

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:18-cv-00467-TDS-LPA**

JOHNSON, et al v. JESSUP
Assigned to: CHIEF JUDGE THOMAS D. SCHROEDER
Referred to: MAG/JUDGE L. PATRICK AULD
Case in other court: 19-01421
Cause: 42:1983 Civil Rights Act

Date Filed: 05/30/2018
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

SETI JOHNSON
*ON BEHALF OF THEMSELVES AND
THOSE OTHERS SIMILARLY
SITUATED*

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V.

Defendant

TORRE JESSUP
*IN HIS OFFICIAL CAPACITY AS
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CAROLINA DIVISION OF MOTOR
VEHICLES*

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Date Filed	#	Docket Text
05/30/2018	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief (Class Action)</i> against Torre Jessup (Filing fee \$ 400 receipt number 0418-2358880.), filed by Seti Johnson, Sharee Smoot. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons)(GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>2</u>	MOTION for Preliminary Injunction by Seti Johnson, Sharee Smoot. Response to Motion due by 6/20/2018 (Attachments: # <u>1</u> Memorandum in Support)(GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>3</u>	MOTION to Certify Class by Seti Johnson, Sharee Smoot. Response to Motion due by 6/20/2018 (Attachments: # <u>1</u> Memorandum in Support)(GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>4</u>	DECLARATION of Seti Johnson by Plaintiff Seti Johnson. (GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>5</u>	DECLARATION of Sharee Smoot by Plaintiff Sharee Smoot. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B)(GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>6</u>	DECLARATION of Samuel Brooke re <u>3</u> MOTION to Certify Class , <u>2</u> MOTION for Preliminary Injunction by Plaintiffs Seti Johnson, Sharee Smoot. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website under Attorney Information for a list of mediators which must be served on all parties. (Coyne, Michelle) (Entered: 05/30/2018)

		05/30/2018)
05/30/2018	<u>7</u>	MEMORANDUM filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>2</u> MOTION for Preliminary Injunction (<i>refiled as separate docket event per instruction by Clerk</i>) filed by SETI JOHNSON, SHAREE SMOOT. (GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>8</u>	MEMORANDUM filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>3</u> MOTION to Certify Class (<i>refiled as separate docket event per instruction by Clerk</i>) filed by SETI JOHNSON, SHAREE SMOOT. (GRAUNKE, KRISTI) (Entered: 05/30/2018)
05/30/2018	<u>9</u>	NOTICE of Appearance by attorney CHRISTOPHER A. BROOK on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (BROOK, CHRISTOPHER) (Entered: 05/30/2018)
05/30/2018	<u>10</u>	NOTICE of Appearance by attorney CRISTINA M. BECKER on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (BECKER, CRISTINA) (Entered: 05/30/2018)
05/30/2018	<u>11</u>	NOTICE of Appearance by attorney SNEHA M. SHAH on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (SHAH, SNEHA) (Entered: 05/30/2018)
05/31/2018	<u>12</u>	NOTICE of Appearance by attorney SAMUEL J. BROOKE on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (BROOKE, SAMUEL) (Entered: 05/31/2018)
05/31/2018	<u>13</u>	NOTICE of Appearance by attorney EMILY C.R. EARLY on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (EARLY, EMILY) (Entered: 05/31/2018)
05/31/2018		Case ASSIGNED to CHIEF JUDGE THOMAS D. SCHROEDER and MAGISTRATE JUDGE L. PATRICK AULD. Set flag for Magistrate Judge L. Patrick Auld. (Coyne, Michelle) (Entered: 05/31/2018)
05/31/2018	<u>14</u>	Summons Issued as to TORRE JESSUP. (Coyne, Michelle) (Entered: 05/31/2018)
05/31/2018	<u>15</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Attachments: # <u>1</u> consent form)(Coyne, Michelle) (Entered: 05/31/2018)
05/31/2018	<u>16</u>	NOTICE of Appearance by attorney NUSRAT J. CHOUDHURY on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (CHOUDHURY, NUSRAT) (Entered: 05/31/2018)
05/31/2018	<u>17</u>	NOTICE of Appearance by attorney RODKANGYIL O. DANJUMA on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (DANJUMA, RODKANGYIL) (Entered: 05/31/2018)
06/01/2018	<u>18</u>	Declaration of Proof of Service served on TORRE JESSUP, in his official capacity, on 06/01/2018, filed by SETI JOHNSON, SHAREE SMOOT. . (BECKER, CRISTINA) (Entered: 06/01/2018)
06/04/2018	<u>19</u>	NOTICE of Appearance by attorney KATHRYNE E. HATHCOCK on behalf of Defendant TORRE JESSUP (HATHCOCK, KATHRYNE) (Entered: 06/04/2018)
06/05/2018	<u>20</u>	NOTICE of Appearance by attorney NEIL C. DALTON on behalf of Defendant TORRE JESSUP (DALTON, NEIL) (Entered: 06/05/2018)
06/05/2018	<u>21</u>	MOTION for Hearing re <u>2</u> MOTION for Preliminary Injunction , <u>3</u> MOTION to Certify Class by SETI JOHNSON, SHAREE SMOOT. Responses due by 6/26/2018 (Attachments: # <u>1</u> Exhibit A – DMV Official Notice to Seti Johnson, # <u>2</u> Text of Proposed Order)(BROOKE, SAMUEL) (Entered: 06/05/2018)
06/06/2018		Motion Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>21</u> MOTION for Hearing re <u>2</u> MOTION for Preliminary Injunction and <u>3</u> MOTION to Certify Class. (Engle, Anita) (Entered: 06/06/2018)
06/06/2018	<u>22</u>	NOTICE of Appearance by attorney DANIELLE E. DAVIS on behalf of Plaintiffs SETI JOHNSON, SHAREE SMOOT (DAVIS, DANIELLE) (Entered: 06/06/2018)
06/15/2018	<u>23</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by TORRE JESSUP. (Attachments: # <u>1</u> Text of Proposed Order)(HATHCOCK, KATHRYNE) (Entered: 06/15/2018)

