

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

Civil Action No. 1:17-CV-00884-CMA-STV

CHAYCE AARON ANDERSON,

Plaintiff,

vs.

JASON SHUTTERS,

Defendant.

PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL

Pursuant to Federal Rule of Appellate Procedure 4(a)(5), Plaintiff Chayce Aaron Anderson (“Plaintiff”), by and through undersigned counsel, hereby moves to extend the current deadline to file of a notice of appeal from the Court’s Final Judgment entered on February 25, 2020. This extension is sought in light of the COVID-19 emergency and its effects, including the impossibility of effectively communicating with the parties regarding potential resolution short of filing an appeal.

CERTIFICATION OF CONFERRAL

Pursuant to Local Rule 3.01(g), Plaintiff certifies that undersigned counsel has conferred with Defendant’s counsel regarding the substance of this Motion, although Defendant was unable to be reached ahead of filing this Motion. Therefore, Defendant’s position is unknown at this time.

GROUND FOR MOTION

The COVID-19 emergency has seriously impacted the ability of the parties to reach an agreement short of filing an appeal in this case. Defendant, as a member of law enforcement, faces additional demands to assist with responding to this emergency, seriously impacting his ability to communicate regarding this case. Additionally, communication with Plaintiff to confirm any agreement is limited. In light of this emergency and inability to reach an agreement prior to the deadline to file a notice of appeal, Plaintiff respectfully requests a 30-day extension to file a notice of appeal.

A. Legal Standard

A notice of appeal generally must be filed with the district court clerk within 30 days after the judgment appealed from is entered. Fed. R. App. P. 4(a). The district court may extend this deadline upon a showing of “excusable neglect or good cause,” “if a party moves for an extension of time no later than thirty days after the appeal time has expired.” *Bishop v. Corsentino*, 371 F.3d 1203, 1206 (10th Cir. 2004). “Good cause comes into play ‘in situations in which there is no fault—excusable or otherwise. . . . [T]he need for an extension is usually occasioned by something that is not within the control of the movant.’” *Id.* (citation omitted).

B. Good cause exists to extend the time to file for an appeal.

The ongoing public health crisis caused by COVID-19 has made communication with the parties significantly more difficult, not least of which because Defendant is in law enforcement and faces unique challenges and ever-changing demands in responding to this emergency. Although the parties have diligently been attempting to reach an agreement to avoid an appeal in this case, Defendant’s increased unavailability combined with the already limited availability of

Plaintiff has made reaching an agreement prior to the deadline to file a notice of appeal impossible. Therefore, Plaintiff respectfully requests that the deadline to file a notice of appeal be extended 30-days, to April 27, 2020.

CONCLUSION

For each of these reasons, Plaintiff respectfully requests a thirty (30) day extension of the time to file a notice of appeal.

Respectfully submitted this 27th day of March, 2020.

/s/ Alexandra Lakshmanan
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2020, I electronically filed a copy of the foregoing **PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL** with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all counsel of record:

s/Michelle R. Soule

Michelle R. Soule, Paralegal