

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
08 CVS 11562

VELOCITY FIBER BROADBAND, LLC, )  
Plaintiff )  
v. )  
LANG MANAGEMENT, INC., )  
Defendant )

**ORDER DENYING MOTION  
FOR EXTENSION OF TIME**

THIS CAUSE, coming on to be considered by the court upon motion by counsel for Plaintiff for an extension of the time for Plaintiff to file a responsive pleading to Defendant's counterclaim ("Plaintiff's Motion"), filed on September 9, 2008; and

THE COURT finding that:

1. Plaintiff's Motion as initially filed did not comply with Rule 9.2 of the General Rules of Practice and Procedure for the North Carolina Business Court ("Business Court Rules"). In this regard, Plaintiff's Motion failed to contain the required representations that prior to filing of Plaintiff's Motion, (a) the movant first had consulted with the opposing party with regard to that party's position on the motion; (b) the substance of the opposing party's position on the Plaintiff's Motion; (c) whether the opposing party wished to be heard on the motion; or (d) that due to extraordinary circumstances, Plaintiff was unable to comply with the above requirements.

2. Subsequent to the filing of Plaintiff's Motion, but on the same date, the court communicated to Plaintiff's counsel via electronic mail and informed him that Plaintiff's Motion did not comply with the requirements of Rule 9.2 of the Business Court Rules.

3. Plaintiff's counsel subsequently filed a revised motion, titled Motion for Extension of Time to Respond to Defendant's Counterclaim ("Plaintiff's Revised Motion"), on September 10, 2008.

4. Plaintiff's Revised Motion also fails to comply with the above requirements of Rule 9.2 of the Business Court Rules.

5. Notwithstanding that the above reporting requirements of Rule 9.2 of the Business Court Rules may be viewed by some as merely a technicality and not substantive, the requirements are clear and simple, and compliance with them promotes efficiency in case administration by the court and counsel.

NOW, THEREFORE, it is hereby ORDERED that Plaintiff's September 9, 2008 Motion for Extension of Time to File a Responsive Pleading, and Plaintiff's September 10, 2008 Motion for Extension of Time to Respond to Defendant's Counterclaim are DENIED.

This the 10th day of September, 2008.

/s/ John R. Jolly, Jr.

John R. Jolly, Jr.

Special Superior Court Judge for  
Complex Business Cases