

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

JENNIFER FORD, ERIC BEARD,
and BRIAN OTTERS, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

VETERANS GUARDIAN VA
CLAIM CONSULTING, LLC,

Defendant.

1:23-CV-756

SCHEDULING ORDER

The Court previously granted the plaintiffs' motion for class certification, Doc. 131, and granted summary judgment in favor of the plaintiffs on certain liability issues. Docs. 175, 183. The Court held a status and scheduling conference on August 21, 2026. There was general agreement that it would be helpful and make for a more efficient trial to have legal issues surrounding the NCDCA claim and the appropriate calculation of damages resolved in advance of trial, if possible. The Court directed the parties to meet and confer and then to file a joint submission proposing deadlines going forward. The parties have done so. Doc. 188.

The Court has considered their suggestions in light of its familiarity with the case, the discussion at the status conference, and the Court's obligations in other cases. In its discretion, and to facilitate efficient disposition of motions and prompt resolution of

disputes, the Court supplements and modifies the Local Rules and the Federal Rules of Civil Procedures as follows.

It is **ORDERED** that:

1. The case is given a peremptory session and will be called for trial on Monday, February 8, 2027, at 9:30 a.m. *See* Minute Entry 08/21/2026. The likely time limit for the trial is four days. The Court will set a specific time limit for the trial later but in no event will the trial take longer than five days.
2. Supplemental Summary Judgment
 - a. The plaintiffs' supplemental motion for summary judgment on the identified topics **SHALL** be filed no later than September 11, 2026.
 - b. The defendant's combined supplemental cross-motion for summary judgment on the identified topics and brief in opposition to the plaintiffs' motion **SHALL** be filed no later than October 2, 2026.
 - c. The plaintiffs' combined reply and response **SHALL** be filed no later than October 16, 2026.
 - d. The defendant's reply **SHALL** be filed no later than October 23, 2026.
 - e. The Court will not reduce the word limits for these briefs, but directs the parties to avoid excessive use of adverbs, rhetoric, and opinions of counsel, and to ensure each legal argument is supported by citation to relevant legal authority. The Court encourages the parties to make only their strongest arguments; the Court will deal with perfunctory arguments in like fashion.

3. Verdict Sheet and Jury Instructions

- a. The parties **SHALL** exchange proposed verdict sheets and proposed jury instructions within seven days of the Court's supplemental summary judgment order, assuming trial is needed. Counsel **SHALL** then meet and confer in an effort to narrow and focus any disputes and to present the issues to the jury in a straightforward and efficient way.
- b. Seven days thereafter, the parties **SHALL** file a Joint Submission containing the agreed-upon proposed verdict sheet and jury instructions or, if they do not agree, dueling proposed verdict sheets and jury instructions. The parties **SHALL** clearly identify the specific disagreements. If there is disagreement, the Joint Submission may also contain a summary of each party's reasons for their proposal, limited to 3,000 words per side, which reasons **SHALL NOT** repeat summary judgment arguments. The Court prefers jury instructions to be organized by the issues presented in the verdict sheet, similar to the format used in the North Carolina Pattern Jury Instructions.

4. Pre-trial disclosures of witness and exhibit lists as required by Fed. R. Civ. P. 26(a)(3) and by LR 40.1(c) **SHALL** be filed no later than seven days after the Court's supplemental summary judgment order. For each exhibit, the list **SHALL** include the exhibit number that will be used at trial; counsel must also provide a copy of the exhibit to opposing counsel (with the exhibit sticker already attached) or include in the list clear information as to where in the discovery the

exhibit can be located. Objections to pretrial disclosures **SHALL** be filed 7 days after disclosures were made. No later than January 25, 2027, the parties **SHALL** file a Joint Submission containing a chart listing each exhibit by number and with a brief description, identifying whether there is or is not an objection to that exhibit and whether or not there is a motion to seal as to that exhibit, and where there is an objection, stating the basis for the objection in shorthand form.

