

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:17-CV-78

RUSSELL F. WALKER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 NORTH CAROLINA BOARD OF )  
 ELECTIONS and HOKE COUNTY )  
 BOARD OF ELECTIONS, )  
 )  
 Defendants. )

---

**MOTION FOR EXTENSION OF  
TIME TO RESPOND**

The Hoke County Board of Elections (“Hoke County”), pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1, respectfully move the Court for an extension of time to and including April 26, 2017, to answer, move to dismiss, or otherwise respond to Plaintiff’s Complaint. In support of its motion, Hoke County show the Court as follows:

1. On January 31, 2017, Plaintiff initiated this action in the United States District Court for the Middle District of North Carolina.
2. On March 6, 2017, Plaintiff attempted service on Hoke County by delivering a copy of the Summons and Complaint on Grady Hunt. Grady White serves as Hoke County’s attorney. Grady Hunt is not authorized to accept service and has never accepted service on behalf of the County Board in prior litigation.
3. Based on the attempted service, Hoke County’s response would be due on March 27, 2017. Thus, the time for responding to the Complaint has not yet expired.

4. Counsel for Defendants has consulted with Plaintiff Russell Walker and represents that Plaintiff does not consent to Hoke County's request for a 30-day extension of time.

5. Hoke County requires additional time to consult with legal counsel and investigate and research this matter in order to properly prepare an appropriate response.

6. This enlargement of time will not substantially delay this proceeding.

7. This motion is made in good faith and not for the purpose of delay.

WHEREFORE, Hoke County respectfully requests that the time within which to serve its answer, move to dismiss, or otherwise respond to Plaintiff's Complaint be extended to and including April 26, 2017.

Respectfully submitted, this the 24th day of March, 2017.

/s/ Craig D. Schauer  
Charles F. Marshall  
N.C. State Bar No. 23297  
E-mail: cmarshall@brookspierce.com  
Brian Fork  
N.C. State Bar No. 33922  
Craig D. Schauer  
N.C. State Bar No. 41571  
Email: cschauer@brookspierce.com  
BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.  
P.O. Box 1800  
Raleigh, NC 27602  
Phone: (919) 839-0300  
Fax: (919) 839-0304  
*Attorneys for Hoke County Board of  
Elections*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:17-CV-78

RUSSELL F. WALKER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 NORTH CAROLINA BOARD OF )  
 ELECTIONS and HOKE COUNTY )  
 BOARD OF ELECTIONS, )  
 )  
 Defendants. )  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which pursuant to Local Civil Rule 5.3(b), constitutes service on counsel of record.

This the 24th day of March, 2017.

Respectfully submitted,

/s/ Craig D. Schauer  
Craig D. Schauer  
N.C. State Bar No. 41571  
Email: cschauer@brookspierce.com  
BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.  
P.O. Box 1800  
Raleigh, NC 27602  
Phone: (919) 839-0300  
Fax: (919) 839-0304

*Attorney for Hoke County Board of  
Elections*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:17-CV-78

RUSSELL F. WALKER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 NORTH CAROLINA BOARD OF )  
 ELECTIONS and HOKE COUNTY )  
 BOARD OF ELECTIONS, )  
 )  
 Defendants. )  
\_\_\_\_\_

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that Hoke County Board of Elections may have to and including April 26, 2017, in which to file their response to the Complaint.

This the \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_