

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-633-BO

STATE OF NORTH CAROLINA, by and )  
through its agency, the NORTH )  
CAROLINA DEPARTMENT OF )  
ADMINISTRATION, )  
Plaintiff, )  
v. )  
ALCOA POWER GENERATING, INC., )  
Defendant. )

**ORDER**

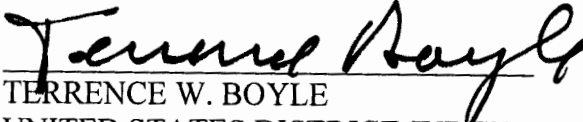
This cause comes before the Court on the State's motion to supplement the discovery scheduling order [DE 56] and the motion of *Amicus Curiae*, Yadkin Riverkeeper, Inc. [DE 94]. A hearing was held on these matters before the undersigned on August 28, 2014, in Raleigh, North Carolina at 3:00 p.m. The motions are GRANTED.

The State asks the Court to supplement the Joint Rule 26(F) Report and Discovery Plan and Order to modify Paragraph 3(d), Schedule and Parameters for Discovery, to specify that Plaintiff's reports from retained rebuttal expert witnesses under FED. R. CIV. P. 26(a)(2)(D)(ii) shall be due July 14, 2014. For good cause shown, the Court so SUPPLEMENTS the plan and accepts the State's reports submitted on July 14, 2014. Defendant will be allowed to schedule depositions of the State's rebuttal expert witnesses at the earliest possible date that is agreeable to the parties.

*Amicus Curiae*, Yadkin Riverkeeper, Inc. moves the Court for an order allowing the filing of the two briefs of *Amicus Curiae* it has prepared in this action. After considering the objection of defendant, the Court ALLOWS the filing of the briefs. Defendant is ALLOWED to file a single

response to the *Amicus Curiae* briefs that does not exceed fifteen (15) pages in length, exclusive of the certificate of service, not later than September 15, 2014.

SO ORDERED, this 29 day of August, 2014.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE