

**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.

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE CONSOLIDATED
RESPONSE TO MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT
[DOCS. 108 & 118] AND MOTION FOR EXTENSION**

Plaintiff, through counsel, David Lane, Andy McNulty, and Helen Oh of KILLMER, LANE & NEWMAN, LLP, hereby submit the following Unopposed Motion for Leave to file a single, consolidated response to Defendants' Motions to Dismiss [Doc 108] and Motion for Summary Judgment [Doc. 118] and Motion for Extension, and state as follows:

1. On August 24, 2020, Plaintiff filed her First Amended Complaint. [Doc. 107].
2. On September 14, 2020, Defendants filed a Motion to Dismiss. [Doc.108].
3. On October 13, 2020, Defendants filed a Motion for Summary Judgment. [Doc. 118].
4. Plaintiff's responses to these two motions are due on October 26, 2020 and November 3, 3030, respectively.

5. In the interest of judicial economy and efficiency for the parties, Plaintiff respectfully requests leave to file a single, consolidated response to Defendants' motion to dismiss and motion for summary judgment [Docs. 108 and 118].

6. Filing a consolidated response is a more efficient way to address the arguments raised in Defendants' motions than filing separate responses because the issues raised by Defendants in the motions are nearly identical in substance.

7. Plaintiff requires up to 50 pages total to respond to the motions because it will require addressing Defendants' claims under both the motion to dismiss and summary judgment standards.

8. If Plaintiff responded to these motions separately, she would be allowed up to 15 pages for the response to the motion to dismiss and 40 pages for the response to the motion for summary judgment, for a total of 55 pages. In the interests of judicial economy, the consolidated response will be no longer than 50 pages, shorter than this Court's practice standard limitation that would collectively apply to these two responses.

9. Plaintiff also requests an extension of time to file the consolidated response of an additional 21 days after the current deadline for the response to the motion for summary judgment, for a new proposed deadline of November 24, 2020.

10. In addition to the normal press of business, Counsel for Plaintiff, Andy McNulty is responding to a motion to dismiss and stay in *Sexton v. Colorado Springs, et al.*, 1:20-cv-02248-WJM-KMT that is due at the end of October, briefing the reopening of discovery in *Kerr, et al. v. Boulder, et al.*, 19-cv-01724-KLM, and preparing motions *in limine* in *Brandt v. Westminster*, 1:16-cv-01356-WJM that are due at the end of October.

11. In addition to the usual press of business, Counsel for Plaintiff, Helen Oh, will be participating in five depositions, two of which she is taking in *Christopher Campen v. Geo Group, Inc. et al.*, 19-cv-01933-MEH on October 29, and three she is preparing materials for in *Colbruno v. Kessler et al.*, 17-cv-01072-DDD-NRN scheduled for October 26-28 or November 2-4. She will also be spending a considerable amount of time preparing for oral argument at the Tenth Circuit Court of Appeals set for November 18, 2020 in the matter of *Harris v. Mahr*, appellate case no. 20-1002.

12. Further, in addition to the usual press of business, counsel for Plaintiff, David A. Lane will be taking three depositions in *Colbruno v. Kessler, et al.*, 17-cv-01072-DDD-NRN scheduled for October 26-28 or November 2-4, one deposition in *Campen v. Geo Group, Inc. et al.*, 19-cv-01933-MEH on November 5, and two depositions in *Daves v. Adams County*, No. 19-cv-02928-KLM on November 9 and 10, 2020. He has also spent a significant amount of time preparing for an all-day mediation in *Estate of Tomas Beauford v. Correctional Healthcare Companies, et al.*, 16-cv-00851-DDD-GPG which has limited his availability in other matters.

13. No party will be prejudiced by the relief sought herein.

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

Counsel for Plaintiff, Helen Oh certifies that she conferred with counsel for Defendants regarding the relief requested herein. Defendants do not oppose the requested relief.

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.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court to grant leave for Plaintiff to file a single response to Defendants' Motions to Dismiss and Motion for Summary Judgment, to be due on or before November 24, 2020 and totaling no more than 50 pages, and for any other relief deemed just and proper.

DATED this 19th day of October 2020.

KILLMER, LANE & NEWMAN, LLP

s/ Helen Oh

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2020, I filed the foregoing via the CM/ECF system, which will send notice to the following:

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s/ Helen Oh

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