

NORTH CAROLINA COURT OF APPEALS

CITY OF ASHEVILLE,)
a municipal corporation,)
))
Plaintiff,)
))
v.)
))
STATE OF NORTH CAROLINA)
and the METROPOLITAN SEWERAGE)
DISTRICT OF BUNCOMBE COUNTY,)
))
Defendants.)

From Wake County

DEFENDANT-APPELLANT STATE OF NORTH CAROLINA'S
CONSENT MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

NOW COMES defendant-appellant State of North Carolina, pursuant to Rule 27 of the North Carolina Rules of Appellate Procedure, with the consent of plaintiff, and respectfully requests a 60-day extension of time, to and including 20 February 2015, within which to file its brief in this matter. In support of this motion, defendant-appellant shows the following:

1. Defendant-appellant filed the record in this matter on 20 November 2014.
2. Defendant-appellant's brief currently is due on 22 December 2014.
3. Undersigned counsel for defendant-appellant has been and for approximately the next two months will continue to be undergoing chemotherapy and radiation treatments that prevent completion of appellant's brief prior to the current due date and will require the additional time requested for completion of said brief.
4. Counsel for plaintiff-appellee has been contacted by the undersigned and has indicated that the appellee consents to the requested extension of time.

WHEREFORE, defendant-appellant respectfully requests that the Court extend the deadline for filing of its brief in this matter for 60 days, to and including 20 February 2015.

Respectfully submitted this 11th day of December, 2014.

ROY COOPER
Attorney General

Electronically Submitted
Gary R. Govert
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing motion for extension of time was served this date upon counsel for the plaintiff-appellee by depositing a copy thereof in the United States mail, first class, postage prepaid, addressed to:

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This the 11th day of December, 2014.

Electronically Submitted
Gary R. Govert
Assistant Solicitor General