

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

RALEIGH WAKE CITIZENS ASSOCIATION,)
et al.)

Plaintiffs,)

v.)

WAKE COUNTY BOARD OF ELECTIONS,)

Defendant.)

No. 5:15-cv-156

CALLA WRIGHT, et al.)

Plaintiffs,)

v.)

STATE OF NORTH CAROLINA, et al.)

Defendant.)

No. 5:13-cv-607

DEFENDANT’S UNOPPOSED MOTION TO EXTEND TIME

Defendant, through counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rules 6.1, 7.1(d), and 77.2(b), respectfully requests the Court for a 4-hour extension of time (from 4:00 p.m. to 8:00 p.m.) in which Defendant may respond to the Court’s August 7, 2016 Order. In support of this unopposed Motion, Defendant shows the following:

1. This Court entered its Order on August 7, 2016, directing Defendant to respond to the feasibility of four (4) specified districting plans.
2. Shortly after 10:00 p.m. on August 7, 2016, the North Carolina State Board of Elections appointed a new member to fill a vacancy on the Wake County Board of Elections.

3. The Wake County Board of Elections is scheduled to hold a duly-noticed meeting by teleconference today, August 8, 2016, at 5:30 p.m. That meeting was noticed on August 5, 2016.

4. One member of the Wake County Board of Elections, Ellis Boyle, an attorney, is scheduled to appear in the United States District Court for the Western District of North Carolina in Asheville, North Carolina and then return to Raleigh, North Carolina.

5. To the extent that counsel for Defendant may be required to consult with members of the Board prior to filing a response, Defendant respectfully requests a 4-hour extension of time (from 4:00 p.m. to 8:00 p.m.) to file its response to account for the addition of a new Board member, the previously scheduled Board teleconference at 5:30 p.m., and Mr. Boyle's limited availability during part of the day.

6. Counsel for Defendant is mindful of the exigent circumstances regarding the remedy in this matter and will endeavor to file Defendant's response as soon as possible before 8 p.m.

7. Counsel for Defendant has conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this request.

WHEREFORE, Defendant respectfully requests the Court to enter an Order granting Defendants a 4-hour extension of time to respond to the Court's August 7, 2016 Order, to and including 8:00 p.m. on August 8, 2016.

Respectfully submitted the 8th of August, 2016.

/s/ Charles F. Marshall

Charles F. Marshall

Matthew B. Tynan

Jessica Thaller-Moran

BROOKS, PIERCE, McLENDON,

HUMPHREY & LEONARD, L.L.P.

1700 Wells Fargo Capitol Center

150 Fayetteville Street

Raleigh, NC 27601

(919) 839-0300

cmarshall@brookspierce.com

mtynan@brookspierce.com

jthaller-moran@brookspierce.com

Counsel for Wake County Board of Elections

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

Anita S. Earls
Allison Jean Riggs
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, NC 27707
919-323-3380 x115
Fax: 919-323-3942
anita@southerncoalition.org
allison@southerncoalition.org
Counsel for Plaintiffs-Appellants

Respectfully Submitted,

/s/ Charles F. Marshall
Charles F. Marshall