

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

AMY BRYANT, M.D., M.S.C.R.;)	CIVIL ACTION
BEVERLY GRAY, M.D.; ELIZABETH)	NO. 1:16-CV-01368-
DEANS, M.D., on behalf of themselves)	UA-LPA
and their patients seeking abortions;)	
and PLANNED PARENTHOOD SOUTH)	
ATLANTIC, on behalf of itself, its staff)	
and its patients seeking abortions,)	
)	
Plaintiffs,)	
)	
v.)	
)	
JIM WOODALL, in his official capacity)	
as District Attorney (“DA”) for Prosecutorial)	
District (“PD”) 15B; ROGER ECHOLS, in his)	
official capacity as DA for PD 14; ELEANOR)	
E. GREENE, M.D., M.P.H., in her official)	
capacity as President of the North Carolina)	
Medical Board; RICK BRAJER, in his)	
official capacity as Secretary of the North)	
Carolina Department of Health and Human)	
Services; and their Employees, agents and)	
successors,)	
)	
Defendants.)	

**RESPONSE OF THE DEFENDANTS IN OPPOSITION TO
THE PLAINTIFFS’ OBJECTION TO MEMORANDUM
OPINION AND ORDER**

NOW COME the defendants (sometimes collectively referred to hereinafter as the “State”), by and through the undersigned Special Deputy Attorney General of North Carolina, pursuant to Rules 6(b) and 56(d) of the Federal Rules of Civil Procedure and Rules 6.1 and 7.3(j) of this Court’s Local

Rules, and respectfully respond in opposition to the Plaintiffs' Objection [Docket # 34] to Magistrate Judge L. Patrick Auld's April 7, 2017 Memorandum Opinion and Order in this case [Docket # 31]. For their response in opposition, the State respectfully refers this Court to its January 25, 2017 Verified Motion for an Order Deferring Any Further Briefing on and Postponing Any Hearing or Decision on Plaintiffs' Motion for Summary Judgment Until Defendants Have Had An Opportunity to Conduct Limited, Expedited Discovery and to Gather Documents and Evidence Necessary to Allow Them to Respond to Plaintiffs' Summary Judgment Motion [Docket # 21], which the State incorporates herein by this reference. The State also respectfully refers this Court to Magistrate Judge Auld's comprehensive and well-reasoned Memorandum Decision and Order. [Docket # 31] Beyond this, the State notes that the limited, expedited discovery it seeks in aid of its ability to respond on the merits to the plaintiffs' summary judgment motion is so focused and so narrow in its scope that permitting this discovery could not possibly prejudice any of the litigants or meaningfully delay the adjudication of the issues presented in this case. Indeed, if the plaintiffs had simply consented to the State's initial request that they voluntarily provide this discovery, the discovery process would now be completed and the parties would now be briefing the plaintiffs' summary judgment motion. Finally, the State notes that the underlying subject of this lawsuit is a matter of great

public debate and interest. If the public is to have confidence in the decisions of the courts involving matters such as that which is at issue here, it is imperative that the public be able to see that the issues were adjudicated on a full, fair and complete evidentiary and factual record, that no legitimate arguments were foreclosed and that all sides' arguments were fully, fairly and transparently aired and considered by the courts. Granting the State defendants the opportunity to obtain the minimal and highly expedited discovery they seek will further this important public interest.

Accordingly, the State respectfully prays that this Court uphold Magistrate Judge Auld's Memorandum Decision and Order [Docket # 31] and that it overrule the plaintiffs' Objection. [Docket # 34]

Respectfully submitted and electronically filed this 5th day of May 2017.

Signature of counsel appears on the following page

/s/ I. Faison Hicks

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