

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 La Porte Avenue, Suite 100 Fort Collins, Colorado 80521	DATE FILED: May 13, 2014 5:47 PM FILING ID: 832B1752669D6 CASE NUMBER: 2013CV31385
<b>Plaintiff:</b>  COLORADO OIL & GAS ASSOCIATION  v.  <b>Defendant:</b>  CITY OF FORT COLLINS, COLORADO	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Attorneys for Plaintiff Colorado Oil & Gas Association:  Name(s): Mark J. Mathews, #23749 John V. McDermott, #11854 Wayne F. Forman, #14082 Michal D. Hoke, #41034  Address: BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, Colorado 80202-4437  Phone: 303.223.1100 FAX : 303.223.1111 E-mail: mmathews@bhfs.com; jmcdermott@bhfs.com wforman@bhfs.com; mhoke@bhfs.com	Case Number: 2013CV31385  Div.: 5B
<b>PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME,          WITH EXPEDITED TREATMENT REQUESTED</b>	

Plaintiff Colorado Oil & Gas Association (“COGA”), by and through its counsel, respectfully moves the Court for an 11-day extension of time to file a combined response to the City of Fort Collins’s (the “City”) cross-motion for summary judgment and reply in support of COGA’s motion for summary judgment and for the City to have a comparable extension to file its reply brief.

As grounds for this motion, COGA states as follows:

## CERTIFICATE OF CONFERRAL

Pursuant to C.R.C.P. 121, § 1-15(8), undersigned counsel certifies that he has in good faith conferred with counsel for the City and the City does not object to the relief requested in this motion.

1. On Friday, May 9, 2014, the City timely filed its combined brief responding to COGA's pending motion for summary judgment and supporting the City's contemporaneously-filed cross-motion for summary judgment. Under the Court's April 1, 2014 scheduling order, COGA's response to the City's cross-motion and reply in support of its summary judgment motion are due to be filed this Friday, May 16, 2014, with the City's reply on its cross-motion due the following week on May 23, 2014.

2. For several reasons, COGA requires additional time to prepare an adequate reply and response to the City's cross-motion for summary judgment. First, the City's cross-motion, rather than involving reciprocal arguments involving the same legal principles as COGA asserted, addresses many matters beyond COGA's original motion. COGA requires more than a week to evaluate the new case law, 22 new factual assertions and seven exhibits the City presents. Second, COGA's responsible attorneys are involved in depositions this week and other matters that will not allow them to devote the time necessary to prepare an adequate response/reply brief.

3. Accordingly, COGA requests an additional 11 days, up to and including May 27, 2014, in which to file its combined response/reply brief on these competing motions for summary judgment. With the extension, COGA would have a total of 18 days to respond to the City's cross-motions, still fewer than the 21 days available under Rule 121 § 1-15.1(b) for a response brief.

4. In addressing this matter with the City's counsel, the City requested a similar extension to file its reply brief to account for existing obligations and schedules. The City requested, and COGA agrees, that the City's deadline for filing its reply brief be correspondingly extended until June 13, 2014.

5. Given the impendency of the existing May 16, 2014 deadline, COGA requests that the Court act on this request on an expedited basis.

6. There are no other deadlines set in this case and these extensions will not unduly delay this matter nor prejudice any party to this action.

7. COGA has not previously requested any extensions of time to file its combined reply and response brief.

WHEREFORE, COGA respectfully requests the Court enter an order: granting an 11-day extension up to and including May 27, 2014, in which COGA may file its combined response to the City's cross-motion for summary judgment and reply in support of COGA's own

summary judgment motion; and extending until June 13, 2014, the City's deadline for filing a reply brief.

DATED: May 13, 2014.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/ Mark J. Mathews  
Mark J. Mathews, #23749  
John V. McDermott, #11854  
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*Attorneys for Plaintiff Colorado Oil and Gas Association.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of May, 2014, I filed the foregoing **PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME, WITH EXPEDITED TREATMENT REQUESTED** with the clerk of Court via ICCES which will send notification of such filing to the following:

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