

No. COA22-256

THIRTEENTH DISTRICT

BEFORE THE NORTH CAROLINA COURT OF APPEALS

MAURICE DEVALLE

Petitioner/Appellee

V.

**N.C. SHERIFFS' EDUCATION
AND TRAINING STANDARDS
COMMISSION**

Respondent/Appellant

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) **From Columbus County**
) **No. 20CVS1273**
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**APPELLEE DEVALLE'S MOTION FOR
ENLARGEMENT OF TIME TO FILE HIS RESPONSE
BRIEF**

Now comes the Petitioner/Appellee, Maurice Devalle, and respectfully moves the Court to issue an order enlarging the time for Devalle to file his response brief.

As grounds for this motion, Devalle respectfully shows the Court as follows: Appellee's response brief is due to be filed on July 29, 2022. Devalle seeks an additional 30 days due to the extenuating circumstances described below.

Appellee's counsel is confronting extenuating circumstances, which necessitate this motion. The brief has been under development, but conflicts and other significant litigation responsibilities necessitates the additional time requested to conclude the brief in accordance with the standards of this Court.

This case is an occupational licensing case, with Appellee Devalle's career at stake. Appellant has filed an extensive brief, necessitating extensive research, analysis and responsive briefing.

Appellant Sheriffs' Commission does not oppose this motion, as per email communication among counsel.

Appellee Devalle's counsel is a sole practitioner and has two compelling reasons for the requested enlargement, which are further explained below: 1) Extraordinary existing litigation and briefing responsibilities; and 2) personal medical difficulties and constraints.

Counsel has been recently experiencing adverse effects of several medical conditions which necessitate substantial medications and frequent medical reviews and evaluations. Counsel recently has been unable to work due to some of his medical problems.

The undersigned counsel is also confronting some extenuating scheduling circumstances including but not limited to a large number of case responsibilities with unusually large and complex briefing coming due in a short period of time; multiple briefs and or proposed orders are due in other cases in July and August:

N.C. State Board of Education v. Matthew Minick (File No. COA22-303) - Counsel has a brief due in this Court on July 21, 2022, which will be filed on time this week.

Michael Mole' v. City of Durham, N.C. (Before N.C. Supreme Court; No. 394PA21) – Counsel has a Reply Brief due in the Supreme Court on August 2, 2022; this case is a complicated police termination case with extensive constitutional issues and lengthy briefing.

Anthony Sorangelo v. Todd Williams, Chief David Zack and the City of Asheville (File No. 22 CVS 00120) – Counsel has a brief due in Superior Court on July 31, 2022, with a hearing in Superior Court in distant Asheville on August 2, 2022.

Matthew Ward v. N.C. Department of Insurance (File No. 21 OSP 04775) - This case involves an eight-day employment termination trial with a transcript of nearly two thousand pages; Petitioner's Legal Brief and Argument and Proposed Decision are due on July 28, 2022; the required analysis, briefing and preparation of the proposed decision in this case is extraordinary lengthy.

Jarvis James v. N.C. Sheriffs' Education and Training Standards Commission (File No. 21 DOJ 00665) – Counsel just filed Petitioner's proposed 17-page order on July 15, 2022.

State v. Michael Shaw (Bladen Superior Court) – Felony assault charge against police officer; Counsel has an appearance in Superior Court on August 1, 2022.

Dijon Sharpe v. Winterville Police Department (No. 21-1827) – Major constitutional appeal scheduled for oral argument during the Fourth Circuit term of September 13-16.

Archie Quintana v. N.C. Sheriffs' Education & Training Standards Commission – Hearing scheduled for September 15, 2022.

Counsel cannot possibly meet all of these deadlines without some enlargement.

Wherefore, Appellee prays that this Court issue an order enlarging the time for filing the brief, so that Devalle shall have until August 28, 2022, to file his brief.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon Respondent's Counsel, Ms. Ameshia Cooper, North Carolina Department of Justice, Assistant Attorney General 9001 Mail Service Center, N.C. 27699-9001 via email to acooper@ncdoj.gov this 19th day of July, 2022.

/s/ J. Michael McGuinness
J. Michael McGuinness