

**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’
UNOPPOSED MOTION TO EXTEND
TIME**

Pursuant to Local Rules 7.1–7.3, Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore (“Intervenors”) move for an extension of time to file responses to Plaintiffs’ and Executive Branch Defendants’ Supplemental Joint Motion for Entry of a Consent Decree (“Joint Motion”). *See* Doc. 264. Responses are currently due today, February 1, 2019. Intervenors request a one-week extension to February 8.

Intervenors represent that the other parties to the case do not oppose this Motion.

Intervenors request expedited resolution of this Motion.

1. On September 30, 2018, this Court granted in part and denied in part the motions to dismiss the Fourth Amended Complaint. Doc. 248. At the time, Plaintiffs’ and Executive Branch Defendants’ original joint motion for a consent decree was pending. The Court ordered supplemental briefing on the consent decree within 30 days. *Id.* at 63–64.

2. The parties requested a briefing schedule for supplemental briefing on the consent decree. On the parties’ motion, Doc. 259, the Court entered a briefing schedule under which (1) Plaintiffs and the Executive Branch Defendants would “file a proposed

revised consent decree and supplemental briefing in support thereof” by December 21, 2019, (2) responses would be due February 1, 2019, and (3) reply briefs, if any, would be filed by February 15, 2019. Doc. 260.

3. Plaintiffs and the Executive Branch Defendants timely filed their Joint Motion.

4. The Joint Motion raises complex issues of federal jurisdiction and other subjects. Additional time to respond to the Joint Motion would be helpful to Intervenors in addressing those issues. In turn, additional time would aid the Court’s decisional process.

5. No party would be prejudiced by additional time for Intervenors to respond. This case is stayed until Intervenors and UNC Defendants serve their answers, which will not be due until after the Court resolves the Joint Motion and addresses supplemental briefing on Plaintiffs’ nominal damages claims. An additional week for briefing on the Joint Motion will not significantly delay proceedings.

6. Should Plaintiffs and the Executive Branch Defendants request an equivalent extension for time in which to file replies, now due on February 15, 2019, Intervenors would not object.

7. Intervenors request expedited consideration and resolution of this motion.

CONCLUSION

This Court should extend the time to respond to the Joint Motion, Doc. 264, until February 8, 2019.

By: /s/ Stephen S. Schwartz
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Respectfully submitted,
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*appearing pursuant to Local Rule 83.1(d)

Counsel for Intervenor-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 1st day of February, 2019.

/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 for extension of time to file responses to Plaintiffs’ and Executive Branch Defendants’ Supplemental Joint Motion for Entry of a Consent Decree (“Joint Motion”) is GRANTED. The time to file responses is extended to Friday, February 8, 2019.

DATE: _____

United States District Judge