

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

DAVID HARRIS, CHRISTINE )  
BOWSER, and SAMUEL LOVE, )  
 )  
Plaintiffs, )  
 )  
v. ) 1:13CV949  
 )  
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. )

**ORDER**

On September 17, 2015, Defendants filed two motions. The first, Defendants' Renewed Motion to Stay, Defer, or Abstain (Doc. 105) requests that this court abstain from further proceedings "because parallel litigation involving the same claims and issues is currently pending before the North Carolina Supreme Court." (Doc. 105 at 1.) The second motion, a motion in limine, requests an order excluding the testimony and report of Stephen Ansolabehere. (Doc. 107.) Under Local Rule 7.3, Plaintiffs' opposition briefs would be due by no later than October 8, 2015, and any reply briefs would be due by no later

than October 22, 2015. The motion to stay will have to be addressed prior to trial.

The parties have also requested a pretrial conference.

Trial in this matter is set for October 13, 2015. In light of the short time before trial is scheduled to begin, this court finds an amended scheduling order with shortened response times is necessary to permit the orderly resolution of pretrial issues prior to trial.

In order to resolve the motion to defer or abstain, Plaintiffs shall respond to Defendants' second motion to stay, defer, or abstain (Doc. 105) by no later than September 26, 2015. Defendants' reply shall be due by no later than October 1, 2015. In addition to any other matters the parties wish to brief, the parties shall address the question left open in this court's previous order denying Defendants' motion to stay: whether Grove v. Emison, 507 U.S. 25, 34 (1993), requires this court to defer to a pending state court case that is merely reviewing the validity of a current map, as opposed to actually redrawing a map that has already been deemed invalid. See Grove, 507 U.S. at 27-32 (reversing the district court's decision to enjoin a state court engaged in the process of redrawing the state's map). But see Rice v. Smith, 988 F. Supp.

1437, 1438 (M.D. Ala. 1997) (dismissing federal case where review of a challenge to a state map was pending before the state's highest court).

In addition to the foregoing, the parties shall comply with the following scheduling order: all pretrial motions are due by no later than September 25, 2015; all opposition briefs are due by no later than October 2, 2015; and all reply briefs are due by no later than October 7, 2015.

The court wishes to emphasize that any motion for extension of time will not be viewed favorably, as only three weeks remain before trial and time is of the essence.

The court further sets a pretrial conference on Friday, October 9, 2015, at 11:00 a.m., to be conducted by telephone, with further details to be determined.

**IT IS SO ORDERED.**

This the 22nd day of September, 2015.

  
United States District Judge