

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

RYAN MCFADYEN, *et al.*,
Plaintiffs,

v.

1:07-CV-953

DUKE UNIVERSITY, *et al.*,
Defendants.

**PLAINTIFFS' MOTION FOR
EXTENSION OF TIME TO REPLY TO
MOTION FOR ENTRY OF PROTECTIVE
ORDER ON CONFIDENTIALITY AND
PROSPECTIVE SEALING ORDER BY
DUKE UNIVERSITY**

Now comes Plaintiffs, through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rules 6.1 and 7.3, hereby respectfully move for an extension of time from April 19, 2012 to April 26, 2012, in which to respond to Defendants' Motion for Entry of Protective Order on Confidentiality and Prospective Sealing Order.

In support of this Motion, Plaintiffs show the following:

1. Defendants' Motion for Entry of Protective Order on Confidentiality and Prospective Sealing Order (Docket Entry 271) was filed on March 26, 2012.
2. Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, the time within which Plaintiffs may file his Response to Defendants' Motion for Entry of Protective Order on Confidentiality and Prospective Sealing Order has not yet expired.
3. Counsel for Plaintiffs requires a short extension of time to develop and prepare Plaintiffs' Response.

4. Counsel has been unexpectedly tied up for much longer than anticipated in a hearing in Durham County Superior Court and another matter today. Counsel believed that he would not be tied up for the majority of the day for the hearing. The other counsel noticed in this action is in a deposition all day with one of the Plaintiffs in this case. Both counsel are traveling this evening to attend a deposition scheduled out of state tomorrow.
5. Counsel for Plaintiffs consulted with opposing counsel and opposing counsel has consented to this extension.
6. Counsel for Plaintiffs respectfully requests a 7 day extension and submits that this Motion is made in good faith and not for the purposes of delay or otherwise unduly disrupting the schedule of this briefing or case.
6. A proposed order is attached.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion for an order extending the time within which Plaintiff may file their Response up to and including April 26, 2012.

Dated: April 19, 2012

Respectfully submitted by:

EKSTRAND & EKSTRAND LLP

/s/ Robert C. Ekstrand

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Respectfully submitted by:

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Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on Thursday, April 19, 2012, pursuant to Rule 5 of the Federal Rules of Civil Procedure and Local Rules 5.3 and 5.4, I electronically filed the foregoing Plaintiffs' Motion for Extension of Time with the Clerk of the Court using the CM/ECF system, which will automatically generate and send notification of such filing to counsel of record. The Court's electronic records show that each party to this action is represented by at least one registered user of record (or that the party is a registered user of record), to each of whom the Notice of Electronic Filing will be sent.

Dated: April 19, 2012

Respectfully submitted by:

EKSTRAND & EKSTRAND LLP

/s/ Stefanie A. Smith

Stefanie A. Smith (NC Bar No. 42345)