

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

PAMELA MOSES,)	
)	
Plaintiff,)	
)	
v.	)	No. CT-1579-19
	)	Division I
)	
	)	Judge Felicia Corbin-Johnson
MARK GOINS, TRE HARGETT, and	)	Judge Suzanne S. Cook
JONATHAN SKRMETTI, in their official	)	Judge Barry Tidwell
capacities,)	
)	
Defendants.)	

**JOINT REPLY IN SUPPORT OF DEFENDANTS’ MOTIONS
TO QUASH PLAINTIFF’S SUBPOENA DIRECTED TO NON-PARTIES
TENNESSEE DEPARTMENT OF CORRECTION AND THE
OFFICE OF LEGAL SERVICES AND FOR A PROTECTIVE ORDER**

As Defendants¹ previously explained, Plaintiff untimely served third-party discovery requests on the Tennessee Department of Correction (TDOC) and the Office of Legal Services (OLS) in violation of the Court’s deadlines established in its October 11, 2023 Order (“October 11 Order”). (Defs.’ Dec. 11, 2023 Mem. in Support of Mot. to Quash (“Defs.’ TDOC Mem.”), at 4-6; Defs.’ Jan. 2, 2024 Mem. in Support of Mot. to Quash (“Defs.’ OLS Mem.”) at 4-6.) Plaintiff opposes Defendants’ motions, but her response, in essence, asserts that it would be “unfair” to

¹ On December 11, 2023, and January 2, 2024, when Defendants filed their motions to quash and for a protective order, Plaintiff had not yet filed her Second Amended Complaint as of record, despite being granted leave to do so in October 2022. Plaintiff eventually filed her pleading on February 2, 2024. But, and as Defendants Tennessee Secretary of State Tre Hargett and Tennessee Coordinator of Elections Mark Goins note in their Answer, Plaintiff has not served those Defendants with process as required by the Tennessee Rules of Civil Procedure. (Defs.’ February 20, 2024 Answer, at p. 26.) Defendants Hargett and Goins do not waive that defense by this filing.

bind her to the Court's discovery deadlines. (Pl.'s Resp. at 2.) This Court should reject those assertions and grant Defendants' motions. Alternatively, the Court should alter Plaintiff's discovery requests.

ARGUMENT

The Court Should Grant Defendants' Motions to Quash and for a Protective Order.

A. Plaintiff cannot wield this Court's discovery deadlines to her convenience.

Plaintiff does not dispute that third-party discovery subpoenas are subject to the Court's written discovery deadlines. (Defs.' TDOC Mem., at 4-6; Defs.' OLS Mem., at 4-6.) Still, Plaintiff says, it would be "fundamentally unfair" to force her to comply with those deadlines. (Pl.'s Resp. at 2.)

But requiring Plaintiff to comply with the October 11 Order's discovery deadline is not "unfair." At least it is not more so than Plaintiff's position that she may avoid responding to Defendants' discovery requests as "untimely." (Ex. A, at 1-9.) And Defendants served those requests mere days after this Court denied their timely motion to stay the discovery deadlines while their motion to dismiss remained pending. (Ex. A, at 1; Feb. 6, 2023 Order, at 2.) Plaintiff, by contrast, served requests on TDOC over a week, and on OLS over a month, after the applicable written discovery deadline expired. (Pl.'s Return of Service of Subpoena to TDOC, at 2; Pl.'s Return of Service of Subpoena to OLS, at 2); *see also U & I Corp. v. Advanced Med. Design, Inc.*, 251 F.R.D. 667, 673 (M.D. Fla. 2008) (quashing a subpoena served one-week after the discovery deadline). This Court should not condone Plaintiff's efforts to subject its discovery deadlines to her whims.

B. This Court has the inherent authority to quash an untimely subpoena.

Plaintiff asserts that Defendants lack standing to challenge her third-party discovery requests because they do not have an interest in the documents sought from the non-parties. (Pl.’s Resp. at 4-5.) Even if Plaintiff is correct, her assertion is irrelevant. This Court has the inherent power to quash an untimely subpoena.

Subpoenas seeking discovery from third parties “are subject to the same deadlines as other forms of discovery.” *Dag Enters., Inc. v. Exxon Mobil Corp.*, 226 F.R.D. 95, 104 (D.D.C. 2005). And parties have a right to request a court to enforce those deadlines; otherwise, a party “would be free to violate the . . . [s]cheduling [o]rder with impunity.” *Zendejas v. Redman*, No. 9:15-cv-81229, 2017 WL 2782034, at *2 (S.D. Fla. June 26, 2017) (Matthewman, M.J.); *see also* (Defs.’ TDOC Mem., at 2; Defs.’ OLS Mem., at 2.)

Courts have held that a party has standing—either in moving to quash or in seeking a protective order—to challenge a discovery subpoena as untimely. *Focus Health Grp., Inc. v. Stamps*, No. 3:19-cv-452, 2020 WL 7774906, at *2 (E.D. Tenn. Dec. 30, 2020) (Guyton, M.J.); *Dziadek v. Charter Oak Fire Ins.*, No. 4:11-cv-04134, 2016 WL 1643825, at *2 (D.S.D. Apr. 22, 2016). But standing in this context “is not dispositive because it is well-recognized that courts have inherent power to quash an untimely subpoena.” *Morrison v. Chartis Prop. Cas. Co.*, No. 4:13-cv-116, 2014 WL 5341785, at *1 (N.D. Okla. Oct. 20, 2014) (Cleary, M.J.); *see also Dziadek*, 2016 WL 1643825, at *2. A court should quash a subpoena when the party seeking discovery “is aware of the existence of documents before the discovery cutoff date and issues discovery requests including subpoenas after the discovery deadline has passed.” *McNerney v. Archer Daniels Midland Co.*, 164 F.R.D. 584, 588 (W.D.N.Y. 1995) (collecting cases).

