

No. COA20-304

TENTH JUDICIAL DISTRICT

NORTH CAROLINA COURT OF APPEALS

TOWN OF APEX,

Plaintiff-Appellee,

v.

BEVERLY L. RUBIN,

Defendant-Appellant.

From Wake County
15-CVS-5836

DEFENDANT-APPELLANT'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Pursuant to Rules 11(e) and 27(c)(2) of the North Carolina Rules of Appellate Procedure, Defendant-Appellant Beverly Rubin moves for an extension of time of two weeks, up to and including 30 June 2020, to file her opening brief. In support of this motion, Ms. Rubin shows the following:

1. The notice of appeal was filed on 29 January 2020.
2. The record on appeal was timely filed on 14 May 2020.
3. Ms. Rubin's opening brief is currently due to be filed on 15 June 2020.

4. The time period for filing the brief has not yet expired, and Ms. Rubin has not moved for a prior extension.

5. Ms. Rubin's counsel needs additional time to prepare her opening brief for several reasons.

6. First, the dispute between the parties involves two cases simultaneously on appeal before this Court. The two cases involve many of the same issues, but also several separate issues. Ms. Rubin, therefore, needs time to prepare two opening briefs within the same span of time, rather than just one brief.

7. Second, counsel for Ms. Rubin needs additional time due to conflicting deadlines in other appeals currently pending before this Court and the North Carolina Supreme Court. Currently, Ms. Rubin's counsel is scheduled to argue in the North Carolina Supreme Court on 15 June 2020 and is working on opening briefs for three different cases pending in the Supreme Court and two others in this Court.

8. Counsel for Plaintiff-Appellee consents to the requested motion for extension of time.

WHEREFORE, Ms. Rubin respectfully requests an extension of time of two weeks, up to and including 30 June 2020, in which to file her opening brief in this case.

This the 9th day of June, 2020.

FOX ROTHSCILD LLP

Electronically submitted

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

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Counsel for Defendant Beverly L. Rubin

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion was served on the following parties by first-class mail with the United States Postal Service, addressed as follows:

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This the 9th day of June, 2020.

/s/ Matthew Nis Leerberg
Matthew Nis Leerberg