

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-cv-02802-REB- MEH

JEREMY C. MYERS,

Plaintiff,

v.

BRIAN KOOPMAN, in his individual capacity,

Defendant.

**DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT RESPONSE
TO PLAINTIFF'S MOTION TO CERTIFY DEFENDANT'S APPEAL AS
FRIVOLOUS AND FORFEITED**

DEFENDANT Brian Koopman ("Koopman"), by and through his attorneys, the Loveland City Attorney's Office and Wick & Trautwein, LLC, hereby respectfully moves that the Court grant leave for Koopman to supplement his Response to Plaintiff's Motion to Certify Defendant's Appeal as Frivolous and Forfeited [#158, filed 08/05/11], and in support hereof, states as follows:

D.C. Colo. LCivR. 7.1A Certificate

1. Pursuant to D.C. Colo. LCivR. 7.1A, undersigned defense counsel hereby certifies that he has conferred with Plaintiff's counsel. Plaintiff is opposed to the relief requested herein.

2. Since the filing by Defendant of his Response to Plaintiff's Motion to Certify Defendant's Appeal as Frivolous and Forfeited [#158], Koopman has filed his

Appellant's Opening Brief in the United States Court of Appeals for the Tenth Circuit, a copy of which is attached hereto as **Exhibit A**.

3. Koopman adopts and incorporates herein by reference his aforesaid Appellate Opening Brief as further justification in support of his opposition to Plaintiff's Motion to Certify Defendant's Appeal as Frivolous and Forfeited [#157, filed 08/03/11].

WHEREFORE, Koopman respectfully requests the Court grant leave for him to supplement his Response to Plaintiff's Motion to Certify Defendant's Appeal as Frivolous and Forfeited [#158] by submitting this motion and the accompanying Appellant's Opening Brief in further support of Koopman's opposition to Plaintiff's Motion to Certify Defendant's Appeal as Frivolous and Forfeited [#157].

DATED this 16th day of August, 2011.

WICK & TRAUTWEIN, LLC

LOVELAND CITY ATTORNEY'S OFFICE

By: s/Kent N. Campbell
Kent N. Campbell
Kimberly B. Schutt
323 S. College Avenue, Suite 3
Fort Collins, Colorado 80524
Telephone: (970) 482-4011
Fax: (970) 482-8929
kcampbell@wicklaw.com
kschutt@wicklaw.com
Attorneys for Defendant Brian Koopman

By: s/John R. Duval
John R. Duval
500 East 3rd Street
Loveland, Colorado 80537
Telephone: (970) 962-2540
Fax: (970) 962-2900
duvalj@ci.loveland.co.us
Attorneys for Defendant Brian Koopman

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 16, 2011, I electronically filed the foregoing DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT RESPONSE TO PLAINTIFF'S MOTION TO CERTIFY DEFENDANT'S APPEAL AS FRIVOLOUS AND FORFEITED using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Randall R. Meyers, Esq.
315 W. Oak, Suite 100
Fort Collins, CO 80521
randy.meyers@att.net
Attorney for Plaintiff

s/Jennifer Jones
Legal Assistant to Kent N. Campbell