06/15/2018	<u>24</u>	MOTION for Extension of Time to File Response/Reply as to <u>2</u> MOTION for Preliminary Injunction by TORRE JESSUP. (Attachments: # <u>1</u> Text of Proposed Order)(HATHCOCK, KATHRYNE) (Entered: 06/15/2018)
06/15/2018	<u>25</u>	MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION to Certify Class by TORRE JESSUP. (Attachments: # <u>1</u> Text of Proposed Order)(HATHCOCK, KATHRYNE) (Entered: 06/15/2018)
06/18/2018		Motions Referred to MAG/JUDGE L. PATRICK AULD RE: <u>25</u> MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION to Certify Class, <u>23</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, and <u>24</u> MOTION for Extension of Time to File Response/Reply as to <u>2</u> MOTION for Preliminary Injunction. (Engle, Anita) (Entered: 06/18/2018)
06/18/2018	<u>26</u>	RESPONSE filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>25</u> MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION to Certify Class filed by TORRE JESSUP, <u>23</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by TORRE JESSUP, <u>24</u> MOTION for Extension of Time to File Response/Reply as to <u>2</u> MOTION for Preliminary Injunction filed by TORRE JESSUP filed by SETI JOHNSON, SHAREE SMOOT. (BROOK, CHRISTOPHER) (Entered: 06/18/2018)
06/20/2018		TEXT ORDER granting <u>23</u> Motion for Extension of Time to Answer or Otherwise Plead. Defendant shall answer or otherwise respond to <u>1</u> Complaint by 07/31/2018. Issued by MAG/JUDGE L. PATRICK AULD on 06/20/2018. (AULD, L.) (Entered: 06/20/2018)
06/20/2018		TEXT ORDER granting <u>24</u> Motion for Extension of Time and <u>25</u> Motion for Extension of Time. Defendant shall file any response(s) to <u>2</u> Motion for Preliminary Injunction and <u>3</u> Motion for Class Certification by 07/31/2018. Three weeks ago, Plaintiffs Seti Johnson and Sharee Smoot (with -- according to <u>6</u> Declaration by one of their ten attorneys -- the financial backing of four different organizations) filed <u>1</u> Complaint, <u>2</u> Motion, and <u>3</u> Motion, all attacking a North Carolina driver license revocation statute, N.C. Gen. Stat. s 20-24.1. Those filings and the related memoranda, declarations, and exhibits submitted by Plaintiffs that day spanned more than 300 pages, sought three different forms of declaratory relief under at least two different clauses of the Fourteenth Amendment to the United States Constitution, demanded entry of three different injunctions, and requested certification of two different classes of putative plaintiffs. A week later, Plaintiffs filed <u>21</u> Motion to Set Hearing, asking the Court to hold a hearing on <u>2</u> Motion and <u>3</u> Motion on a date soon enough "so th[o]se Motions may be resolved prior to July 28, 2018. Plaintiffs ma[d]e th[at] request because the North Carolina Division of Motor Vehicles (the 'DMV') ha[d] notified Plaintiff Johnson that his driver's license revocation will become effective at 12:01 a.m. on July 28, 2018." Last week, Defendant filed <u>24</u> Motion and <u>25</u> Motion, seeking an extension of his deadline to respond to <u>2</u> Motion and <u>3</u> Motion until 07/31/2018. In doing so, counsel for Defendant represented as an officer of the Court that he "need[ed] additional time to properly investigate the allegations of [<u>2</u> Motion] and to make a proper Response" and "need[ed] additional time in which to complete Defendant's Response to [<u>3</u> Motion]," respectively. In addition, counsel for Defendant reported that he "ha[d] requested specific records and policies (if such records exist) of Defendant regarding transactions between Plaintiffs and Defendant and information regarding the proposed classes of unnamed Plaintiffs." Finally, "Defendant agree[d] to stay the suspension of Plaintiff Johnson's suspension pending resolution of [<u>2</u> Motion]." Plaintiffs now have responded in opposition to <u>24</u> Motion and <u>25</u> Motion. In doing so, Plaintiffs offered to accept an extension for Defendant of "seven or even fourteen days," but argued that "a 39-day extension is not warranted and unjustifiably continues the irreparable injury Plaintiff Smoot and other putative class members are facing." In other words, Plaintiffs (along with the two of their attorneys who signed <u>26</u> Response) effectively charged that, by filing <u>24</u> Motion and <u>25</u> Motion and (falsely, in the view of Plaintiffs and their two signing attorneys) claiming that a legitimate need existed for an extension until 07/31/2018, Defendant and his counsel violated their obligations under Federal Rule of Civil Procedure 11(b)(1) to refrain from making filings for an "improper purpose" and to "cause unnecessary delay," as well as under Federal Rule of Civil Procedure 11(b)(2) and (3) to refrain from making filings lacking a good faith basis in law and fact. To support such serious (if implicit) allegations, Plaintiffs (and their two signing attorneys)

