

22-1721, Maxwell Kadel v. Dale Folwell

US Circuit Court of Appeals - 04th Circuit

This case was retrieved on 03/28/2025

Header

Case Number: 22-1721

Date Filed: 07/08/2022

Date Full Case Retrieved: 03/28/2025

Status: Closed 04/29/2024

Misc: (440) 3440: Other Civil Rights; Appeal

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Defendant

STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC
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Defendant

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Litigants

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 AMERICAN MEDICAL ASSOCIATION
Amicus Supporting Appellee

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22-1721, Maxwell Kadel v. Dale Folwell

Litigants

NORTH AMERICAN SOCIETY FOR PEDIATRIC AND
 ADOLESCENT GYNECOLOGY
Amicus Supporting Appellee

Attorneys

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Associated Cases

Case Number	Relationship	Lead Case	Member Case	Additional Information
	Current Case:	22-1721	22-1730	StartDate: 08/02/2022
	Related			
	Current Case:	22-1721	22-1927	StartDate: 04/13/2023
	Serialtim			
20-1409	Prior cases:			Filed: 04/09/2020 Disposed: 09/01/2021 Disposition: opn.p.arg

Additional Case

Additional Case Information

Civil Private - private

Additional Case Information

Appeal from: United States District Court for the Middle District of North Carolina at Greensboro

District: 0418 Division: 2 CaseNumber: 1:19-cv-00272-LCB-LPA DateFiled: 03/11/2019

