

No. 206PA21

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

TOWN OF APEX,)	
)	
Plaintiff-Appellant,)	<u>From Wake County</u>
v.)	19-CVS-6295
)	COA20-305
BEVERLY L. RUBIN,)	2021-NCCOA-188
)	
Defendant-Appellee.)	

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

NOW COMES Plaintiff-Appellant Town of Apex ("Town"), by and through counsel, pursuant to Rule 27 of the Rules of Appellate Procedure, and hereby requests a thirty (30) day extension of time to file the Town's Appellant Brief up to and including 20 December 2023. In support of said motion, the Town shows to the Court the following:

1. On 8 June 2021 the Town filed a Petition for Discretionary Review.
2. The Court allowed the Petition on 20 October 2023.

3. The Town's brief is due to be filed in the Supreme Court on 20 November 2023. The time for filing the Town's brief with the Supreme Court has not expired.

4. 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.

5. If the motion is granted, the Town will file their appellant brief with the Supreme Court on or before 20 December 2023.

6. Counsel for Appellee has been consulted and consents to the thirty (30) day extension to file this brief.

7. The parties are discussing the possibility of briefing this case and Case 410PA18-2 together for the convenience of the Court, and intend to file a motion to that effect shortly.

Accordingly, for good cause shown, the Town moves 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 Town's Appellant brief.

Respectfully submitted, this the 17th day of November, 2023.

/s/ David P. Ferrell

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFF-APPELLANT'S BRIEF** 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 17th day of November, 2023.

/s David P. Ferrell
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