

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

Civil Action No. 19-cv-00901-NRN

MICHAELLA LYNN SURAT,

Plaintiff,

v.

RANDALL KLAMSER, in his individual capacity, and
CITY OF FORT COLLINS, a municipality,

Defendants.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT [DOC. #108]**

Plaintiff, by and through their undersigned counsel of record, hereby moves for an extension of time to respond to Defendants Motion to Dismiss First Amended Complaint [Doc. #108], and state as follows:

CONFERRAL STATEMENT PURSUANT TO D.C. Colo. L. Civ. R. 7.1

Counsel for Plaintiff certifies that they conferred with Mark Ratner, counsel for Defendants, who indicated that Defendants do not oppose the relief requested herein.

CERTIFICATION PURSUANT TO D.C. Colo. L. Civ. R. 6.1(c)

Counsel for Plaintiff certifies that this motion has been served contemporaneously on their client, Michaella Surat, upon the filing of this motion.

1. On September 14, 2020, Defendants filed a motion to dismiss Plaintiff's First Amended Complaint. [Doc. #108].
2. Plaintiff's response to this motion is due on or before October 5, 2020.

3. Plaintiff respectfully requests a three-week extension of time, up to and including October 26, 2020, to respond to the motion to dismiss.

4. Good cause exists to grant this extension of time.

5. In addition to the normal press of business, lead counsel for Plaintiff, David A. Lane has conducted numerous depositions recently which has taken a significant amount of his time to prepare for and take. Mr. Lane took a deposition in *Bush v. Liberty Global, Inc.*, Case No. 19-cv-03495-DDD-KLM on September 14; in *Partridge v. Joe Pelle, et al.*, Case No. 17-cv-02941-CMA-STV Mr. Lane took two depositions on September 16 and September 29 and will be taking a deposition in *Colbruno v. Kessler.*, 17-cv-01072-DDD-NRN on October 6, 2020.

6. In addition to the normal press of business, counsel for Plaintiff, Andy McNulty who will be primarily responsible for drafting the Response, drafted and filed a response to a motion to dismiss in *Moses v. Lamb, et al.*, 1:20-cv-01603-MEH on September 22, 2020, conducted a 30(b)(6) deposition, which required extensive preparation, in *Surat v. Klamser* on September 24, 2020, and drafted an opening brief, assisted with the administrative work that accompanies filing such a brief, that was filed in the Ninth Circuit Court of Appeals yesterday in *AACJ, et al. v. Brnovich, et al.*, 20-16293, and has been litigating multiple class action lawsuits that seek immediate relief for dangers presented by the Coronavirus to inmates, including *Carranza, et al. v. Reams*, 20-cv-00977 and *Winston v. Polis, et al.*, 2020CV031823.

7. In addition to the usual press of business, counsel for Plaintiff, Helen Oh, who will be primarily responsible for drafting the Response, drafted and filed a complaint in *Loma v. City and County of Denver, et al.*, 1:20-cv-02827-STV on September 17, 2020, reviewed hundreds of police reports and assisted in drafting an amended complaint soon to be filed in a class action lawsuit *Minter v. City of Aurora, et al.*, No. 20-cv-02172-RM-NYW, collected

witness statements in *Minter*, and prepared a pretrial order with extensive discovery in *Christensen v. Southwest Colorado Mental Health Center, Inc., et al.*, 18-cv-02962-WJM-SKC to be filed today.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant her motion for extension of time and provide that Plaintiff will have up to, and including, October 26, 2020 to respond to Defendants Motion To Dismiss First Amended Complaint [Doc. #108], and for such other and further relief as the Court deems just and proper.

Respectfully submitted this 5th day of October 2020.

KILLMER, LANE & NEWMAN, LLP

s/ Helen Oh _____

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 5th day of October 2020 I filed a true and correct copy of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT [DOC. #108] via CM/ECF which will serve the following via E-Mail:

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Counsel for Defendants

s/ Helen Oh
Helen Oh