

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00739**

<p>DAVID F. EVANS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE CITY OF DURHAM, NORTH CAROLINA, <i>et al.</i>,</p> <p>Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT</p>
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NOW COME Defendants City of Durham, North Carolina, David Addison, Patrick Baker, Steven Chalmers, Beverly Council, Mark Gottlieb, Benjamin Himan, Ronald Hodge, Jeff Lamb, Michael Ripberger, and Lee Russ (the “City of Durham Defendants”), herein by and through their attorneys, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR6.1(a) and LR7.3(h), MDNC, move the Court to enlarge by seven days, through and including May 9, 2008, the time within which the City of Durham Defendants may file and serve reply briefs in support of their motions to dismiss.

IN SUPPORT WHEREOF, the City of Durham Defendants respectfully show the Court the following:

1. Pursuant to the Court’s briefing/scheduling order, the City of Durham Defendants must file and serve reply briefs on or before May 2, 2008. Thus, this Motion is made before the expiration of the time allowed.

2. The undersigned counsel to the City of Durham Defendants show the Court that, because of the number and complexity of the questions presented additional time is needed by counsel to prepare, file, and serve a reply brief.

3. The undersigned further show the Court that they have consulted with counsel to Plaintiffs concerning this Motion and that counsel to Plaintiffs consent to the enlargement of time herein requested.

4. The undersigned counsel to the City of Durham Defendants respectfully submit that the foregoing request for a brief enlargement of time is reasonable, justified, and will not unduly, if at all, delay the ultimate disposition of this action.

5. The undersigned further respectfully submit that fairness and the interests of justice fully warrant allowing this motion and granting the enlargement of time herein requested.

WHEREFORE, Defendants City of Durham, North Carolina, David Addison, Patrick Baker, Steven Chalmers, Beverly Council, Mark Gottlieb, Benjamin Himan, Ronald Hodge, Jeff Lamb, Michael Ripberger, and Lee Russ respectfully pray that this motion be granted, and that they be allowed the enlargement of time herein requested.

This the 28th day of April, 2008.

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record, to each of whom the NEF will be transmitted, except that, with respect to the following parties, a copy is being transmitted via first class mail to the address listed below:

Mr. Linwood Wilson

Pro Se

[Home Address redacted per LR 7.1(b), MDNC and ECF P&P Manual, part J]

This the 28th day of April, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.

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