

**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.

**UNOPPOSED MOTION FOR EXTENSION OF TIME BY TODD HOPKINS TO
SUBMIT A RESPONSIVE PLEADING TO
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Defendant, Todd Hopkins, by and through his attorneys at Nathan Dumm & Mayer P.C., hereby submits his Unopposed Motion to Submit a Responsive Pleading to Plaintiff's Third Amended Complaint and in support states as follows:

1. Defense counsel conferred with counsel for the Plaintiff, who does not oppose the relief sought in this Motion.

2. As some brief background, Plaintiff previously filed a Motion for leave to Amend the Second Amended Complaint. [ECF 76]. That Motion was granted on or about November 22, 2019 and a responsive pleading deadline of December 13, 2019 set by the Court. [ECF 80]. Thereafter, in accordance with the Court's revised Practice Standards, conferral as to Motions to Dismiss were undertaken and a letter filed on or about December 10, 2019. [ECF 82]. Based upon Plaintiff's position during the conferral on the Motion to Dismiss Officer Hopkins was prepared to timely proceed with his Motion to Dismiss.

3. However, yesterday, December 12, 2019, Plaintiff's counsel advised that Plaintiff intended to seek leave to file a fourth amended complaint. A meaningful conferral as to the basis for that intended Motion and the proposed amended has not yet occurred, but is hopefully going to be scheduled. Nonetheless, during the conferral thus far, Plaintiff's counsel mentioned delaying the motion to dismiss briefing so that such conferral can occur and any briefing on further amendments take place prior to briefing as to motions to dismiss.

4. Given that the filing of a Motion to Amend, if granted, could further alter the Complaint and render the second Motion to Dismiss intended to be filed as moot, just like the first Motion to Dismiss was rendered moot by Plaintiff's last amendment, Defendant agrees that proceeding with the motion to dismiss briefing while the issue of another amendment is pending would be a waste of all parties' resources.

5. Officer Hopkins thus respectfully requests that the Court grant him an extension of time to file a responsive pleading and that the new date for a responsive pleading be set for after the newly proposed Motion to Amend is ruled upon. To the extent that the Court wishes to set a specific timeline for responsive pleadings, Officer Hopkins proposes his deadline for filing be 5 days after any denial of a motion to amend or 14 days after the granting of any motion to amend.

6. The undersigned certifies that she has served a copy of this Motion on her client.

7. Neither the parties nor the Court will be prejudiced by the relief sought in this Motion, which may very well save considerable municipal and judicial resources and appears to be in line with the Court's revised Practice Standards as to limiting motions practice. Further,

this is the first extension sought by Defendant Hopkins as to a response to Plaintiff's adopted Third Amended Complaint.

WHEREFORE, Officer Hopkins respectfully requests that the Court grant this Motion and extend the time for his filing of a responsive pleading to the operative complaint until after a determination as to any requested amended has been made.

Respectfully submitted this 13th day of December, 2019.

/s/Marni Nathan Kloster

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2019, I electronically filed the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME BY TODD HOPKINS TO SUBMIT A RESPONSIVE PLEADING TO PLAINTIFF'S THIRD AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following at their e-mail addresses:.

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