

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

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, *et al.*,

Plaintiffs,

v.

ROBERT A. RUCHO, in his official
capacity as Chairman of the North Carolina
Senate Redistricting Committee for the
2016 Extra Session and Co-Chairman of
the 2016 Joint Select Committee on
Congressional Redistricting, *et al.*,

Defendants.

CIVIL ACTION
NO. 1:16-CV-1164

THREE-JUDGE COURT

PLAINTIFFS' RULE 26(f) REPORT

1. Pursuant to Fed. R. Civ. P. 26(f), and LR 16.1(b), and in conformance with this Court's Order dated December 19, 2016 (Doc. 32), a meeting was held via telephone conference on December 19, 2016 and was attended by Anita Earls, J. Gerald Hebert, and Annabelle Harless for Plaintiffs; and Alexander McC. Peters, and Thomas Farr for Defendants.
2. **Discovery Plan**. Plaintiffs propose to the Court the following discovery plan:
 - a) Discovery will be needed on the following subjects: (i) the allegations and prayer for relief in Plaintiffs' Complaint; and (ii) the defenses and allegations in Defendants' Answer, when filed.
 - b) Discovery shall be placed on a case-management track established in LR

26.1. Plaintiffs propose that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as standard.

- c) The date for the completion of all discovery (general and expert) shall be March 3, 2017.
- d) Modifications to the case management track should include: (i) discovery shall be completed by March 3, 2017; (ii) depositions shall be limited to 10 depositions, including experts, by Plaintiffs (collectively), and 10 depositions, including experts, by Defendants (collectively); (iii) Plaintiffs (collectively) and Defendants (collectively) may serve up to 150 requests for admission; and (iv) Plaintiffs (collectively) may serve up to 15 interrogatories on Defendants, and Defendants (collectively) may serve up to 15 interrogatories on each individual Plaintiff (provided that interrogatories directed to plaintiffs as individuals are consistent as among plaintiffs).
- e) Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) shall be due during the discovery period, from Plaintiffs on or before January 19, 2017, and from Defendants on or before February 3, 2017.
- f) Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. **Mediation**. Mediation is not required under LR 16.4 for this case. Plaintiffs request that the Court enter an order providing that the parties need not participate in mediation in this case.

4. **Preliminary Deposition Schedule**. Plaintiffs propose the following schedule for depositions: Depositions of expert witnesses shall be completed no later than March 3, 2017. To the extent possible, dates for depositions shall be set by mutual agreement.

5. **Other Items.**

- a) Plaintiffs and Defendants should be allowed until January 17, 2017, to request leave to join additional parties or amend pleadings.
- b) After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.
- c) With regard to the possibility of special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master, Plaintiffs state that they do not wish to use any such procedures.
- d) Trial of the action is expected to take approximately 4 days. A jury trial has not been demanded. Plaintiffs propose that the Court order the parties to be ready for trial no later than April 1, 2017, with a trial to be scheduled on that date or soon thereafter. Plaintiffs also express their willingness to be ready for trial at an earlier date, at the Court's discretion, to accommodate any scheduling issues.
- e) Plaintiffs propose that initial disclosures shall be due by January 13, 2017.
- f) Defendants have filed a motion to dismiss. Plaintiffs' response is due December 19, 2016. Defendants' reply is due January 3, 2017.
- g) It is Plaintiffs' Counsel's understanding that the parties in *Common Cause v. Rucho*, 1:16-cv-01026, have already agreed upon January 4, 2017 at 2:00 PM Eastern as the date and time for holding the pretrial conference. This date and time works for Plaintiffs' Counsel as well.

Respectfully submitted, this 19th day of December, 2016.

/s/ Anita S. Earls

Anita S. Earls (State Bar # 15597)

Allison J. Riggs (State Bar # 40028)

Emily Seawell (State Bar # 50207)

Southern Coalition for Social Justice

anitaearls@southerncoalition.org

allisonriggs@southerncoalition.org
emilyseawell@southerncoalition.org
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380 ext. 115
Facsimile: 919-323-3942
Counsel for All Plaintiffs

/s/ J. Gerald Hebert
J. Gerald Hebert
Ruth Greenwood
Annabelle Harless
Danielle Lang
Campaign Legal Center
1411 K Street NW, Suite 1400
Washington, DC 20005
(202) 736-2200
ghebert@campaignlegalcenter.org
rgreenwood@campaignlegalcenter.org
aharless@campaignlegalcenter.org
dlang@campaignlegalcenter.org

/s/ Nicholas O. Stephanopoulos
Nicholas O. Stephanopoulos
University of Chicago Law School
1111 E 60th St.
Chicago, IL 60637
nsteph@uchicago.edu

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 19th day of December, 2016.

/s/ Anita S. Earls _____
Anita S. Earls