

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

NORTH CAROLINA
STATE HEALTH PLAN FOR
TEACHERS AND STATE
EMPLOYEES,

Defendant.

Nos. 22-1721(L); 22-1730(Cons.)

**NOTICE OF INTENT TO CORRECT MEMORANDUM OPINION AND ORDER
MOTION TO CONSOLIDATE AND FOR LIMITED REMAND**

Pursuant to Federal Rule of Appellate Procedure 12.1(a) (and related Federal Rules of Civil Procedure 60(a) and 62.1(b)), Appellant/Defendant North Carolina State Health Plan for Teachers and State Employees (“State Health Plan”) respectfully provides Notice to this Court of the district court’s stated intention to correct portions of its Memorandum Opinion and Order. (Doc. No. 234). A copy of the district court’s July 18, 2022, *Notice of Intent to Correct and Clarify Memorandum Opinion and Order*, (Doc. No. 255), is attached hereto as Exhibit 1.

Appellant/Defendant State Health Plan further requests that this Court deconsolidate Appeal No. 22-1730 from Appeal No. 22-1721 and then remand 22-1730 to the district court for the limited purpose of correcting portions of its Memorandum Opinion and Order, as explained in its *Notice of Intent to Correct and Clarify Memorandum Opinion and Order*. (Doc. No. 255). It is fully expected that upon correction and clarification of the Memorandum Opinion and Order (Doc. No. 234), Appellant State Health Plan will be positioned to then move this Court to dismiss its interlocutory appeal pursuant to Federal Rule of Appellate Procedure 42(b).

Respectfully submitted this the 18th 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 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 18th 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
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Telephone: (336) 722-3700
Facsimile: (336) 722-8153
kwilliams@belldavispitt.com
mjones@belldavispitt.com