

**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 TO RESTRICT PUBLIC ACCESS TO EXHIBITS 12 & 13 TO
PLAINTIFF'S CONSOLIDATED RESPONSE TO DEFENDANTS' MOTION TO
DISMISS AND MOTION FOR SUMMARY JUDGMENT [DOC. 128]**

Plaintiff, through undersigned counsel and pursuant to D.C.COLO.LCivR. 7.2, hereby moves this Court to restrict public access to Exhibits 12 and 13 to Plaintiff's Consolidated Response to Defendants' Motion to Dismiss and Motion for Summary Judgment [Doc. 128], confidential exhibits were filed under Level 1 Restriction with the Notice of Confidential Exhibits [Doc. 129-1 and 129-2]. As grounds for this Motion, Plaintiff states as follows:

1. This Court entered the Protective Order on January 24, 2020. [Doc. 75.]
2. The Protective Order requires that in the event it is necessary for the parties to file Confidential Information with the Court in connection with any motion, the Confidential Information shall be filed in accordance with the requirements of D.C.COLO.LCivR 7.2. The parties agreed that any Confidential or Confidential-Attorneys Only information will be filed at Level I Restricted.

3. Pursuant to the Protective Order, information that implicates statutory, regulatory, or common law right of privacy or protection, or otherwise contain nonpublic personal, personnel, employment, private, medical, tax or other information implicating privacy interests or safety and security concerns of either the Plaintiffs or Defendants may designate such documents or information as “Confidential.” [Doc. 75, ¶ 3.]

4. On December 1, 2020, Plaintiff filed her Consolidated Response to Defendants’ Motion to Dismiss and Motion for Summary Judgment [Doc. 128].

5. Contemporaneously therewith, Plaintiff filed a Notice of Confidential Exhibits attaching Exhibits 12 and 13 as Level 1 restricted, giving access to the parties and the Court. *See* [Docs. 129-1 and 129-2].

6. Plaintiff has an interest in keeping these documents, which are Plaintiff’s medical records, confidential, as it contains Plaintiff’s private medical information.

7. Plaintiffs have considered a less restrictive alternative to a Motion to Restrict Access; however, due to the nature of the records, a less restrictive alternative is not available to Plaintiff at this time.

8. Plaintiff would suffer injury if access is not restricted because public access to their private and sensitive medical information would intrude on their right to privacy.

9. Plaintiff seeks a continued Level 1 Restriction limiting access to the Parties and the Court.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

6. Counsel for Plaintiff, Helen Oh, certifies that she conferred with counsel for

Defendants regarding the relief sought by this motion. Defendants stated that they do not oppose the relief therein.

WHEREFORE, Plaintiff respectfully requests that the Court restrict public access to Exhibits 12 and 13 to Plaintiff's Consolidated Response to Defendants' Motion to Dismiss and Motion for Summary Judgment, filed with the Notice of Confidential Exhibits [Doc. 129-1 and 129-2], and for any other relief deemed just and proper.

Respectfully submitted this 9th day of December 2020.

Respectfully Submitted,

/s/ Helen Oh

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CERTIFICATE OF SERVICE

I certify that on this 9th day of December 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will generate a Notice of Electronic Filing to the following email addresses:

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