

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:16-CV-1026

COMMON CAUSE; THE NORTH  
CAROLINA DEMOCRATIC PARTY;  
LARRY D. HALL; DOUGLAS BERGER;  
CHERYL LEE TAFT; RICHARD TAFT;  
ALICE L. BORDSEN; MORTON LURIE;  
WILLIAM H. FREEMAN; MELZER A.  
MORGAN, JR.; CYNTHIA S. BOYLAN;  
COY E. BREWER, JR.; JOHN MORRISON  
MCNEILL; ROBERT WARREN WOLF;  
JONES P. BYRD; JOHN W. GRESHAM;  
RUSSELL G. WALKER, JR.,

Plaintiffs,

v.

ROBERT A. RUCHO, in his official capacity  
as Chairman of the North Carolina Senate  
Redistricting Committee for the 2016 Extra  
Session and Co-Chairman of the Joint Select  
Committee on Congressional Redistricting;  
DAVID R. LEWIS, in his official capacity as  
Chairman of the North Carolina House of  
Representatives Redistricting Committee for  
the 2016 Extra Session and Co-Chairman of  
the Joint Select Committee on Congressional  
Redistricting;  
PHILIP E. BERGER, in his official capacity as  
the President Pro Tempore of the North  
Carolina Senate;  
TIMOTHY K. MOORE, in his official  
capacity as the Speaker of the North Carolina  
House of Representatives;  
A. GRANT WHITNEY, JR., in his official  
capacity as Chairman and acting on behalf of  
the North Carolina State Board of Elections;

MOTION FOR EXTENSION  
OF TIME

(Fed. R. Civ. P. 6(b) and 15(a)(3))

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS; and

THE STATE OF NORTH CAROLINA

Defendants.

NOW COMES the Defendants, Robert A. Rucho, David R. Lewis, Philip E. Berger, Timothy K. Moore, A. Grant Whitney, the North Carolina State Board of Elections, and the State of North Carolina (“State Defendants”), by and through undersigned counsel, pursuant to Rules 6(b) and 15(a)(3) of the Federal Rules of Civil Procedure, and move this Court for an order to extend time to file an answer or otherwise plead in the above-titled action. In support hereof, State Defendants show the following:

1. Plaintiffs’ filed their Complaint for Declaratory Judgment and Injunctive Relief on 5 August 2016.
2. State Defendants waived service of the original Summons and Complaint on 9 August 2016.
3. Plaintiffs filed their First Amended Complaint for Declaratory Judgment and Injunctive Relief on 7 September 2016.
4. The time for filing an answer or other pleading has not yet expired.
5. This motion is not being made for the purpose of delay, but is made based upon current assignments and the need for time to prepare a response.
6. Counsel for Plaintiffs do not oppose this motion.

THEREFORE, State Defendants respectfully request the Court for an order extending the time to file an answer or otherwise plead up to and including 31 October 2016.

This the 15<sup>th</sup> day of September, 2016.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

/s/ Alexander McC. Peters  
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**CERTIFICATE OF SERVICE**

I certify that on 15 September 2016, I electronically filed the foregoing MOTION FOR EXTENSION OF TIME and Proposed ORDER with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 15<sup>th</sup> day of September, 2016.

/s/ Alexander McC. Peters  
Alexander McC. Peters  
Senior Deputy Attorney General