

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION No. 1:23-cv-00734-WO-JEP**

ANITA S. EARLS,

Plaintiff,

v.

NORTH CAROLINA JUDICIAL  
STANDARDS COMMISSION, *et al.*,

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO  
RESPOND TO PRELIMINARY  
INJUNCTION MOTION**

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Defendants respectfully move the Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, for an extension, to and including October 6, 2023, to file a response to Plaintiff's Motion for a Preliminary Injunction [D.E. 3]. In support of this motion, Defendants show the Court the following:

1. On August 29, 2023, Plaintiff filed the Complaint in this action [D.E. 1]. Along with the Complaint, Plaintiff filed a Motion for Preliminary Injunction and supporting materials [D.E. 3, 3-1, 3-2].
2. On September 1, 2023, Defendants waived service of the Complaint and Motion.
3. Based on Defendants' waiver of service, Defendants' response to the Complaint is not due until October 31, 2023. *See* Fed. R. Civ. P. 4(d)(2)(3). Defendants' response to Plaintiff's Motion to Preliminary Injunction, however, is due September 22, 2023. *See* Local Rule 7.3(f).

4. Counsel for Defendants need additional time to review the Complaint and Plaintiff's arguments in the preliminary injunction brief to prepare an adequate response.

5. Plaintiff will not be prejudiced by a fourteen-day extension of time for Defendants to respond to the preliminary injunction motion. The normal course of Defendants' review of the complaint filed with the Judicial Standards Commission does not contemplate any further action regarding Plaintiff until November at the earliest; therefore, Defendants are able to stipulate that they will not take any action to further assess the complaint before November 1, 2023. In addition, should Plaintiff have questions about the application of the Code of Judicial Conduct to a particular statement she intends to make, Plaintiff can seek an advisory opinion, which Defendants frequently provide to all members of the judiciary upon request. *Accord* N.C. Gen. Stat. § 7A-377(c).

6. Counsel for Defendants has conferred with counsel for Plaintiff regarding an extension of time to respond to the preliminary injunction motion. Counsel for Defendants informed counsel for Plaintiffs that the Commission was not contemplating taking any further until November. Counsel for Defendants asked for consent to a fourteen-day extension of time to respond to the Motion for Preliminary Injunction. Counsel for Plaintiff opposes the extension.

WHEREFORE, Defendants respectfully request that the Court extend the period within which they must respond to Plaintiff's motion for preliminary injunction to and including October 6, 2023.

This the 13th day of September, 2023.

/s/ Craig D. Schauer  
Craig D. Schauer  
N.C. State Bar No. 41571  
W. Michael Dowling  
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**CERTIFICATE OF SERVICE**

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I hereby certify that on September 13, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Pressley Millen, Samuel Hartzell, and Raymond Bennett.

Respectfully submitted,

/s/ Craig D. Schauer

Craig D. Schauer

N.C. State Bar No. 41571

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