

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

A.A.M.C. INC.,

Plaintiff,

v.

CIVIL ACTION NO. 1:06CV101
(Magistrate Judge John S. Kaul)

B.A.C. DISTRICT COUNCIL OF
WEST VIRGINIA BRICKLAYERS/
CEMENT MASONS LOCAL UNION NO. 15,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE
AN APPEAL TO THE FOURTH CIRCUIT**

On November 30, 2007, the Clerk of this Court entered judgment in favor of A.A.M.C. Inc. against B.A.C. district Council Bricklayers/Cement Masons Local Union No. 15 [Docket Entry 80].

On December 17, 2007 Defendant filed its Motion For Extension of Time To File An Appeal To The Fourth Circuit [Docket Entry 81] citing therein that it needed time to review and consider offers of settlement made.

Defendant's Motion is timely made and this Court does not require notice to the opposition party if the motion is timely filed.¹

Accordingly, Defendant's Motion For Extension Of Time To File An Appeal To The Fourth Circuit [Docket Entry 81] is **GRANTED**.

Defendant's time to file an appeal to the Fourth Circuit is extended to but not later than the 30th day of January 2008.

It is so **ORDERED**.

¹F.R.Appellate P. 4(a)(5)(A) and (B) provides: (A) "The district court may extend the time to file a notice of appeal if: (I) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires. (B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise."

The Clerk is directed to transmit certified copies of this Order to all counsel of record herein.

Dated: December 18, 2007

/s John S. Kaul
John S. Kaul
U. S. Magistrate Judge