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SUPREME COURT OF NORTH CAROLINA

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CITY OF ASHEVILLE, a municipal corporation, )

Plaintiff, )

vs. )

From Wake County

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

Defendants. )

\*\*\*\*\*

MOTION OF THE STATE OF NORTH CAROLINA FOR A TEN-DAY EXTENSION OF TIME WITHIN WHICH TO FILE AND SERVE ITS RESPONSIVE BRIEF IN THIS APPEAL

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TO THE HONORABLE SUPREME COURT OF THE STATE OF NORTH CAROLINA:

NOW COMES the State of North Carolina, the defendant-appellee in this matter, by and through the undersigned Special Deputy Attorney General of North Carolina, pursuant to Rule 27(c) of the North Carolina Rules of Appellate Procedure, and respectfully moves this Court for a ten (10)-day extension of the

State's time within which to file and serve its Responsive Brief in the above-captioned appeal.

In support of its Motion, the State respectfully shows unto this Court as follows:

1. Counsel for the defendant-appellant transmitted a copy of the defendant-appellant's New Brief in this matter to counsel for the State by electronic mail and by First-Class United States Mail on 3 March 2016.

2. Accordingly, the State's time within which to file and serve its Responsive Brief in this matter (*i.e.*, 5 April 2016) has not yet expired.

3. The undersigned is counsel for the State in this appeal. Said counsel is and has been working diligently to prepare the State's Responsive Brief; however, given the extensive record in this case and the number and length of judicial precedents and other legal authorities which bear upon this case, the undersigned needs ten additional days to complete the State's Responsive Brief.

4. The extension of time requested by this Motion will enable the State to provide the Court with a Responsive Brief that is of more meaningful assistance to the Court in its determination of this appeal.

5. Counsel for the defendant-appellant has consented to this motion and counsel for the Metropolitan Sewerage District of Buncombe County, North Carolina does not oppose this Motion.

6. The State has not previously sought any similar relief from this Court in this case.

7. The State files this Motion in good faith and not for any dilatory or other improper purpose.

WHEREFORE, for each of the foregoing reasons, the State of North Carolina respectfully prays that this Court grant its Motion; that it extend the State's time within which to file and serve the State's Responsive Brief by ten (10) days, through and including Friday, 15 April 2016; and that it grant the State such other and further relief as the Court may deem just and proper.

Respectfully submitted and electronically filed this 29<sup>th</sup> day of March 2016.

/s/ I. Faison Hicks

I. Faison Hicks

North Carolina State Bar Number 10672

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CERTIFICATE OF FILING AND SERVICE

This is to certify that, on the 29<sup>th</sup> day of March 2016, the undersigned caused the original of the State of North Carolina's Motion for a Ten-Day Extension of the State's Time Within Which to File and Serve its Responsive Brief in this matter to be filed electronically with the Office of the Clerk of Court of the North Carolina Supreme Court, pursuant to the North Carolina Rules of Appellate Procedure and the Rules of the North Carolina Supreme Court.

This is to further certify that, on the 29<sup>th</sup> day of March 2016, the undersigned caused a copy of the State of North Carolina's Motion for a Ten-Day Extension of the State's Time Within Which to File and Serve its Responsive Brief in this matter to be served by First-Class United States Mail, postage prepaid, on:

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This is to further certify that, on the 29<sup>th</sup> day of March 2016, the undersigned transmitted a courtesy copy of the State of North Carolina's Motion for a Ten-Day Extension of the State's Time Within Which to File and Serve its Responsive Brief in this matter to each of the above-listed counsel at the following email addresses: [matt.sawchak@elliswinters.com](mailto:matt.sawchak@elliswinters.com), [bob@csedlaw.com](mailto:bob@csedlaw.com), [rkp@longparker.com](mailto:rkp@longparker.com), [rcurrin@ashevillenc.gov](mailto:rcurrin@ashevillenc.gov), [bclarke@roberts-stevens.com](mailto:bclarke@roberts-stevens.com) and [steve.petersen@smithmoorelaw.com](mailto:steve.petersen@smithmoorelaw.com).

/s/ I. Faison Hicks

I. Faison Hicks