offered inadequate support. First, Plaintiffs argued that, of their three claims, two "are challenges to the text of N.C.G.S. s 20-24.1 for which no particular records or policies are going to be germane" and the third "challenges the notice the DMV provides to drivers when their licenses are revoked," a "one-page standard notice," which "[c]ounsel for Defendant do[es] not need 39 days to obtain and understand." That line of argument raises the following question: If this case is so simple that, to resolve a preliminary injunction motion and a dual-class certification motion, one need only read a statute and a related, one-page government notice (without gathering any other documents, doing any other investigation, and conducting any other research), why did Plaintiffs enlist 10 attorneys, from four different organizations, based in four different states, to draft and to compile the hundreds of pages of documents making up and supporting 1 Complaint, 2 Motion, and 3 Motion. Notably, 6 Declaration (by one of Plaintiffs' ten attorneys) avers that Plaintiffs' attorneys are not just any attorneys, but rather highly-credentialed graduates of the most prestigious law schools in the country with years of combined federal clerkship experience, as well as highly-specialized training and experience in handling not only constitutional class action litigation, but also the precise form of impact litigation at issue in this case. Indeed, according to 6 Declaration, two of Plaintiffs' attorneys are so well-versed in this particular area that they "are currently developing litigation and advocacy to challenge such [license revocation] practices and advise state affiliates of [one of the organizations involved in this case] on how to counter such practices through litigation and legislative and policy advocacy." Additionally, 6 Declaration reports that the organizations directing this litigation on Plaintiffs' behalf have decades of experience with cases of this sort and even have gone so far as to allow Plaintiffs' ten attorneys "to consult [with] colleagues who litigated [other similar] lawsuit[s] as needed." Lastly, 6 Declaration states that the organizations behind this lawsuit "have spent substantial time and effort to investigate this case and to understand how N.C.G.S. ss 20-24.1 and 20-24.2 operate and are implemented by the state courts and the [DMV]. This includes reviewing court and DMV records, observing court proceedings, and speaking with court personnel and court defendants about court and DMV practices." If ten highly-qualified and super-specialized attorneys needed to engage in so much preparation to bring 2 Motion and 3 Motion, Plaintiffs cannot plausibly maintain that Defendant and his counsel essentially do not need to do anything but read a statute and a government notice to respond to 2 Motion and 3 Motion. Next, Plaintiffs assert that Defendant's agreement to stay further action on Plaintiff Johnson's license revocation pending resolution of 2 Motion, is irrelevant, because Plaintiffs' urgent need for resolution of 2 Motion had nothing to do with Plaintiff Johnson's (formerly) impending revocation date of 07/28/2018, but rather always had rested equally on concern about "[t]he constant and irreparable harm to [Plaintiff] Smoot and thousands of other [putative class members, which concern] weighs heavily against the lengthy 39-day extension Defendant has requested here." That contention totally ignores the fact that Plaintiffs did not request a temporary restraining order when they filed this action and did not request any particular setting of a hearing on 2 Motion, until Plaintiff Johnson received the revocation notice that Plaintiffs referenced in (and attached to) 21 Motion, which expressly requested resolution of 2 Motion in advance of the very date that Plaintiff Johnson's revocation would take effect. These circumstances strongly suggest that Plaintiffs' downplaying of the significance of Defendant's agreement to stay further action as to Plaintiff Johnson and shifting of rationales for urgent action on 2 Motion represent gamesmanship. In a related (and final) matter, the Court's preliminary research indicates that N.C. Gen. Stat. s 20-24.1 has been in effect for approximately 25 years. Plaintiffs have offered no explanation as to why after their backing organizations waited a quarter century to attack a state statute, the impact of that statute suddenly constitutes an emergency situation that warrants denying the official representative of a sovereign state a total of 60 days to prepare a response to voluminous filings compiled after extensive investigation by a four-organization, ten-attorney team of class-action specialists. For all of these reasons, the Court finds good cause under Federal Rule of Civil Procedure 6(b)(1)(A) for Defendant's extension requests in 24 Motion and 25 Motion. The Court sincerely hopes that Plaintiffs' (and their attorneys' and financing organizations') approach to the simple matter of a modest extension of time at the very inception of the case does not represent the litigation style they intend to bring to this action going forward. Issued by MAG/JUDGE L. PATRICK AULD on 06/20/2018. (AULD, L.) (Entered: 06/20/2018)

