

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:16-CV-1026

COMMON CAUSE; THE NORTH
CAROLINA DEMOCRATIC PARTY;
LARRY D. HALL; DOUGLAS BERGER;
CHERYL LEE TAFT; RICHARD TAFT;
ALICE L. BORDSEN; MORTON LURIE;
WILLIAM H. FREEMAN; MELZER A.
MORGAN, JR.; CYNTHIA S. BOYLAN;
COY E. BREWER, JR.; JOHN MORRISON
MCNEILL; ROBERT WARREN WOLF;
JONES P. BYRD; JOHN W. GRESHAM;
RUSSELL G. WALKER, JR.,

Plaintiffs,

v.

ROBERT A. RUCHO, in his official capacity
as Chairman of the North Carolina Senate
Redistricting Committee for the 2016 Extra
Session and Co-Chairman of the Joint Select
Committee on Congressional Redistricting;
DAVID R. LEWIS, in his official capacity as
Chairman of the North Carolina House of
Representatives Redistricting Committee for
the 2016 Extra Session and Co-Chairman of
the Joint Select Committee on Congressional
Redistricting;
PHILIP E. BERGER, in his official capacity as
the President Pro Tempore of the North
Carolina Senate;
TIMOTHY K. MOORE, in his official
capacity as the Speaker of the North Carolina
House of Representatives;
A. GRANT WHITNEY, JR., in his official
capacity as Chairman and acting on behalf of
the North Carolina State Board of Elections;

MOTION FOR EXTENSION
OF TIME

(Fed. R. Civ. P. 6(b) and 15(a)(3))

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS; and

THE STATE OF NORTH CAROLINA

Defendants.

NOW COMES the Defendants, Robert A. Rucho, David R. Lewis, Philip E. Berger, Timothy K. Moore, A. Grant Whitney, the North Carolina State Board of Elections, and the State of North Carolina (“State Defendants”), by and through undersigned counsel, pursuant to Rules 6(b) and 15(a)(3) of the Federal Rules of Civil Procedure, and move this Court for an order to extend time to file an answer or otherwise plead in the above-titled action. In support hereof, State Defendants show the following:

1. Plaintiffs’ filed their Complaint for Declaratory Judgment and Injunctive Relief on 5 August 2016.
2. State Defendants waived service of the original Summons and Complaint on 9 August 2016.
3. Plaintiffs filed their First Amended Complaint for Declaratory Judgment and Injunctive Relief on 7 September 2016.
4. The time for filing an answer or other pleading has not yet expired.
5. This motion is not being made for the purpose of delay, but is made based upon current assignments and the need for time to prepare a response.
6. Counsel for Plaintiffs do not oppose this motion.

THEREFORE, State Defendants respectfully request the Court for an order extending the time to file an answer or otherwise plead up to and including 31 October 2016.

This the 15th day of September, 2016.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Alexander McC. Peters
Alexander McC. Peters
Senior Deputy Attorney General
State Bar No. 13654
Email: apeters@ncdoj.gov

/s/ James Bernier, Jr.
James Bernier, Jr.
Assistant Attorney General
State Bar No. 45869
Email: jbernier@ncdoj.gov

North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602
Tele. No.: (919) 716-6900
Fax No.: (919) 716-6763

CERTIFICATE OF SERVICE

I certify that on 15 September 2016, I electronically filed the foregoing MOTION FOR EXTENSION OF TIME and Proposed ORDER with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 15th day of September, 2016.

/s/ Alexander McC. Peters
Alexander McC. Peters
Senior Deputy Attorney General