Court Reporter: Michelle Maar , Official Court Reporter

Court Reporter: Keah Marsh , Court Reporter Coordinator

Presiding Judge: Loretta C. Biggs , Senior U. S. District Court Judge

Judgement Date: 06/10/2022

Judgement EOD: 06/10/2022

Date NOA Filed: 07/01/2022

Proceedings

Date	#	Proceeding Text	Details
07/08/2022		Case docketed. Originating case number: 1:19-cv-00272-LCB-LPA. Case manager: RachelLee. [1001190508] [22-1721] RP	
07/08/2022		DOCKETING NOTICE issued Re: case. Originating case number: 1:19-cv-00272-LCB-LPA. Mailed to: Ezra Cukor, Lauren Evans, James Garner, Warren Haskel, Adam Safer, Dmitriy Tishyevich, and Grace Wynn. [1001190523] [22-1721] RP	
07/08/2022		DOCKETING STATEMENT by Dale Folwell and Dee Jones.. [1001190555] [22-1721] Mark Jones	
07/08/2022		DISCLOSURE STATEMENT by Dee Jones. Was any question on Disclosure Form answered yes? No [1001190562] [22-1721] Mark Jones	
07/08/2022		DISCLOSURE STATEMENT by Dale Folwell. Was any question on Disclosure Form answered yes? No [1001190566] [22-1721] Mark Jones	
07/08/2022		APPEARANCE OF COUNSEL by Mark A. Jones for Dale Folwell and Dee Jones. [1001190570] [22-1721] Mark Jones	
07/08/2022		BRIEFING ORDER filed. Mailed to: Ezra Cukor, Lauren Evans, Warren Haskel, Adam Safer, Dmitriy Tishyevich, and Grace Wynn. Paper copy requirements are temporarily suspended unless the case is under pre-argument review or being scheduled for argument, in which case a total of four paper copies of formal briefs and appendices are required. [1001190627] Opening Brief and Appendix due 08/17/2022. Response Brief due 09/16/2022. [22-1721] RP	
07/12/2022		Initial mediation conference scheduled. [1001192234] [22-1721] LHP	
07/12/2022		ORDER filed consolidating case 22-1730 with 22-1721. Copies to all parties. Mailed to: Ezra Cukor, Lauren Evans, Warren Haskel, Adam Safer, Dmitriy Tishyevich, and Grace	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		Wynn. [1001192484] [22-1721, 22-1730] RP	
07/12/2022		Amended BRIEFING ORDER filed. Mailed to: Ezra Cukor, Lauren Evans, Warren Haskel, Adam Safer, Dmitry Tishyevich, and Grace Wynn. Paper copy requirements are temporarily suspended unless the case is under pre-argument review or being scheduled for argument, in which case a total of four paper copies of formal briefs and appendices are required. [1001192485] Opening Brief and Appendix due 08/17/2022. Response Brief due 09/16/2022. [22-1721, 22-1730] RP	
07/13/2022		APPEARANCE OF COUNSEL by Kevin G. Williams for Dee Jones and Dale Folwell in 22-1721, North Carolina State Health Plan for Teachers and State Employees in 22-1730. [1001193429] [22-1721, 22-1730] Kevin Williams	
07/13/2022		DISCLOSURE STATEMENT by North Carolina State Health Plan for Teachers and State Employees in 22-1730. Was any question on Disclosure Form answered yes? No [1001193443] [22-1730, 22-1721] Mark Jones	
07/13/2022		DOCKETING STATEMENT by North Carolina State Health Plan for Teachers and State Employees.. [1001193445] [22-1730] Mark Jones	
07/18/2022		(ENTRY RESTRICTED) NOTICE re: District Court intention to Correct Opinion and Order (Fed. R. App. P. 12.1(a); Fed. R. Civ. P. 60(a)/62.1(b)); Motion to Deconsolidate 22-1730 from 22-1721 and Motion for Limited Remand of 22-1730 for District Court correction of Opinion and Order by North Carolina State Health Plan for Teachers and State Employees in 22-1730. [1001195365] [22-1721, 22-1730]--[Edited 07/19/2022 by RJL- corrected at ECF #16] Mark Jones	
07/18/2022		Docket correction requested from Dale Folwell and Dee Jones in 22-1721, North Carolina State Health Plan for Teachers and State Employees in 22-1730. Re: Notice. Access to Notice has been restricted to case participants. [1001195388] [22-1721, 22-1730] RP	
07/18/2022		MOTION by North Carolina State Health Plan for Teachers and State Employees in 22-1730 to deconsolidate/sever case(s) from lead case , to remand case for limited purpose [4cca retains jurisdiction]. Date and method of service: 07/18/2022 ecf. [1001195468] [22-1721, 22-1730] Mark Jones	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
07/19/2022		NOTICE ISSUED to Appellees in 22-1721, 22-1730 requesting response to Motion to deconsolidate/sever , Motion to remand case for limited purpose [1001195468-3.]Response due 07/29/2022.[1001195778]. Mailed to: Ezra Cukor, Lauren Evans, Warren Haskel, Adam Safer, Dmitriy Tishyevich, and Grace Wynn. [22-1721, 22-1730] RP	
07/19/2022		APPEARANCE OF COUNSEL by Tara L. Borelli for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001196527] [22-1721, 22-1730] Tara Borelli	
07/20/2022		APPEARANCE OF COUNSEL by Michael W. Weaver for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001196974] [22-1721, 22-1730] Michael Weaver	
07/20/2022		APPEARANCE OF COUNSEL by Dmitriy Tishyevich for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1730, 22-1721. [1001197023] [22-1730, 22-1721] Dmitriy Tishyevich	
07/20/2022		APPEARANCE OF COUNSEL by Warren Haskel for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1730, 22-1721. [1001197028] [22-1730, 22-1721] Warren Haskel	
07/20/2022		ORDER filed extending briefing order deadlines. Opening brief and appendix due 08/31/2022. Response brief due 09/30/2022. No paper copies required unless case has been tentatively calendared or copies otherwise ordered. Copies to all parties. [1001197183] [22-1721, 22-1730] RP	
07/20/2022		APPEARANCE OF COUNSEL by Amy E. Richardson for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001197306] [22-1721, 22-1730] Amy Richardson	
