

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:17-CV-581-FL

ALICIA FRANKLIN and VANESSA  
LACHOWSKI,<sup>1</sup>

Plaintiffs,

v.

KODY H. KINSLEY, in his official  
capacity of Secretary of the NC Department  
of Health and Human Services,

Defendant.

MEMORANDUM OPINION  
AND ORDER

This matter came before the court today for hearing on the parties' joint motion for extension of time to complete discovery (DE 115). The court memorializes herein the terms and reasons of the court's oral order granting in part the motion at hearing, and the court provides additional direction to the clerk and the parties in furtherance of the same.

At hearing, the parties outlined their efforts to work collaboratively, over the course of more than three years of negotiations, to reach a comprehensive settlement to resolve all issues outstanding. Upon the court's inquiry into the status of those negotiations, the parties confirmed that an extension of time to October 17, 2022, operating in the manner of a stay of all case activities, would be sufficient time to execute a settlement agreement and prepare all necessary

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<sup>1</sup> On the basis of the suggestion of death of plaintiff Vanessa Lachowski ("Lachowski") on March 24, 2022 (DE 114), where no motion for substitution has been filed, the action by Lachowski is DISMISSED, and the clerk is DIRECTED to update the docket reflect this dismissal pursuant to Federal Rule of Civil Procedure 25(a). In addition, the clerk is DIRECTED to update the docket to reflect addition of plaintiff Reina Guzman, on behalf of herself, minor child E.L., and all others similarly situated.

supporting documentation to effectuate court approval of the same. Accordingly, the court granted in part the motion, allowing an extension of time in the nature of a stay of case activities until October 17, 2022. Filings anticipated to be made by this deadline include the following:

1. A joint motion for preliminary approval of class action settlement agreement and proposed notice to class members;
2. Settlement agreement;
3. Proposed notice to class members;
4. Proposed order preliminarily approving settlement agreement, requiring notice to class members, and scheduling a fairness hearing;
5. Proposed order of final approval of settlement agreement and proposed order of dismissal with prejudice; and/or
6. Such other proposed orders and documents as necessary to effectuate resolution of the instant matter.

Further, the court noted at hearing that, assuming any such motion and accompanying filings ultimately find favor with the court, the court anticipates a fairness hearing on January 13, 2023 would, as the parties confirmed, provide sufficient time for necessary notice to class members under the terms of the anticipated settlement agreement.

SO ORDERED, this the 29th day of August, 2022.

  
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LOUISE W. FLANAGAN  
United States District Judge