

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

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

SEAN SLATTON,

Plaintiff

v.

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

Defendants.

**DEFENDANTS BRANDON BARNES, JOHN HUTTO AND FORT COLLINS POLICE
DEPARTMENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants, Brandon Barnes, John Hutto, and the City of Fort Collins, sued as the “Fort Collins Police Department,” through their Attorneys, Mark S. Ratner, Esq., and Hall & Evans, L.L.C., hereby submit the following as their **Unopposed** Motion for Extension of Time:

Certificate of Conferral

Undersigned Counsel conferred with Counsel for the Plaintiff in person. Counsel for the Plaintiff indicated no objection to the requested relief.

Additionally, this is the first request for an extension of time filed by these Defendants.

I. INTRODUCTION AND ARGUMENT

According to the allegations of his Amended Complaint, Plaintiff Slatton contends the Defendants used excessive force and unlawfully seized him, violation of his Fourth Amendment rights.

On November 22, 2019, the Plaintiff filed his Third Amended Complaint (ECF No. 81) (“Complaint”). A response to the Complaint is due on February 13, 2019.

On February 12, 2019, Counsel for the Plaintiff indicated a desire to amend the Complaint to add a claim pursuant to the 14th Amendment to the United States Constitution. Although that particular issue is being discussed among Counsel, it was agreed that any response deadline to the pending Complaint should be extended in order to allow time for (1) the filing of a motion for leave to amend, and; (2) the filing of a response to the amended complaint, should the motion be granted.

These Defendants are requesting an extension of time to file a response after determination of Plaintiff’s request to amend the Complaint. An extension of time would ensure these Defendants are responding to the operative Complaint, and therefore avoiding duplicative efforts.

II. CONCLUSION

WHEREFORE, Defendants Brandon Barnes and the City of Fort Collins request the Court grant their Motion, and extend the time for the filing of a response to the operative Complaint, after determination of Plaintiff’s request for leave to amend.

DATED this 13th day of December 2019.

Respectfully Submitted,

s/ Mark S. Ratner

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**ATTORNEY FOR DEFENDANTS
BRANDON BARNES, JOHN HUTTO,
AND THE CITY OF FORT COLLINS**

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 13th day of December, 2019, a true and correct copy of the foregoing **DEFENDANTS BRANDON BARNES, JOHN HUTTO AND FORT COLLINS POLICE DEPARTMENT'S UNOPPOSED MOTION TO DISMISS PLAINTIFF'S THIRD AMENDMENT COMPLAINT (ECF No. 81)** was served on the following as noted:

David A. Lane
1543 Champa Street, Suite 400
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Attorney for Plaintiff

- First Class Mail
- Hand Delivery
- Facsimile
- Overnight Delivery
- LexisNexis File & Serve
- CM/ECF
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- First Class Mail
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- E-Mail

Defendants

The City of Fort Collins
c/o John Duvall
judvall@fcgov.com

- First Class Mail
- Hand Delivery
- Facsimile
- Overnight Delivery
- LexisNexis File & Serve
- CM/ECF
- E-Mail

Brandon Barnes
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- First Class Mail
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- CM/ECF
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John Hutto
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- First Class Mail
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s/ Annah Hillary, Legal Assistant to
Mark S. Ratner, Esq. of
Hall & Evans, LLC