07/20/2022		APPEARANCE OF COUNSEL by Ezra Cukor for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		Thonen-Fleck in 22-1721, 22-1730. [1001197323] [22-1721, 22-1730] Ezra Cukor	
07/20/2022		DISCLOSURE STATEMENT by Maxwell Kadel in 22-1721. Was any question on Disclosure Form answered yes? No [1001197346] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Michael D. Bunting, Jr. in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197351] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by C.B. in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197355] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Dana Caraway in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197361] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Jason Fleck in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197362] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Connor Thonen-Fleck in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197365] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Julia McKeown in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197368] [22-1721, 22-1730] Tara Borelli	
07/20/2022		DISCLOSURE STATEMENT by Sam Silvaine in 22-1721, 22-1730. Was any question on Disclosure Form answered yes? No [1001197371] [22-1721, 22-1730] Tara Borelli	
07/21/2022		APPEARANCE OF COUNSEL by Lauren E. Snyder for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001197630] [22-1721, 22-1730] Lauren Snyder	
07/21/2022		NOTICE ISSUED re: case caption. [1001197696] [22-1721, 22-1730] RP	
07/22/2022		RESPONSE/ANSWER by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730 to to deconsolidate/sever , to remand case for limited purpose , . [1001198536] [22-1721, 22-1730] Tara Borelli	
07/22/2022		APPEARANCE OF COUNSEL by Omar Gonzalez-Pagan for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001198884] [22-1721, 22-1730] Omar Gonzalez-Pagan	
07/25/2022		APPEARANCE OF COUNSEL by David Brown for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck in 22-1721, 22-1730. [1001199798] [22-1721, 22-1730] David Brown	
08/02/2022		COURT ORDER filed granting motion to deconsolidate/sever ; granting motion to remand case for limited purpose in 22-1730. Copies to all parties. [1001205143] [22-1721, 22-1730] RHS	
08/11/2022		APPEARANCE OF COUNSEL by John G. Knepper for Dale Folwell and Dee Jones. [1001210660] [22-1721] John Knepper	
08/16/2022		NOTICE re: Change of Firm Name by Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., Sam Silvaine and Dana Caraway. [1001212473] [22-1721] Amy Richardson	
08/31/2022		JOINT APPENDIX by Dale Folwell and Dee Jones. Digital media exhibit volume? No. [1001222485] [22-1721] Mark Jones	
08/31/2022		SEALED JOINT APPENDIX VOLUME(S) (court access) by Dale Folwell and Dee Jones . Digital media exhibit volume? No. Filed Ex parte: N. [1001222490] [22-1721] Mark Jones	
08/31/2022		CERTIFICATE OF CONFIDENTIALITY (Local Rule 25(c)) by Dale Folwell and Dee Jones. Sealing Required: Yes. Description of document referenced by certificate: Joint Appendix Volume 8 & 9 UNDER SEAL. [1001222495] [22-1721] Mark Jones	
08/31/2022		BRIEF by Dale Folwell and Dee Jones. Type of Brief: OPENING. [1001222585] [22-1721] Mark Jones	
08/31/2022		Receipt of paper copy of OPENING BRIEF filed at by Dale Folwell and Dee Jones. Number of pages: [59]. Sufficient: Yes.	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		Number of copies: [4]. Received by clerk date: 11/17/2022. [1001268368] [22-1721] RP	
08/31/2022		Receipt of paper copy of APPENDIX filed at [42], by Dale Folwell and Dee Jones. Total number of volumes (including any sealed): [9]. Total number of pages in all volumes: [4808]. Total number of sealed volumes: 2. Sufficient? Yes. CD/DVD/Other exhibit? No. Number of copies: [4]. Received by clerk date: 11/17/2022. [1001268400] [22-1721] RP	
09/01/2022		ORDER filed sealing joint appendix volumes 8 and 9. Copies to all parties. [1001223177] [22-1721] RP	
09/07/2022		NOTICE re: Change of Firm Address by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001225561] [22-1721] Amy Richardson	
09/30/2022		BRIEF by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Type of Brief: RESPONSE. [1001240023] [22-1721] Amy Richardson	
09/30/2022		Receipt of paper copy of RESPONSE BRIEF filed at by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Number of pages: [86]. Sufficient: YES. Number of Copies: [4]. Received by clerk date: 11/16/2022. [1001267781] [22-1721] JSN	
10/07/2022		MOTION by American Medical Ass'n, American Academy of Pediatrics, American College of Obstetricians & Gynecologists, American Psychiatric Ass'n, Endocrine Soc'y, N. American Society for Pediatric & Adolescent Gynecology, Nat'l Ass'n of Nurse Practitioners of Women' to file amicus curiae brief without consent of all parties on appeal within time allowed by FRAP 29(e).. Date and method of service: 10/07/2022 ecf. [1001243878] [22-1721] Sullivan Saint	
10/07/2022		AMICUS CURIAE BRIEF by American Medical Ass'n, American Academy of Pediatrics, American College of Obstetricians & Gynecologists, American Psychiatric Ass'n, Endocrine Soc'y, N. American Society for Pediatric & Adolescent Gynecology, Nat'l Ass'n of Nurse Practitioners of Women'. [1001243881] [22-1721] Sullivan Saint	
10/07/2022		NOTICE ISSUED to Dale Folwell and Dee Jones requesting response to Motion to file amicus curiae brief . Response due	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		10/17/2022[1001244105]. [22-1721] RP	
10/07/2022		AMICUS CURIAE BRIEF by Constitutional Law Professors, Amici Curiae. [1001244140] [22-1721] Kathleen Hartnett	