06/21/2018	<u>27</u>	NOTICE of Appearance by attorney ALEXANDER MCCLURE PETERS on behalf of Defendant TORRE JESSUP (PETERS, ALEXANDER) (Entered: 06/21/2018)
07/24/2018	<u>28</u>	Suggestion of Subsequently Decided Authority re <u>2</u> MOTION for Preliminary Injunction , <u>3</u> MOTION to Certify Class by Plaintiffs SETI JOHNSON, SHAREE SMOOT. (Attachments: # <u>1</u> Exhibit A)(BROOKE, SAMUEL) (Entered: 07/24/2018)
07/27/2018	<u>29</u>	NOTICE of Appearance by attorney ANN W. MATTHEWS on behalf of Defendant TORRE JESSUP (MATTHEWS, ANN) (Entered: 07/27/2018)
07/30/2018	<u>30</u>	WITHDRAWAL of Motion by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>3</u> MOTION to Certify Class filed by SHAREE SMOOT, SETI JOHNSON (BROOKE, SAMUEL) (Entered: 07/30/2018)
07/30/2018	<u>31</u>	WITHDRAWAL of Motion by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>2</u> MOTION for Preliminary Injunction filed by SHAREE SMOOT, SETI JOHNSON (BROOKE, SAMUEL) (Entered: 07/30/2018)
07/30/2018	<u>32</u>	NOTICE by SETI JOHNSON, SHAREE SMOOT of Intent to File First Amended Complaint (BROOKE, SAMUEL) (Entered: 07/30/2018)
07/30/2018	<u>33</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by TORRE JESSUP. (Attachments: # <u>1</u> Text of Proposed Order)(MATTHEWS, ANN) (Entered: 07/30/2018)
07/30/2018		Motion Referred to MAG/JUDGE L. PATRICK AULD RE: <u>33</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint. (Engle, Anita) (Entered: 07/30/2018)
07/31/2018	<u>34</u>	ORDER signed by MAG/JUDGE L. PATRICK AULD on 07/31/2018, that Defendant's Motion is GRANTED, and Defendant shall have up to and including August 21, 2018, or 14 days after filing and serving Plaintiffs' First Amended Complaint, whichever is later, to serve a Response to Plaintiffs' Complaint or First Amended Complaint. (Taylor, Abby) (Entered: 07/31/2018)
08/07/2018	<u>35</u>	First AMENDED COMPLAINT against defendant TORRE JESSUP, filed by SETI JOHNSON, SHAREE SMOOT.(BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>36</u>	Second MOTION to Certify Class by SETI JOHNSON, SHAREE SMOOT. Response to Motion due by 8/28/2018 (BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>37</u>	MEMORANDUM filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>36</u> Second MOTION to Certify Class filed by SETI JOHNSON, SHAREE SMOOT. (BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>38</u>	Second MOTION for Preliminary Injunction by SETI JOHNSON, SHAREE SMOOT. Response to Motion due by 8/28/2018 (BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>39</u>	MEMORANDUM filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>38</u> Second MOTION for Preliminary Injunction filed by SETI JOHNSON, SHAREE SMOOT. (BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>40</u>	DECLARATION filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>38</u> Second MOTION for Preliminary Injunction , <u>36</u> Second MOTION to Certify Class of <i>Marie Bonhomme-Dicks</i> filed by SETI JOHNSON, SHAREE SMOOT. (BROOKE, SAMUEL) (Entered: 08/07/2018)
08/07/2018	<u>41</u>	DECLARATION filed by Plaintiffs SETI JOHNSON, SHAREE SMOOT re <u>38</u> Second MOTION for Preliminary Injunction , <u>36</u> Second MOTION to Certify Class of <i>Nichelle Yarborough</i> filed by SETI JOHNSON, SHAREE SMOOT. (Attachments: # <u>1</u> Exhibit A)(BROOKE, SAMUEL) (Entered: 08/07/2018)
08/10/2018	<u>42</u>	NOTICE of Appearance by attorney JEFFREY LOPERFIDO on behalf of Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH (LOPERFIDO, JEFFREY) (Entered: 08/10/2018)
08/21/2018	<u>43</u>	DEFENDANT'S ANSWER to Amended Complaint by TORRE JESSUP. (DALTON, NEIL) (Entered: 08/21/2018)

