

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.

**UNIVERSITY DEFENDANTS’
CONSENT MOTION FOR
THIRD EXTENSION OF TIME
TO ANSWER PLAINTIFFS’
COMPLAINT**

PURSUANT TO Fed. R. Civ. P. 6(b) and Local Rule 6.1, Defendants the University of North Carolina at Chapel Hill, North Carolina State University, and the University of North Carolina at Greensboro (collectively the “University Defendants”), hereby request a

14-day extension of time in which to answer Plaintiffs' Complaint for Declaratory, Injunctive, and Other Relief. Undersigned counsel has conferred with counsel for Plaintiffs, and Plaintiffs consent to the additional extension requested. In support of this motion, University Defendants state the following:

1. By text order entered April 23, 2020, this Court granted a motion by the University Defendants for additional time to answer Plaintiffs' Complaint. The University Defendants' current deadline to answer is May 26, 2020, which has not yet passed.

2. Undersigned counsel has worked diligently to educate herself on the procedural history and claims at issue in this matter, and to prepare an Answer to Plaintiffs' complaint on behalf of the three University Defendants. Likewise, the University Defendants have worked diligently to consider and confirm their individual responses to each of Plaintiffs' allegations. Undersigned counsel's ability to confer with the University Defendants and finalize their Answer has been complicated by the current COVID-19 health crisis and the remote working conditions of all persons involved. Counsel reasonably requires additional time to confirm and finalize the University Defendants' Answer to Plaintiffs' Complaint.

3. Likewise, undersigned counsel is working diligently to meet other pressing demands, deadlines, and responsibilities in the midst of a global state of emergency. The University Defendants, too, have been working to address critical and pressing concerns regarding, among other things, commencement, summer courses, and the status of university operations for the Fall 2020 semester. The ongoing health crisis constitutes good

cause for an allowance of additional time, which will enable the University Defendants and undersigned counsel to more accurately respond to Plaintiffs' claims and better preserve the University Defendants' rights and interests.

4. In addition, Assistant Attorney General Zachary Padget has recently entered his appearance on behalf of the University Defendants.

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

6. As noted above, undersigned counsel has conferred with Plaintiffs' counsel regarding this requested extension of time. Plaintiffs' counsel has indicated that Plaintiffs consent to the requested extension.

WHEREFORE, the University Defendants request that the Court grant them an extension of 14 days, to and including June 9, 2020, in which to serve their Answer to Plaintiffs' Complaint.

Respectfully submitted, this 20th day of May, 2020.

JOSHUA H. STEIN
Attorney General

/s/Nora F. Sullivan

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*Counsel for Defendants University of North
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University, and The University of North
Carolina at Greensboro*

CERTIFICATE OF SERVICE

I certify that the foregoing University Defendants' Consent Motion for Third Extension of Time to Answer Plaintiffs' Complaint was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This 20th day of May, 2020.

/s/Nora F. Sullivan
Nora F. Sullivan
Assistant Attorney General

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**PROPOSED ORDER ON
UNIVERSITY DEFENDANTS'
CONSENT MOTION FOR THIRD
EXTENSION OF TIME TO ANSWER
PLAINTIFFS' COMPLAINT**

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

Declaratory, Injunctive, and Other Relief; and good cause having been show, it is hereby **ORDERED** that Defendants The University of North Carolina at Chapel Hill, North Carolina State University, and The University of North Carolina at Greensboro shall have up to and including June 9, 2020, to serve Plaintiffs with their Answer.

This ____ day of _____, 2020.

U.S. District Judge/Magistrate/Clerk