

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION  
Case Number: 1:08-CV-0854

DUKE UNIVERSITY AND DUKE )  
UNIVERSITY HEALTH SYSTEM, )  
INC., )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
NATIONAL UNION FIRE )  
INSURANCE CO., )  
) )  
Defendant. )  
)

MOTION TO EXTEND TIME  
TO ANSWER COMPLAINT

Defendant National Union Fire Insurance Co., by and through undersigned counsel, hereby moves the Court for an order, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, for an extension of time in which to file and serve an Answer to the Plaintiffs' Complaint. In support of this motion, Defendant shows the Court the following:

1. On November 25, 2008, Plaintiffs filed their Complaint and issued a Summons to Defendant.
2. Defendant was served by and through the North Carolina Commissioner of Insurance on December 25, 2008, and a copy of the summons was forwarded to Defendant on December 1, 2008.
3. The current deadline for Defendant to respond to Plaintiff's Complaint is December 27, 2008, pursuant to G.S. § 58-16-45, and as such, the time for filing and serving an Answer to the Plaintiffs' Complaint has not yet expired.

4. Counsel for the Defendant needs additional time to prepare and file an answer.

5. Counsel for Defendant has consulted with Plaintiffs' counsel regarding an extension of time up to and including January 16, 2009 in which to file and serve an Answer to the Plaintiffs' Complaint.

6. Counsel for the Plaintiffs fully agrees and consents to an extension of time to respond to the Plaintiff's Complaint until January 16, 2009 and agrees that neither party will be prejudiced by this motion being granted.

7. The parties agree to extend the time for Defendant to answer Plaintiff's Complaint until January 16, 2009.

WHEREFORE, Defendant respectfully prays the Court that:

1. Defendants have an extension of time through January 16, 2009 in which to file its Answer to the Plaintiffs' Complaint; and

2. Defendants have such other and further relief as the Court shall deem just and proper.

This the 11<sup>th</sup> day of December, 2008.

BAILEY & DIXON, LLP

By: /s/ David S. Coats

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CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of December, 2008, I electronically filed the foregoing Consent Order with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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This the 11<sup>th</sup> day of December, 2008.

/s/ David S. Coats  
David S. Coats