08/23/2018	<u>44</u>	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 9/24/2018 09:30 AM in Greensboro Courtroom #1A before MAG/JUDGE L. PATRICK AULD. (Garrett, Kim) (Entered: 08/23/2018)
08/28/2018	<u>45</u>	RESPONSE in Opposition re <u>38</u> Second MOTION for Preliminary Injunction filed by SHAREE SMOOT, SETI JOHNSON filed by TORRE JESSUP. Replies due by 9/11/2018 (HATHCOCK, KATHRYNE) (Entered: 08/28/2018)
08/28/2018	<u>46</u>	MOTION for Judgment on the Pleadings by TORRE JESSUP. Response to Motion due by 9/18/2018 (HATHCOCK, KATHRYNE) (Entered: 08/28/2018)
08/28/2018	<u>47</u>	MEMORANDUM filed by Defendant TORRE JESSUP re <u>46</u> MOTION for Judgment on the Pleadings filed by TORRE JESSUP. (HATHCOCK, KATHRYNE) (Entered: 08/28/2018)
08/28/2018	<u>48</u>	RESPONSE in Opposition re <u>36</u> Second MOTION to Certify Class filed by SHAREE SMOOT, SETI JOHNSON filed by TORRE JESSUP. Replies due by 9/11/2018 (HATHCOCK, KATHRYNE) (Entered: 08/28/2018)
09/11/2018	<u>49</u>	REPLY, filed by Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH, to Response to <u>38</u> Second MOTION for Preliminary Injunction filed by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (BROOKE, SAMUEL) (Entered: 09/11/2018)
09/11/2018	<u>50</u>	REPLY, filed by Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH, to Response to <u>36</u> Second MOTION to Certify Class filed by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (DAVIS, DANIELLE) (Entered: 09/11/2018)
09/18/2018	<u>51</u>	RESPONSE in Opposition re <u>46</u> MOTION for Judgment on the Pleadings filed by TORRE JESSUP filed by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. Replies due by 10/2/2018 (LOPERFIDO, JEFFREY) (Entered: 09/18/2018)
09/19/2018	<u>52</u>	Rule 26(f) Report (Joint) filed by all parties by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(BROOK, CHRISTOPHER) (Entered: 09/19/2018)
09/20/2018		Motions Referred: RE: <u>52</u> Rule 26(f) Report (Joint) filed by all parties, to MAG/JUDGE L. PATRICK AULD (Garrett, Kim) (Entered: 09/20/2018)
09/20/2018		TEXT ORDER granting the request for continuance embedded within <u>52</u> Joint Rule 26(f) Report. The Initial Pretrial Conference set for 09/24/2018, is rescheduled for 10 a.m. on 12/17/2018, in Courtroom 1A of the L. Richardson Preyer United States Courthouse in Greensboro, North Carolina. Counsel for the parties shall hold another meeting in advance of the rescheduled Initial Pretrial Conference and shall file a new joint (or new separate) reports regarding case-management and scheduling issues on or before 12/12/2018. If any dispositive motions remain pending at the time of such filing and the parties continue to disagree about whether discovery should commence during such pendency, they shall fully address such matters in their separate reports. Issued by MAG/JUDGE L. PATRICK AULD on 09/20/2018. (AULD, L.) (Entered: 09/20/2018)
09/20/2018		Reset Hearings: Initial Pretrial Conference reset for 12/17/2018 10:00 AM in Greensboro Courtroom #1A before MAG/JUDGE L. PATRICK AULD. (Garrett, Kim) (Entered: 09/20/2018)
10/03/2018		Motions Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>36</u> Second MOTION to Certify Class, <u>38</u> Second MOTION for Preliminary Injunction, and <u>46</u> MOTION for Judgment on the Pleadings. (Engle, Anita) (Entered: 10/03/2018)
12/12/2018	<u>53</u>	Rule 26(f) Report (Joint) filed by all parties by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(BROOKE, SAMUEL) (Entered: 12/12/2018)

