

SUPREME COURT OF NORTH CAROLINA  
\*\*\*\*\*

HOKE COUNTY BOARD OF	)	
EDUCATION, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	<u>From Wake County</u>
CHARLOTTE-MECKLENBURG	)	
BOARD OF EDUCATION,	)	
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
STATE OF NORTH CAROLINA,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

\*\*\*\*\*  
SECOND MOTION FOR EXTENSION OF TIME  
TO FILE AND SERVE  
DEFENDANT-APPELLANTS' NEW BRIEF  
\*\*\*\*\*

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Defendant-Appellant the State of North Carolina moves the Court pursuant to Rule 27(c) of the North Carolina Rules of Appellate Procedure for an additional 12-day extension of time in which to file its New Brief in this matter. In support of this motion, Defendant-Appellant shows:

1. In an Order entered on 25 March 2013, this Court granted the State's Motion for additional time, providing that Appellant's New Brief shall be filed and served by 8 May 2013.

2. The Solicitor General is counsel of record for the Respondent in *Sandhill Amusements, Inc. v. State of North Carolina* (Docket No. 12-973), a petition for a writ of certiorari from the United States Supreme Court. Petitioners are seeking review of this Court's decision entered on 14 December 2012 upholding the constitutionality of N.C.G.S. § 14-306.4, which bans the operation of electronic machines that conduct sweepstakes through the use of an entertaining display. By order of the Court, the State's response to the Petition must be filed on or before 8 May 2013.

3. The Solicitor General respectfully requests an additional 12-day extension of time, up to and including 20 May 2013, so that the important issues presented in this case can be appropriately addressed in the Defendant-Appellant's New Brief.

4. Counsel for the Plaintiff-Appellees, as well as counsel for the Defendant-Appellee State Board of Education, have both granted permission to indicate in this Motion that they do not oppose the requested extension.

WHEREFORE, the State of North Carolina moves the Court to enter an order extending the time for filing the Defendant-Appellant's New Brief by twelve (12) days, through and including 20 May 2013.

Respectfully submitted, this the 29<sup>th</sup> day of April, 2013.

ROY COOPER  
Attorney General

Electronically Submitted  
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State of North Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing **SECOND MOTION FOR EXTENSION OF TIME TO FILE AND SERVE DEFENDANT-APPELLANT'S NEW BRIEF** upon all other parties to this cause by:

- ☐ Hand delivering a copy hereof to each said party or to the attorney thereof;
- ☐ Transmitting a copy hereof to each said party via facsimile transmittal; or
- ☒ Depositing a copy hereof, first class postage pre-paid in the United States mail, properly addressed to:

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This the 29<sup>th</sup> day of April, 2013.

Electronically Submitted  
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Solicitor General