

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

JOAQUÍN CARCAÑO, *et al.*,
Plaintiffs,

v.

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

v.

PHIL BERGER, *et al.*,
Intervenor-Defendants

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

**INTERVENOR-DEFENDANTS' AND
UNC DEFENDANTS' UNOPPOSED
JOINT MOTION TO EXTEND TIME
TO ANSWER**

Pursuant to Local Rules 7.1–7.3, Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore (“Intervenors”) and Defendants University of North Carolina and President Margaret Spellings (“UNC Defendants”) move for an extension of time to answer Plaintiffs’ Fourth Amended Complaint. Intervenors request that their time to answer be extended to 30 days after resolution of the pending motion for entry of a consent decree. *See* Doc. 216. The UNC Defendants request that their time to answer be extended to 30 days after resolution of their motion to dismiss Plaintiffs’ nominal-damages claims. Intervenors and UNC Defendants represent that the other parties to the case do not oppose this Motion.

Intervenors and UNC Defendants request expedited resolution of this Motion.

1. On September 30, 2018, this Court granted in part and denied in part the pending motions to dismiss the Fourth Amended Complaint. Doc. 248. The Court ordered that the parties confer about certain topics and submit supplemental briefing within 30 days. *Id.* at 63–64.

2. One topic for supplemental briefing is the pending motion for entry of a consent decree. Doc. 216. The Court has also requested additional briefing on Plaintiffs' nominal damages claims arising from HB 2, which are still to be resolved. Doc. 248 at 63.

3. Under Fed. R. Civ. P. 12(a)(4)(A), Intervenors' and UNC Defendants' answers to Plaintiffs' Fourth Amended Complaint are due on Monday, October 15, 2018.

4. Additional time to answer Plaintiffs' Fourth Amended Complaint — which is 103 pages long and contains 403 numbered paragraphs, Doc. 210 — would aid Intervenors and UNC Defendants in answering Plaintiffs' allegations.

5. The parties are in the process of conferring pursuant to the Court's order, as well as discussing proposals for future proceedings in this case. Extension of Intervenors' and UNC Defendants' time would aid the parties in addressing those issues and conserve the parties' resources.

6. The Court's resolution of outstanding issues, including the consent decree and Plaintiffs' nominal-damages claims, may substantially affect the nature of Plaintiffs' claims and of Intervenors' and UNC Defendants' answers. An extension of time would conserve the parties' resources for that reason as well.

7. This Court has already extended the Executive Branch Defendants' time to answer until 30 days after resolution of the motion for entry of a consent decree. Doc. 226; Doc. 248 at 64. Intervenors request the same extension, and UNC Defendants request a similar extension, for their answers.

8. Intervenors and UNC Defendants request expedited consideration and resolution of this motion.

CONCLUSION

This Court should grant Intervenor until 30 days after resolution of the pending motion for entry of a consent decree, and UNC Defendants until 30 days after resolution of the motion to dismiss Plaintiffs' nominal-damages claims, to file their answers to Plaintiffs' Fourth Amended Complaint.

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*appearing pursuant to Local Rule 83.1(d)

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Counsel for the UNC Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participating attorneys.

This the 10th day of October, 2018.

/s/ Stephen S. Schwartz
Counsel for Intervenor-Defendants

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[PROPOSED] ORDER

The unopposed motion of Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore and Defendants University of North Carolina and President Margaret Spellings (“UNC Defendants”) for extension of time to answer Plaintiffs’ Fourth Amended Complaint is GRANTED. Intervenor-Defendants’ time to answer is extended to 30 days after resolution of the pending motion for entry of a consent decree. *See* Doc. 216. The UNC Defendants’ time to answer is extended to 30 days after resolution of the motion to dismiss Plaintiffs’ nominal-damages claims.

DATE: _____

United States District Judge