

No. 410PA18-2

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

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

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
 RESPONSE BRIEFS TO NORTH CAROLINA ADVOCATES FOR
 JUSTICE *AMICUS CURIAE* BRIEF and PACIFIC LEGAL
 FOUNDATION *AMICUS CURIAE* BRIEF**

NOW COMES Plaintiff-Appellee 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 Response Brief to the *Amicus Curiae* Brief filed by North Carolina Advocates for Justice and the Response Brief to the *Amicus Curiae* Brief filed by Pacific Legal Foundation (“*Amicus* parties”) up to and including 8 April 2024. In support of said motion, the Town shows to the Court the following:

1. On 8 June 2021 the Town filed a consolidated Petition for Discretionary Review in 410PA18-2 and 206PA21.

2. On 21 June 2021 Rubin filed a consolidated Response to the Town Petition which included an additional issue. The Court construed Rubin’s additional issue as a conditional petition in 410PA18-2.

3. The Court allowed the Petition and the Conditional Petition in 410PA18-2 on 20 October 2023. The Court allowed the Petition in 206PA21 on 20 October 2023.

4. The Court ordered the consolidation of the cases and set a briefing scheduling on 20 December 2023.

5. The parties filed their initial briefs on 31 January 2024.

6. On 8 February 2024 the *Amicus Curiae* Brief for the North Carolina Advocates for Justice was filed herein.

7. On 8 February 2024 the *Amicus Curiae* Brief for Pacific Legal Foundation was filed herein.

8. The Town's response briefs to the two (2) *Amicus Curiae* Briefs filed by the *Amicus* parties are due to be filed in the Supreme Court on 11 March 2024. The time for filing the Town's responses with the Court has not expired.

9. Given counsel for the Town's heavy work load between now and 11 March 2024, including, but not limited to, because it has a consolidated response brief due herein on 8 March 2024 and a consolidated reply brief due herein on 28 March 2024, it will be very difficult for counsel for the Town to complete and file the Town's two (2) *Amicus* response briefs by 11 March 2024. Therefore, counsel for the Town requests a thirty (30) day extension to file the Town's two (2) *Amicus* response briefs with the Court, through 8 April 2024.

10. If the motion is granted, the Town will file its two (2) response briefs to the *Amicus Curiae* Briefs filed by the *Amicus* parties with the Court on or before 8 April 2024.

11. Counsel for both *Amicus* parties have been consulted and do not object to the thirty (30) day extension to file the *Amicus* response briefs.

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 8 April 2024 to allow counsel sufficient time to prepare and file the two (2) response briefs to the *Amicus Curiae* Briefs filed by the *Amicus* parties.

Respectfully submitted, this the 6th day of March, 2024.

/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 RESPONSE BRIEFS TO NORTH CAROLINA ADVOCATES FOR JUSTICE *AMICUS CURIAE* BRIEF** and **PACIFIC LEGAL FOUNDATION *AMICUS CURIAE* BRIEF** upon the parties by depositing the same in the United States mail, first class postage prepaid, addressed as follows:

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This the 6th day of March, 2024.

/s David P. Ferrell
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