

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER
BEFORE THE COMMISSIONER OF BANKS
DOCKET NO. 2005:008:CF

IN RE:)	MOTION TO
)	RESCHEDULE HEARING
ADVANCE AMERICA, CASH ADVANCE)	AND RESPONSE
CENTERS OF NORTH CAROLINA, INC.)	TO INTERVENTION
_____)	MOTION

Pursuant to 4 N.C.A.C. 03B .0222, Advance America, Cash Advance Centers of North Carolina, Inc. ("Advance America – NC"), hereby submits this motion to reschedule the hearing in this matter, currently scheduled to commence April 19, 2005. The motion is based upon undersigned lead counsel's scheduling conflict on April 20, 2005, which requires him to be before the court in Albany, New York.

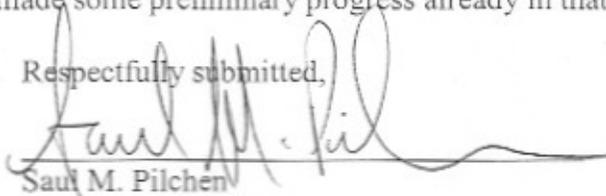
We have previously notified Mr. McNeil Chestnut, in telephone conversations on February 21, 2005 and February 24, 2005, of undersigned lead counsel's conflicting and pre-arranged court appearance on April 20, 2005 in Albany, New York. *See* Letter from M. Chestnut, dated Feb. 24, 2005 (attached). We understand that Mr. Chestnut has checked with the Commissioner's Office, and has learned that the alternate dates of May 10, May 11 and May 12, 2005 may be available for the hearing. We have notified Executive Legal Specialist Daniel Garner of counsel's scheduling conflict, by telephone on February 24, 2005, and he advised a motion for rescheduling would be necessary. By this motion, we ask that the Commissioner reschedule the hearing for the referenced May 2005 dates due to undersigned lead counsel's unavailability.

Separately, two motions to intervene have been filed in this case. During our telephone conversation on February 24, 2005, Mr. Garner agreed to permit an unopposed extension of time

until March 11, 2005 for us to respond to the motion to intervene filed on February 15, 2005 by the Attorney General, which we received on February 21. (See attachment). On behalf of Advance America – NC, we request that our response to the motion to intervene filed on February 24, 2005 by Mr. Jerome Hartzell on behalf of his clients also be due on the same date of March 11, 2005, so we can file our responses simultaneously. No party should be prejudiced by the grant of this brief extension of time.

Finally, counsel is in the process of preparing motions to appear *pro hac vice* and retaining local counsel, as we were informed is necessary during our telephone conversation with Mr. Chestnut on February 24, 2005, and briefing local counsel about the status of this matter. (See attachment). We anticipate this will be accomplished shortly. Once this is accomplished, we will contact Messrs. Garner and Chestnut to discuss scheduling for the prehearing conference with us and local counsel, and to identify matters that can be resolved before the conference. In our discussions last week, we have made some preliminary progress already in that regard.

Respectfully submitted,



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Dated: March 1, 2005

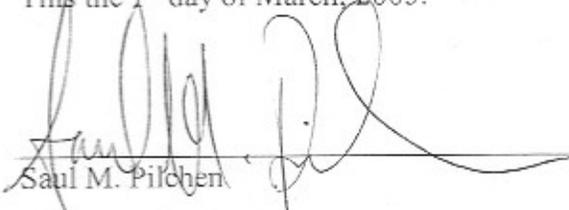
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **MOTION TO RESCHEDULE HEARING AND RESPONSE TO INTERVENTION MOTION** on all parties to this action by sending a copy by electronic mail and by United States mail, postage prepaid, addressed as follows:

L. McNeil Chestnut, Esq.
Special Deputy Attorney General
North Carolina Department of Justice
114 West Edenton Street
Raleigh, North Carolina 27602

This the 1st day of March, 2005.


Saul M. Pilchen