

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 14-cv-03111-REB-KLM

JULIE REISKIN, et al.,

Plaintiffs,

v.

REGIONAL TRANSPORTATION DISTRICT, a/k/a RTD, a political subdivision of the  
State of Colorado

Defendant.

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**ORDER**

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**Blackburn, J.**

The matter before me is **RTD's Motion To Strike Plaintiffs' Motion for Summary Judgment Regarding Liability [ECF No. 82], or in the Alternative, for Extension of Time To Respond [#87]**,<sup>1</sup> filed August 26, 2015. Defendant moves to strike **Plaintiffs' Motion for Summary Judgment Regarding Liability [#82]**, filed August 19, 2015, because plaintiffs have already filed one motion for summary judgment (**see Plaintiffs' Cross-Motion for Summary Judgment Seeking Declaration That Settlement Agreement and Release Apply Only to Fixed Route Buses [#71]**, filed July 9, 2015) and failed to seek leave of the court to exceed the page limitations established by my Civil Practice Standards when filing their subsequent summary judgment motion. **See** REB Civ. Practice Standards IV.B.2 ("If a party elects

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<sup>1</sup> "[#87]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

to file more than one Rule 56 motion, then the motions and response briefs shall not exceed **twenty (20) pages** total for all such motions (not each such motion) filed by that party.”).

However, just prior to the filing of defendant’s motion, plaintiffs moved for and were granted leave to withdraw their earlier summary judgment motion. (**See Minute Order** [#89], filed August 26, 2015.) Plaintiffs therefore effectively have filed but one summary judgment motion, which complies with the court’s Civil Practice Standards. Defendants’ motion to strike therefore is moot, and will be denied on that basis.

Although stated in the alternative, defendants additionally seek an extension of time to respond to the motion for summary judgment in order to conduct additional discovery, as contemplated by Fed. R. Civ. P. 56(d). Given the averments of the motion, substantiated by the affidavit appended thereto, and being fully advised of the premises, the court finds and concludes that the motion for extension of time is well-taken and thus should be granted.

**THEREFORE, IT IS ORDERED** as follows:

1. That **RTD’s Motion To Strike Plaintiffs’ Motion for Summary Judgment Regarding Liability [ECF No. 82], or in the Alternative, for Extension of Time To Respond** [#87], filed August 26, 2015, is granted in part and denied as moot in part;

2. That the motion is denied as moot to the extent it seeks to strike plaintiffs’ noncompliant summary judgment motion;

3. That the motion is granted to the extent it seeks an extension of the deadline to respond to **Plaintiffs’ Motion for Summary Judgment Regarding Liability** [#82],

filed August 19, 2015; and

4. That defendant's response to **Plaintiffs' Motion for Summary Judgment Regarding Liability** [#82], filed August 19, 2015, shall be due by **November 9, 2015**.

Dated August 27, 2015, at Denver, Colorado

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge