

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**

This matter is before the court following a pretrial scheduling conference held telephonically on May 27, 2015, during which all parties were represented by counsel. Following that hearing, the parties were asked to meet and confer on a number of topics. They have reported the result of their meeting to the Deputy Case Manager.

Based on the requests of counsel reported to the court and for good cause shown, the following pretrial procedures and deadlines are therefore established:

1. The parties agree that the in-court testimony from the hearing on Plaintiffs' motion for preliminary injunction in these cases held July 7-10, 2014, will be incorporated into the trial record pursuant to Federal Rule of Civil Procedure 65(a)(2). The parties shall file a stipulation signed by counsel memorializing this agreement as soon as practicable.

2. By June 12, 2015, at 5:00 p.m., the parties shall file (a) a stipulation listing all exhibits, declarations, and/or deposition designations from the preliminary injunction hearing they agree will become part of the trial record, and (b) a list of all exhibits, declarations, and/or deposition designations from the preliminary injunction hearing whose admissibility is advocated by any party but is disputed.

3. By June 19, 2015, at 5:00 p.m., each party shall serve on all parties in these consolidated cases a non-binding list of all witnesses that the party, in good faith, expects to call at trial.

4. All pretrial disclosures as contemplated by Federal Rule of Civil Procedure 26(a)(3) shall be filed and served no later than June 26, 2015. Objections shall be filed and served no later than July 6, 2015.

5. Any motions to limit or preclude evidence pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), shall be filed and served by June 23, 2015. Responses shall be filed and served by July 6, 2015.

6. By noon on June 26, 2015, the parties shall file and serve joint trial briefs, as they have agreed, of not more than 60 pages for all private Plaintiffs combined, 50 pages for the United States, and 75 pages for all Defendants combined.

7. Any motions in limine shall be filed and served by June 26, 2015. Responses shall be filed and served by July 6, 2015.

8. Unless stated otherwise herein, all briefs and motions shall be subject to this court's Local Rules. Given the volume of materials involved, the parties are strongly urged to be concise.

9. Trial will begin at 9:30 a.m., on Monday July 13, 2015, in Courtroom # 2 in Winston-Salem. Based on the representations of counsel, the parties are allotted the following trial time: Plaintiffs and Intervenors collectively are allotted 60 hours; Defendants collectively are allotted equal time of 60 hours. This allotment includes all time for the parties' conduct of the trial, including direct examination, cross-examination, argument on motions and objections, rebuttal, opening statement, and closing arguments. This allotment also contemplates that the parties may file deposition designations (and counter designations) for fact witnesses, whose testimony is not to be viewed by visual recording and is otherwise admissible, without having to read them during trial. As to each deposition sought to be admitted, the offering party shall attach a one-page summary of the key facts and relevancy of the testimony. All other deposition evidence (including expert depositions) should be presented in open court unless the court rules otherwise, upon request.

10. Any party unable to reach agreement as to how to allocate his, her, or its trial time with respective co-parties may move the court for relief prior to the start of trial. The parties should regard the trial time allotments as firm, but any party who believes he, she, or it requires

more time in the interests of justice may ask the court for relief. Among the factors the court will also consider is whether the parties have used their trial time efficiently up to that point.

11. The parties may, but are not required to, submit proposed findings of fact and conclusions of law no later than 14 days after the conclusion of the trial. Plaintiffs and Intervenors collectively are limited to 100 pages; Defendants collectively are limited to 100 pages. Any party believing he, she, or it requires further page limitations may apply for an extension upon a showing of need.

SO ORDERED.

          /s/          Thomas D. Schroeder  
United States District Judge

June 4, 2015

## General Information

<b>Court</b>	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
<b>Federal Nature of Suit</b>	Civil Rights - Voting[441]
<b>Docket Number</b>	1:13-cv-00660