10/07/2022		APPEARANCE OF COUNSEL by Kathleen Roberta Hartnett for Constitutional Law Professors. [1001244283] [22-1721] RP	
10/07/2022		ORDER filed granting filing of amicus curiae brief by Constitutional Law Professors. Disclosure Statement filed (if corporate amicus)? N/A. Appearance Form filed? Y. Copies to all parties. [1001244289] [22-1721]--[Edited 10/11/2022 by RP] RP	
10/07/2022		AMICUS CURIAE BRIEF by States of New York, California, Colorado, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington, and the District of Columbia. [1001244417] [22-1721] Andrea Trento	
10/07/2022		Receipt of paper copy of AMICUS BRIEF filed at by California, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. Number of pages: [25]. Sufficient: Yes. Number of copies: [4]. Received by clerk date: 10/12/2022. [1001246116] [22-1721]--[Edited 11/17/2022 by JSN] RP	
10/07/2022		Receipt of paper copy of AMICUS BRIEF filed at by American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Psychiatric Association, Endocrine Society, National Association of Nurse Practitioners in Womens Health, North American Society for Pediatric and Adolescent Gynecology, Society of Ob/Gyn Hospitalists and AMA. Number of pages: [39]. Sufficient: Yes. Number of copies: [4]. Received by clerk date: 11/15/2022. [1001266829] [22-1721] RE	
10/07/2022		Receipt of paper copy of AMICUS BRIEF filed at by Constitutional Law Professors. Number of pages: [36]. Sufficient: Yes. Number of copies: [4]. Received by clerk date: 11/16/2022. [1001267778] [22-1721] JSN	
10/10/2022		RESPONSE/ANSWER by Dale Folwell and Dee Jones to . Nature of response: in opposition. [1001244516] [22-1721] Mark Jones	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
10/11/2022		APPEARANCE OF COUNSEL for California, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. [1001244841] [22-1721] RP	
10/11/2022		ORDER filed granting filing of amicus curiae brief by California, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. Disclosure Statement filed (if corporate amicus)? N/A. Appearance Form filed? Y. Copies to all parties. [1001244916] [22-1721]--[Edited 10/11/2022 by RP] RP	
10/11/2022		REPLY by AMA and American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Psychiatric Association, Endocrine Society, North American Society for Pediatric and Adolescent Gynecology, National Association of Nurse Practitioners in Womens Health and Society of Ob/Gyn Hospitalists to .. [1001245357] [22-1721] Sullivan Saint	
10/18/2022		MOTION by Dale Folwell and Dee Jones for stay pending appeal.. Date and method of service: 10/18/2022 ecf. [1001250361] [22-1721] Kevin Williams	
10/19/2022		NOTICE ISSUED to Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck requesting response to Motion for stay pending appeal . Response due 10/31/2022.[1001250996] [22-1721] RP	
10/21/2022		BRIEF by Dale Folwell and Dee Jones. Type of Brief: REPLY. [1001252778] [22-1721] Mark Jones	
10/21/2022		Receipt of paper copy of REPLY BRIEF filed at by Dale Folwell and Dee Jones. Number of pages: [34]. Sufficient: Yes. Number of Copies: [4]. Received by clerk date: 11/17/2022. [1001268371] [22-1721] RP	
10/31/2022		RESPONSE/ANSWER by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck to , . Nature of response: in opposition. [1001257783] [22-1721] Amy Richardson	
11/07/2022		REPLY by Dale Folwell and Dee Jones to .. [1001262245] [22-1721] Mark Jones	
11/14/2022		CASE TENTATIVELY CALENDARED for oral argument during the 1/24/23 - 1/27/23 argument session. Counsel shall file 4 paper	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		copies of the Opening Brief, Joint Appendix, Response Brief, Reply Brief, Amicus Briefs (American Medical Association and Constitutional Law Professors), Reply Brief and 3 paper copies of the NY Amicus Briefs w/in 7 days. Notify Clerk's Office of any scheduling conflict by: 11/21/2022. [1001265418] [22-1721] JLC	
11/17/2022		MOTION by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck to withdraw/relieve/substitute counsel. Attorney or client motion? Attorney. Was a copy of the motion served on the defendant? N. Was the defendant advised of right to file response within 7 days? N. Date and method of service: 11/17/2022 ecf. [1001267935] [22-1721] Michael Weaver	
11/17/2022		NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellants Dale Folwell and Dee Jones. Argument Session: 01/23. Days you are available: All. Identify any other cases you are tentatively scheduled to argue this session: None. . [1001268064] [22-1721] Mark Jones	
11/17/2022		ORDER filed granting attorney Michael Wesley Weaver's Motion to withdraw/relieve/substitute counsel . New attorney appointed: No. Copies to all parties. [1001268104] [22-1721] RP	
11/17/2022		Attorney Michael Wesley Weaver for Connor Thonen-Fleck, Sam Silvaine, Julia McKeown, Maxwell Kadel, Jason Fleck, Dana Caraway, C.B. and Michael D. Bunting Jr. in 22-1721 terminated from case. Reason for termination: Order granting withdrawal. [1001268110] [22-1721] RP	
12/12/2022		CASE CALENDARED for oral argument. Date: 01/25/2023. Session Starting Time: Conclusion of En Banc argument. Entrance: 1000 Bank Street. Check-in Time: 9:45 am. Forms due within 7 calendar days. [1001281259] [22-1721] JLC	
12/12/2022		ORAL ARGUMENT ACKNOWLEDGMENT by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Counsel arguing: Tara L. Borelli. Answering argument time: 20 minutes. .. [1001281416] [22-1721] Tara Borelli	
12/15/2022		ORAL ARGUMENT ACKNOWLEDGMENT by Dale Folwell and Dee Jones. Counsel arguing: John G. Knepper. Opening argument time: 15 minutes. Rebuttal	

