

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

IN RE:)
) No. 1:08 CV 441
MICHAEL B. NIFONG,)
) MOTION FOR EXTENSION
Debtor/Appellant) OF BRIEFING SCHEDULE

James B. Craven III, counsel for Michael B. Nifong, respectfully shows the Court that:

1. The appeal in this case was docketed June 30, 2008.
2. On July 1, 2008 the parties were notified by the Clerk that briefs are due in accordance with Rule 8009, Rules of Bankruptcy Procedure, i.e. the appellant's brief by July 15, 2008 pursuant to Rule 8009(a)(1), and the appellees' briefs by July 30, 2008 pursuant to Rule 8009(a)(2).
3. I have long planned to be on vacation July 4-July 20, and on July 23 I have a sentencing hearing in South Carolina in United States v. McConnell, No. 3:02 CR 548-CMC (D.S.C.). On July 3 I have a contested matter in the Bankruptcy Court, In Re John Alfred Gorman, No. B-08-80659 C-7D (MDNC).
4. On July 2 I asked Charles Davant IV, counsel for two of the appellees, Evans and Finnerty, if he would consent to an extension until August 15, 2008. He agreed only to an extension until July 25, 2008.
5. The appellees Evans and Finnerty are represented by a firm of 192 lawyers in Washington according to the 2008 edition of Martindale-

Hubbell, while the appellee Seligman is represented by a firm of four lawyers in Chapel Hill. In contrast I am a sole practitioner.

6. Under all the circumstances, an extension of the briefing schedule herein is not unreasonable. Parenthetically, in my Fourth Circuit practice, the Government not infrequently requests such extensions. My response always has been that they may have as much time as they like, and that in the future they don't even need to call me. Such may not be the practice in the District of Columbia.

WHEREFORE the debtor/appellant Michael B. Nifong, by his counsel, respectfully prays the Court for a new briefing schedule as follows:

- A. The brief of the debtor/appellant to be due August 15, 2008.
- B. The briefs of the appellee to be due September 15, 2008.
- C. Any reply brief to be due September 30, 2008.

Respectfully submitted,

/s/ James B. Craven III

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CERTIFICATE OF SERVICE

I have this day mailed copies of this motion and the accompanying proposed order to counsel for the appellees 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 second day of July 2008.

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