

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.)	

Duke University and Duke University Health System, Inc. (hereinafter “Duke”), through the undersigned counsel and pursuant to Rule 6 of the Federal Rules of Civil Procedure, respectfully moves this Court to allow it up to and through April 15, 2009 to respond to the Motion to Dismiss filed by Third-Party Defendant United Educators Insurance (“UE”). UE has consented to this request. In support of this Motion, Duke states as follows:

1. Duke filed its Complaint against National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) on November 24, 2008. *See* Dkt. 1.
2. On January 16, 2009, National Union filed an Answer, Counterclaims, and Third Party Complaint against Third-Party Defendant UE. *See* Dkt. 8.
3. On March 3, 2009, Third-Party Defendant UE filed a Motion to Dismiss or Stay this case pursuant to Fed. R. Civ. P. 12(b)(6). *See* Dkt. 23.
4. UE has agreed to allow Duke up to and through April 15, 2009 to file its Response to UE’s Motion to Dismiss.
5. This Motion is made in good faith and not for purposes of delay, and granting this

Motion will not unduly delay this proceeding.

6. This Motion is being filed before the time for Duke to file its Response to UE's Motion to Dismiss has lapsed or expired.

7. A Proposed Order granting this request is being submitted contemporaneously herewith.

Respectfully submitted this the 25th Day of March, 2009.

KILPATRICK STOCKTON LLP

/s/ Gregg E. McDougal

Gregg E. McDougal
N.C. State Bar No. 27290
gmcDougal@kilpatrickstockton.com
Betsy Cooke
N.C. State Bar No. 25353
bcooke@kilpatrickstockton.com
3737 Glenwood Avenue, Suite 400
Raleigh, NC 27612
Phone (919) 420-1800
Fax (919) 420-1700

GILBERT OSHINSKY LLP
Jerold Oshinsky
oshinskyj@gotofirm.com
Jonathan M. Cohen
cohenj@gotofirm.com
Ariel E. Shapiro
shapiroa@gotofirm.com
1100 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Phone (202) 772-2200
Fax (202) 772-3333

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:

K. Alan Parry
aparry@smithlaw.com
James K. Dorsett III
jdorsett@smithlaw.com

David S. Coats
dcoats@bdixon.com
Bailey & Dixon, LLP

This 25th day of March, 2009.

/s/ Gregg E. McDougal

Gregg E. McDougal

KILPATRICK STOCKTON LLP
3737 Glenwood Avenue
Suite 400
Raleigh, NC 27612

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.)

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

Defendant.)

PROPOSED ORDER

WHEREFORE, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and for good cause shown, it is hereby ORDERED that Plaintiffs Duke University and Duke University Health System, Inc. shall have up to and through April 15, 2009, in which to file a Response to UE's Motion to Dismiss.

This the ____ Day of March, 2009.

Clerk of Court