

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:22-CV-568

JULIETTE GRIMMETT, RALSTON LAPP)
GUINN MEDIA GROUP,)
JOSH STEIN FOR ATTORNEY GENERAL)
CAMPAIGN, JOSH STEIN,)
SETH DEARMIN, and ERIC STERN)

Plaintiffs,)

v.)

N. LORRIN FREEMAN in her official)
capacity as District Attorney for the)
10th Prosecutorial District)
of the State of North Carolina,)

Defendant.)

**JOINT RULE 26(F) REPORT
(Revised)**

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on January 10, 2023 by telephone conference call from the offices of Womble Bond Dickinson (US) LLP, Raleigh, North Carolina 27601 and was attended by:

Pressly M. Millen for plaintiffs; and

Joseph E. Zeszotarski, Jr. for defendant.

2. As an initial matter, counsel for the parties report to the Court that on December 6, 2022, oral argument was held in an appeal from this matter at the United States Court of Appeals for the Fourth Circuit. A decision of the Fourth Circuit in that appeal may effectively resolve this matter, and, in any event, will likely provide guidance to both the parties and the District Court regarding the scope of any further proceedings in

the District Court. For that reason, the issues covered in the balance of this Joint Rule 26(f) Report are to some degree dependent on the outcome of the appeal and therefore tentative.

3. The parties jointly propose to the Court the following discovery plan:

Discovery may be needed on the allegations of the Complaint alleged by Plaintiffs and not admitted by Defendant, as well as the affirmative defenses of Defendant.

Discovery shall be placed on a case-management track established in Local Rule 26.1. The parties jointly propose that the appropriate plan for this case is that designated in Local Rule 26.1 as Complex.

The date for the completion of all discovery (general and expert) should be: July 14, 2023.

Reports from retained experts under Rule 26(a)(2), if any, should be due during the discovery period:

From Plaintiffs by May 15, 2023.

From Defendant by June 15, 2023.

Supplementations under Rule 26(e) are due seasonably as required under the Rule.

3. Mediation. [For cases selected for mediation under Local Rule 16.4 and Local Rule 83.10a-g *et seq.*]

The parties request that mediation be conducted later in the discovery period, the exact date to be set by the parties and the mediator after consultation.

The parties intend to agree on a mediator at a time closer to the actual mediation.

4. Preliminary Deposition Schedule. The parties intend to agree on a preliminary schedule for depositions, if any are needed.

5. Other items: With regard to MDNC Local Rules 5.4 and 5.5, the parties do not anticipate that the case will involve any confidential or sealed documents.

The parties should be allowed until March 15, 2023 to join additional parties or to amend pleadings.

The parties also agree to waive initial disclosures pursuant to Fed. R. Civ. P. 26(a). Dispositive motions, if any, must be filed on or before August 15, 2023.

The parties have discussed 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. The parties have not agreed on any special procedures.

Trial of the action, if needed, is expected to take approximately three days.

This the 12th day of January, 2023.

SO STIPULATED:

By: /s/ Pressly M. Millen
Pressly M. Millen
State Bar No. 16178
Raymond M. Bennett
State Bar No. 36341

OF COUNSEL:

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Attorneys for Plaintiffs
Juliette Grimmert, Ralston Lapp Guinn Media Group,
the Josh Stein for Attorney General Campaign, Josh Stein,
Seth Dearmin, and Eric Stern

By: /s/ Joseph E. Zeszotarski, Jr.
Joseph E. Zeszotarski, Jr.
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Attorney for Defendant
N. Lorrin Freeman in her official capacity as
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