

NORTH CAROLINA COURT OF APPEALS

CITY OF ASHEVILLE,)
a municipal corporation,)
)
Plaintiff,)
)
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 TO EXPAND PAGE AND WORD LIMITATIONS

TO THE HONORABLE NORTH CAROLINA COURT OF APPEALS:

NOW COMES the Plaintiff-Appellee City of Asheville, through counsel and pursuant to Rules 2, 28 and 37 of the North Carolina Rules of Appellate Procedure, and respectfully moves the Court for an expansion of the page limitation for its principal brief from thirty-five to fifty pages, and expansion of the word-count

limitation for its principal brief from 8,750 words to 12,500 words. In support of this Motion, Plaintiff-Appellee shows the Court the following:

1. Plaintiff-Appellee's principal brief is currently due 25 March 2015.
2. Plaintiff-Appellee's counsel has conferred with Defendant-Appellant State of North Carolina's counsel and Defendant-Appellant consents to the requested expansions of the page and word limits.
3. Rule 28(j)(2) of the North Carolina Rules of Appellate Procedure imposes a thirty-five page limit for principal briefs using nonproportional type and 8,750 words for principal briefs using proportional type.
4. Due to the volume of material in the record and the complexity and significance of the issues involved in this appeal—including multiple issues of jurisprudential significance that turn on the interpretation of the North Carolina Constitution—Plaintiff-Appellee seeks to expand the page limit for its principal brief by fifteen pages, to a total of fifty pages, and to expand the word limit by 3,750 words, to a total of 12,500 words.

FOR THE FOREGOING REASONS, Plaintiff-Appellee, through counsel, respectfully requests that the Court enter an order expanding the word and page limits imposed by Rule 28(j)(2) of the North Carolina Rules of Appellate Procedure and granting it leave to file a principal brief of no more than fifty pages in length using nonproportional type or 12,500 words using proportional type.

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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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing CONSENT MOTION TO EXPAND PAGE AND WORD LIMITATIONS 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
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434 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601

This the 6th day of March, 2015.

s/Daniel G. Clodfelter
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