22-1721, Maxwell Kadel v. Dale Folwell

Date	#	Proceeding Text	Details
		argument time: 5 minutes. .. [1001283922] [22-1721] Mark Jones	
01/05/2023		COURT ORDER filed denying Motion for stay pending appeal . Copies to all parties. [1001294079] [22-1721] RP	
01/20/2023		NOTICE re: Rule 43 Substitution by Dee Jones. [1001302349] [22-1721] Mark Jones	
01/20/2023		SUPPLEMENTAL AUTHORITIES by Dale Folwell and Dee Jones. [1001302350] . [22-1721] Mark Jones	
01/20/2023		NOTICE ISSUED re: case caption. [1001302642] [22-1721] TW	
01/22/2023		SUPPLEMENTAL AUTHORITIES (FRAP 28(j)) response by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001302682] . [22-1721] Tara Borelli	
01/25/2023		ORAL ARGUMENT heard before the Honorable Roger L. Gregory, G. Steven Agee and Albert Diaz. Attorneys arguing case: John Guyton Knepper for Appellants Dale Folwell and Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees and Tara Lynn Borelli for Appellees C.B., Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., Sam Silvaine and Dana Caraway. Courtroom Deputy: Emily Borneisen. [1001304533] [22-1721] EB	
04/12/2023		COURT ORDER filed granting rehearing en banc. Copies to all parties. [1001348333] [22-1721] RP	
04/13/2023		16 Additional copies of the AMICUS BRIEF received from American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Psychiatric Association, Endocrine Society, National Association of Nurse Practitioners in Womens Health, North American Society for Pediatric and Adolescent Gynecology, Society of Ob/Gyn Hospitalists and AMA. [1001349184] [22-1721] RP	
04/14/2023		16 Additional copies of the AMICUS BRIEF received from Constitutional Law Professors. [1001349733] [22-1721] RP	
04/17/2023		ORDER filed granting argument in seriatim with case number(s): 22-1927. Copies to all parties. [1001350722] [22-1721] TW	
04/18/2023		Sixteen Additional copies of the RESPONSE BRIEF received from Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell	

