

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

UNITED STATES OF AMERICA,            )  
  )  
                                  Plaintiff,    )  
  )  
                  v.                                )                    1:12-cv-1349  
  )  
TERRY S. JOHNSON, in his                )  
official capacity as Alamance         )  
County Sheriff,                            )  
  )  
                                  Defendant.    )

**ORDER**

On November 8, 2013, the court heard argument on several motions filed by the parties. The purpose of this Order is to memorialize the court's rulings during the hearing.

During the hearing, the parties reached agreement on the Government's motion for reconsideration (Doc. 36) of the Magistrate Judge's ruling on discovery (Doc. 34). As to the individuals known to the Government whose identity the Defendant sought in his interrogatories 14 and 15 and for whom the Government has asserted an informant's privilege, the parties agreed that if the Government intends to rely on them for purposes of motions for summary judgment, the Government must disclose them at least thirty days before the close of expert discovery. As to interrogatory 16, the Government has

represented that all individuals known to it are identified in its responses to date. After any motion for summary judgment is filed (or the time for doing so expires without the filing of any motion), the Defendant may move the court for disclosure of any claimed informants for purposes of trial if the Government has not disclosed them. The Government also represents that as to interrogatory 16 it has no further specific information as to dates and times of any alleged statement and will articulate that limitation in a supplemental response to the Defendant within ten (10) days. The Defendant's motion to compel further responses as to interrogatory 16 is therefore moot.

Given the resolution of the motion for reconsideration (Doc. 36), the court need not consider the motions to seal (Docs. 35, 49, 56, and 63) insofar as none of those materials was necessary, and the motions and documents are deemed withdrawn upon the request of the filing party. The materials subject to the motions to seal shall be returned to the appropriate party. The court accepts the parties' redacted briefs.

The Defendant has also withdrawn the motion for sanctions (Doc. 46). Therefore, the court need not consider it further.

The Defendant shall have until and through November 15, 2013, to review the list of former deputies/officers identified

by the Government in response to interrogatory 16 to determine whether additional depositions will be required. The Defendant's request to reopen fact discovery for the limited reasons noted during the hearing is allowed, and the deadline for completion of that limited fact discovery and for all expert discovery shall now be January 24, 2014.

The parties' joint motion to modify expert disclosure deadlines (Doc. 66) will be granted, and the deadline for expert disclosures and reports is extended through November 15, 2013.

The court will refer disposition of the motion for order to show cause (Doc. 61) to Magistrate Judge Webster, who is overseeing discovery in the case.

Finally, the motion of Boney Publishers, Inc. to intervene (Doc. 41) is GRANTED. Boney's counsel acknowledged that the motion for access to the documents filed with the motions to seal (Doc. 42) was moot in light of the agreement of the parties as to the claimed informants, as noted above. As to Boney's request to modify the Confidentiality Order entered into by the parties and approved by the Magistrate Judge (Doc. 18), such motion should be addressed by the Magistrate Judge in the first instance as he is overseeing discovery in this case and approved the parties' Confidentiality Order. Therefore, the court will

coordinate with Magistrate Judge Webster for further proceedings  
as to this motion.

SO ORDERED.

/s/ Thomas D. Schroeder  
United States District Judge

November 14, 2013