

**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' AND EXECUTIVE BRANCH DEFENDANTS' UNOPPOSED  
JOINT MOTION FOR EXTENSION OF TIME TO REPLY TO INTERVENOR-  
DEFENDANTS' OPPOSITION TO PROPOSED CONSENT DECREE**

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”); and Defendants Roy A. Cooper III, Joshua Stein, Machel Sanders, Mandy K. Cohen, and James H. Trogdon III (“Executive Branch Defendants”), 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 February 22, 2019, to respond to the opposition filed by Intervenor-Defendants Senator Phil Berger and Speaker Tim Moore to the Proposed Consent Decree (D.E. 271). Intervenor-Defendants do not oppose

this motion. In support thereof Plaintiffs and Executive Branch Defendants state as follows:

1. On November 30, 2018, all parties filed a Joint Motion to Propose a Briefing Schedule on Plaintiffs' and Executive Branch Defendants' Proposed Consent Decree. (D.E. 259). The parties proposed that the Proposed Consent Decree and briefing in support thereof be filed by December 21, 2018; that any Opposition be filed by February 1, 2019; and that any Reply be filed by February 15, 2019.

2. On December 4, 2018, the Court entered a scheduling Order implementing that schedule. (D.E. 260).

3. On December 21, 2018, Plaintiffs and Executive Branch Defendants filed the Proposed Consent Decree and briefing in support thereof. (D.E. 264, 265, 266).

4. On February 1, 2019, Intervenor-Defendants, seeking a one-week extension, filed an Unopposed Motion for Extension of Time to File Response/Reply. (D.E. 268).

5. On February 1, 2019, the Court granted that Motion, and extended to February 8, 2019, the time to file Responses to the Proposed Consent Decree. (D.E. 269).

6. In light of the time afforded to Intervenor-Defendants to review and respond to the proposed consent decree, Plaintiffs and Executive Branch Defendants seek a corresponding one week extension, until February 22, 2019, to respond to Intervenor-Defendants' Opposition brief. The additional time is requested to appropriately research and address the points raised by Intervenor-Defendants' Opposition. Indeed, pursuant to

Local Rule 7.3(h)—and but for the Court’s December 4, 2018, Order—Plaintiffs’ and Executive Branch Defendants’ Reply briefs would otherwise be due February 22, 2019.

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

8. Intervenor-Defendants do not oppose this motion and the relief it seeks. In their motion seeking an extension of time, Intervenor-Defendants stated that they “would not object” “[s]hould Plaintiffs and the Executive Branch Defendants request an equivalent extension for time in which to file replies.” (D.E. 268).

WHEREFORE, for the foregoing reasons, Plaintiffs and Executive Branch Defendants respectfully move that the Court enter an order extending until February 22, 2019, the time for Plaintiffs and Executive Branch Defendants to respond to Intervenor-Defendants’ Opposition brief.

\* \* \*

Dated: February 8, 2019

Respectfully submitted,

/s/ Christopher A. Brook

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## CERTIFICATE OF SERVICE

I, Christopher A. Brook, hereby certify that on February 8, 2019, I electronically filed the foregoing PLAINTIFFS' AND EXECUTIVE BRANCH DEFENDANTS' JOINT UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO INTERVENOR-DEFENDANTS' OPPOSITION TO PROPOSED CONSENT DECREE, 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 and Executive Branch Defendants' Unopposed Joint Motion for Extension of Time to Reply to Intervenor-Defendants' Opposition to Proposed Consent Decree, and for good cause shown,

It is hereby ORDERED that the unopposed motion is GRANTED; and

It is further ORDERED that Plaintiffs and Executive Branch Defendants shall have until February 22, 2019 to reply to Intervenor-Defendants' Opposition.

IT IS SO ORDERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Thomas D. Schroeder  
United States District Judge