12/13/2018		Motions Referred: RE: <u>53</u> Rule 26(f) Report (Joint) filed by all parties, to MAG/JUDGE L. PATRICK AULD (Garrett, Kim) (Entered: 12/13/2018)
12/13/2018		TEXT ORDER terminating <u>53</u> Second Joint Rule 26(f) Report, re-setting the Initial Pretrial Conference for 10 a.m. on 01/28/2019 in Courtroom 1A of the L. Richardson Preyer United States Courthouse in Greensboro, North Carolina, and requiring the filing, on or before 01/23/2019, of joint or separate reports that comply with Local Rule 16.2 or 16.3 or, if one or more parties wishes to further defer such filing(s), a motion seeking such relief with a detailed account of the efforts the parties have undertaken regarding the matters identified in <u>53</u> Second Joint Rule 26(f) Report as grounds for deferring entry of a scheduling order. Issued by MAG/JUDGE L. PATRICK AULD on 12/13/2018. (AULD, L.) (Entered: 12/13/2018)
12/13/2018		Reset Hearings: Initial Pretrial Conference reset for 1/28/2019 10:00 AM in Greensboro Courtroom #1A before MAG/JUDGE L. PATRICK AULD. (Garrett, Kim) (Entered: 12/13/2018)
12/21/2018	<u>54</u>	MOTION to Withdraw as Attorney ANN W. MATTHEWS by on behalf of TORRE JESSUP. (Attachments: # <u>1</u> Text of Proposed Order)(MATTHEWS, ANN) (Entered: 12/21/2018)
12/21/2018		Motion Referred to MAG/JUDGE L. PATRICK AULD RE: <u>54</u> MOTION to Withdraw as Attorney ANN W. MATTHEWS. (Engle, Anita) (Entered: 12/21/2018)
12/21/2018		TEXT ORDER granting <u>54</u> Motion to Withdraw. Attorney ANN W. MATTHEWS is terminated as counsel of record for Defendant. Issued by MAG/JUDGE L. PATRICK AULD on 12/21/2018. (AULD, L.) (Entered: 12/21/2018)
01/23/2019	<u>55</u>	STIPULATION <i>Joint Proposed Statement of Facts</i> by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (BROOKE, SAMUEL) (Entered: 01/23/2019)
01/23/2019	<u>56</u>	THIRD JOINT RULE 26(F) REPORT filed by all parties. Est. Trial Days: 2. (BROOKE, SAMUEL) Modified on 1/23/2019 to correct event to a motion. (Taylor, Abby). Modified on 1/24/2019 (Garrett, Kim). Requested Amended Report with dates certain (Entered: 01/23/2019)
01/23/2019	<u>57</u>	MOTION Dispense with Mediation by TORRE JESSUP. Response to Motion due by 2/13/2019 (Attachments: # <u>1</u> Text of Proposed Order)(HATHCOCK, KATHRYNE) (Entered: 01/23/2019)
01/24/2019		Motion Referred to MAG/JUDGE L. PATRICK AULD RE: <u>57</u> MOTION Dispense with Mediation. (Engle, Anita) (Entered: 01/24/2019)
01/24/2019	<u>58</u>	Joint MOTION for Extension of Time to Complete Discovery <i>and Related Deadlines</i> by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(BROOKE, SAMUEL) (Entered: 01/24/2019)
01/24/2019	<u>59</u>	JOINT STATUS REPORT <i>Third Amended</i> filed by all parties. Est. Trial Days: 2. (BROOKE, SAMUEL) (Entered: 01/24/2019)
01/25/2019		Motion Referred to MAG/JUDGE L. PATRICK AULD RE: <u>58</u> Joint MOTION for Extension of Time to Complete Discovery <i>and Related Deadlines</i> . (Engle, Anita) (Entered: 01/25/2019)
01/25/2019		TEXT ORDER granting <u>57</u> Motion to Dispense with Mediation. The Court relieves the parties of any obligation to participate in mediation. Issued by MAG/JUDGE L. PATRICK AULD on 01/25/2019. (AULD, L.) (Entered: 01/25/2019)
01/25/2019		TEXT ORDER terminating <u>56</u> Third Joint Rule 26(f) Report, granting in part <u>58</u> Joint Motion for Continuance of the Discovery Commencement Date and Related Discovery and Scheduling Deadlines, re-setting the Initial Pretrial Conference for 10 a.m. on 04/29/2019 in Courtroom 1A of the L. Richardson Preyer United States Courthouse in Greensboro, North Carolina, and requiring the filing, on or before 04/24/2019, of joint or separate reports that comply with Local Rule 16.2 or 16.3. Issued by MAG/JUDGE L. PATRICK AULD on 01/25/2019. (AULD, L.) (Entered: 01/25/2019)

