

NORTH CAROLINA COURT OF APPEALS

CITY OF ASHEVILLE,)
a municipal corporation,)
))
Plaintiff-Appellee,)
))
v.)
))
STATE OF NORTH CAROLINA,)
))
Defendant-Appellant,)
and)
))
THE METROPOLITAN SEWERAGE)
DISTRICT OF BUNCOMBE)
COUNTY,)
))
Defendant.)

From Wake County
No. 13 CVS 6691

PLAINTIFF-APPELLEE CITY OF ASHEVILLE’S
CONSENT MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

NOW COMES the Plaintiff-Appellee City of Asheville, through counsel and pursuant to Rule 27 of the North Carolina Rules of Appellate Procedure, with the consent of the Defendant-Appellant State of North Carolina, and respectfully requests a thirty-day extension of time, to and including 24 April 2015, within

which to file its principal brief in this matter. In support of this motion, Plaintiff-Appellee shows the following:

1. Defendant-Appellant filed the record in this matter on 20 November 2014.

2. On 16 December 2014, the Court entered an Order allowing “Defendant-Appellant State of North Carolina’s Consent Motion for Extension of Time to File Brief,” which granted Defendant-Appellant a sixty-day extension of time, through 20 February 2015, for filing its opening brief.

3. Defendant-Appellant filed its opening brief on 20 February 2015.

4. Plaintiff-Appellee was served with Defendant-Appellant’s brief on 20 February 2015, making Plaintiff-Appellee’s brief due, in the absence of an extension of time, on or before 25 March 2015.

5. This matter involves several complex and jurisprudentially important constitutional issues. The complexity of this matter combined with the significant commitment of time required in connection with lead counsel for Plaintiff-Appellee’s duties as the Mayor of the City of Charlotte render completing Plaintiff-Appellee’s brief by the current due date impracticable.

6. Counsel for Defendant-Appellant has been contacted by the undersigned and has indicated that the Defendant-Appellant consents to the requested extension of time.

7. This motion is not being made for purposes of delay.

WHEREFORE, Plaintiff-Appellee respectfully requests that the Court extend the deadline for filing of its principal brief in this matter by thirty days, to and including 24 April 2015.

Respectfully submitted this the 6th day of March, 2015.

s/Robin T. Currin
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s/Daniel G. Clodfelter
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I certify that all of the attorneys listed on this page have authorized me to list their names on this document as if they had personally signed it.

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Counsel for Plaintiff-Appellee City of Asheville

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing CONSENT MOTION FOR EXTENSION OF TIME TO FILE BRIEF was served this date upon counsel for the Defendant-Appellant State of North Carolina and Defendant Metropolitan Sewerage District of Buncombe County, North Carolina by depositing a copy thereof in the United States mail, first-class postage prepaid, addressed to:

State of North Carolina

c/o I. Faison Hicks, Special Deputy Attorney General
North Carolina Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

Metropolitan Sewerage District of Buncombe County, North Carolina

c/o William Clarke, General Counsel
Roberts & Stevens, P.A.
P.O. Box 7647
Asheville, NC 28802

c/o Stephen W. Petersen
Smith Moore Leatherwood, LLP
434 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601

This the 6th day of March, 2015.

s/Daniel G. Clodfelter
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