

IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID F. EVANS, ET AL.,	)	No. 1:07 Cv739
	)	
Plaintiffs	)	
	)	<u>M O T I O N</u>
vs.	)	
	)	
THE CITY OF DURHAM ET AL.	)	
	)	
Defendants	)	

The defendant, Michael B. Nifong, by his counsel respectfully shows the Court that:

1. Michael B. Nifong was served with the complaint and summons herein on October 12, 2007.
2. The plaintiffs' counsel have consented to an extension of time to answer until December 11, 2007.

WHEREFORE Michael B. Nifong respectfully prays the Court for an order extending the time in which he is to answer or otherwise plead until December 11, 2007.

Respectfully submitted,

/s/ James B. Craven III  
 James B. Craven III  
 Attorney for Michael B. Nifong  
 P.O. Box 1366  
 Durham, NC 27702  
 919-688-8295  
 NCSB No. 997

CERTIFICATE OF SERVICE

I have this day mailed a copy of this Motion to plaintiffs' counsel as follows:

Charles Davant IV, Esquire  
Williams & Connolly  
725 Twelfth Street, NW  
Washington, DC 20005

David S. Rudolf, Esquire  
Rudolf, Widenhouse & Fialko  
312 West Franklin Street  
Chapel Hill, NC 27516

This 24<sup>th</sup> day of October 2007.

/s/ James B. Craven III  
James B. Craven III