

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-00265-H

MICHAEL BATEMAN, VIRGIL GREEN,)
FORREST MINGES, JR., GRNC/FFE, INC.,)
and SECOND AMENDMENT FOUNDATION,)
INC.,)
)
)
Plaintiffs,)
)
v.)
)
BEVERLY PERDUE, REUBEN F. YOUNG,)
STOKES COUNTY, and CITY OF KING,)
)
Defendants.)

**CONSENT MOTION FOR
EXTENSION OF TIME TO FILE
REPLY BRIEF**

NOW COMES the undersigned counsel, on behalf of Defendants Beverly Perdue and Reuben F. Young (hereafter collectively “the State Defendants”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and moves the Court for an extension of time, up to and including the 3rd day of February, 2011, in which to file a reply brief in support of their Motion for Summary Judgment. In support of this motion, the State Defendants show unto the Court the following:

(1) Plaintiffs’ memorandum in opposition to the State Defendants’ Motion for Summary Judgment was filed on January 10, 2011 and the State Defendants’ reply brief in support of their Motion for Summary Judgment is currently due on January 24, 2011;

(2) Counsel for the State Defendants intends to submit a reply brief in support of their Motion for Summary Judgment and respectfully submits that he needs additional time in which to do so. The undersigned counsel has been required to spend considerable time over the past few months defending a lawsuit in North Carolina Superior Court and in the North Carolina Court of

Appeals involving a constitutional challenge to a statute enacted by the General Assembly prohibiting certain types of video sweepstakes;

(3) In addition, nineteen days ago, the Fourth Circuit issued a decision in *United States v. Chester*, ___ F.3d ___, 2010 U.S. App. LEXIS 26508, which represents its most definitive interpretation of the United States Supreme Court's decision in *District of Columbia v. Heller*, ___ U.S. ___, 128 S. Ct. 2783 (2008), the case that lies at the heart of the Second Amendment claims being asserted by Plaintiffs in the present lawsuit. The undersigned counsel needs additional time to prepare a reply brief that fully takes into account the decision in *Chester*; and

(4) Counsel for Plaintiffs has stated that he consents to this motion.

WHEREFORE, the State Defendants move the Court for an extension of time, up to and including the 3rd day of February, 2011, in which to file a reply brief in support of their Motion for Summary Judgment.

Respectfully submitted, this the 18th day of January, 2011.

ROY COOPER
Attorney General

/s/Mark A. Davis
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CERTIFICATE OF SERVICE

I hereby certify that on this day, January 18, 2011, I electronically filed the foregoing **CONSENT MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF** 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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