

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

JOAQUÍN CARCAÑO, *et al.*,

Plaintiffs,

v.

ROY A. COOPER, III, *et al.*,

Defendants,

and

PHIL BERGER, *et al.*,

Intervenor-Defendants.

No. 1:16-cv-00236-TDS-JEP

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
RESPOND TO UNC DEFENDANTS' AND INTERVENOR-DEFENDANTS'
MOTIONS TO DISMISS AND TO FILE CONSOLIDATED RESPONSIVE BRIEF**

NOW COME Plaintiffs Joaquín Carcaño, Payton Grey McGarry, Hunter Schafer, Quinton Harper, Angela Gilmore, Madeline Goss, and American Civil Liberties Union of North Carolina (collectively, “Plaintiffs”), by and through their attorneys, and move the Court pursuant to Local Rules 6.1(a), 7.1, and 7.3 for an extension until December 1, 2017 to respond to the Motions to Dismiss filed by the University of North Carolina and President Margaret Spellings (collectively “UNC Defendants”) and Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore (D.E. 221, 222). Plaintiffs also move the Court pursuant to Local Rule 7.3 to file a single consolidated brief of 12,500

words in response to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss.

No party opposes this motion. In support thereof Plaintiffs state as follows:

1. On July 21, 2017, with the consent of all parties, Plaintiffs filed their Motion for Leave to File a Fourth Amended Complaint. (D.E. 207). As part of their motion for leave to file the Fourth Amended Complaint, Plaintiffs consented to an extension of time for Defendants and Intervenor-Defendants to answer, move against, or otherwise respond to Plaintiffs' Fourth Amended Complaint until 45 days from the date Plaintiffs' Fourth Amended Complaint was electronically filed. (D.E. 207, 208).

2. On September 7, 2017, Plaintiffs filed their Fourth Amended Complaint, seeking declaratory and injunctive relief and nominal damages (D.E. 210).

3. On October 23, 2017, Intervenor-Defendants and UNC Defendants separately filed Motions to Dismiss the Fourth Amended Complaint under Federal Rule of Civil Procedure 12(b). (D.E. 221, 222).

4. Pursuant to Local Rule 7.3(g) Plaintiffs' responses to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss are otherwise due on November 13, 2017.

5. In light of the time afforded to UNC Defendants and Intervenor-Defendants to review and respond to Plaintiffs' Fourth Amended Complaint, and the complexity of the issues raised in this litigation, Plaintiffs seek an extension of time until December 1, 2017 to respond to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss.

6. Because UNC Defendants and Intervenor-Defendants have raised certain similar and/or overlapping arguments, Plaintiffs also seek leave to file a single consolidated brief, in lieu of filing a separate brief in response to each motion.

7. Pursuant to Local Rule 7.3(d)(1), a responsive brief shall not exceed 6,250 words. Plaintiffs respectfully seek leave to file a single consolidated responsive brief of no more than 12,500 words.

8. A consolidated brief will provide an efficient presentation of Plaintiffs' responses to the Court and avoid duplicative briefing.

9. No party will be prejudiced by the relief sought in this motion.

10. No separate brief is required for these requests pursuant to Local Rule 7.3(j)(2).

11. No party opposes this motion and the relief it seeks.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully move that the Court enter an order extending the time for Plaintiffs to respond to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss until December 1, 2017 and granting leave to file a single consolidated responsive brief not to exceed 12,500 words in response to those motions.

* * *

Dated: November 6, 2017

Respectfully submitted,

/s/ Christopher A. Brook

Christopher A. Brook (NC Bar No. 33838)

Irena Como*

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*Appearing by special appearance pursuant to L.R. 83.1(d)

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Christopher A. Brook, hereby certify that on November 6, 2017, I electronically filed the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO UNC DEFENDANTS' AND INTERVENOR-DEFENDANTS' MOTIONS TO DISMISS AND TO FILE CONSOLIDATED RESPONSIVE BRIEF, using the CM/ECF system, and have verified that such filing was sent electronically using the CM/ECF system to all parties who have appeared with an email address of record.

/s/ Christopher A. Brook

Counsel for Plaintiffs

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[PROPOSED] ORDER

Having reviewed Plaintiffs' Unopposed Motion for Extension of Time to Respond to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss and to File Consolidated Responsive Brief, and for good cause shown,

It is hereby ORDERED that the consent motion is GRANTED;

It is further ORDERED that Plaintiffs shall have until December 1, 2017 to respond to UNC Defendants' and Intervenor-Defendants' Motions to Dismiss; and

It is further ORDERED that Plaintiffs may file a single consolidated responsive brief that shall not exceed 12,500 words.

IT IS SO ORDERED:

Dated: _____

The Honorable Thomas D. Schroeder
United States District Judge