

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 19-cv-00901-WJM-NRN

MICHAELLA LYNN SURAT,

Plaintiff,

v.

RANDALL KLAMSER, in his individual capacity

Defendant.

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**DEFENDANT'S UNOPPOSED MOTION TO AMEND SCHEDULING ORDER**

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Defendant RANDALL KLAMSER, in his individual capacity, by and through his counsel, Mark S. Ratner, Esq., Gillian Dale, Esq., and Brenden Desmond, Esq., of Hall & Evans, L.L.C., hereby submit the following Unopposed Motion to Amend Scheduling Order, as follows:

**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 does not oppose the relief sought in this Motion.

1. According to the allegations of Plaintiff's Complaint, this matter arises out of Plaintiff's arrest on April 6, 2017 (ECF No. 1 at ¶ 1). Generally, the Plaintiff claims her Fourth Amendment rights were violated, when she was purportedly subjected to excessive force during her arrest by Fort Collins Police Officer Randall Klamser.

2. The parties have engaged in continued and extensive discovery efforts. To date, the depositions of Plaintiff, Plaintiff's parents Kathy and Michael Surat, Defendant

Randy Klamser, Fort Collins Police Officer Garrett Pastor, and Plaintiff's expert Dan Montgomery have been conducted. The majority of the depositions have been conducted via video, due to the COVID-19 pandemic. In addition, the parties have exchanged approximately 9,200 pages of material and video evidence.

3. On May 12, 2020, this Court entered a Minute Order amending the scheduling order at Defendant's request (ECF 100). The Minute Order extended the discovery cut-off deadline to August 3, 2020 and the filing of dispositive motions to August 29, 2020. The Order also set a pretrial conference for September 29, 2020, with the proposed final pretrial order due on or before September 22, 2020 (ECF 100).

4. The Defendant is requesting a 45-day extension of the discovery deadlines in order to complete depositions. In particular, attempts are being made to schedule and conduct the depositions of three of Plaintiff's medical care providers. One has been set for August 5, 2020. In addition, the Defendant is attempting to schedule the depositions of three fact witnesses, one of who was recently identified in additional disclosures.

5. The additional 45 days is necessary to obtain and coordinate the schedules of Counsel for both parties, as well as the witnesses.

6. Pursuant to D.C.Colo.LCiv.R. 6.1(c), the undersigned counsel has served their client's representative with a copy of this Motion as reflected on the accompanying certificate of service.

7. This is the third-request to modify the scheduling order (See ECF Nos. 59 and 98).

8. WHEREFORE, for all the foregoing reasons, Defendant respectfully requests a 45-day extension of time for the discovery cut-off and filing of dispositive

motions as follows: Discovery cut-off September 17, 2020, and dispositive motions October 13, 2020.

Dated this 27<sup>th</sup> day of July 2020.

Respectfully submitted,

s/ Mark Ratner

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE (CM/ECF)**

I HEREBY CERTIFY that on the 27<sup>th</sup> day of July, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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