01/28/2019		Set/Reset Hearings: Initial Pretrial Conference set for 4/29/2019 10:00 AM in Greensboro Courtroom #1A before MAG/JUDGE L. PATRICK AULD. (Taylor, Abby) (Entered: 01/28/2019)
02/11/2019	<u>60</u>	NOTICE of Hearing: Motion Hearing set for 3/13/2019 at 02:00 PM in Winston-Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Entered: 02/11/2019)
03/06/2019	<u>61</u>	Suggestion of Subsequently Decided Authority re <u>45</u> Response in Opposition to Motion, <u>48</u> Response in Opposition to Motion, <u>46</u> MOTION for Judgment on the Pleadings by Defendant TORRE JESSUP. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(HATHCOCK, KATHRYNE) (Entered: 03/06/2019)
03/13/2019	<u>62</u>	AFFIDAVIT OF <i>LANEE GLASS</i> filed by Defendant TORRE JESSUP. (DALTON, NEIL) (Entered: 03/13/2019)
03/13/2019	<u>63</u>	DECLARATION filed by Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH re <u>38</u> Second MOTION for Preliminary Injunction filed by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (Attachments: # <u>1</u> Exhibit A)(EARLY, EMILY) (Entered: 03/13/2019)
03/13/2019		Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS-2: Motion Hearing held on 3/13/2019 regarding <u>38</u> Second MOTION for Preliminary Injunction <u>36</u> Second MOTION to Certify Class and <u>46</u> MOTION for Judgment on the Pleadings. Attorneys Samuel Brooke and Emily Early present for the Plaintiffs. Attorneys Kathryne Hathcock and Neil Dalton present for the Defendants. Arguments presented. Written Order forthcoming. (Court Reporter Briana Bell.) (Engle, Anita) (Entered: 03/13/2019)
03/14/2019	<u>64</u>	SUPPLEMENT re <u>38</u> Second MOTION for Preliminary Injunction , <u>36</u> Second MOTION to Certify Class by Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. (BROOKE, SAMUEL) (Entered: 03/14/2019)
03/31/2019	<u>65</u>	MEMORANDUM OPINION AND ORDER signed by CHIEF JUDGE THOMAS D. SCHROEDER on 3/31/2019. IT IS ORDERED that the Commissioner's motion for judgment on the pleadings (Doc. <u>46</u>) is GRANTED IN PART and DENIED IN PART, Plaintiffs' second motion for class certification (Doc. <u>36</u>) is GRANTED IN PART and Plaintiffs' second motion for preliminary injunction (Doc. <u>38</u>) is DENIED.(Engle, Anita) (Main Document <u>65</u> replaced on 4/2/2019 due to technical issue.) (Engle, Anita). (Entered: 03/31/2019)
04/03/2019	<u>66</u>	NOTICE of Appearance by attorney STEPHANIE A. BRENNAN on behalf of Defendant TORRE JESSUP (BRENNAN, STEPHANIE) (Entered: 04/03/2019)
04/17/2019	<u>67</u>	NOTICE of Appearance by attorney IVY A. JOHNSON on behalf of Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH (JOHNSON, IVY) (Entered: 04/17/2019)
04/17/2019	<u>68</u>	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL on behalf of Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. IRENA COMO is substituted as counsel for Plaintiffs. Attorney CHRISTOPHER A. BROOK terminated. (COMO, IRENA) (Entered: 04/17/2019)
04/17/2019	<u>69</u>	NOTICE OF APPEAL as to <u>65</u> Order on Motion to Certify Class, Order on Motion for Preliminary Injunction, Order on Motion for Judgment on the Pleadings by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. Filing fee \$ 505, receipt number 0418-2552464. (GRAUNKE, KRISTI) (Entered: 04/17/2019)
04/18/2019	<u>70</u>	Electronic Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>69</u> Notice of Appeal, (Taylor, Abby) (Main Document 70 replaced on 4/18/2019 for correction in text) (Taylor, Abby). Modified on 4/18/2019 (Taylor, Abby). (Entered: 04/18/2019)

