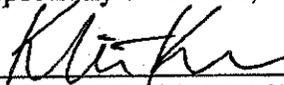


Pursuant to S.Ct. Prac. R. 14.3(B)(2)(b), Appellee Mount Vernon City School District Board of Education requests an extension of time of 10 days, until October 4, 2012, to file its merit brief in the instant case. Currently, Appellee's brief is due on September 24, 2012. The good cause for this motion is explained in the attached memorandum in support.

Respectfully submitted,



David Kane Smith (0016208)

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MEMORANDUM IN SUPPORT

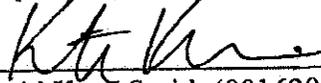
Pursuant to S.Ct. Prac. R. 14.3(B)(2)(b), in a case where the parties do not stipulate to an agreed extension of time, this Court will grant a party an extension of time of no more than ten days, "provided the request for extension of time states good cause for an extension and is filed with the Clerk within the time prescribed by the rules for filing the brief that is the subject of the request."

On September 7, 2012, counsel for Appellee contacted Appellant's counsel, Mr. R. Kelly Hamilton, requesting that the parties stipulate to an extension of time of twenty days for Appellee to file its brief. On September 11, 2012, Appellant's counsel declined the request, thereby necessitating the filing of this motion.

Appellee Mount Vernon City School District Board of Education requests an extension of time of ten days, until October 4, 2012, to file its merit brief due to its need for additional time to fully prepare and brief the issues presented by Appellant. Appellee also needs additional time to draft an accurate statement of the facts to correct the misrepresentations found in Appellant's brief. Additionally, counsel for Appellant did not confer with the undersigned counsel with regard to the materials to be included in the supplement filed by Appellant. Consequently, Appellee needs additional time to compile its own supplement in order for this Court to have the complete set of materials needed to address the issues of this case. Also, certain counsel for amicus curiae observe the Jewish holidays of Rosh Hashanah (September 16-18) and Yom Kippur (September 26, which is during the requested extension period) and will be unavailable those days.

This motion is not being filed for the purposes of delay, but because Appellee needs additional time for the good cause shown above. The granting of this motion will not prejudice Appellant in any way.

Respectfully submitted,



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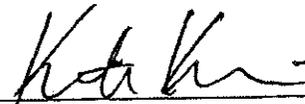
CERTIFICATE OF SERVICE

A true and correct copy of the foregoing *Appellee Mount Vernon City School District Board of Education's Motion for Extension of Time to File Merit Brief* was filed this 12th day of September 2012, via regular U.S. mail, postage prepaid upon the following:

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