

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-CV-00423-WO-JLW

TIMIA CHAPLIN, et al.

Plaintiffs,

v.

WILLIE ROWE, et al.

Defendants.

)
)
)
) **MOTION TO EXTEND THE TIME TO**
) **MOVE FOR CLASS CERTIFICATION**
) **UNDER LOCAL RULE 23.1**
)
)
)

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, Plaintiffs move this Court to extend the time to move for class certification under Local Rule 23.1(b).

Local Rule 23.1(b) provides that a plaintiff shall separately move for class certification “[w]ithin 90 days after the filing of a complaint in a class action, unless this period is extended by court order[.]” LR 23.1(b). Plaintiffs concede that they filed their complaint more than 90 days ago. However, as shown in the memorandum of law filed with this motion, there is “good cause” to extend the time to move for class certification, and Plaintiffs’ delay is on account of “excusable neglect.” *See* Fed. R. Civ. P. 6(b)(1).

Pursuant to Local Rule 6.1., Plaintiffs sought the view of opposing counsel as to this extension request. Defendant Sheriff Estes and Defendant Tyler Technologies do not consent to Plaintiffs’ request for an extension. Defendant Sheriff Rowe’s position is that the deadline to move for class certification “is a date that should be set by the Court.”

WHEREFORE, for the reasons stated in the accompanying memorandum of law, Plaintiffs respectfully request that this Court extend the time to move for class certification under Local Rule

23.1(b) until the Court implements a scheduling order setting a date by which Plaintiffs must move for class certification.

This the 4th day of October, 2023.

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Served on all parties: Via ECF