

NORTH CAROLINA COURT OF APPEALS

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JOHANNA M. JONES,	)	
Plaintiff,	)	
	)	
vs.	)	<u>From Cabarrus County</u>
	)	
CEDRIC L. JONES,	)	
Defendant,	)	
	)	

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**DEFENDANT-APPELLANT'S MOTION  
FOR EXTENSION OF TIME TO FILE RESPONSE  
TO PLAINTIFF-APPELLEE'S BRIEF**

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TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

NOW COMES Defendant-Appellant, Cedric L. Jones, pursuant to Rule 27(c)(2) of the North Carolina Rules of Appellate Procedure, and hereby moves For an extension of time of fifteen (15) days, up to and including November 19, 2021, to file a response to the Brief by the Plaintiff-Appellee in the above-captioned matter. In support of this Motion, Defendant-Appellant shows unto the Court:

1. The record on appeal was filed on 9 August 2021.
2. Defendant-Appellant obtained an extension of time and timely filed Appellant's brief on 13 September 2021.
3. Plaintiff-Appellee's brief was to be filed on 18 October 2021; however, an

extension of time was requested and granted up to and including 17 November 2021.

4. Plaintiff-Appellee filed her Appellee Brief as well as a Motion to Dismiss on 20 October 2021.
5. Defendant-Appellant's Response to Appellee's brief is due to be filed on or before 4 November 2021.
6. The time period for filing a Response to Appellee's Brief has not yet expired, and Appellant has not moved for a prior extension in order to file a Response to Appellee's Brief.
7. This motion is made in good faith and not for the purpose of delay.
8. Since Plaintiff-Appellee filed the Motion to Dismiss and her brief the undersigned had the following appearances and circumstances necessitating actions outside the office requiring his attention:

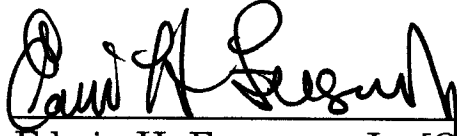
- a. Depositions had been agreed upon and scheduled for 27 October 2021 in Charlotte, North Carolina at the offices of Johnson, Allison and Hord in the case of *Frog Pond Grading and Paving Inc. v. Blythe Development Corporation*, 18 CVS 992, (Stanly County). It involves monies due on a construction contract that involved 20+ hours of preparation the weekend prior with representatives of Frog Pond.
- b. On Thursday 21 October 2021, my wife had cataract surgery on her second eye. She then was restricted to no driving and

- no lifting anything in excess of 10 lbs. I have had to be with her on all errands, church events, etc that she was involved.
- c. On Thursday 21 October 2021 and Friday 22 October 2021, I had made a reservation for CLE online. I received partial credit for both days between taking care of Wife and listening to a full program topic. Note Appellee's counsel was on the program.
  - d. On Thursday November 4, 2021, I am scheduled for mediation in Bazemore v Bazemore, 20 CVD 2352, Cabarrus County as well as a pretrial conference in that matter on 15 November 2021.
  - e. Brief and proposed order due in Clemons v Clemons on remand from the Court of Appeals before Judge Grossman as a result of our successful 2d appeal to the Court of Appeals in COA 20-272.
  - f. Depositions previously scheduled on the 15 and 18 of November in Bacon Development v DeYoung, 20 CVS 1799, Gaston County Superior Court which is scheduled for trial in January 2022.

WHEREFORE, Defendant-Appellant respectfully moves this Court under Appellate Rule 27(c) for an extension of fifteen (15) days, up to and including 19 November 2021 in which to file a Response to Appellee's Brief.

Respectfully submitted this the 2nd day of November 2021.

Ferguson, Hayes, & Hawkins PLLC



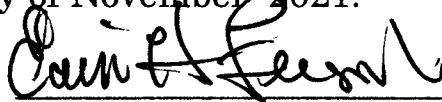
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing Motion to Extend Time to File Response to Plaintiff Appellee's Brief on counsel for the Plaintiff-Appellee by depositing a copy, contained in a first class postage paid wrapper, into a depository under the exclusive care and custody of the United States Parcel Service, and by email addressed as follows:

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FOX ROTHSCCHILD LLP  
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PO Box 27525  
Raleigh, North Carolina 27611

This the 2nd day of November 2021.



Edwin H. Ferguson Jr.