5. Motions in limine and Daubert motions **SHALL** be filed no later than 14 days after the Court's supplemental summary judgment order. All motions in limine except Daubert motions **SHALL** be made in one consolidated motion with one consolidated brief limited to 4,000 words. Only one Daubert motion per side is authorized, but the motion and supporting brief may address more than one expert if required; the brief in support is limited to 4,000 words. Consolidated responses to motions in limine and Daubert motions, each limited to 4,000 words, **SHALL** be filed no later than 14 days after the motions are filed. Reply briefs if necessary **SHALL** be filed no later than 7 days after the responses and are limited to 1,000 words.
6. Designations of deposition testimony to be offered at trial **SHALL** be exchanged, but not filed, no later than January 4, 2027. Objections and counter-designations **SHALL** be exchanged, but not filed, no later than January 11, 2027. Objections to counter-designations **SHALL** be exchanged, but not filed, no later than January 13, 2027. The parties **SHALL** immediately thereafter meet and confer in an effort to narrow and focus any disputes. If deposition testimony from fewer

than four witnesses will be offered, the designations, counter-designations, and objections, as narrowed after meeting and consulting, **SHALL** be filed by joint submission no later than January 20, 2027. If deposition testimony from four or more witnesses will be offered, the parties **SHALL** advise the case manager by joint email sent no later than January 20, 2027, of the general nature and extent of any remaining disagreements and whether designations are likely to be narrowed as trial approaches.

7. Trial briefs required by LR 40.1(a) **SHALL** be filed no later than January 8, 2027.
8. The Court expects to hold a pretrial conference between January 25–29, 2027. Counsel **SHALL** promptly advise the case manager of any already-scheduled conflicts so the Court can set an appropriate date. Any attorney who plans to speak during the trial **SHALL** attend any pretrial conferences.
9. If any party is considering a motion to seal exhibits or seal trial testimony or to close the courtroom, attention is directed to LR 40.1(d).
10. No later than January 15, 2027, counsel **SHALL** advise the case manager about the method they will use for digital presentation of evidence. If the court evidence presentation system will be used, counsel shall immediately arrange for the required training and if a party will use another system, counsel shall immediately arrange a date and time for a test run.
11. Counsel without a card to bring electronics into the courthouse must obtain that permission by submitting an electronic device permission request at least two

weeks before the date of the next scheduled hearing. Forms and instructions are available on the Middle District website.

12. Briefing on the pending motion to certify for interlocutory appeal, Doc. 186,

SHALL proceed on the usual schedule established in the Local Rules.

13. Except as explicitly modified herein or otherwise, the provisions of otherwise applicable Local Rules and Rules of Civil Procedure apply.

14. The Court expects the parties to comply with these deadlines without moving for extensions or modifications, absent settlement. For convenience, a chart with these dates is attached.

This the 2nd day of September, 2026.


UNITED STATES DISTRICT JUDGE

Deadlines

Now	Email case manager availability for pretrial conference between January 25–29, 2027
September 11, 2026	The plaintiffs’ supplemental motion for summary judgment
October 2, 2026	The defendant’s combined supplemental cross-motion for summary judgment and response to the plaintiffs’ motion
October 16, 2026	The plaintiffs’ combined reply and response
October 23, 2026	The defendant’s reply

7 days after the Court's supplemental summary judgment order	Exchange proposed verdict sheets and proposed jury instructions and then meet and confer File pretrial disclosures of witness and exhibit lists
14 days after the Court's supplemental summary judgment order	File joint submission on verdict sheet and jury instructions File objections to pretrial disclosures Motions in limine and Daubert motions
14 days after any motions in limine or Daubert motions	Responses to motions in limine and Daubert motions
7 days after responses to motions in limine and Daubert motions	Replies to motions in limine and Daubert motions
January 4, 2027	Exchange deposition testimony designations
January 8, 2027	Trial briefs
January 11, 2027	Exchange objections and counter-designations to deposition testimony
January 13, 2027	Exchange objections to counter-designations
January 15, 2027	Advise case manager about digital evidence presentation
January 20, 2027	File joint submission of deposition testimony with objections OR alert case manager by email of four or more deposition witnesses
January 25, 2027	File joint submission chart of exhibits noting objections

January 25–29, 2027	Pretrial conference will be scheduled
February 8, 2027, 9:30 am	Trial