

No. 410PA18-2

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

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TOWN OF APEX,	)	
	)	
Plaintiff-Appellant,	)	<u>From Wake County</u>
v.	)	15-CVS-5836
	)	COA20-304
BEVERLY L. RUBIN,	)	2021-NCCOA-187
	)	
Defendant-Appellee.	)	

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**JOINT MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT BRIEFS**

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NOW COMES Plaintiff-Appellant Town of Apex (“Town”) and Defendant-Appellant Beverly L. Rubin (“Rubin”), by and through counsel, pursuant to Rule 27 of the Rules of Appellate Procedure, and hereby request a thirty (30) day extension of time to file the Town’s New Appellant Brief and Rubin’s New Appellant Brief up to and including 20 December 2023. In support of said motion, the parties show to the Court the following:

1. On 8 June 2021 the Town filed a Petition for Discretionary Review.

2. On 21 June 2021 Rubin filed a Response to the Town Petition which included a conditional petition.

3. The Court allowed the Petition and the Conditional Petition on 20 October 2023.

4. The briefs for both the Town and Rubin are due to be filed in the Supreme Court on 20 November 2023. The time for filing the briefs with the Supreme Court has not expired.

5. Given counsel for the Town's heavy work load between when the Court granted the Petition on 20 October 2023 and 20 November 2023 which includes, among other things, an oral argument before this Court in case no. 351A22 and preparing briefs in two cases in the Court of Appeals in case nos. COA23-761 and COA23-969, it will be very difficult for counsel for the Town to complete and file the Town's appellant brief by 20 November 2023. Therefore, counsel for the Town requests a thirty (30) day extension to file the Town's appellant brief with the Court, through 20 December 2023.

6. Rubin joins this motion to request she also be granted a thirty (30) day extension to file her appellant brief with the Court, through 20 December 2023.

7. The parties are discussing the possibility of briefing this case and Case 206PA21 together for the convenience of the Court, and intend to file a motion to that effect shortly.

8. If the motion is granted, the Town and Rubin will file their appellant briefs with the Supreme Court on or before 20 December 2023.

Accordingly, for good cause shown, the Town and Rubin move the Court pursuant Rule 27(c) of the Rules of Appellate Procedure to extend the time therefore up to and including 20 December 2023 to allow counsel sufficient time to prepare and file the Appellant briefs.

Respectfully submitted, this the 17<sup>th</sup> day of November, 2023.

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## CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of the foregoing **JOINT MOTION FOR EXTENSION OF TIME TO FILE APPELLANT BRIEFS** upon the parties by electronic mail and by depositing the same in the United States mail, first class postage prepaid, addressed as follows:

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This the 17<sup>th</sup> day of November, 2023.

/s David P. Ferrell  
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