

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

PLANNED PARENTHOOD SOUTH)
ATLANTIC, et al.,)
)
Plaintiffs,)
)
v.) 1:23-CV-480
)
JOSHUA STEIN, et al.,)
)
Defendants.)
and)
)
PHILIP E. BERGER, et al.,)
)
Intervenor-Defendants.)

SCHEDULING ORDER

The Court has reviewed the Joint Motion for a Briefing Schedule and the dueling proposals by the parties. Doc. 34. The Court is not available on the hearing dates suggested by the parties. Based on its familiarity with this case specifically and its experience with case management generally, the October 1 effective date of § 90-21.82A(c) and other timing issues, due regard to the scheduling of other cases on the docket, and in its discretion, it is **ORDERED** that:

1. The motion for a briefing schedule, Doc. 34, is **GRANTED** as stated herein.
2. The motion for preliminary injunction will be decided based on the record and the Court does not contemplate receiving live evidence.
3. The plaintiffs **SHALL** file an amended complaint no later than **July 17, 2023**.


4. The plaintiffs **SHALL** file an amended motion for preliminary injunction, supported by a brief subject to the usual word limits and rules, *see* LR 7.3, declarations under oath, and any other evidence, no later than **July 24, 2023**.
5. The defendants and intervenors **SHALL** file answers no later than **July 31, 2023**. If any defendant or intervenor files a motion to dismiss in lieu of an answer, that defendant **SHALL** treat the amended complaint as requests for admissions and respond accordingly no later than **July 31, 2023**.
6. The defendants' response briefs and declarations under oath and any other evidence **SHALL** be filed no later than **July 31, 2023**. All defendants taking a position **SHALL** file a joint brief, subject to the usual word limits and rules for response briefs, *see* LR 7.3; any defendant who does not take a position **SHALL** file a response so stating. If differing positions between or among defendants require something different, the defendants may file a motion and proposed solution.
7. The intervenors' response briefs and declarations under oath and any other evidence **SHALL** be filed no later than **August 7, 2023**. The intervenors **SHALL** file a joint brief subject to the usual word limits and rules for response briefs. *See* LR 7.3.
8. The plaintiffs may file a reply brief and rebuttal evidence no later than **August 18, 2023**.
9. Expedited discovery is authorized and may begin now. Given the short time between now and the preliminary injunction hearing, full discovery needed for

trial need not and should not be completed immediately; the Court relies on the parties to be restrained and reasonable about the amount of discovery to take place over the next two months. If the parties need assistance with discovery limits or issues necessary for the preliminary injunction briefing, any party may ask for a conference with Judge Auld. Limited written discovery necessary for the preliminary injunction hearing, if any, **SHALL** be served as soon as possible and in any event so that it can be answered no later than **September 6, 2023**. Any depositions **SHALL** be completed by **September 6, 2023**.

10. The parties may file short supplemental briefs limited to 2500 words, along with additional relevant evidence obtained during discovery, if any, no later than **September 12, 2023**. The defendants taking a position **SHALL** file a joint brief and the intervenors **SHALL** file a joint brief.
11. The parties may agree to modifications to the above deadlines so long as all briefing and evidentiary submissions begin no later than August 24, 2023, and are completed no later than September 12, 2023; upon such agreement the parties **SHALL** submit a consent motion and proposed order.
12. Hearing on the motion for preliminary injunction is set for Thursday, **September 21, 2023**, at 9:30 a.m. in Courtroom 3, Greensboro.
13. If the parties will need additional discovery before summary judgment motions or trial, that discovery may proceed concurrently, beginning now. All discovery **SHALL** be concluded no later than **January 31, 2024**. The matter is referred to

the Magistrate Judge for an initial pretrial conference, to be scheduled in his discretion.

This the 6th day of July, 2023.


UNITED STATES DISTRICT JUDGE