

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, A MUNICIPALITY,

Defendant.

**DEFENDANT’S UNOPPOSED SECOND MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFF’S FIRST SET OF WRITTEN DISCOVERY
AND MOTION TO MODIFY SCHEDULING ORDER TO EXTEND EXPERT
DISCOVERY DEADLINES AND DISPOSITIVE MOTION DEADLINE**

Defendant City of Fort Collins, a municipality (“Defendant”), by and through its attorney, Mark S. Ratner of Hall & Evans, L.L.C, submits the following as Defendant’s Unopposed Second Motion for Extension of Time to Respond to Plaintiff’s First Set of Written Discovery and Motion to Modify Scheduling Order to Extend Expert Discovery Deadlines and Dispositive Motion Deadline:

CERTIFICATE OF COMPLIANCE WITH D.C.COLO.LCivR 7.1(a)

Pursuant to D.C.COLO.LCivR 7.1(a), the undersigned counsel conferred with counsel for Plaintiff. Counsel for Plaintiff is unopposed to Defendant’s requested two-week extension of time to submit his responses to written discovery so long as Defendant also seeks a three-week extension of time for all expert disclosures deadlines and the dispositive motion deadline. Undersigned counsel for Defendant is unopposed to Plaintiff’s requested extensions of time for expert disclosures and dispositive motions.

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

Pursuant to D.C.COLO.LCivR 6.1(a), the undersigned counsel certifies that a copy of this Motion will be served contemporaneously on Plaintiff upon the filing of this Motion.

I. ARGUMENT

1. According to the allegations of Plaintiff's Complaint, this matter generally arises out of the arrest of Plaintiff, Sean Slatton, by police officers employed with Defendant, the City of Fort Collins. Plaintiff alleges a violation of his Fourth Amendment rights, including the purported use of excessive force to effectuate his arrest.

2. On January 21, 2021, Plaintiff served his First Set of Written Discovery on Defendant. Defendant's responses to the written discovery initially were due on February 22, 2021.

3. On February 18, 2021, Defendant requested a three-week extension of time to submit its discovery responses based on the breadth of the requested information. [ECF 125].

4. On February 18, 2021, the Court granted Defendant's requested extension of time thereby extending the deadline for Defendant's discovery responses to March 15, 2021. [ECF 126].

5. Undersigned counsel and Defendant have diligently been working on completing Defendant's discovery responses. However, due to the breadth of the information requested, additional time is needed to properly assess, and if appropriate provide the information and documentation.

6. Accordingly, Defendant respectfully requests an additional 14-day extension of time, or until March 29, 2021, to submit its responses to Plaintiff's First Set of Written Discovery.

7. During the conferral on this motion, counsel for Plaintiff request a similar, albeit slightly longer, extension of time for the deadlines for expert discovery and dispositive motions in order to accommodate Defendant's two-week extension of time to submit its discovery responses.

8. The current deadlines for expert disclosures and dispositive motions are as follows: Plaintiff's expert disclosure: April 9, 2021; Defendant's expert disclosure: May 29, 2021; Plaintiff's rebuttal expert disclosure: July 13, 2021 [ECF 123]; and dispositive motion deadline: September 13, 2021. [ECF 124].

9. The Parties respectfully request a 21-day extension of time for expert discovery and dispositive motions. The new proposed deadlines are:

- Plaintiff's expert disclosure: April 30, 2021;
- Defendant's expert disclosure: June 19, 2021;
- Plaintiff's rebuttal expert disclosure: August 3, 2021; and
- Dispositive motions: October 4, 2021.

10. Discovery in this matter concludes on August 10, 2021 [ECF 124], and trial is set to begin on January 10, 2022. [ECF 120]. The requested extensions of time are not expected to interfere with these dates or any other dates provided in the scheduling order.

11. This is the second request for an extension of time made by Defendant related to responding to Plaintiff's First Set of Discovery.

12. This is the second request for an extension of time pertaining to deadlines for expert discovery and dispositive motions. The first request was made by Plaintiff on February 5, 2021, [ECF 122] and was granted by the Court. [ECF 123 and 124].

13. 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, Defendant respectfully requests the Court grant its motion, and extend the time for Defendant to submit its responses to Plaintiff's First Set of Written Discovery to March 19, 2021, and to modify the scheduling order and extend all of the expert disclosure deadlines by three-weeks and to extend the dispositive motion deadline by three-weeks, and for any other relief deemed just and proper.

Dated this 12th day of March, 2021.

Respectfully submitted,

s/ Mark S. Ratner

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on the 12th day of March 2021, I electronically filed the foregoing **DEFENDANT'S UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST SET OF WRITTEN DISCOVERY AND MOTION TO MODIFY SCHEDULING ORDER TO EXTEND EXPERT DISCOVERY DEADLINES AND DISPOSITIVE MOTION DEADLINE** with the Clerk of Court using the CM/ECF system and mailed a copy to the following:

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s/ Laura Buckingham, Legal Assistant
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