

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

MAXWELL KADEL, et al.,

*Plaintiffs,*

v.

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

DALE FOLWELL, et al.,

*Defendants.*

**JOINT MOTION TO SPECIALLY SET TRIAL AND ALLOW 8-10 DAYS FOR  
PROCEEDINGS**

Plaintiffs Maxwell Kadel, Sam Silvaine, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., and Dana Caraway (collectively, “Plaintiffs”) and Defendants Dale Folwell, Dee Jones, and North Carolina State Health Plan for Teachers and State Employees, and State of North Carolina Department of Public Safety (collectively, “Defendants”) hereby jointly move this Court to specially set the trial of this matter for a date certain and to allow 8-10 days for trial proceedings, and state as follows:

1. This matter is currently scheduled for trial before the Court during the term commencing on July 5, 2022, at 9:30 a.m. *See* ECF No. 222.
2. The pretrial disclosures must be made no later than June 3, 2022, motions in limine must be filed no later than June 10, 2022, and any objections to pretrial

disclosures and responses to motions in lime must be served and filed no later than June 17, 2022.

3. The Parties have conferred and believe that this case will take longer to try than their initial five-day estimate set forth in the Parties' Rule 26(f) Report. *See* ECF No. 61.

4. Since the Parties filed their Rule 26(f) Report, they have added a plaintiff, Dana Caraway, and a defendant, North Carolina Department of Public Safety. *See* ECF No. 75.

5. The Parties have also found it necessary to rely on more expert witnesses, who likely will be called at trial, than initially anticipated when they filed the Rule 26(f) Report.

6. For these reasons, the Parties now estimate that this trial will take 8-10 days to complete and ask that the Court modify the time for trial accordingly.

7. The Parties also ask that trial be specially set and the accompanying pretrial deadlines be adjusted accordingly for a date certain.

8. Every expert witness that Plaintiffs or Defendants intend to call at trial resides outside of the State of North Carolina and, therefore, will need to travel to Winston-Salem for trial.

9. Plaintiffs expect to call experts who live in San Francisco, CA, Los Angeles, CA, Chicago, IL, and Johnson City, TN. Defendants' experts are located in St. Louis, MO, Baltimore, MD, Cleveland, OH, and Decatur, AL. Given the difficulties

associated with travel, coordinating schedules, securing lodging and workspace, and other logistical challenges, the Parties (and potentially the Court) would greatly benefit from this matter being specially set by the Court.

10. Additionally, Defendants include public officials, including the elected North Carolina State Treasurer, who have substantial responsibilities and difficult schedules because of their official duties and responsibilities.

11. Moreover, all of the Plaintiffs will need to travel from across the state. Plaintiffs have substantial responsibilities in their respective workplaces or places of education and will need to make arrangements in order to be available for trial.

12. The Parties submit that a specially set trial date would eliminate the potential expense and prejudice that would result if all of the parties and witnesses traveled to Winston-Salem only to have the trial delayed until later in the trial period.

WHEREFORE, the Parties respectfully request that the Court grant their Joint Motion to Specially Set Trial and Allow 8-10 Days for Proceedings.

Dated: May 19, 2022

/s/ Amy Richardson

Amy E. Richardson  
N.C. State Bar No. 28768  
Lauren E. Snyder  
N.C. State Bar No. 54150  
HARRIS WILTSHIRE & GRANNIS LLP  
1033 Wade Avenue, Suite 100  
Raleigh, NC 27605-1155  
Phone: 919-429-7386 | Fax: 202-730-1301  
arichardson@hwglaw.com

Respectfully submitted,

Tara L. Borelli\*  
Carl S. Charles\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
1 West Court Square, Ste. 105  
Decatur, GA 30030  
Telephone: 404-897-1880  
Facsimile: 404-506-9320  
tborelli@lambdalegal.org

Deepika H. Ravi\*  
Grace H. Wynn\*  
HARRIS WILTSHIRE & GRANNIS LLP  
1919 M Street N.W., 8th Floor,  
Washington, D.C. 20036  
Phone: 202-730-1300 | Fax: 202-730-1301  
dravi@hwglaw.com

