

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

**TENNESSEE STATE CONFERENCE OF
THE NAACP, et al.,**

Plaintiffs,

v.

**WILLIAM B. LEE, in his official capacity as
Governor of the State of Tennessee, et al.,**

Defendants.

Case No. 3:23-cv-00832

Judge Eric Murphy

Judge Eli Richardson

Judge Benita Pearson

JOINT MOTION TO SET BRIEFING SCHEDULE ON DISCOVERY DISPUTE

The Plaintiffs and ten Subpoenaed Non-Party Officials move under Fed. R. Civ. P. 6 and Local Rule 7.01 to set a briefing schedule on a discovery dispute that will include minor deadline extensions, page extensions, and slight deviations from the Local Rules.

Plaintiffs have served subpoenas duces tecum on the Tennessee House Ethics Counsel, Doug Himes, and on nine state Senators and Representatives—Chairwoman Patsy Hazlewood, Chairman Gary Hicks, Deputy Speaker Curtis Johnson, Sen. Jack Johnson, Leader William Lamberth, Chairman Pat Marsh, Chairman Paul Rose, Chairman Kevin Vaughan, and Sen. Dawn White. Undersigned counsel for the Defendants represent each of these Non-Party Officials. The Subpoenaed Legislators' responses are due on April 22, 2024. Counsel Himes's response is due on May 1, 2024. Plaintiffs also served deposition subpoenas on these Non-Party Officials on April 16, 2024, which are set for May 13, 14, 15, 16, 20, 21, 22, 28, 29, and 30.

The Subpoenaed Non-Party Officials notified Plaintiffs on April 8, 2024, that they opposed the subpoenas duces tecum on legislative privilege grounds, among others, and would likewise oppose anticipated deposition subpoenas. To streamline the resolution of the discovery dispute over application of legislative privilege, the parties conferred and agreed to jointly move for the following briefing schedule:

Proposed Deadline	Filing	Page Limit
April 24, 2024	Plaintiffs will file a motion to compel the Non-Party Officials to comply with the twenty subpoenas for depositions and documents.	25
May 6, 2024	Non-Party Officials will file a consolidated Opposition to the Motion to Compel and Motion to Quash and for a Protective Order. ¹ This deadline would include an extension of the current April 22, 2024, deadline to file motions to quash the subpoena duces tecum.	30
May 16, 2024	Plaintiffs will file a consolidated Opposition to the Motion to Quash and Reply in Support of their Motion to Compel. This deadline would include an extension of the traditional deadline for a reply.	30
May 22, 2024	The Non-Party Officials will file a Reply in Support of their Motion to Quash.	10

Plaintiffs and the Subpoenaed Non-Party Officials request that the Court issue an order granting these minor deviations from traditional briefing requirements, which will allow for the efficient use of party and judicial resources. Plaintiffs agree not to pursue enforcement of the subpoena deadlines pending resolution of these motions.

¹ See, e.g., *Liebman v. Methodist Le Bonheur Healthcare*, No. 3:17-CV-0902, 2021 WL 6504101, at *1 (M.D. Tenn. Apr. 16, 2021).

Respectfully submitted,

/s/ Philip Cramer (signed with permission by
Miranda Jones on 4/18/2024)

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 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:

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/s/ Miranda Jones _____

Counsel for Non-Party Officials