

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

NO. 1:13-CV-00949

DAVID HARRIS; CHRISTINE BOWSER;
and SAMUEL LOVE,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as
Governor of North Carolina; NORTH
CAROLINA STATE BOARD OF
ELECTIONS; and JOSHUA HOWARD, in
his capacity as Chairman of the North
Carolina State Board of Elections,

Defendants.

**JOINT CONSENT
RULE 26(f) REPORT**

On January 29, 2014, Plaintiffs provided Defendants with a proposed Joint Rule 26(f) Conference Report, which included Plaintiffs' proposed discovery plan and a proposed trial date of March 21, 2014. On February 4, Defendants provided their own proposed Rule 26(f) Report, which differed in material respects. Defendants proposed a discovery deadline in August 2014 and did not propose a trial date. The parties conferred on February 5, 2014, but were unable to reach agreement on a proposed discovery plan. On February 12, 2014, the Honorable William L. Osteen, Jr. conducted an Initial Pretrial Conference with the parties. At and following the conference, the parties agreed upon the following deadlines:

1. Discovery Plan. The parties present the following discovery plan:

a. Discovery will be needed on the following subjects: (i) the allegations and Prayer for Relief in the Complaint; and (ii) the defenses and allegations in Defendants' Answer.

b. Discovery shall be placed on a case-management track established in LR 26.1. The appropriate plan for this case (with the stipulated modifications set out below) is that designated in LR 26.1(a) as Standard.

c. The date for the completion of all discovery (general and expert) is May 1, 2014.

d. Modifications to the case management track should include: (i) discovery shall be completed by May 1, 2014; (ii) depositions are limited to 10 depositions, including experts, by Plaintiffs (collectively), and 10 depositions, including experts, by Defendants (collectively); (iii) responses to interrogatories and requests for production shall be due within 15 days; and (iv) responses to requests for production shall be due within 15 days.

e. Reports from retained experts under Rule 26(a)(2) are due during the discovery period, from Plaintiffs on or before February 12, 2014, and from Defendants on or before March 5, 2014.

f. Supplementations under Rule 26(e) are due on or before May 1, 2014.

2. Mediation. Mediation is not required under LR 16.4 for this case.

3. Preliminary Deposition Schedule. Depositions of experts shall be completed no later than April 1, 2014. To the extent possible, dates for depositions shall be set by mutual agreement.

4. Other Issues.

a. Plaintiffs should be allowed until February 28, 2014 to join additional parties or amend pleadings, without leave of Court.

b. Defendants should be allowed until February 28, 2014 to request leave to join additional parties or amend pleadings, without leave of Court.

c. The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master, and they do not wish to use any such procedures.

d. Trial of the action is expected to take approximately 3 days. A jury trial has not been demanded.

5. Pending Motions

a. On December 24, 2013, Plaintiffs filed a Motion for Preliminary Injunction (D.E. #18) and supporting memorandum (D.E. #36). On January 17, 2014, Defendants filed a Response in Opposition to Plaintiffs' Motion for Preliminary Injunction (D.E. # 29). On February 3, 2014, Plaintiffs filed a Reply in Support of their Motion for Preliminary Injunction. (D.E. # 37). The Motion

for Preliminary Injunction has been fully briefed and is ripe for consideration by the Court.

b. On February 12, 2014, Defendants filed a Motion to Stay, Defer, or Abstain (D.E. # 43) and supporting memorandum (D.E. # 44). Plaintiffs' Response is due on February 20, 2014. Defendants' Reply, if any, is due on February 26, 2014.

c. The Court requested briefing by the parties on expediting consideration of the Motion for Preliminary Injunction and trial. Plaintiffs' Motion to Expedite and supporting memorandum are due on February 20, 2014. Defendants' Response is due on February 26, 2014. With regard to a Reply Brief, the February 13, 2014 minute entry with respect to briefing indicated that there would be no Reply Brief filed by Plaintiffs. The statement by Plaintiffs' counsel during the February 12, 2014 hearing to the effect that Plaintiffs needed no reply brief was based upon the misapprehension that there would be parallel briefing with regard to the Motion to Expedite. The Defendants do not object to the filing of a Reply Brief by Plaintiffs, with such brief being filed no later than March 5, 2014.

Respectfully submitted, this the 18th day of February, 2014.

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Local Rule 83.1

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing **JOINT CONSENT RULE 26(f) REPORT** to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

This the 18th day of February, 2014.

/s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.