

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

JOAQUÍN CARCAÑO; PAYTON GREY
MCGARRY; HUNTER SCHAFFER;
MADELINE GOSS; ANGELA GILMORE;
QUINTON HARPER; and AMERICAN
CIVIL LIBERTIES UNION OF NORTH
CAROLINA,

Plaintiffs,

v.

ROY A. COOPER, III, in his official capacity as
Governor of North Carolina; UNIVERSITY OF
NORTH CAROLINA; DR. WILLIAM ROPER,
in his official capacity as President of the
University of North Carolina; JOSHUA STEIN,
in his official capacity as Attorney General of
North Carolina; MACHELLE SANDERS, in her
official capacity as Secretary of the North
Carolina Department of Administration;
MANDY K. COHEN, in her official capacity as
Secretary of the North Carolina Department of
Health and Human Services; and JAMES H.
TROGDON III, in his official capacity as
Secretary of the North Carolina Department of
Transportation,

Defendants,

PHIL BERGER, in his official capacity as
President Pro Tempore of the North Carolina
Senate; and TIM MOORE, in his official
capacity as Speaker of the North Carolina
House of Representatives,

Intervenor-Defendants.

Case No. 1:16-cv-00236

UNC DEFENDANTS' CONSENT MOTION TO CONTINUE HEARING

Pursuant to Local Rule 6.1(b), Defendants Dr. William Roper¹ and the University of North Carolina (“UNC Defendants”), by and through their attorneys, respectfully move the Court to continue the hearing on all pending motions currently scheduled for May 7, 2019. (ECF No. 278.) Counsel for the UNC Defendants has a conflict on May 7. Counsel has conferred with counsel for the Plaintiffs, Executive Branch Defendants, and Intervenor-Defendants, and all parties are available on May 10, May 13, and May 17. The UNC Defendants respectfully request that the hearing on all pending motions be continued until one of the dates provided. Counsel for the Plaintiffs, Executive Branch Defendants, and Intervenor-Defendants consent to this request.

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, “when a public officer who is a party in an official capacity . . . ceases to hold office while the action is pending . . . [t]he officer’s successor is automatically substituted as a party.” Dr. William Roper became the interim President of the University of North Carolina on January 1, 2019, succeeding Margaret Spellings; as such Dr. William Roper is automatically substituted for Ms. Spellings as the Defendant in this suit.

Dated: April 17, 2019

/s/ Thomas C. Shanahan
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Respectfully submitted,

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[PROPOSED] ORDER

On consideration of the Consent Motion to Continue Hearing, and for good cause shown,

IT IS ORDERED that the Consent Motion is **GRANTED**. The hearing on all pending motions shall be rescheduled for May ____, 2019;

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 25(d), Dr. William Roper is substituted as a Defendant in this action for Ms. Margaret Spellings.

THOMAS D. SCHROEDER
UNITED STATES DISTRICT JUDGE

April ____, 2019