

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

JOAQUIN CARCAÑO, et al.,  
Plaintiffs,

v.

PATRICK McCRORY, et al.,  
Defendants,

and

PHIL BERGER and TIM MOORE,  
Intervenor-Defendants.

---

1:16CV236

UNITED STATES OF AMERICA,  
Plaintiff,

v.

STATE OF NORTH CAROLINA, et al.,  
Defendants,

and

PHIL BERGER and TIM MOORE,  
Intervenor-Defendants.

---

1:16CV425

PHIL BERGER and TIM MOORE,  
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE, et al.,  
Defendants.

---

1:16CV844

NORTH CAROLINIANS FOR PRIVACY,  
Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE, et al.,  
Defendants.

---

1:16CV845

ORDER

This matter is before the Court on the Parties' Joint Notice [Doc. #112] in 1:16CV425, setting out a proposed briefing schedule for briefing of the United States' Motion for Preliminary Injunction.

As noted during the Pretrial Conference in these cases on July 22, 2016, the Court has advanced the trial on the merits pursuant to Federal Rule of Civil Procedure 65(a)(2), and the Court has now set a briefing schedule for dispositive motions and trial briefs for a November 14, 2016 trial. The Court expects that any issues that the parties wish to raise in these cases will be addressed in those dispositive motions and trial briefs.

At the Pretrial Conference, the United States took the position that completing the preliminary injunction briefing would still be useful during discovery, even if consideration of the issues is consolidated with the advanced trial on the merits. In response, Defendants and Intervenor-Defendants noted that it was their view that the schedule for dispositive motions and trial would potentially supersede any need to separately respond to the motion for preliminary injunction. However, Defendants and Intervenor-Defendants nevertheless agreed that they would be willing to file a response to the motion for preliminary injunction, to the extent such a response may be helpful in framing the relevant issues during the expedited

discovery period. The parties have now reached an agreement on the briefing schedule as set out in the parties' Joint Notice.

In light of that agreement, the Court will adopt the parties' proposed briefing schedule for briefing the United States' Motion for Preliminary Injunction. As such, Defendants University of North Carolina and the North Carolina Board of Governors will respond to the United States' preliminary injunction motion by the original deadline of July 29, 2016; Defendants State of North Carolina, Governor McCrory, and Secretary Perry, as well as Intervenor-Defendants Phil Berger and Tim Moore, will respond to the United States' preliminary injunction motion by August 17, 2016; and Plaintiff United States will file a reply, if any, by September 16, 2016. As discussed at the Pretrial Conference, any issues that the parties wish to raise in these cases should still be addressed in the dispositive motions and trial briefs as provided in the July 25, 2016 Scheduling Order, so that all of the relevant issues can be addressed in November after the period of expedited discovery.

IT IS THEREFORE ORDERED that the Court adopts the briefing schedule set out in the Joint Notice [Doc. #112] in 1:16CV425, but any issues that the parties wish to raise in these cases should still be addressed in the dispositive motions and trial briefs on the schedule set out in the July 25, 2016 Scheduling Order, so that all of the relevant issues can be addressed in November after the period of expedited discovery.

This, the 28<sup>th</sup> day of July, 2016.

/s/ Joi Elizabeth Peake  
United States Magistrate Judge