

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|                               |   |                         |
|-------------------------------|---|-------------------------|
| TENNESSEE STATE CONFERENCE OF | ) |                         |
| THE NAACP et al.,             | ) |                         |
|                               | ) |                         |
| Plaintiffs,                   | ) | No. 3:23-cv-00832       |
|                               | ) |                         |
| v.                            | ) | JUDGE ELI RICHARDSON    |
|                               | ) | JUDGE ERIC E. MURPHY    |
| WILLIAM B. LEE, et al.,       | ) | JUDGE BENITA Y. PEARSON |
|                               | ) |                         |
| Defendants.                   | ) |                         |
|                               | ) |                         |

**STIPULATION REGARDING DISCOVERY PROCEDURES**

The Plaintiffs and Defendants (the “Parties”) hereby submit this stipulation setting forth procedures governing discovery up to and including January 15, 2024.

**INTRODUCTION**

On September 8, 2023, the Parties submitted a joint status report outlining their respective proposals for a schedule in this case. (ECF No. 28). Defendants requested, and Plaintiffs opposed, staying discovery until the Supreme Court issued its ruling on *Alexander v. South Carolina State Conference of NAACP*, No. 22-807 (U.S.). *Id.* This Court held a hearing regarding the proposed schedules and ordered the Parties to “attempt to reach a compromise regarding how discovery may proceed during any briefing schedule for anticipated motion(s) regarding dismissal and stay.” (ECF Minute Entry 9/15/23). The Parties conferred and reached an agreement as to the scope of discovery that may be conducted up to and including January 15, 2024 to obviate the need for litigating a stay of discovery at this juncture.

**PARTIES’ PROPOSED DISCOVERY PROCEDURES**

The Parties agree that limited discovery may occur between the approval of this Stipulation by the Court and January 15, 2024. The parameters of such limited discovery are as follows:

1. The Parties may serve written discovery, including interrogatories and requests for production of documents, after the initial case management conference scheduled by this Court at present for October 27, 2023. (ECF No. 35).<sup>1</sup> The Party receiving written discovery requests will serve responses and objections within thirty (30) days as required by Federal Rule of Civil Procedure Rule 26(b).
2. No document production will be required prior to January 15, 2024.
3. No depositions will be noticed or scheduled prior to January 15, 2024.
4. Between the date of this stipulation and January 15, 2024, the Parties agree to meet and confer regarding the scope of any asserted grounds of privilege or other bases for non-disclosure, custodians, search terms to be used in electronic discovery, running the search terms, and the number of hits produced by agreed-upon searches.

The Parties believe this compromise allows fact discovery to advance in a meaningful way while litigating Defendants' anticipated motion to dismiss. Defendants wish to expressly reserve and advise the Court that they may move for a further stay should the Supreme Court's Opinion in *Alexander* provide a basis for such a motion. Plaintiffs will oppose any such motion to further stay the case beyond January 15, 2024.

---

<sup>1</sup> Defendants' unopposed motion to continue the initial case management conference is pending before the Court. (ECF No. 37).

Dated: October 5, 2023

ADAM K. MORTARA (BPR# 40089)  
Lawfair LLC  
40 Burton Hills Blvd., Suite 200  
Nashville, TN 37215  
(773) 750-7154  
mortara@lawfairllc.com

JEFFREY LOPERFIDO\*  
MITCHELL D. BROWN\*  
Southern Coalition for Social Justice  
1415 West Highway 54, Suite 101  
Durham, NC 27707  
Tel.: 919-323-3380  
jeffloperfido@scsj.org  
mitchellbrown@scsj.org

PHILLIP F. CRAMER  
Sperling & Slater  
150 3rd Avenue South, Suite 1100  
Nashville, TN 37201  
Tel.: 312-224-1512  
pcramer@sperling-law.com

GEORGE E. MASTORIS\*  
MICHELLE D. TUMA\*  
Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166  
Tel.: 212-294-6700  
gmastoris@winston.com  
mtuma@winston.com

