

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

Civil Action No. 1:18-cv-03112-RBJ-STV

SEAN SLATTON,

Plaintiff,

v.

CITY OF FORT COLLINS,

Defendant.

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**AMENDED UNOPPOSED MOTION TO MODIFY SCHEDULING  
ORDER TO EXTEND DISCOVERY DEADLINES**

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Plaintiff, by and through his attorneys, David Lane and Helen Oh, hereby submit the following Amended Unopposed Motion to Modify Scheduling Order to Extend Expert Disclosure Deadlines, and state as follows:

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

Undersigned counsel hereby certifies that she conferred with counsel for Defendant, who does not oppose the relief requested.

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

Counsel for Plaintiff certify that a copy of this Motion will be served contemporaneously on Plaintiff upon the filing of this Motion.

1. Plaintiff files this amended motion because the previously filed motion [ECF 121] did not include the proposed extension of the discovery cut-off and dispositive motion deadlines, which Plaintiff also respectfully requests for the reasons below.

2. On September 10, 2020, the Court entered a Scheduling Order [ECF 119] with the following expert disclosure deadlines:

- Plaintiff's expert disclosure is February 10, 2021;
- Defendant's expert disclosure is March 29, 2021;
- Plaintiff's rebuttal expert disclosure is May 13, 2021.

3. The discovery cut-off is June 10, 2021. *Id.*

4. The dispositive motion deadline is July 12, 2021.

5. Defendant propounded written discovery requests to Plaintiff on November 23, 2020, which Plaintiff responded to on January 15, 2021.

6. Plaintiff propounded written discovery requests to Defendant on January 21, 2021, and responses are due on February 21, 2021.

7. Counsel for Plaintiff inquired with counsel for Defendant about scheduling depositions in November and again in January. The parties have been discussing and depositions and are in the process of being set.

8. Due to scheduling and discovery materials being delayed over the holidays, depositions currently being scheduled, and materials necessary for expert witness review in the process of being obtained, Plaintiff respectfully requests a sixty-day extension of remaining discovery deadlines. Plaintiff's proposed discovery deadlines are:

- Plaintiff's expert disclosure: April 9, 2021;
- Defendant's expert disclosure: May 29, 2021;
- Plaintiff's rebuttal expert disclosure: July 13, 2021.
- Discovery cut-off: August 10, 2021.
- Dispositive motion deadline: September 13, 2021.

7. In addition to the aforementioned delays and usual press of business, counsel David Lane prepared for and attended mediation in *Bush v. Liberty Global, Inc.*, 1:19-cv-03495-DDD-

KLM; is filing a reply brief in *Arizona Attorneys for Criminal Justice, et al. v. Mark Brnovich, et al.*, Case No. 20-16293 in the Ninth Circuit Court of Appeals; is attending an Equal Employment Opportunity Commission Conciliation in *Aegerter, et al. v. KVDR*; is taking five depositions in *Richter v. Romero, et al.*, Case No. 19-05513-PHX-DGC, a matter in the U.S. District Court for the District of Arizona; and is preparing for and taking several depositions at the end of February in the matter of *Harris v. Barnes, et al.*, No. 19-cv-00572-MEH.

8. In addition to the aforementioned delays and usual press of business, counsel Helen Oh has spent a considerable amount of time preparing for and taking four depositions in the matter of *Colbruno v. Kessler, et al.*, 1:17-cv-01072-DDD-NRN; drafting two rebuttal statements to the Equal Employment Opportunity Commission in *Camacho v. Vestas* and *Camacho v. Elwood Staffing*; preparing a mediation statement and will be attending a full day mediation in the matter of *Christensen v. Axis Healthcare Systems*, Civil Action No. 1:18-cv-02962-WJM-SKC; reviewing and finalizing expert witness reports in the matter of *Campen v. Geo Group, Inc.*, Civil Action No. 19-cv-01933-MEH; drafting responses to two motions to dismiss in the class action lawsuit *Minter, et al. v. City of Aurora, et al.*, 1:20-cv-02171-RM-NYW due February 26, 2021; and is preparing for and taking several depositions at the end of February in the matter of *Harris v. Barnes, et al.*, No. 19-cv-00572-MEH.

9. Good cause exists for the granting of this motion. The request is not made for purposes of delay and no party will be prejudiced by the requested relief.

WHEREFORE, Plaintiff respectfully requests that the Court grant his motion to modify the scheduling order and extend expert disclosure deadlines by sixty days, and for any other relief deemed just and proper.

Respectfully submitted this 5<sup>th</sup> day of February 2021.

KILLMER, LANE & NEWMAN, LLP

*s/ Helen Oh*

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**CERTIFICATE OF SERVICE**

I certify that on this 5<sup>th</sup> day of February 2021 I filed a true and correct copy of the foregoing via CM/ECF which will generate e-mailed notice to the following:

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