

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**

As a result of telephone conferences held with the parties on June 23, June 24, and June 26, which were precipitated by the Government's request in light of the passage by the North Carolina General Assembly of 2015 N.C. Session Laws 103, available at <http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H836v6.pdf> ("SL 2015-103"), and based on the requests and representations of counsel, the court makes the following amendments to its June 4 Order (Doc. 256 in Case No. 13-cv-861). Procedures and deadlines not expressly mentioned below are not amended and continue per the June 4 Order.

1. 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.

2. Plaintiffs request that the court carve out the merits consideration of the N.C. Voter ID law from the upcoming trial so they can assess the impact of SL 2015-103 on the case and report to the court at a later date; Defendants contend that all claims in the current cases based on the merits of the voter ID law are moot in light of the new law. At the telephone conference held on June 26, 2015, the court proposed that, instead of having a bifurcated trial, the entire trial be continued until September so that the parties and court could sort out what, if anything, remains

of the voter ID claims. Counsel for all Plaintiffs opposed moving the trial to September.

3. The claims in the consolidated cases challenging the merits of North Carolina's voter identification law will therefore be deferred from the July 13, 2015 trial; all remaining claims will be tried.

4. Plaintiffs propose, and the court orders, that by noon on August 17, 2015, each party shall file a status report on the effect of SL 2015-103 on the voter identification claims in this case and how the party requests the court to proceed, if at all, on the adjudication of such claims.

5. Defendants have indicated an intent to file a motion to dismiss the voter identification claims as moot, given the passage of SL 2015-103. Defendants have until July 8, 2015, to file any motions to dismiss. Responsive briefs are due July 23, 2015. Any reply brief is due July 30, 2015. All briefs shall be subject to limitations of the Local Rules.

6. By noon on June 29, 2015, each party shall serve on all parties in these consolidated cases an updated, non-binding list of all witnesses that the party, in good faith, expects to call at trial.

7. All pretrial disclosures as contemplated by Federal Rule of Civil Procedure 26(a)(3), including all deposition designations, shall be filed and served no later than 2 p.m.

on June 30, 2015. All objections, including counter-designations, shall be filed and served no later than noon on July 8, 2015.

8. The deadlines for filing motions to limit or preclude evidence pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), occurred on June 23, 2015. By noon on June 26, each party having filed a Daubert motion shall file a brief one-page supplement to that motion, identifying the portion of the motion relating to voter identification and otherwise not at issue for the trial set to begin on July 13. Responses to the motions shall be filed and served by noon on July 8, 2015.

9. By noon on June 29, 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.

10. Any motions in limine shall be filed and served by 2 p.m. on June 30, 2015. Responses shall be filed and served by 2:00 p.m. on July 8, 2015. The court invites the parties to file responses sooner, if able, given that replies will not be permitted.

11. Trial will begin at 9:30 a.m., on Monday July 13, 2015, in Courtroom # 1 in Winston-Salem. Based on the

representations of counsel, the parties are allotted the following trial time: Plaintiffs and Intervenors collectively are allotted 45 hours; Defendants collectively are allotted equal time of 45 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.

12. 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 and whether the evidence sought to be offered is cumulative.

13. The parties may, but are not required to, submit proposed findings of fact and conclusions of law no later than fourteen 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.

14. By 5:00 p.m. on July 3, 2015, the parties shall file a report as to the status of the related North Carolina State court proceeding challenging the voter identification portion of North Carolina law.

SO ORDERED.

          /s/          Thomas D. Schroeder  
United States District Judge

June 26, 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