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Date	#	Proceeding Text	Details
		Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001351474] [22-1721] RE	
04/18/2023		Sixteen Additional copies of the OPENING BRIEF received from Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees and Dale Folwell. [1001351630] [22-1721] RE	
04/18/2023		Sixteen Additional copies of the REPLY BRIEF received from Dale Folwell. [1001351636] [22-1721] RE	
04/19/2023		COURT ORDER filed granting Motion to file amicus curiae brief . Disclosure Statement filed (if corporate amicus)? Y. Appearance Form filed? Y. Copies to all parties. [1001352614] [22-1721] CP	
04/19/2023		APPEARANCE OF COUNSEL by Sarah M. Saint for Society of Ob/Gyn Hospitalists and American Academy of Pediatrics, American College of Obstetricians and Gynecologists, AMA, American Psychiatric Association and Endocrine Society, National Association of Nurse Practitioners in Womens Health and North American Society for Pediatric and Adolescent Gynecology. [1001352616] [22-1721] CP	
04/19/2023		APPEARANCE OF COUNSEL by Howard S. Suskin for Society of Ob/Gyn Hospitalists and American Academy of Pediatrics, American College of Obstetricians and Gynecologists, AMA, American Psychiatric Association, Endocrine Society, National Association of Nurse Practitioners in Womens Health and North American Society for Pediatric and Adolescent Gynecology. [1001352619] [22-1721] CP	
04/19/2023		APPEARANCE OF COUNSEL by Shana L. Fulton for American Academy of Pediatrics, American College of Obstetricians and Gynecologists, AMA, American Psychiatric Association, Endocrine Society, National Association of Nurse Practitioners in Womens Health and North American Society for Pediatric and Adolescent Gynecology. [1001352620] [22-1721] CP	
04/19/2023		Additional copies of the AMICUS BRIEF received from California, Colorado, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. [1001352903] [22-1721] TW	
05/25/2023		MOTION by STATES OF MISSOURI, ALABAMA, ALASKA, ARKANSAS,	

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Date	#	Proceeding Text	Details
		FLORIDA, GEORGIA, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NORTH DAKOTA, OHIO, OKLAHOMA, SOUTH CAROLINA, TEXAS, UTAH & VIRGINIA AS AMICI CURIAE IN SUPPORT OF Appellants-Def to file amicus curiae brief without consent of all parties on appeal within time allowed by FRAP 29(e).. Date and method of service: 05/25/2023 ecf. [1001373998] [22-1721] Joshua Divine	
05/25/2023		AMICUS CURIAE BRIEF by Commonwealth of Kentucky, Commonwealth of Virginia, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Indiana, State of Iowa, State of Kansas, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas and State of Utah. Method of Filing Paper Copies: N/A. [1001374057] [22-1721] RP	
05/25/2023		Receipt of paper copy of AMICUS BRIEF filed at by Commonwealth of Kentucky, Commonwealth of Virginia, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Indiana, State of Iowa, State of Kansas, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas and State of Utah. Number of pages: [24]. Sufficient: Yes. Number of copies: [16]. Received by clerk date: 06/08/2023. [1001381022] [22-1721] RP	
05/31/2023		COURT ORDER filed granting Motion to file amicus curiae brief . Disclosure Statement filed (if corporate amicus)? N/A. Appearance Form filed? N. Copies to all parties. [1001376965] [22-1721]--[Edited 05/31/2023 by RP - docket text updated] RP	
05/31/2023		DOCKETING FORMS FOLLOW-UP NOTICE ISSUED to Commonwealth of Kentucky, Commonwealth of Virginia, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Indiana, State of Iowa, State of Kansas, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas and State of Utah re: filing of appearance form. Appearance form due on 06/05/2023 from Joshua M. Divine. [1001376973] [22-1721] RP	

