

**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.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CONSOLIDATED  
RESPONSE TO DEFENDANTS' MOTION TO DISMISS AND MOTION FOR  
SUMMARY JUDGMENT [DOCS. 108 & 118]**

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Plaintiff, by and through their undersigned counsel of record, hereby moves for an **unopposed** extension of time to submit her consolidated response to Defendants' motion to dismiss and motion for summary judgment [Docs. 108 & 118], 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 will be 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. On October 7, 2020, this Court granted Plaintiff's unopposed motion for extension of time to respond to Defendants' motion to dismiss, providing a new deadline of October 26, 2020. [Doc. 116].

3. On October 3, 2020, Defendants filed a motion for summary judgment. [Doc. 118].

4. On October 19, 2020, Plaintiff filed an unopposed motion for leave to file a consolidated response to Defendants' motion to dismiss and motion for summary judgment, [Docs. 108 & 118], and a motion for extension.

5. On October 21, 2020, the Court granted Plaintiff's motion to file a consolidated response to Defendants' motion to dismiss and motion for summary judgment to be due on November 24, 2020. [Doc. 124].

6. On October 22, 2020, the parties filed a joint motion to stay pretrial order deadlines until after a ruling on the pending dispositive motions [Doc. 122], which the Court granted on October 24, 2020. [Doc. 125]. Within three days of a ruling on the motions, the parties are to jointly contact chambers to reset the Final Pretrial Conference.

7. Plaintiff respectfully requests a six (6) day extension of time, up to and including November 30, 2020, to file a consolidated response to Defendants' motions.

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

9. In addition to the normal press of business, counsel for Plaintiff, David A. Lane drafted a Court of Appeals Reply Brief in *In Re K.S.E., et al.*, Case No. 2019CA1948 which was filed November 2, 2020, has conducted three depositions in *Campen v. Geo Group, et al*, Civil Action Number 19-cv-01933-MEH which took a significant amount of time to prepare for and take, two depositions were on November 5, 2020 and another on November 9, 2020; prepared for

a discovery conference in *J.H. v. GEO Group, et al.*, Case No. 20-629 on November 19, 2020; and argued in the Tenth Circuit Court of Appeals on November 19, 2020 in *Stroup and Lee v. United Airlines*, Appeal No. 19-1373, Civ. Action No. 15-cv-01389-DDD-STV which required a significant amount of preparation.

10. In addition to the usual press of business, counsel for Plaintiff, Helen Oh, who will be primarily responsible for drafting the Consolidated Response, spent a substantial amount of time to prepare the materials for, and attend five depositions in *Campen v. Geo Group, et al.*, Civil Action Number 19-cv-01933-MEH, two on November 5, 2020, another on November 9, 2020, and two on November 11, 2020; researched and drafted a discovery statement and participated in a discovery hearing in *Colbruno v. Kessler*, 17-cv-01072-DDD-NRN on November 12, 2020; argued in the Tenth Circuit Court of Appeals on November 18, 2020 in *Harris v. Mahr*, Appeal No. 20-1002, Civ. Action No. 1:19-cv-00572 which required significant preparation; and is preparing a mediation statement in *Camacho v. Vestas* (pre-litigation) due November 25, 2020.

11. In addition to the normal press of business, counsel for Plaintiff, Andy McNulty, has been involved in a number of pressing matters related to the COVID-19 pandemic seeking emergency injunctive relief (and, therefore, immediate briefing and litigation), including: filing a preliminary injunction (and associated briefing) in a case aimed at protecting Denver's homeless population from COVID-19 infection, *Denver Homeless Out Loud, et al. v. Denver, et al.*, 1:20-cv-02985-WJM-SKC; negotiating a consent decree to protect Colorado's prison population from COVID-19 infection, *Winston, et al. v. Polis, et al.*, 2020CV031823; and negotiating a consent decree to protect those confined in the Weld County Jail from COVID-19 infection, *Carranza, et*

*al. v. Reams*, 1:20-cv-00977-PAB-SKC. These time-sensitive, life-and-death matters have resulted in Mr. McNulty needing additional time to work on this consolidated response.

12. WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant her request for a six (6) day extension of time to file her consolidated response to Defendants' motion to dismiss and motion for summary judgment, up to and including November 30, 2020, and for such other and further relief as the Court deems just and proper.

Respectfully submitted this November 24, 2020.

**KILLMER, LANE & NEWMAN, LLP**

*s/ Helen Oh* \_\_\_\_\_

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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that pursuant to Section II.D.2.b. of Hon. William J. Martinez’s Practice Standards a true and correct copy of the above and foregoing was contemporaneously served via email on Plaintiff Michaela Surat.

s/ Jamie Akard  
Jamie Akard

I certify that pursuant to Section II.D.2.b. of Hon. William J. Martinez’s Practice Standards a true and correct copy of the above and foregoing was contemporaneously served via email on Defendants Fort Collins and Randall Klamser.

s/ Jamie Akard  
Jamie Akard