

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:23-cv-01057-TDS-JLW

SHAUNA WILLIAMS, et al.,)
)
 Plaintiffs,)
 v.)
)
 DESTIN HALL, et al.,)
)
 Defendants.)
)
)
)
)

**UNOPPOSED
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
PLAINTIFFS' COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

NOW COME Defendants North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon, III, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3(j), and with consent of Plaintiffs’ counsel, to move this Court for an order to extend the time within which to respond to Plaintiffs’ complaint [D.E. 1], by forty-one (41) days, up to and including February 12, 2024.

In support of this motion, the State Board Defendants state the following:

1. Plaintiffs filed their complaint for declaratory and injunctive relief in this action on December 4, 2023. [D.E. 1].
2. Pursuant to Civil Rules 6(a)(1)(A) and 15(a)(3), the deadline by which the State Board Defendants must respond to Plaintiffs’ complaint is currently January 2, 2024.
3. The deadline by which the remaining defendants, collectively Legislative Defendants, must respond is February 12, 2024. The discrepancy in response times

reflects the fact that Legislative Defendants waived service upon receiving a request for the same on December 12, 2023, making their response due in sixty days. [D.E. 13-18]; *see also* Fed. R. Civ. P. 4(d) (providing for waiver of service of a summons and complaint) & 12(1)(A)(ii) (stating that, where defendants waive service per Rule 4(d), they must serve their answer sixty days after the waiver request was sent).

4. Undersigned counsel for the State Board Defendants hereby requests an extension of forty-one (41) days to thoroughly consider the current status of this matter, the allegations made in the complaint, discuss same with the State Board Defendants, determine the appropriate response, and prepare the same. This will make State Board Defendant's response to Plaintiffs' complaint due on the same date as Legislative Defendants' response, February 12, 2024.

5. This request is based primarily on the undersigned's need for additional time to complete these tasks, particularly in light of the upcoming state-government holidays on December 25, 26, and 27, 2023, and January 1, 2024.¹ Specifically, the undersigned has been unable to devote the time necessary to complete a response to Plaintiffs' complaint in this matter due to preexisting obligation in other matters, including in actions filed in the last several weeks against the State Board Defendants, namely *Watauga Cty Bd. Of Commissioners v. Berger, et al.*, Watauga Superior Court (23-CVS-591); *Pierce, et al. v. North Carolina State Board of Elections, et al.*, Eastern District of North Carolina (4:23-cv-193); *Democratic National Committee, et al. v.*

¹ See <https://oshr.nc.gov/state-employee-resources/benefits/leave/holidays>.

Hirsch, et al., Middle District of North Carolina (1:23-cv-862), *Voto Latino, et al. v. Hirsch, et al.*, Middle District of North Carolina(1:23-cv-861); and this action, *Williams, et al. v. Hall, et al.* Most immediately, understand counsel will be preparing for a hearing scheduled for December 28 in this Court on the plaintiffs' motions for preliminary injunctions pending in *Democratic National Committee, et al. v. Hirsch, et al.*, and *Voto Latino, et al. v. Hirsch, et al.*

6. This is State Board Defendants' first request for an extension of the deadline to respond to Plaintiffs' Complaint for Declaratory and Injunctive Relief.

7. This motion is being made within the current deadline and is not being made for any improper purpose.

8. The undersigned believes that the extension of time is reasonable to accomplish the steps described above and would benefit all parties.

9. The undersigned consulted Plaintiffs' counsel about filing the instant motion and explained the undersigned's need for additional time to respond. Plaintiffs' counsel informed the undersigned that counsel consented to the requested extension.

10. A proposed order granting State Board Defendants' Motion for Extension of Time is attached hereto.

WHEREFORE, the State Board Defendants respectfully request the Court issue an order extending the time within which to respond to Plaintiffs' complaint up to and including February 12, 2024.

Respectfully submitted this the 22nd day of December, 2023.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Mary Carla Babb

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**(PROPOSED)
ORDER**

THIS MATTER is before the Court on the motion of Defendants North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon, III, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”) for a forty-one (41) day extension of the deadline within which to respond to Plaintiffs’ complaint for declaratory and injunctive relief [D.E. 1]; and

It appearing that Plaintiffs’ counsel do not oppose this request and that good cause exists to grant State Board Defendants’ motion;

IT IS HEREBY ORDERED that State Board Defendants shall have up to and including February 12, 2024, to file a response to Plaintiffs’ complaint for declaratory and injunctive relief.

Dated this the _____ day of _____, 2023.

United States District Court Judge / Magistrate / Clerk