

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, et al.,)

Plaintiffs,)

v.)

1:13CV658

PATRICK LLOYD MCCRORY, in his official)
capacity as Governor of North Carolina, et al.,)

Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)

Plaintiffs,)

v.)

1:13CV660

THE STATE OF NORTH CAROLINA, et al.,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

1:13CV861

THE STATE OF NORTH CAROLINA, et al.,)

Defendants.)

ORDER

These cases come before the Court on Plaintiffs' Motion to Modify Pre-Trial Schedule Order [Doc. #208], Defendants' Motion to Reschedule Trial [Doc. #211], and Plaintiffs'

Motion to Expedite [Doc. #215]. A telephonic motion hearing was held on December 5, 2014, addressing these motions and other discovery and scheduling matters.

With respect first to Defendants' Motion to Reschedule Trial, the Court notes that Defendants seek a continuance of the trial in this case because a parallel proceeding was recently scheduled for trial in state court during July 2015. However, the present cases have been set for trial on this Court's July 2015 Trial Calendar for nearly a year, since the Court's Pretrial Scheduling Conference on December 12, 2013. To the extent Defendants raise concerns regarding the scheduling of the state proceeding, those are matters to address with the state court. To the extent that there may be specific scheduling issues to address in this case, those matters can be addressed with the Trial Judge in this case at any final pretrial conference. However, given the prior setting in this case and the prior determinations that led to that setting, taking into account the issues raised in this case, the various parties' positions regarding scheduling, and the need for a sufficient discovery period in advance of trial, the Court will not delay the previously-set trial date.

With respect to Plaintiffs' Motion to Modify the Pre-trial Schedule Order, the Court will grant that motion in part, as discussed during the telephonic hearing on December 5, 2014. Specifically, the Court will adjust the currently-set discovery dates to alleviate the concerns raised by Plaintiffs regarding the completing of expert reports; however, in doing so, and with Defendants' competing interests in mind, the Court will retain, as much as possible, the periods of time to which Defendants had previously agreed for the filing of dispositive motions.

Accordingly, the Court adopts the following schedule for the completion of discovery. This schedule was proposed by the Court during the December 5, 2014 hearing, and all parties consented to this schedule at that time:

Date	Subject
Feb. 9, 2015	Expert Reports and Disclosures under Rule 26(a)(2)(B) and 26(a)(2)(C) Due
Mar. 9, 2015	Rebuttal Expert Reports Due
Mar. 16, 2015	Sur-Rebuttal Expert Reports Due
Mar. 23, 2015	Close of Discovery
Mar. 30, 2015	Notice of Dispositive Motions Due
Apr. 17, 2015	Dispositive Motions Due
May 1, 2015	Responses to Dispositive Motions Due ¹
May 15, 2015	Replies to Dispositive Motions Due

During the telephonic hearing on December 5, 2014, the Court also inquired as to the status of any outstanding discovery production issues previously raised by the parties. The parties indicated that some issues remained outstanding but were not yet ripe for consideration. Therefore, the Parties will be ordered to file, by the close of business on Tuesday, December 9, 2014, a status report regarding current document production and any other outstanding discovery issues. Any related motions to compel or other requests for

¹ The Court specifically notes that under this schedule, Plaintiffs' time for filing a Response to any dispositive motions filed by Defendants is reduced to 14 days. This adjustment was specifically made to accommodate Plaintiffs' request for additional time at the front-end for providing expert reports, and Plaintiffs consented to this scheduling adjustment. Plaintiffs have agreed that they will be prepared to file responses to dispositive motions on this expedited schedule.

Court intervention must be filed by Wednesday, December 10, 2014. These matters will be set for a telephonic hearing at 11 a.m. on Friday, December 12, 2014 to address any pending discovery production issues that remain outstanding, so that the case can remain on the schedule adopted by the Court above.

Finally, during the December 5, 2014 telephonic hearing, the Court also addressed Plaintiffs' Motion to Expedite [Doc. #215], which seeks to shorten the schedule for objections and responses to the Court's November 20, 2014 Discovery Order. As discussed during the hearing, the Court will not alter the deadlines for filing objections. However, to the extent Defendants may seek to file a Response to Plaintiffs' December 4, 2014 Objections, those responses will be due on or before December 18, 2014. Likewise, to the extent Plaintiffs may seek to file a response to any objections filed by Defendant on or before December 8, 2014, those responses must be filed by December 18, 2014. The parties have consented to these deadlines, and under this schedule, any objections will be fully briefed on or before December 18, 2014.

IT IS THEREFORE ORDERED that Defendants' Motion to Reschedule Trial [Doc. #211 in 1:13CV658] is DENIED, and this matter will remain on the July 2015 Trial Calendar.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Modify Pre-Trial Schedule Order [Doc. #208 in 1:13CV658] is GRANTED IN PART to the extent that the discovery schedule in this matter is modified as set forth above.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Expedite [Doc. #215 in 1:13CV658] is GRANTED IN PART to the extent that all responses to objections to the

Court's November 20, 2014 Discovery Order are due on or before Thursday, December 18, 2014, as set forth above.

FINALLY, IT IS ORDERED that, by 5:00 p.m. on Tuesday, December 9, 2014, the Parties must file a joint status report regarding current document production and any other outstanding discovery issues. Any related motions to compel or other requests for Court intervention must be filed on or before Wednesday, December 10, 2014, and this matter is set for a telephonic status conference at 11:00 a.m. on Friday, December 12, 2014, to address any pending discovery production issues that remain outstanding.

This, the 5th day of December, 2014.

/s/ Joi Elizabeth Peake
United States Magistrate Judge