

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2020 OCT 29 AM 11:26

SUPERIOR COURT DIVISION

WAKE COUNTY

NO.: 20 CVS 500110

WAKE CO., C.S.C.

NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, DISABILITY RIGHTS)
NORTH CAROLINA, AMERICAN CIVIL)
LIBERTIES UNION OF NORTH CAROLINA)
LEGAL FOUNDATION, KIM T. CALDWELL,)
JOHN E. STURDIVANT, SANDARA KAY)
DOWELL, and CHRISTINA RHODES,)

Plaintiffs,)

v.)

**SUPPLEMENTAL ORDER FOR
ADDITIONAL INFORMATION**

ROY COOPER, Governor of the State of North)
Carolina, ERIK HOOKS in his official capacity as)
Secretary of the North Carolina Department of)
Public Safety, and BILL FOWLER, ERIC)
MONTGOMERY, ANGELA BRYANT, and)
GRAHAM ATKINSON, in their official)
capacities as Post-Release Supervision and)
Parole Commissioners,)

Defendants.)

This matter comes before the Undersigned on this Court's requested status conference. Notice of the conference was proper and the conference was held remotely via WebEx in conjunction with directives from the Chief Justice of the Supreme Court of North Carolina, and with consent of the parties, on October 15, 2020.

This Order for additional information supplements this Court's Order for additional information filed October 28, 2020, and in no way abridges or diminishes this Court's previous

Orders. All portions of this Court's October 28 Order remain valid, and are to be read in concert with the below directive.

This Court now calls upon Defendants to provide the following additional information. Said information, in addition to the information ordered on October 28, should be filed and sent by e-mail to Trial Court Administrator Kellie Myers and Judicial Fellow Derek Dittmar, as well as opposing counsel, by no later than 5:00 PM on Monday November 6, 2020. This Court will consider written responsive arguments from Plaintiffs if filed and e-mailed to Trial Court Administrator Kellie Myers and Judicial Fellow Derek Dittmar, as well as opposing counsel, no later than 5:00 PM on Monday November 13, 2020. At this point, this Court reserves the right to order additional argument, whether written or oral, or to hold such hearings and proceedings as necessary.

Specifically, this Court calls upon the Defendants to fully and completely answer the additional following question. This Court welcomes any additional information.


This Court has been made aware of DPS's new policy of testing any incarcerated individual for COVID-19 if given seven to ten days' notice before a necessary hearing. However, this Court has also been told repeatedly that DPS cannot test every incarcerated individual in advance of an inter-facility transfer. Therefore, this Court calls upon Defendants to specifically explain:

1. Why they cannot test every transferring individual within seven to ten days of their transfer; and
2. What resources would be required to test every transferring individual within seven to ten days before transfer; and

3. If any resources are unavailable in question two above, by what methods and under what timeline can those resources be acquired?

The above information is due to the Court in the manners and methods directed by this Order. Failure to comply with the specific requirements set forth in this Order could trigger additional action or proceedings.

SO ORDERED this 29th day of October, 2020.



THE HONORABLE WINSTON ROZIER, JR.
SUPERIOR COURT JUDGE PRESIDING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below via e-mail transmission addressed as follows:

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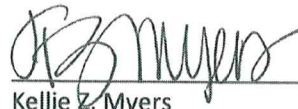
Counsel for Defendants

This the 29th day of October 2020.

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