

**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.

---

**SECOND MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFF'S  
RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS**

---

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

1. Defendant Hopkins filed his Motion to Dismiss on January 13, 2020 [Doc. 96].
2. Defendants Fort Collins, Colorado, Brandon Barnes, and John Hutto filed their Motion to Dismiss on January 16, 2020 [Doc. 98].
3. On January 29, 2020, undersigned counsel filed a motion to file one consolidated response to the Defendants' Motions to Dismiss [Doc. 99], which this Court granted [Doc 100].
4. On February 5, 2020, undersigned counsel filed a motion for extension of time, up to and until February 20, 2020 [Doc. 101], which this Court granted. [Doc. 102].
5. Plaintiff's counsel is diligently reviewing the filings in this matter and preparing responses to all Defendants' Motions to Dismiss, but needs one additional week, up to and including February 27, 2020, to fully prepare the response.

6. In addition to the usual press of business, undersigned counsel David Lane has been appointed to a sealed federal death penalty case in the Western District of Texas and made an emergency trip to Texas last week for hearings related to his client's indictment. Mr. Lane spent the full week in Texas and this has consumed an extensive amount of his time.

7. In addition to the usual press of business, undersigned counsel Helen Oh was recently added to a case, *City of Denver v. Jeffrey Svehla*, Case No. 18GS012483, for which she appeared on her client's behalf and spent a considerable amount of time preparing for the case's dismissal. She is also unexpectedly preparing for a telephonic hearing tomorrow for an expedited determination on a protective order filed in *Surat v. Klamser et. al.*, Case No. 19-cv-00901-WJM-NRN, for which she must file a response by the end of the day.

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

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

9. Undersigned counsel hereby certifies that she conferred with counsel for Defendants via email on February 18 and 19, 2020. As of the time of this filing, Mark Ratner, counsel for Defendants Barnes, Hutto, and the City of Fort Collins; and Marni Kloster and Nick Poppe, counsel for Defendant Hopkins, have not stated their position.

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

8. Counsel for Plaintiff, David A. Lane and Helen Oh, certify that a copy of this Motion will be served contemporaneously on Defendants 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 February 27, 2020, and for any other relief deemed just and proper.

Respectfully submitted this 19<sup>th</sup> day of February 2020.

KILLMER, LANE & NEWMAN, LLP

*s/ Helen Oh*

---

Helen Oh  
David A. Lane  
1543 Champa Street, Suite 400  
Denver, Colorado 80202  
Phone: (303) 571-1000  
[dlane@kln-law.com](mailto:dlane@kln-law.com)  
*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on this 19<sup>th</sup> day of February 2020 I filed a true and correct copy of the foregoing via CM/ECF which will generate e-mailed notice to the following:

Marni Nathan Kloster  
Nicholas C. Poppe  
Nathan Dumm & Mayer, PC  
7900 E. Union Ave., Ste 600  
Denver, CO 80237-2776  
303-691-3737  
[MKloster@ndm-law.com](mailto:MKloster@ndm-law.com)  
[NPoppe@ndm-law.com](mailto:NPoppe@ndm-law.com)  
*Counsel for Defendant Todd Hopkins*

Mark Ratner  
Hall & Evans, LLC  
1001 17<sup>th</sup> Street, Ste 300  
Denver, CO 80202  
303-628-3300  
[ratnerm@hallevans.com](mailto:ratnerm@hallevans.com)  
*Counsel for Defendants Barnes, Hutto, and the City of Fort Collins*

*s/ Jamie Akard*

Paralegal