

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' Joint Motion to Deem Requests for Admission to Comply with Scheduling Order [Doc. #234].¹ In the Motion, Plaintiffs note that, on February 18, 2015, Plaintiff United States served 96 requests for admission on Defendants. Defendants objected to those requests on the grounds that the 96 requests exceeded the limit of 25 requests for admission per Plaintiff group provided for in the Court's prior discovery scheduling order. Plaintiffs now seek a ruling deeming those 96 requests for admission as joint requests for admission by all Plaintiff groups, in compliance with the limits in the scheduling order. Plaintiffs note that only the United States, and none of the remaining Plaintiff groups (i.e., the League of Women Voters, the NAACP, and the Duke intervenors) have served any requests for admission on Defendants in any of the related cases. All of the Plaintiff groups now specifically join the motion and ask that the requests for admission be considered joint requests for all Plaintiff groups. Plaintiffs ask the Court to require Defendants to respond to those requests.²

Defendants, in opposing the instant Motion, contend that, until Defendants raised the issue, Plaintiffs provided no indication that the requests were intended to be joint. Defendants note that the requests appeared only under the caption of the action brought by the United States alone and not under the caption of cases brought by other Plaintiffs. According to Defendants, it was not until March 9, 2015, when Defendants offered the United States an opportunity to identify which 25 of the 96 requests for admission that they preferred

¹ The Court will refer to documents in case 1:13CV861.

² Defendants agreed to respond to 25 of the requests for admission of United States' choosing. Accordingly, only 71 requests for admission remain unanswered.

Defendants respond to, that Plaintiffs, for the first time, requested that Defendants consider the requests for admission as joint. Moreover, Defendants contend they will be prejudiced by an order deeming such requests as joint requests because, given other impending deadlines and ongoing discovery, requiring Defendants to respond to the remaining requests for admission at this time would compromise Defendants' ability to defend these cases.

After reviewing the instant Motion and the Parties' briefing, the Court deems it appropriate to consider the 96 requests for admission to be joint requests served by all Plaintiff groups, such that the requests are in compliance with the Court's scheduling order. The Court finds that Defendants will face little prejudice in responding to the unanswered requests for admission. The total number of requests is within the collective limit originally allocated to the Plaintiffs, and the Court will extend the time to respond to address Defendants' concerns. In addition, the requests for admission are designed to narrow the issues in dispute and may allow for stipulations as to certain issues and greater efficiencies on dispositive motions and at trial. Accordingly, the Court will order Defendants to respond to any unanswered requests for admission.

In doing so, the Court notes that Defendants requested that, should the Court grant Plaintiffs' Motion, that they be allowed until April 30, 2015 to respond. However, dispositive motions in this matter are due on April 17, 2015, and responses are due on May 1, 2015. An April 30, 2015, deadline would allow little time to make any meaningful use of that material, if appropriate, on summary judgment briefing. Accordingly, in order to allow time for Defendants' requests to be reviewed and, if appropriate, incorporated at least into any

summary judgment response, the Court will order that Defendants respond to the remaining requests for admission by April 24, 2015.

IT IS THEREFORE ORDERED that Plaintiffs' Joint Motion to Deem Requests for Admission to Comply with Scheduling Order [Doc. #234] is GRANTED and Defendants shall respond to the unanswered requests for admission by April 24, 2015.

This, the 2nd day of April, 2015.

/s/ Joi Elizabeth Peake
United States Magistrate Judge