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Date	#	Proceeding Text	Details
06/01/2023		APPEARANCE OF COUNSEL by Joshua M. Divine for State of Missouri. [1001377388] [22-1721] Joshua Divine	
06/06/2023		COPY FOLLOW-UP NOTICE issued to Commonwealth of Kentucky, Commonwealth of Virginia, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Indiana, State of Iowa, State of Kansas, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas and State of Utah requesting SIXTEEN additional copies of the Amici brief. [1001379880] Must be received in Clerk's Office by 06/09/2023. [22-1721] AD	
06/16/2023		CASE TENTATIVELY CALENDARED for oral argument during the 9/19/23 - 9/22/23, argument session. No additional paper copies of briefs and appendices are required from counsel. Notify Clerk's Office of any scheduling conflict by: 06/26/2023. [1001386343] [22-1721] JLC	
07/07/2023		SUPPLEMENTAL AUTHORITIES by Michael D. Bunting, Jr., C.B., Julia McKeown, Maxwell Kadel, Sam Silvaine, Connor Thonen-Fleck, Dana Caraway and Jason Fleck. [1001398139] . [22-1721] Tara Borelli	
07/08/2023		SUPPLEMENTAL AUTHORITIES by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001398165] . [22-1721] Tara Borelli	
07/17/2023		CASE CALENDARED for oral argument. Date: 09/21/2023. Session Starting Time: 9:00 a.m.. Check-in Time: 8:15 - 8:30 a.m.. Forms due within 7 calendar days. [1001403083] [22-1721]--[Document Replaced 07/17/2023 by ALC for clerical correction] JLC	
07/19/2023		ORAL ARGUMENT ACKNOWLEDGMENT by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Counsel arguing: Tara L. Borelli. Answering argument time: 30 minutes. .. [1001404759] [22-1721] Tara Borelli	
07/21/2023		ORAL ARGUMENT ACKNOWLEDGMENT by Dale Folwell and Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees. Counsel arguing: John G. Knepper. Opening argument time: 22 minutes. Rebuttal	

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Date	#	Proceeding Text	Details
		argument time: 8 minutes. .. [1001406331] [22-1721] Mark Jones	
09/15/2023		SUPPLEMENTAL AUTHORITIES by Dale Folwell and Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees. [1001440177] . [22-1721] Mark Jones	
09/18/2023		SUPPLEMENTAL AUTHORITIES (FRAP 28(j)) response by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001440593] . [22-1721] Tara Borelli	
09/21/2023		ORAL ARGUMENT heard before the Honorable Albert Diaz, J. Harvie Wilkinson, III, Paul V. Niemeyer, Robert B. King, Roger L. Gregory, G. Steven Agee, James Andrew Wynn, Stephanie D. Thacker, Pamela A. Harris, Julius N. Richardson, A. Marvin Quattlebaum, Jr., Allison J. Rushing, Toby J. Heytens and DeAndrea Gist Benjamin. Attorneys arguing case: John Guyton Knepper for Appellants Dale Folwell and Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees and Tara Lynn Borelli for Appellees C.B., Maxwell Kadel, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., Sam Silvaine and Dana Caraway. Courtroom Deputy: Anisha Walker. [1001443189] [22-1721] AW	
10/02/2023		SUPPLEMENTAL AUTHORITIES by Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees and Dale Folwell. [1001449082] . [22-1721] Mark Jones	
10/12/2023		SUPPLEMENTAL AUTHORITIES (FRAP 28(j)) response by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. [1001454677] . [22-1721] Tara Borelli	
03/07/2024		MOTION by Michael D. Bunting, Jr., Dana Caraway, C.B., Jason Fleck, Maxwell Kadel, Julia McKeown, Connor Thonen-Fleck and Sam Silvaine to withdraw David Brown as counsel.. Date and method of service: 03/07/2024 ecf. [1001533024] [22-1721] David Brown	
03/07/2024		ORDER filed granting motion to withdraw counsel . Copies to all parties. [1001533241] [22-1721] TW	
03/07/2024		Attorney David Patrick Brown for Connor Thonen-Fleck, Sam Silvaine, Julia McKeown, Maxwell Kadel, Jason Fleck, Dana Caraway,	

