

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

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

NORTH CAROLINA
STATE HEALTH PLAN FOR
TEACHERS AND STATE
EMPLOYEES,

Defendant.

No. 1:19-cv-272-LCB

**MOTION TO CORRECT
MEMORANDUM OPINION AND ORDER**

Pursuant to Federal Rule of Civil Procedure 60(a), Defendant North Carolina State Health Plan for Teachers and State Employees (“State Health Plan”) respectfully moves this Court to correct the portions of its Memorandum Opinion and Order¹ inadvertently suggesting that Defendant State Health Plan (as opposed to Dale Folwell (*in his official capacity as State Treasurer of North Carolina*) and Dee Jones (*in her official capacity as Executive Administrator of the State Health Plan*)) is

¹ Doc. No. 234, entered June 10, 2022.

subject to the injunction, issued pursuant to Title 42, United State Code, Section 1983, *et seq.*, against the state official co-defendants.

For the reasons set forth in the accompanying memorandum, this Court should promptly enter an Order correcting its Memorandum Opinion and Order as follows: On page 67, “NCSHP” in lines 18-19 should be replaced with “state official Defendants” or similarly limiting language. And on page 72, “Defendants” in line 18 should be replaced with “state official Defendants” or similarly limiting language.

A proposed Order is attached.

Respectfully submitted this the 7th day of July, 2022.

/s/ John G. Knepper
John G. Knepper
Wyo. Bar No. 7-4608
Law Office of John G. Knepper, LLC
1720 Carey Ave. 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
Telephone: (336) 722-3700
Facsimile: (336) 722-8153
kwilliams@belldavispitt.com
mjones@belldavispitt.com

CERTIFICATE OF WORD COUNT

Pursuant to L.R. 7.3(d)(1), the undersigned certifies that this Memorandum complies with the Court's word limit as calculated using the word count feature of the word processing software. Specifically, this Brief contains less than 175 words. This count includes the body of the brief and headings, but does not include the caption, signature lines, this certificate, or the certificate of service.

This the 7th day of July, 2022.

/s/ John G. Knepper
John G. Knepper
Wyo. Bar No. 7-4608
Law Office of John G. Knepper, LLC
1720 Carey Ave. 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
Telephone: (336) 722-3700
Facsimile: (336) 722-8153
kwilliams@belldavisritt.com
mjones@belldavisritt.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will provide electronic notification to all counsel of record in this matter.

This the 7th day of July, 2022.

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

/s/ Kevin G. Williams
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Winston-Salem, NC 27101
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<p>MAXWELL KADEL, <i>et al.</i>, <i>Plaintiffs,</i></p> <p><i>v.</i></p> <p>NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES,</p> <p><i>Defendant.</i></p>	<p>O R D E R</p> <p>CORRECTING DOC. 234</p>
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This matter is before the Court on the Motion of Defendant North Carolina State Health Plan for Teachers and State Employees (“State Health Plan”), pursuant to Federal Rule of Civil Procedure 60(a), to correct portions of its previous Memorandum Opinion and Order. (Doc. 234, entered June 10, 2022).

For the reasons stated in the Motion, Defendant State Health Plan’s Motion is GRANTED, and it is hereby ORDERED that on page 67, “NCSHP” in lines 18-19 shall be hereby replaced with “state official Defendants.” It is further ORDERED that on page 72, “Defendants” in line 18 shall be replaced with “state official Defendants.”

SO ORDERED, this the __ day of July, 2022.

U.S. District Judge