

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

JOINT MOTION TO MODIFY SCHEDULING ORDER

Plaintiffs Rodney D. Pierce and Moses Matthews, together with Defendants the North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy Eggers IV, Kevin N. Lewis, Siobhan O’Duffy Millen, each in their official capacities, and Philip E. Berger and Timothy K. Moore, both in their official capacities, jointly move the Court for an order modifying the Scheduling Order, D.E. 81. The parties move to modify the Scheduling Order to allow the parties to exchange supplemental reports analyzing the 2024 general election results from their respective racially polarized voting (“RPV”) experts after trial, incorporate those reports in the trial record as admitted exhibits, and extend the deadline for the parties to file their proposed findings of fact and conclusions of law. In support, the parties show the following:

1. The parties discussed and agreed with the Court at the pretrial conference that the Court’s Scheduling Order, D.E. 81, should be modified to reflect a timeline and protocols that will permit supplemental RPV reports analyzing the 2024 general election results to be admitted to the record after trial. Following the pre-trial conference, counsel for the State Board Defendants notified the parties on January 31, 2025, that precinct-sorted data was now publicly available. At

the conclusion of trial, the Court held open the record and directed the parties to submit a proposed briefing schedule. D.E. 111. The parties propose the following schedule:

- The parties' RPV experts' supplemental reports analyzing the November 2024 election results are due by February 28, 2025.
- Rebuttals to the parties' RPV experts' supplemental reports are due by March 7, 2025.
- The parties' joint filing on the docket of opening and rebuttal supplemental RPV expert reports for admission to the record as admitted exhibits is due by March 10, 2025.
- The parties shall file proposed findings of fact and conclusions of law by March 14, 2025.

WHEREFORE, the parties respectfully request that the Court modify the Scheduling Order to allow the exchange of supplemental RPV expert reports analyzing the November 2024 election results by February 28, 2025, exchange of rebuttals to the parties' supplemental reports by March 7, 2025, joint filing of the supplemental reports for admission to the record by March 10, 2025, and submission of proposed findings of fact and conclusions of law by March 14, 2025.

Respectfully submitted this, the 17th day of February, 2025.

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**Appeared via Special Notice*

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the cm/ecf system, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 17th day of February, 2025.

/s/ Orion de Nevers
Orion de Nevers

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**[PROPOSED] ORDER GRANTING JOINT MOTION TO MODIFY SCHEDULING
ORDER**

This matter is before the Court on a joint motion to modify the Scheduling Order. The Court, having reviewed the Motion, finds good cause to allow the relief requested. It is therefore ORDERED that the Scheduling Order, D.E. 81, is modified to reflect the following timeline and protocols:

- The parties' RPV experts' supplemental reports analyzing the November 2024 election results are due by February 28, 2025.
- Rebuttals to the parties' RPV experts' supplemental reports are due by March 7, 2025.
- The parties' joint filing on the docket of opening and rebuttal supplemental RPV expert reports for admission to the record as admitted exhibits is due by March 10, 2025.
- The parties shall file proposed findings of fact and conclusions of law by March 14, 2025.

SO ORDERED this, the ____ day of _____, 2025.

The Honorable James C. Dever III
United States District Court Judge