

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, and,  
CITY OF FORT COLLINS, a municipality,

Defendants.

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**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE A REPLY, MOTION TO FILE A CONSOLIDATED REPLY, AND MOTION TO  
EXCEED THE COURT'S PAGE LIMITATION**

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Defendants RANDALL KLAMSER, in his individual capacity, and the CITY OF FORT COLLINS, a municipality, by and through their attorneys, Mark S. Ratner, Hall & Evans, L.L.C., and John R. Duval, Fort Collins City Attorney's Office, hereby submits the following as Defendants' Unopposed Motion for Extension of Time to File a Reply, Motion to File a Consolidated Reply, and Motion to Exceed the Court's Page Limitation.

**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.

**CERTIFICATE OF COMPLIANCE WITH THE HONORABLE WILLIAM J.  
MARTINEZ' PRACTICE STANDARD II(D)(2)(b)**

As noted in the Certificate of Service, a copy of this Motion was served via email to Officer Randy Klamser, and John Duval, Fort Collins City Attorney's Office.

1. According to the allegations of Plaintiff's Complaint, this matter generally arises out of the arrest of Plaintiff, Michaella Surat, by City of Fort Collins Police Officer Randal Klamser. Plaintiff alleges a violation of her Fourth Amendment rights and the purported use of excessive force to effectuate her arrest.

2. On September 14, 2020, the City of Fort Collins ("City") filed a Motion to Dismiss Plaintiff's First Amended Complaint (ECF 108).

3. On October 13, 2020, the Defendants filed a Motion for Summary Judgment, which sought dismissal of all claims on behalf of the City and Officer Klamser (ECF 118)<sup>1</sup>.

4. On October 19, 2020, the Plaintiff filed a Motion seeking leave to file a consolidated response to both the Motion to Dismiss and the Motion for Summary Judgment (ECF 120). The Court granted Plaintiff's Motion on October 21, 2020, and further ordered that any response was not to exceed 50-pages (ECF 124).

5. On November 20, 2020, the Plaintiff filed her response (ECF 128). The pleading is 44-pages in length, accompanied by approximately 565 pages of exhibits, plus videos (*See* ECF 128-1 to 128-21; 129-1 to 129-6; 130-133. ).

6. The current due date for a reply to both the Motion to Dismiss and Motion for Summary Judgment, is December 14, 2020.

7. In order to promote judicial efficiency, the Defendants seek leave to file a consolidated reply to Plaintiff's consolidated response. In addition, given the length of the response, the Defendants also seek leave to file a pleading no more than 30-pages in length.

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<sup>1</sup> The filing of both a Motion to Dismiss and a Motion for Summary Judgment on behalf of the City, was necessitated by the filing of an amended complaint and the deadlines set forth in the operative scheduling order.

8. Furthermore, the Defendants seek a 21-day extension of time, or until January 4, 2021, in which to file a consolidated reply. The extension is necessary in order to have sufficient time to properly assess the approximately 565 pages of exhibits along with the response. Furthermore, two-attorneys from Hall & Evans who were working on this matter, have either left or will soon leave, the Firm. (*See* ECF 117 (withdrawal of Gillian Dale))<sup>2</sup>. Lastly, a 21-day extension of time is requested, due to the upcoming holidays.

WHEREFORE, Defendants respectfully request an extension of time until January 4, 2021, to file a consolidated reply in support of their Motion to Dismiss and Motion for Summary Judgment, not to exceed 30 pages.

Dated this 7<sup>th</sup> day of December, 2020.

Respectfully submitted,

*s/ Mark S. Ratner*

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and

*s/ John R. Duval*

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**ATTORNEYS FOR DEFENDANTS**

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<sup>2</sup> Brenden Desmond has or will be filing his notice of withdrawal.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7<sup>th</sup> day of December, 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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***Attorneys for Plaintiff***

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**ATTORNEYS FOR DEFENDANTS**