

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:19-CV-272-LCB-LPA

MAXWELL KADEL, JASON FLECK,
CONNOR THONEN-FLECK, by his next
friends and parents, JASON FLECK AND
ALEXIS THONEN, JULIA MCKEOWN,
MICHAEL D. BUNTING, JR., C.B., by
his next friends and parents, MICHAEL
D. BUNTING, JR. and SHELLEY K.
BUNTING, and SAM SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity
as State Treasurer of North Carolina, DEE
JONES, in her official capacity as
Executive Administrator of the North
Carolina State Health Plan for Teachers
and State Employees, UNIVERSITY OF
NORTH CAROLINA AT CHAPEL
HILL, NORTH CAROLINA STATE
UNIVERSITY, UNIVERSITY OF
NORTH CAROLINA AT
GREENSBORO, and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES,

Defendants.

MOTION FOR EXTENSION OF TIME

PURSUANT TO Fed. R. Civ. P. 6(b), Defendants University of North Carolina at Chapel Hill (“UNC”), North Carolina State University (“NCSU”) and University of North Carolina at Greensboro (“UNCG”), and collectively referred to as (“University

Defendants”), hereby request an extension of time in which to serve an answer or other response to Plaintiffs’ Complaint for Declaratory, Injunctive, and Other Relief. In support of this motion, University Defendants show the following:

1. On March 11, 2019, Plaintiffs filed their Complaint in the United States District Court, Middle District of North Carolina.

2. On or about March 13, 2019, University Defendants filed a Waiver of the Service of Summons in this Civil Action.

3. On July 8, 2019, University Defendants filed a Motion to Dismiss.

4. On March 11, 2020, the Court denied University Defendants’ Motion to Dismiss.

5. The time for University Defendants to file a responsive pleading is on or before March 25, 2020. This date has not passed.

6. Due to other pressing matters and responsibilities, the undersigned counsel needs additional time to consult with her clients and complete a response. An allowance of additional time will enable University Defendants and counsel to more accurately respond to Plaintiffs’ remaining claims and better preserve University Defendants’ rights and interests.

7. University Defendants do not seek an extension for any improper purpose.

8. Good cause exists for the requested extension of the deadline. In February and March 2020, University Defendants have been managing the ongoing and rapidly-evolving COVID-19 outbreak and its landscape. On or about March 14, 2020, Governor

Cooper issued an executive order closing all K-12 public schools in North Carolina, and banning gatherings of more than 100 people. University Defendants' employees and the undersigned counsel were encouraged to work with our supervisors to explore telework and alternate schedules. University Defendants and undersigned counsel are striving to balance the current state of emergency with pending court deadlines.

9. The undersigned counsel requests an additional thirty (30) days to confer with University Defendants and adequately prepare a responsive pleading.

10. The undersigned counsel contacted Plaintiffs' counsel who does not object to this motion.

WHEREFORE, University Defendants request that the Court extend the deadline for serving its answer or other responsive pleadings up to and including April 24, 2020.

Respectively submitted, this the 19th day of March, 2020.

JOSHUA H. STEIN
Attorney General

/s/Catherine F. Jordan
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*Counsel for Defendants University of North
Carolina at Chapel Hill, North Carolina State
University, and University of North Carolina at
Greensboro*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the **MOTION FOR EXTENSION OF TIME** was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

This the 19th day of March, 2020.

/s/Catherine F. Jordan
Catherine F. Jordan
Special Deputy Attorney General

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Defendants.

**PROPOSED ORDER ON
MOTION FOR EXTENSION OF TIME**

This matter having come before the Court on the motion by Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro pursuant to Fed. R. Civ. P. 6(b) and LR 6.1 for an extension of time in which to serve an answer or other response to Plaintiffs' Complaint for Declaratory,

Injunctive, and Other Relief; and good cause having been show, it is hereby **ORDERED** that Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro shall have up to and including April 24, 2020, to serve Plaintiffs with their answer.

This the _____ day of March, 2020.

U.S. District Judge/Magistrate/Clerk