Respectfully submitted,

/s/ Ryan N. Henry  
RYAN NICOLE HENRY (BPR# 40028)  
Assistant Attorney General  
WHITNEY HERMANDORFER (BPR#  
041054)  
Assistant Solicitor General  
MIRANDA H. JONES (BPR# 036070)  
Senior Assistant Attorney General  
Office of the Tennessee Attorney General  
P.O. Box 20207  
Nashville, Tennessee 37202  
(615) 532-2935  
ryan.henry@ag.tn.gov  
whitney.hermendorfer@ag.tn.gov  
miranda.jones@ag.tn.gov

***Counsel for Defendants***

/s/ Pooja Chaudhuri  
POOJA CHAUDHURI+  
EZRA D. ROSENBERG+  
JON GREENBAUM+  
Lawyers' Committee for Civil Rights Under  
Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
Tel.: 202-662-8600  
pchaudhuri@lawyerscommittee.org  
erosenberg@lawyerscommittee.org  
jgreenbaum@lawyerscommittee.org

***Counsel for Plaintiffs***

+Admitted to the Bar of the Middle District of  
Tennessee

\*Admitted Pro Hac Vice

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2023, the undersigned filed the foregoing document via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

| <b>COUNSEL OF RECORD</b>   | <b>PARTY REPRESENTED</b>   |
|--|--|
| <p>Phillip F. Cramer<br/>Sperling &amp; Slater<br/>150 3<sup>rd</sup> Avenue South, Suite 1100<br/>Nashville, TN 37201<br/>Tel.: 312-224-1512<br/>pcramer@sperling-law.com</p> <p>Jon Greenbaum<br/>Ezra D. Rosenberg<br/>Pooja Chaudhuri<br/>Lawyers' Committee for Civil Rights Under<br/>Law<br/>1500 K Street NW, Suite 900<br/>Washington, DC 20005<br/>Tel.: 202-662-8600<br/>jgreenbaum@lawyerscommittee.org<br/>erosenberg@lawyerscommittee.org<br/>pchaudhuri@lawyerscommittee.org</p> <p>Jeffrey Loperfido<br/>Mitchell D. Brown<br/>Southern Coalition for Social Justice<br/>1415 West Highway 54, Suite 101<br/>Durham, NC 27707<br/>Tel.: 919-323-3380<br/>jeffloperfido@scsj.org<br/>mitchellbrown@scsj.org</p> | <p>Plaintiffs Tennessee State Conference of the NAACP, League of Women Voters of Tennessee, The Equity Alliance, Memphis A. Philip Randolph Institute, African American Clergy Collective of Tennessee, Judy Cummings, Brenda Gilmore, Ophelia Doe, Freda Player, and Ruby Powell-Dennis</p> |

|  |   |
|--|---|
| <p>George E. Mastoris<br/>Michelle D. Tuma<br/>Winston &amp; Strawn LLP<br/>200 Park Avenue<br/>New York, NY 10166<br/>Tel.: 212-294-6700<br/>gmastoris@winston.com<br/>mtuma@winston.com</p>  |   |
| <p>Ryan Nicole Henry<br/>Whitney Hermandorfer<br/>Assistant Solicitor General<br/>Miranda H. Jones<br/>Senior Assistant Attorney General<br/>Office of the Tennessee Attorney General<br/>Assistant Attorney General<br/>Office of the Tennessee Attorney General<br/>P.O. Box 20207<br/>Nashville, Tennessee 37202<br/>(615) 532-2935<br/>ryan.henry@ag.tn.gov<br/>whitney.hermandorfer@ag.tn.gov<br/>miranda.jones@ag.tn.gov</p> <p>Adam K. Mortara<br/>Lawfair LLC<br/>40 Burton Hills Blvd., Suite 200<br/>Nashville, TN 37215<br/>(773) 750-7154<br/>mortara@lawfairllc.com</p> | <p>Defendants William B. Lee, in his official capacity as Governor of the State of Tennessee, Tre Hargett, in his official capacity as Secretary of State of the State of Tennessee, Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, the State Election Commission, and Donna Barrett, Judy Blackburn, Jimmy Eldridge, Mike McDonald, Secondra Meadows, Bennie Smith and Kent Younce, in their official capacities as members of the State Election Commission</p> |

/s/ Ryan Nicole Henry  
RYAN NICOLE HENRY (BPR# 040028)  
Assistant Attorney General

*Counsel for Defendants*