

SUPREME COURT OF NORTH CAROLINA

CITY OF ASHEVILLE, a Municipal Corporation,)

Plaintiff,)

v.)

From Wake County

STATE OF NORTH CAROLINA and the METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY,)

Defendants.)

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Pursuant to Rule 27(c)(2) of the North Carolina Rules of Appellate Procedure, plaintiff-appellant, the City of Asheville, respectfully moves for a seven-day extension of time to file its new brief in this appeal.

In support of this motion, the City shows the following:

1. On 28 January 2016, the Court issued an order that retained the City's notice of this constitutional appeal and allowed the City's petition for discretionary review.

2. Under Appellate Rules 14(d)(1), 15(g)(2), and 27(a), the City's new brief is currently due on Monday, 29 February 2016.

3. Counsel are working diligently on the City's new brief. Given the extensive record and the many legal authorities involved in this case, however, the City reasonably needs additional time to prepare its brief.

4. Granting the City the seven-day extension sought in this motion will allow the City to prepare a more focused brief, aiding the Court's review process.

5. This Court has not previously granted an extension of the City's briefing deadline.

6. Counsel for the City has contacted counsel for both appellees about this extension. Neither appellee objects to the extension sought here.

7. The extension of time is made in good faith and not for purposes of delay.

WHEREFORE, the City respectfully requests that the Court extend the City's deadline for filing its new brief by seven days, making the brief due on 7 March 2016.

Respectfully submitted, this 16th day of February, 2016.

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/s/ Electronically submitted
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N.C. R. App. P. 33(b) Certification:
I certify that all of the lawyers listed below have authorized me to list their names on this document as if they had personally signed it.

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CERTIFICATE OF SERVICE

I certify that today, I caused the attached document to be served on all counsel by e-mail and U.S. mail, addressed to:

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This 16th day of February, 2016.

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