

LARIMER COUNTY DISTRICT COURT 201 LAPORTE AVENUE, SUITE 100 FORT COLLINS, COLORADO 80521	DATE FILED: February 20, 2020 5:42 PM FILING ID: 32104525C398F CASE NUMBER: 2019CV30889
Appeal from the Fort Collins Municipal Court The Honorable Judge Kathleen M. Lane Case No. 2018-0240752-MD	
Defendant-Appellant: ADAM WIEMOLD v. Plaintiff-Appellee: PEOPLE OF THE STATE OF COLORADO	COURT USE ONLY
Adam Frank FRANK AND SALAHUDDIN LLC 1741 High Street, Denver, CO 80218 adam@fas-law.com Phone: 303-974-1084 Fax: 303-974-1085 Attorney Registration Number: 38979 In cooperation with the ACLU of Colorado	Case Number: 2019CV30889
<p style="text-align: center;">UNOPPOSED MOTION FOR 30-DAY EXTENSION OF TIME TO FILE OPENING BRIEF</p>	

Mr. Wiemold, through counsel, requests that this Court grant him a 30-day extension of time to file his opening brief. Mr. Wiemold has conferred with counsel for the City of Fort Collins concerning this request, and the City does not object to the requested relief. As grounds, he states the following:

1. In this appeal from a municipal court criminal case, Mr. Wiemold timely filed his notice of appeal on October 2, 2019. Pursuant to Rule 37(c), the clerk of the municipal court was required to prepare the transcripts of the relevant recorded hearings within 42 days of receiving the notice of appeal. This set the deadline as November 13, 2019.
2. However, as this Court knows, due to issues with the court reporter the municipal court hired to complete the transcripts, the transcripts were not prepared by that date. Instead, the transcripts were not completed until January 14, 2020.
3. After receiving the transcripts, Mr. Wiemold had 14 days to make objections to the transcription. Unfortunately, there were multiple locations in the transcript where a transcription error not only existed but also where the error changed the meaning of what

the speaker had been saying. Because of this, Mr. Wiemold had to file objections to the record in the municipal court.

4. The municipal court ultimately corrected the transcript as Mr. Wiemold requested. However, this process caused a delay in certifying the record to this Court. The record on appeal was not certified to this Court until February 7, 2020. None of the delay between November 13, 2019 (when the record was initially due to be completed) and February 7, 2020 (when the record was certified to this Court) can be attributed to any conduct by Mr. Wiemold.
5. Counsel notes this history because, had the record been certified in November as counsel had expected, counsel had cleared space on counsel's calendar to write the opening brief in this appeal. Similarly, when counsel expected the record to be certified to this Court in January, counsel had created space in counsel's calendar to draft the opening brief. However, with the certification of the record delayed until February 7 making the opening brief due February 28, counsel has been unable to protect sufficient time in counsel's calendar to complete the opening brief by the current deadline.
6. Counsel's calendar crunch comes from a very happy yet unchangeable source: counsel is set to have a baby, currently due on March 10. Based on this due date and counsel's need to accomplish a number of tasks before going on leave, counsel's calendar in the weeks leading up to the birth has been hectic to say the least. The week of February 10, counsel wrote and filed a 32-page opening brief in *Stevinson v. Williams*, 2019CA293. Counsel also had significant time commitments that could not be moved, such as court dates, meetings with clients to prepare for said court dates, and negotiations with district attorneys. Counsel also needed to devote significant time that week to preparing for an all-day deposition counsel took on Tuesday, February 18, in Montgomery, Alabama. To get to and from that deposition, counsel was forced to be travelling on Monday, February 17 and Wednesday, February 19. Upon returning to Colorado, counsel immediately had to prepare for a second deposition, which took place today, February 20. Tomorrow, counsel must spend the day preparing for a preliminary hearing in a COCCA and first degree assault case that is set to go to hearing on Monday, February 24. Given the above time commitments, combined with four client meetings currently set for February 25 so as to ensure clients are informed about their cases before counsel goes on leave, counsel simply does not have enough time to write the opening brief in this appeal before the February 28 deadline.
7. While appeals from municipal court cases are typically not exceptionally complex or difficult, this case is a significant exception. The issues on appeal involve the constitutionality of Fort Collins's camping ban as applied to a man who was homeless and had nowhere else to sleep but his car on the day he was convicted for camping in his car on public property. In the municipal court, the parties filed a combined 100+ pages of motions, responses, replies, and exhibits on these issues. Given this, the record in this case is extensive and the drafting of the opening brief is a significant undertaking.
8. While ordinarily counsel would not need an extension as long as 30 days to complete the opening brief, with counsel's baby due on March 10 and potentially arriving any day now, counsel anticipates a significant absence from work during which counsel will not be able to complete the brief. Additionally, so long as counsel's baby has not yet arrived, counsel has

two additional depositions scheduled the week of March 2, each of which are set for a full day and require significant preparation to take.

9. The City of Fort Collins does not object to Mr. Wiemold's request.

Wherefore, Mr. Wiemold asks that this Court grant him a 30-day extension to file the opening brief in this case. 30 days from the current due date would fall on a Sunday, so Mr. Wiemold requests an extension up to and including March 30, 2020.

Dated: February 20, 2020



Adam Frank, #38979

FRANK & SALAHUDDIN LLC

In Cooperation with the ACLU of Colorado

Certificate of Service

I hereby certify that on February 20, 2020, I served a true and correct copy of the foregoing electronically via the CCE e-filing system upon the trial court, as well as the following individuals, either directly through CCE or via email:

Jill Heuser
For Collins City Attorney
jhueser@fcgov.com



Adam Frank
FRANK AND SALAHUDDIN LLC
Attorney for Defendant-Appellant