

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

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity as
State Treasurer of North Carolina, *et al.*,

Defendants.

Case No. 1:19-cv-00272-LCB-LPA

**PLAINTIFFS' MOTION TO EXCLUDE
EXPERT TESTIMONY OF STEPHEN B. LEVINE, M.D.**

Now come, Plaintiffs, by and through their counsel, and respectfully move this Court to exclude the expert report, opinions, and testimony of State Health Plan Defendants¹ proposed expert, Stephen B. Levine, M.D., pursuant to Federal Rules of Civil Procedure 26 and 37, and Federal Rules of Evidence 104, 403, and 702. Dr. Levine is not a qualified expert on gender dysphoria or its treatment, and his opinions and testimony are neither relevant nor reliable pursuant to the standards set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), and its progeny. His opinions and testimony are likewise inadmissible because any probative value they may have is substantially outweighed by the danger of unfair prejudice, confusion of the issues, waste of time, undue delay, and needless presentation of cumulative evidence. *See* Fed. R. Evid. 403.

¹ The State Health Plan Defendants are the North Carolina State Health Plan for Teachers and State Employees (“NCSHP”); Dale Folwell, in his official capacity as State Treasurer; and Dee Jones, in her official capacity as Executive Administrator of the NCSHP.

A memorandum of law is filed contemporaneously herewith.

Dated this 2nd day of February, 2022.

Respectfully submitted,

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* Appearing by special appearance pursuant to L.R. 83.1(d).

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO EXCLUDE
EXPERT TESTIMONY OF STEPHEN B. LEVINE, M.D.**

This matter comes before the Court on the motion of Plaintiffs Maxwell Kadel; Jason Fleck; Connor Thonen-Fleck; Julia McKeown; Michael D. Bunting, Jr.; C.B., by his next friends and parents, Michael D. Bunting, Jr. and Shelley K. Bunting; Sam Silvaine; and Dana Caraway (“Plaintiffs”) to exclude the testimony of Stephen B. Levine, M.D., a disclosed expert of Defendants Dale Folwell, Dee Jones, and the North Carolina State Health Plan for Teachers and State Employees.

Having considered Plaintiffs’ Motion and Memorandum in Support, and for good cause shown, IT IS HEREBY ORDERED that Plaintiffs’ Motion to Exclude Expert Testimony of Stephen B. Levine, M.D. is GRANTED.

This ___ day of _____, 2022.

The Honorable Loretta C. Biggs
United States District Judge