undersigned counsel filed a motion for extension of time, up to and until September 30, 2019, to file responses to the Motions to Dismiss, [Doc. 66], which this Court granted. [Doc. 68].

5. Plaintiff's counsel is diligently reviewing the filings in this matter and preparing responses to Defendants' Motions to Dismiss but needs additional thirty (30) days, up to and including October 30, 2019, to fully prepare the responses.

6. Undersigned counsel was recently appointed to a federal death penalty case in the Western District of Texas which has required a significant amount of time, including travel to Texas to meet with his client.

7. Additionally, Mr. Lane begins a federal civil rights trial on Monday, September 30, 2019 in *Brandt v. City of Westminster, CO, et al.*, Case No. 14-cv-02994-DDD-NYW.

8. Also, there is a possibility that the parties will be engaging in settlement negotiations in the near future, and it may be in the interest of judicial economy and conservation of resources to allow the parties a chance to resolve the case without the need for further proceedings. To the extent that the parties decide to move forward with negotiations, it makes sense to defer briefing on the motions to dismiss.

9. No party will be prejudiced by the relief sought herein.

**CERTIFICATION PURSUANT TO D.C.COLO. LCivR. 7.1**

10. Staff for Plaintiff's counsel hereby certifies that she conferred with counsel for Defendants via email on September 26, 2019. Mark Ratner, counsel for Defendants Ft. Collins, Colorado, Barnes, and Hutto do not oppose the relief sought herein. As of the time of this filing, Marni Kloster, counsel for Defendant Hopkins has not stated her position.

**CERTIFICATION PURSUANT TO D.C.COLO. LCivR. 6.1(c)**

8. Counsel for Plaintiffs, David A. Lane, certifies that a copy of this Motion will be served contemporaneously on Plaintiffs upon the filing of this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court grant his Motion for Extension of Time to File Responses to Defendants' Motions to Dismiss, up to and including October 30, 2019, and for any other relief deemed just and proper.

Respectfully submitted this 27<sup>th</sup> day of September 2019.

KILLMER, LANE & NEWMAN, LLP

*s/ David A. Lane*

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**CERTIFICATE OF SERVICE**

I certify that on this 27<sup>th</sup> day of September 2019 I filed a true and correct copy of the foregoing via CM/ECF which will generate e-mailed notice to the following:

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