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

DAVID F. EVANS, et al.,	)	
	)	
Plaintiffs,	)	<b>MOTION FOR</b>
	)	ENLARGEMENT OF TIME
<b>v.</b>	)	TO FILE REPLY BRIEF IN
	)	SUPPORT OF MOTION TO
THE CITY OF DURHAM,	)	DISMISS FIRST AMENDED
NORTH CAROLINA, et al.,	)	COMPLAINT
	)	
Defendants.	)	
	)	

NOW COMES defendant Brian Meehan ("defendant"), by and through counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR6.1(a) and LR7.3(h), MDNC, and moves the Court to enlarge by seven days, through and including May 9, 2008, the time within which defendant may file and serve his reply brief in support of his motion to dismiss.

IN SUPPORT WHEREOF, defendant respectfully shows the Court the following:

- 1. Plaintiffs filed their original Complaint on October 5, 2007, and their First Amended Complaint on December 11, 2007.
- 2. A Joint Motion of All Parties to Extend Page Limitations and to Establish Briefing Schedule ("the Joint Motion") was filed on November 27, 2007. The Joint Motion was granted by Order on November 29, 2007, extending all parties' filing deadlines and granting page limit extensions ("the Briefing/Scheduling Order").

- 3. Pursuant to the Briefing/Scheduling Order, defendant filed his Motion to Dismiss on January 15, 2008.
- 4. Pursuant to the Briefing/Scheduling Order, plaintiffs filed their Consolidated Opposition to Defendants' Motions to Dismiss on April 2, 2008
- 5. Pursuant to the Court's Briefing/Scheduling Order, defendant must file and serve a reply brief on or before May 2, 2008. Thus, this Motion is made before the expiration of the time allowed.
- 6. Because of the number and complexity of the questions presented, additional time is needed by counsel to prepare, file, and serve a reply brief.
- 7. Defendants DNA Security, Inc., Richard Clark, The City of Durham and the individual defendants related to The City of Durham have filed similar Motions for Enlargement of Time. Granting the present Motion would allow the parties to remain on the same briefing schedule.
- 8. The undersigned states that he has consulted with counsel for plaintiffs concerning this Motion and that counsel for plaintiffs consent to the enlargement of time herein requested.
- 9. 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.

10. The undersigned further respectfully submits that fairness and the interests of justice fully warrant allowing this Motion and granting the enlargement of time herein requested.

WHEREFORE, defendant Brian Meehan respectfully prays the Court that this Motion be granted, and that he be allowed the enlargement of time herein requested.

Respectfully submitted this the 30th day of April, 2008.

/s/ Paul R. Dickinson, Jr.

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Counsel for Defendant Brian Meehan

## **CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

The undersigned hereby certifies that, pursuant to Rule 5 of the Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which system will automatically generate and send Notification 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 party, 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]

Respectfully submitted, this 30<sup>th</sup> day of April, 2008

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