

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

COMMON CAUSE, et al.,)
)
Plaintiffs,)
)
v.) 1:16CV1026
)
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 Joint Select)
Committee on Congressional)
Redistricting, et al.,)
)
Defendants.)

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, WILLIAM)
COLLINS, ELLIOTT FELDMAN,)
CAROL FAULKNER FOX,)
ANNETTE LOVE, MARIA PALMER,)
GUNTHER PECK, ERSLA PHELPS,)
JOHN QUINN, III, AARON SARVER,)
JANIE SMITH SUMPSTER,)
ELIZABETH TORRES EVANS, and)
WILLIS WILLIAMS,)
)
Plaintiffs,)

v.) 1:16CV1164
)
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,)

DAVID R. LEWIS, in his)
 official capacity as Chairman)
 of the North Carolina House of)
 Representatives Redistricting)
 Committee for the 2016 Extra)
 Session and Co-Chairman of the)
 2016 Joint Select Committee on)
 Congressional Redistricting,)
 TIMOTHY K. MOORE, in his)
 official capacity as Speaker)
 of the North Carolina House of)
 Representatives,)
 PHILIP E. BERGER, in his)
 official capacity as President)
 Pro Tempore of the North)
 Carolina Senate,)
 A. GRANT WHITNEY, JR., in his)
 official capacity as Chairman)
 and Acting on Behalf of the)
 North Carolina State Board of)
 Elections,)
 THE NORTH CAROLINA STATE BOARD)
 OF ELECTIONS, and)
 THE STATE OF NORTH CAROLINA,)
)
 Defendants.)

FINAL PRETRIAL ORDER

In preparation for trial, this court, sua sponte, finds that it is appropriate to advise the parties with respect to certain trial issues. In preparation for trial, the court instructs the parties as follows:

1. Trial in this matter is estimated to last 5 days. The court, because of a conflict, will be in session Monday, October 16, through Thursday, October 19, 2017. If a fifth day is necessary, that will be held on Monday, October, 23, 2017.

This court encourages the parties, in the strongest terms possible, to arrange to try this case in four days. Additional time may be available after 5:30 on Thursday, October 19, 2017, if that could resolve the case.

Court shall convene promptly at 9:00 each morning and recess each day at 5:30. There will be a 15-minute recess in the morning and one in the afternoon, as well as a one-hour luncheon recess.

The parties are directed to share the list of witnesses they intend to call the next trial day as early as possible, but no later than by 6:00 p.m. on the day before the witness will be called.

2. In order to expedite the proceedings, there will be no oral opening statements. In lieu thereof, the parties may file a written opening statement on Friday, October 13, 2017. With oral opening statements, Plaintiffs generally proceed first and Defendants second. Similarly, Plaintiffs shall file a written opening statement, if any, on or before Friday, October 13, 2017, at 12:00 noon. Defendants shall file a written opening statement on or before Friday, October 13, 2017, at 2:00 p.m. Plaintiffs are permitted one opening statement, no more than 15 pages in length to be divided between Plaintiffs in whatever manner they find appropriate. If Plaintiffs are not able to

agree to an appropriate division, each Plaintiff may file one opening statement no more than seven pages in length. Defendants may file one opening statement no more than 14 pages in length. Type and font size shall be Courier New, 12 point, with one inch margins.

3. The court has reviewed the parties' pretrial witness and exhibit lists as well as objections thereto. All exhibits not objected to are deemed admitted with the same numbers used in the exhibit lists. As to all exhibits to which objection is noted in the pretrial disclosures, upon presentation of the exhibit during trial, objecting counsel is required to promptly stand and voice the objections if they remain. Otherwise, the exhibit will be received in evidence. Where counsel desires to be heard, the court will either rule on the objection or take the matter under advisement depending upon the objection.

4. There is a pending motion in limine (Doc. 72) filed by Plaintiffs League of Women Voters, et al. That motion is denied. If the objection remains at trial, Plaintiffs League of Women Voters, et al., may voice any objection at trial. The court will take the objection under advisement.

5. Scholarly articles are admissible only when they otherwise meet the requirements of the Rules of Evidence.

6. Closing arguments will be as customary, held orally at the conclusion of the presentation of evidence. The court has not determined an appropriate length for those arguments. The court suggests the parties confer and attempt to reach agreement as to a reasonable time and plan for closing arguments.

IT IS SO ORDERED.

This the 4th day of October, 2017.

FOR THE COURT:

William L. Ostrow, Jr.

UNITED STATES DISTRICT JUDGE