Michael W. Weaver\*  
Adam M. Safer\*  
MCDERMOTT WILL & EMERY  
444 W. Lake St., Suite 4000  
Chicago, IL 60606  
Phone: 312-984-5820 | Fax: 312-984-7700  
mweaver@mwe.com

Dmitriy G. Tishyevich\*  
Warren Haskel\*  
MCDERMOTT WILL & EMERY  
One Vanderbilt Avenue  
New York, NY 10017-3852  
Phone: 212-547-5534 | Fax: 646-417-7668  
dtishyevich@mwe.com

Lauren H. Evans\*  
MCDERMOTT WILL & EMERY  
500 North Capitol Street, N.W.  
Washington, D.C. 20001-1531  
Phone: 202-756-8864 | Fax: 202-591-2900  
levans@mwe.com

Omar Gonzalez-Pagan\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
120 Wall Street, 19th Floor  
New York, NY 10005  
Telephone: 212-809-8585  
Facsimile: 212-809-0055  
ogonzalez-pagan@lambdalegal.org

David Brown\*  
Ezra Cukor\*  
TRANSGENDER LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
520 8th Ave, Ste. 2204  
New York, NY 10018  
Telephone: 646-993-1680  
Facsimile: 646-993-1686  
dbrown@transgenderlegal.org

*Counsel for Plaintiffs*

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

/s/ John G. Knepper

John G. Knepper  
Wyo. Bar No. 7-4608  
Law Office of John G. Knepper, LLC  
1720 Carey Avenue, Suite 590  
Cheyenne, WY 82001  
Telephone: (307) 632-2842  
John@KnepperLLC.com

/s/ Kevin G. Williams

Kevin G. Williams  
N.C. Bar No. 25760

/s/ Mark A. Jones

N.C. Bar No. 36215  
BELL, DAVIS & PITT, P.A  
100 N. Cherry St., Suite 600  
Winston-Salem, NC 27101  
T(336)722-3700;F 722-8153  
kwilliams@belldavispitt.com  
mjones@belldavispitt.com

*Counsel for Defendants Dale Folwell, Dee Jones, and North Carolina State Health Plan  
for Teachers and State Employees*

**JOSHUA H. STEIN**  
**Attorney General**

/s/ Alex R. Williams

Alex R. Williams (N.C.S.B. No. 41679)  
Special Deputy Attorney General  
N.C. Department of Justice  
Public Safety Section  
P. O. Box 629 Raleigh, North Carolina 27602-0629  
Telephone: (919) 716-6528  
Facsimile: (919) 716-6761  
E-Mail: awilliams@ncdoj.gov

*Counsel for Defendant State of North Carolina Department of Public Safety*

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

Dated: May 19, 2022

/s/ Amy Richardson  
Amy E. Richardson  
N.C. State Bar No. 28768  
HARRIS, WILTSHIRE & GRANNIS LLP  
1033 Wade Avenue, Suite 100  
Raleigh, NC 27605-1155  
Phone: 919-429-7386  
Fax: 202-730-1301  
arichardson@hwglaw.com

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

MAXWELL KADEL, et al.,

*Plaintiffs,*

v.

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

DALE FOLWELL, et al.,

*Defendants.*

**ORDER**

This matter is before the Court on a Joint Motion to Specially Set Trial and Allow 8-10 Days for Proceedings.

Upon consideration of the Joint Motion filed by Plaintiffs Maxwell Kadel, Sam Silvaine, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., and Dana Caraway (collectively, “Plaintiffs”) and Defendants Dale Folwell, Dee Jones, and North Carolina State Health Plan for Teachers and State Employees, and State of North Carolina Department of Public Safety (collectively, “Defendants”)

IT IS HEREBY ORDERED, that the Joint Motion to Specially Set Trial and Allow 8-10 Days for Proceedings is GRANTED.

The trial is specially set for \_\_\_\_\_, 2022.

Pretrial disclosures must be made no later than \_\_\_\_\_, 2022.

Motions in limine must be filed no later than \_\_\_\_\_, 2022

Any objections to pretrial disclosures and responses to motions in limine must be served and promptly filed no later than \_\_\_\_\_, 2022.

This, the \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Loretta C. Biggs  
United States District Judge