

No. 124P24

TWENTY SIXTH JUDICIAL DISTRICT

NORTH CAROLINA SUPREME COURT

ATLANTIC COAST CONFERENCE,

Plaintiff-Appellee,

v.

BOARD OF TRUSTEES OF FLORIDA
STATE UNIVERSITY,

Defendant-Appellant.

From Mecklenburg County
No. 23-CV-040918-590

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO
PETITION FOR WRIT OF CERTIORARI**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

The Plaintiff-Appellee Atlantic Coast Conference (“ACC”) moves the Court under Rule 27(c) of the North Carolina Rules of Appellate Procedure for an extension of time of twenty days, up to and including 19 June 2024, in which to file its response to Defendant-Appellant Board of Trustees of Florida State University’s Petition for Writ of Certiorari (the “Petition”). In support of this motion, the ACC shows the Court:

1. On 17 May 2024, Defendant-Appellant filed and served via e-mail and U.S. Mail its Petition.

2. Under Rule 21(d) of the Rules of Appellate Procedure, the ACC has ten days to respond to the Petition. Under Rule 21(b) of the Rules of Appellate Procedure, an additional three days is added because the Petition was served by mail or e-mail. Thus, the ACC's current deadline to respond to the Petition is 30 May 2024.

3. Given that the Petition is 55 pages and includes more than 500 pages of exhibits, the ACC needs additional time to review the Petition and prepare a response to same. The ACC also has multiple interim deadlines in related litigation, which further supports the need for additional time.

4. Defendant-Appellant will not be prejudiced by the requested extension. Indeed, pursuant to Rule 37(c) of the Rules of Appellate Procedure, the ACC informed counsel for Defendant-Appellant that it intended to file this Motion and counsel for Defendant-Appellant consented to the requested extension.

5. Defendant-Appellee has also separately noticed an appeal in this matter and the underlying action has been stayed pending resolution of that appeal. Thus, extending the deadline to respond to the Petition will not delay the underlying proceedings or the separately noticed appeal, which has not yet been docketed because the parties are still preparing the proposed record on appeal in accordance with the Rules of Appellate Procedure.

6. This Motion is timely and not made for the purpose of delay.

7. For these reasons, good cause exists to grant the requested extension.

WHEREFORE, the ACC respectfully requests that the Court grant its Motion and extend its deadline to respond to the Petition by 20 days, up to and including 19 June 2024.

This 22nd day of May, 2024.

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N.C. R. App. P. 33(b) Certification: I certify that all of the attorneys listed below have authorized me to list their name on this document as if they had personally signed it.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on 22 May 2024 by e-mail to the following:

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