

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE)
CONFERENCE OF THE NAACP, *et al.*,)

Plaintiffs,)

v.)

1:13CV658

PATRICK LLOYD MCCRORY, in his)
official capacity as Governor of North)
Carolina, *et al.*,)

Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, *et al.*,)

Plaintiffs,)

and)

LOUIS M. DUKE, *et al.*,)

Plaintiffs-Intervenors,)

v.)

1:13CV660

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

1:13CV861

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE
OPPOSITION BRIEFS AND REPLY BRIEFS**

Defendants, by and through their undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, hereby respectfully move this Honorable Court for a two week extension of time for the parties to file opposition briefs and reply briefs in response to Plaintiffs' Motions for Preliminary Injunction and Defendants' Motion for Judgment on the Pleadings, respectively. For the following reasons, Defendants respectfully request that the deadline for the parties to file opposition briefs be extended to June 23, 2014, and the deadline to file reply briefs be extended to July 7, 2014:

- (1) The Plaintiffs' Motions for Preliminary Injunction and the Defendants' Motion for Judgment on the Pleadings were all filed on May 19, 2014 and the responses are currently due on June 9, 2014. Thus, the time for responding to these motions has not yet expired.
- (2) While Defendants' filings consisted of approximately 40 pages, the Plaintiffs' Motions, briefs, and accompanying exhibits contain over 2,900 pages of complex argument and supporting documents, including 15 declarations from individual plaintiffs or representatives of organizational plaintiffs, 21 declarations from current or former legislators and elections officials, and numerous other documents. Two of the four trial attorneys for Defendants will be unavailable the week of June 2, 2014 due to their involvement in preparing Defendant's experts for deposition by Plaintiffs and in defending those expert witness depositions, which are scheduled for that week.

(3) Depositions of the Plaintiffs' expert witnesses are scheduled for June 18-20, 2014, and Defendants are attempting to schedule depositions for at least some of the fact witnesses who have submitted declarations on behalf of Plaintiffs. For instance, Defendants have informed Plaintiffs that Defendants intend to depose their witness Gary Bartlett, and by email dated May 26, 2014, Plaintiffs have indicated that they will not make Mr. Bartlett available for deposition until June 24, 2014 – more than two weeks after the current date for response briefs and even one day after the current due date for reply briefs. It would be inequitable and create an undue burden to require Defendants to respond to the Motions for Preliminary Injunction without the opportunity to cross examine Plaintiffs' experts and other witnesses upon whom Plaintiffs have relied in their motions and supporting memoranda, and without adequate opportunity to assess and evaluate those depositions and incorporate them into Defendant's responses to the preliminary injunction motions.

(4) In addition, while Defendants are preparing a response to Plaintiffs' 2900-page filing, Defendants are simultaneously preparing additional briefing on the legislative immunity issue currently pending before the Court. Per the Joint Status Report filed by the parties on May 22, 2014 (ECF 114 in Case No. 13-861), the parties have agreed to file an opening brief on the remaining legislative immunity issues on June 11, 2014, and responsive briefs on June 25, 2014. It would be inequitable and create an undue burden to require Defendants to

prepare this additional briefing without some additional time to respond to Plaintiffs' 2900-page filing.

(5) Counsel for the Defendants have consulted with counsel for the Plaintiffs regarding this request for an extension, and counsel for the Plaintiffs indicated that they would consent only to a short extension of three (3) days to file opposition briefs and reply briefs. While counsel for the Defendants appreciates Plaintiffs' consideration, an extension of three days simply does not adequately address the issues set forth above, nor does it allow adequate time for Defendants to respond to Plaintiffs' voluminous filings. At a minimum, an extension of two full weeks is needed to provide sufficient time for Defendants to respond to Plaintiffs' filings from May 19, 2014. Defendants do not oppose such extension applying to all motions that were filed on May 19, 2014.

WHEREFORE, Defendants respectfully request that the Court grant an extension of time as follows: (a) for the parties to file briefs in opposition to Plaintiffs' Motions for Preliminary Injunction and Defendants' Motion for Judgment on the Pleadings, respectively, by June 23, 2014; and (b) for the parties to file their respective reply briefs by July 7, 2014.

This the 27th day of May, 2014.

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CERTIFICATE OF SERVICE

I, Karl S. Bowers, Jr., hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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This, the 27th day of May, 2014.

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