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Date	#	Proceeding Text	Details
		C.B. and Michael D. Bunting Jr. in 22-1721 terminated from case. Reason for termination: Change of employment. [1001533249] [22-1721] TW	
03/08/2024		MOTION by Julia McKeown, Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Sam Silvaine and Connor Thonen-Fleck to withdraw/relieve/substitute counsel. Attorney or client motion? Attorney.. If under L.R. 46(d), was client advised of right to file response within 7 days? N/A. Date and method of service: 03/08/2024 ecf. [1001533569] [22-1721] Lauren Snyder	
03/08/2024		ORDER filed granting Motion to withdraw/relieve/substitute counsel . New attorney appointed: No. Copies to all parties. [1001533615] [22-1721] RP	
03/08/2024		Attorney Lauren Snyder for Connor Thonen-Fleck, Sam Silvaine, Julia McKeown, Maxwell Kadel, Jason Fleck, Dana Caraway, C.B. and Michael D. Bunting Jr. in 22-1721 terminated from case. Reason for termination: Order granting withdrawal. [1001533617] [22-1721] RP	
04/23/2024		SEALED DOCUMENT (court access only) by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Document type: RESPONSE . Date and manner of service: 04/23/2024 US mail. Filed Ex parte: N. [1001557271] [22-1721] Tara Borelli	
04/25/2024		APPEARANCE OF COUNSEL by Sydney Duncan for Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Connor Thonen-Fleck, Sam Silvaine, Julia McKeown and Maxwell Kadel. [1001558578] [22-1721] Sydney Duncan	
04/25/2024		SEALED DOCUMENT (court access only) by Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees and Dale R. Folwell. Document type: RESPONSE . Date and manner of service: 04/25/2024 ecf. Filed Ex parte: N. [1001558864] [22-1721] Mark Jones	
04/26/2024		RESPONSE FOLLOW-UP NOTICE ISSUED to Carlos A. Ball, Kevin M. Barry, Courtney Cahill, Erwin Chemerinsky, Jesse H. Choper, David B. Cruz, Deborah Dinner, Katie Eyer, Michele Bratcher Goodwin, Courtney G. Joslin, Naomi Schoenbaum, Brian Soucek, Ezra Young, Commonwealth of Kentucky, Commonwealth of Virginia, Constitutional Law Professors, State of Alabama, State of Alaska, State of Arkansas, State of Florida,	

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Date	#	Proceeding Text	Details
		State of Georgia, State of Indiana, State of Iowa, State of Kansas, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas, State of Utah and American Academy of Pediatrics, American College of Obstetricians and Gynecologists, AMA, American Psychiatric Association, California, Colorado, Delaware, District of Columbia, Endocrine Society, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, National Association of Nurse Practitioners in Womens Health, Nevada, New Jersey, New Mexico, New York, North American Society for Pediatric and Adolescent Gynecology, Oregon, Rhode Island, Society of Ob/Gyn Hospitalists, Vermont and Washington. sealed Notice . Response due on 04/29/2024. [1001558990] [22-1721] RP	
04/26/2024		ORDER filed rescinding response follow up notice issued 04/26/2024.Copies to all parties. [1001559155] [22-1721] RP	
04/26/2024		SEALED DOCUMENT (court access only) by State of Missouri. Document type: RESPONSE . Date and manner of service: 04/26/2024 ecf. Filed Ex parte: N. [1001559203] [22-1721] Joshua Divine	
04/29/2024		PUBLISHED AUTHORED OPINION filed. Originating case number: 1:19-cv-00272-LCB-LPA. [1001560055] [22-1721] RP	
04/29/2024		JUDGMENT ORDER filed. Decision: Affirmed. Originating case number: 1:19-cv-00272-LCB-LPA. Entered on Docket Date: 04/29/2024. Copies to all parties and the district court/agency. [1001560075] [22-1721] RP	
05/03/2024		BILL OF COSTS by Michael D. Bunting, Jr., C.B., Dana Caraway, Jason Fleck, Maxwell Kadel, Julia McKeown, Sam Silvaine and Connor Thonen-Fleck. Date and method of service: 05/03/2024 ecf. [1001563346] [22-1721] Tara Borelli	
05/21/2024		Mandate issued. Referencing: Judgment Order , published authored Opinion. Originating case number: 1:19-cv-00272-LCB-LPA. [1001571710] [22-1721]--[Edited 05/21/2024 by RP - order granting cost added to the mandate] RP	
05/21/2024		ORDER filed granting Motion for costs in the amount of \$261.00. Copies to all parties. [1001571858] [22-1721] RP	
07/30/2024		SUPREME COURT REMARK--petition for writ of certiorari filed. 07/26/2024. 24-99.	

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Date	#	Proceeding Text	Details
		[1001611292] [22-1721] EB	
10/22/2024		NOTICE re: notice of firm name change by Michael D. Bunting, Jr., C.B., Dana Caraway, Connor Thonen-Fleck, Sam Silvaine, Julia McKeown, Maxwell Kadel and Jason Fleck. [1001659376] [22-1721] Ezra Cukor	

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