

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Civil Action No. 1:08-CV-0854

DUKE UNIVERSITY and)
DUKE UNIVERSITY HEALTH)
SYSTEM, INC.,)

Plaintiffs,)

v.)

MOTION FOR EXTENSION OF TIME

NATIONAL UNION FIRE)
INSURANCE COMPANY OF)
PITTSBURGH, PA,)

Defendant and Third-Party)
Plaintiff,)

v.)

UNITED EDUCATORS INSURANCE,)
A RECIPROCAL RISK RETENTION)
GROUP,)

Third-Party Defendant.)

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO COUNTERCLAIM**

Duke University (“Duke”) and Duke University Health System, Inc. (“DUHS”), through the undersigned counsel, pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1, respectfully moves this Court for an additional seven (7) days to that allowed by law to respond to the Counterclaim of National Union Fire Insurance Company of Pittsburgh, PA (“National Union”).

In support of this motion, Duke and DUHS show the Court the following:

1. Duke and DUHS filed their Complaint against National Union on November 24, 2008.
2. National Union accepted service of the Complaint and Summons on or about December 1, 2008.
3. On December 11, 2008, National Union filed a Motion for Extension of Time through January 16, 2009 in which to file its Answer.
4. National Union filed its Answer, Counterclaim and Third-Party Complaint on January 16, 2009.
5. The response to the Counterclaim is due on February 5, 2009.
6. Duke and DUHS are diligently reviewing their records in order to respond to the allegations in the Counterclaim, but need additional time to respond.
7. Accordingly, Duke and DUHS request an additional seven days to respond to the Counterclaim (through February 12, 2009).
8. Counsel for National Union has consented to the requested extension through February 12, 2009.

For the reasons set forth above, Duke and DUHS respectfully request that the Court allow them seven (7) days in addition to that allowed by law to respond to the Counterclaims up to and including, February 12, 2009.

This the 4th day of February, 2009.

KILPATRICK STOCKTON LLP

/s/ Betsy Cooke

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Court using the CM/ECF system which will automatically send notice to the following counsel of record:

David S. Coats
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Bailey & Dixon, LLP

This 4th day of February, 2009.

/s/ Betsy Cooke

Betsy Cooke

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