

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CV-00265-H

MICHAEL BATEMAN, VIRGIL GREEN, )  
FORREST MINGES, JR., GRNC/FFE, INC., )  
and SECOND AMENDMENT FOUNDATION, )  
INC., )

*Plaintiffs,* )

v. )

BEVERLY PERDUE, REUBEN F. YOUNG, )  
STOKES COUNTY, and CITY OF KING, )

*Defendants.* )

**MOTION FOR  
EXTENSION OF TIME**

NOW COMES the undersigned counsel, on behalf of Defendants Beverly Perdue and Reuben F. Young (hereafter collectively “the State Defendants”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and moves the Court for a twenty-day extension of time, up to and including the 15<sup>th</sup> day of August, 2010, to serve an Answer or other response to Plaintiffs’ Complaint. In support of this motion, the State Defendants show unto the Court the following:

(1) Plaintiffs’ Complaint was served on the State Defendants on or about July 6, 2010 and the State Defendants’ responsive pleading is currently due on July 26, 2010. Thus, the time for responding to the Complaint has not yet expired;

(2) Counsel for the State Defendants needs additional time to prepare an Answer or otherwise respond to the Complaint, which contains a constitutional challenge to several North Carolina statutes;

(3) The State Defendants have not sought any previous extensions of time in this case; and

(4) Counsel for Plaintiffs has stated that he consents to this motion.

WHEREFORE, the State Defendants move the Court for a twenty-day extension of time, up to and including the 15<sup>th</sup> day of August, 2010, in which to serve an Answer or other response to Plaintiffs' Complaint.

Respectfully submitted, this the 15th day of July 2010.

ROY COOPER Attorney General

/s/Mark A. Davis

Mark A. Davis

Special Deputy Attorney General

Attorney for The State Defendants

N.C. Department of Justice

Post Office Box 629

Raleigh, NC 27602

E-mail: [mdavis@ncdoj.gov](mailto:mdavis@ncdoj.gov)

Telephone: (919) 716-6900

Facsimile: (919) 716-6763

State Bar No. 18142

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, [DATE], I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Alan Gura  
Gura & Possessky, PLLC  
101 N. Columbus Street, Suite 405  
Alexandria, VA 22314

Walter W. Pitt, Jr.  
Bell, Davis & Pitt  
P.O. Box 21029  
Winston-Salem, NC 27120

Andrew T. Tripp  
Kearns Davis  
Brooks, Pierce, McLendon  
Humphrey & Leonard, L.L.P.  
P.O. Box 1800  
Raleigh, NC 27602

Edward L. Powell  
Law Office of Melvin & Powell  
Suite 200 Park West  
4400 Silas Creek Parkway  
Winston-Salem, NC 27104

/s/Mark A. Davis  
Special Deputy Attorney General