

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.)	

**CONSENT MOTION
FOR EXTENSION OF TIME**

Plaintiffs Duke University and Duke University Health System, Inc. (“Duke”) and Third Party Defendant United Educators Insurance (“UE”), through the undersigned counsel and pursuant to Rule 6 of the Federal Rules of Civil Procedure, respectfully file this Consent Motion requesting that this Court to allow Duke up to and through May 4, 2009 to respond to UE’s Motion to Dismiss. In support of this Consent Motion, the parties state as follows:

1. Duke filed its Complaint against Defendant 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. 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), and an accompanying Memorandum of Law in support of same. *See* Dkt. 23, 24.
3. The deadline for Duke to file a Response to UE’s Motion to Dismiss is currently April 15, 2009. *See* Dkt. 28, 29.
4. UE has consented to grant Duke through and including May 4, 2009, in which 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 in any way 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 Consent Motion is being submitted contemporaneously herewith.

Respectfully submitted this the 7th of April, 2009.

BY: KILPATRICK STOCKTON LLP

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***COUNSEL FOR THIRD-PARTY DEFENDANT
UNITED EDUCATORS INSURANCE***

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 7th day of April, 2009.

/s/ Gregg E. McDougal

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