04/19/2019	<u>71</u>	NOTICE of Docketing Record on Appeal from USCA re <u>69</u> Notice of Appeal, filed by NICHELLE YARBOROUGH, MARIE BONHOMME-DICKS, SHAREE SMOOT, SETI JOHNSON. USCA Case Number 19-1421. Case Manager: Emily Borneisen. (Taylor, Abby) (Entered: 04/19/2019)
04/22/2019	<u>72</u>	Joint MOTION to Stay <i>District Court Proceedings Pending Appeal</i> by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. Response to Motion due by 5/13/2019 (Attachments: # <u>1</u> Text of Proposed Order)(BROOKE, SAMUEL) (Entered: 04/22/2019)
04/23/2019		Motion Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>72</u> Joint MOTION to Stay <i>District Court Proceedings Pending Appeal</i> . (Engle, Anita) (Entered: 04/23/2019)
04/23/2019	<u>73</u>	ORDER signed by CHIEF JUDGE THOMAS D. SCHROEDER on 04/23/2019, that this action is STAYED pending a decision on Plaintiffs' appeal before the U.S. Court of Appeals for the Fourth Circuit and the parties' deadline to file a joint proposed Rule 26(f) report by April 24, 2019 and the parties' Initial Pretrial Conference on April 29, 2019 (see Doc. <u>58</u>) is CANCELLED. FURTHER that the parties are to submit a joint status report to this court within 14 days of the Fourth Circuit's issuance of its mandate in connection with Plaintiff's appeal.(Taylor, Abby) (Entered: 04/23/2019)
04/25/2019		Case Stayed. (See <u>73</u> Order) (Engle, Anita) (Entered: 04/25/2019)
04/26/2019	<u>74</u>	****FILED IN ERROR**** TRANSCRIPT REQUEST by MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH for proceedings held on 3/13/19 before Judge Thomas Schroeder, re <u>69</u> Notice of Appeal, Transcript due by 5/28/2019. (BROOKE, SAMUEL) Modified on 4/29/2019 to mark filed in error. (Sheets, Jamie) (Entered: 04/26/2019)
05/09/2019	<u>75</u>	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL on behalf of Plaintiffs MARIE BONHOMME-DICKS, SETI JOHNSON, SHAREE SMOOT, NICHELLE YARBOROUGH. EMILY E. SEAWELL is substituted as counsel for Plaintiffs. Attorney CRISTINA M. BECKER terminated. (SEAWELL, EMILY) (Entered: 05/09/2019)
07/02/2019	<u>76</u>	Transcript of Proceedings held on 03/13/2019, before Judge Thomas D. Schroeder. Court Reporter Briana L. Bell, Telephone number 336-734-2514. Email: brinesbit@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 7/26/2019. Redacted Transcript Deadline set for 8/5/2019. Release of Transcript Restriction set for 10/3/2019. (Bell, Briana) (Main Document 76 replaced on 7/19/2019) (Contreras, Jamie). (Entered: 07/02/2019)
03/27/2020	<u>77</u>	USCA ORDER. The court grants the motion to withdraw Matthew W. Sawchak from further representation on appeal. USCA Case Number 19-1421. (Sheets, Jamie) (Entered: 03/27/2020)