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WAKE CO., ~~C.S.C.~~

STATE OF NORTH CAROLINA ~~C.S.C.~~ <sup>SCJ</sup> IN THE GENERAL COURT OF JUSTICE  
COUNTY OF WAKE SUPERIOR COURT DIVISION  
CASE NO. 20 CVS 500147

**PLANNED PARENTHOOD SOUTH  
ATLANTIC, on behalf of itself, its  
physicians and staff, and its patients; et al.,**

*Plaintiffs,*

v.

**TIMOTHY K. MOORE, as Speaker of the  
North Carolina House of Representatives,  
in his official capacity; et al.,**

*Defendants.*

### **PRETRIAL SCHEDULING ORDER**

Upon consideration of the parties' Joint Motion to Approve Pretrial Scheduling Order filed on September 30, 2022, and for good cause shown, the Motion is hereby GRANTED. It is ORDERED that the Court's Scheduling Order filed on September 9, 2022 is withdrawn. It is further ORDERED that the following pretrial schedule shall apply to these proceedings:

#### **I. SCOPE OF ORDER**

This Order establishes procedures to be used and sets deadlines for various matters likely to arise through trial. It shall remain in effect until rescinded by the Court or superseded by subsequent order. The North Carolina Rules of Civil Procedure ("Rules of Civil Procedure"), the General Rules of Practice for the Superior and District Courts ("General Rules of Practice"), and

the Rules for Civil Superior Court, Judicial District 10 (“Local Rules”) shall govern all matters not expressly covered by this Order. The Court may amend or supplement this Order as deemed appropriate by the Court upon the motion of any party or by the Court.

## **II. DISCOVERY**

### **A. Fact discovery**

All written fact discovery (interrogatories, requests for admissions, requests for production, and subpoenas) shall be served by **December 9, 2022**. All fact depositions must be completed by **February 17, 2023**.

### **B. Expert witness discovery.**

1. The parties will designate experts by filing a written report of each expert. Each proposed experts’ written report shall comply with Rule 26(a)(4)(a)(2). If Plaintiffs wish to rely upon expert witness testimony, any expert report(s) shall be due by **March 3, 2023**. If Defendants wish to rely upon expert witness testimony, any expert report(s) shall be due by **April 3, 2023**. Any replies from Plaintiffs, which shall be limited to responding to new information in Defendants’ reports, shall be due by **April 17, 2023**.

2. If a party wishes to depose another party’s expert witness(es), such depositions shall take place by **May 15, 2023**.

3. The party who notices the deposition of an opposing party’s expert witness shall pay the reasonable hourly fee of that expert witness for time actually spent in the noticed discovery deposition, which fee shall not be more than the hourly fee charged by the expert witness to the party for whom he or she is a witness. No party shall be required to pay the other’s expert in advance of a deposition. Each party shall bear his or her own costs for any other fees and expenses associated with the taking of the depositions of expert witnesses except, in the event the

parties agree to conduct an expert deposition by videoconference, for reasonable and necessary costs for the deponent's travel to designated videoconference sites other than the deponent's home or place of work, which will be paid by the party noticing the videoconference deposition. Any dispute concerning fees will be resolved by motion.

C. Modifications.

The parties by consent may modify or extend the deadlines specified in Section II without further order of the Court.

### III. MOTIONS

1. The parties shall serve and file and discovery motions concurrently with their supporting memoranda on or before **April 14, 2023**. Responses to these motions shall be served by **May 5, 2023**. Replies, if any, shall be served by **May 19, 2023**.

2. The parties shall serve and file any potentially dispositive motions concurrently with its supporting memoranda by **June 1, 2023**. Responses to dispositive motions shall be served by **July 15, 2023**. Replies, if any, shall be served by **July 30, 2023**. The parties shall cooperate to schedule any dispositive motions for hearing in **August, 2023**, subject to the Court's schedule.

3. All other motions, including motions in limine, shall be served and filed concurrently with its supporting memoranda on or before **August 4, 2023**. Responses to these motions shall be served by **August 25, 2023**. Replies, if any, shall be served by **September 8, 2023**.

V. TRIAL

The final pretrial conference shall be held after motions in limine are fully briefed and the Court has ruled on dispositive motions. The parties request and propose that trial be scheduled for not less than 30 days after the Court rules on the dispositive motions. If no dispositive motions are filed or if the Court holds resolution of such motions in abeyance, the matter shall be ready for trial not later than **September 11, 2023**. The parties anticipate the trial will take approximately 2-3 weeks. Nothing in this Order precludes the trial court from continuing the case if the trial court in its discretion concludes that a continuance is appropriate.

SO ORDERED, this 4 day of October, 2022.

  
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R. Gregory Horne, Superior Court Judge

  
\_\_\_\_\_  
Cynthia Sturges, Superior Court Judge

  
\_\_\_\_\_  
Lori Hamilton, Superior Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing order was served on the persons indicated below by electronic transmission via e-mail, addressed as follows:

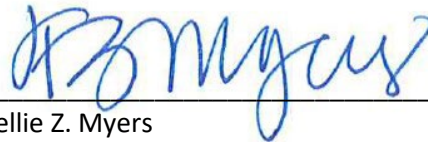
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*Counsel for Defendants AG Stein, DeBerry, David, Freeman, West, Woodall, Crump, Merriweather, O'Neill, Williams, Sec. Cohen, Murphy, and Harrell, in his or her official capacities*

Service is made upon local counsel for all attorneys who have been granted pro hac vice admission, if any, with the same effect as if personally made on a foreign attorney within this state.

This the 11<sup>th</sup> day of October 2022.



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Kellie Z. Myers  
Trial Court Administrator – 10<sup>th</sup> Judicial District  
kellie.z.myers@nccourts.org