Here, this Court should quash Plaintiff's untimely subpoenas, regardless of Defendants' standing. As noted above, courts have concluded that a party has standing to challenge an untimely subpoena either through a motion to quash or for a protective order. *Focus Health Grp.*, 2020 WL 7774906, at *2; *Dziadek*, 2016 WL 1643825, at *2. Defendants have moved for both forms of relief. (Defs.' Dec. 11, 2023 Mot to Quash and for a Protective Order, at 1; Defs.' Jan. 2, 2024 Mot. to Quash and for a Protective Order, at 1.) Further, this Court has the inherent authority to quash Plaintiff's untimely subpoenas regardless of alleged issues as to Defendants' standing. *Morrison*, 2014 WL 5341785, at *1.

And Plaintiff cannot seriously claim that she was unaware of the existence of the documents she requests from TDOC and OLS. *See McNerney*, 164 F.R.D. at 588. As early as September 2022, Plaintiff noted that Tennessee's "certificate of rights restoration process adopted in 2006 is currently being challenged in federal court" and specifically cited to "*Tenn. Conference of the NAACP et al. v. Lee et al.*, Case No. 3:32-cv-1039, United States District Court of the Middle District of Tennessee, Nashville Division (Campbell, J.)." (Pl.'s Sept. 13, 2022 Proposed Second Amended Complaint, p. 25 n.15.) In her response, Plaintiff states that "it appears that much of the information [she seeks] was produced by TDOC in 2022" in that very case. (Pl.'s Resp. at 3.) Plaintiff further asserts that TDOC's data relied on by the *NAACP* plaintiffs' expert was disclosed on October 10, 2023—a day before this Court entered the October 11 Order granting her 30 days to issue limited discovery requests. (*Id.* at 3, 7-10 & Pl.'s Ex. B; October 11 Order, at 1.) As to her document requests to OLS, Plaintiff challenges statutes enacted in 1986 and 2006, and documents related to those enactments have existed for over a decade. (Pl.'s Feb. 2, 2024 Second Am. Compl. at 25-26, 29-39.)

Plaintiff provides no “convincing explanation as to why” she could not serve her subpoenas in accordance with the October 11 Order’s discovery deadline. (October 11 Order, at 1); *Morrison*, 2014 WL 5341785, at *2. Nor can Plaintiff contend that she was unaware of the requested documents before the deadline expired. *See McNerney*, 164 F.R.D. at 588. This Court should quash Plaintiff’s subpoenas directed to TDOC and OLS as untimely.

C. The October 11 Order did not authorize third-party discovery.

Plaintiff also asserts that the October 11 Order only restricted her ability to serve discovery on Defendants, not on third parties. (Pl.’s Resp. at 5-7.) She bases that assertion on her characterization of her discussion with the Court at the October 5, 2023 case management conference, where she noted her “plan to issue third-party subpoenas.” (*Id.* at 5-6.) But even accepting that characterization as true (and Plaintiff provides no supporting transcript), Plaintiff identifies no oral or written Court authorization for her to serve third-party discovery requests, much less authority to serve requests *after* the Court’s October 11 discovery cutoff.

“Tennessee law is clear” that a “trial court speaks through its written orders.” *In re Navada N.*, 498 S.W.3d 579, 594 (Tenn. Ct. App. 2016). This Court’s October 11 Order only permitted Plaintiff to “propound [limited] discovery” on Defendants within “thirty days from [its] entry.” (October 11 Order, at 1.) Nothing in the October 11 Order permitted Plaintiff to serve discovery on third parties. Nor does Plaintiff contend that this Court orally granted such a request, which would likely violate “clear” Tennessee law, in any event. *See In re Navada N.*, 498 S.W.3d at 594 (declining to “parse the record” in search of an oral ruling).

With no written order to rely on, Plaintiff contends that the “broader context” of this case allows her to issue third-party discovery because the original September 20, 2022 Scheduling Order contains “numerous expired deadlines.” (Pl.’s Resp. at 7.) In other words, Plaintiff

contends that the expiration of this Court’s discovery deadlines does not prohibit her from seeking discovery. Plaintiff identifies no authority supporting that view. And cases holding the opposite are legion. (*See* Defs.’ TDOC Mem., at 4-5; Defs.’ OLS Mem., at 4-5.)

Plaintiff’s reference to the September 20, 2022 Scheduling Order also does not help her. That order provides that “[d]iscovery shall be propounded by January 6, 2023” with all “written discovery . . . completed by March 7, 2023.” (Sept. 20, 2022 Scheduling Order, at 2 (emphasis omitted).) Plaintiff believes that those dates were hard cutoffs—she relied on the Scheduling Order to object to Defendants’ discovery requests as untimely. (Ex. A, at 1.) As Plaintiff noted (in this very case), courts frown on this type of “sword and shield” discovery tactic. (Pl.’s Response to OLS Mot. to Quash, at 11.)

That said, a liberal reading of the October 11 Order may have permitted Plaintiff to serve third-party discovery. While Plaintiff disavows the point (Pl.’s Resp. at 7), the Order does provide Plaintiff with “thirty days from [its] entry . . . to propound discovery,” with no limitation in that sentence to whom it could be propounded. (October 11 Order, at 1; *but see id.* (providing in the next sentence that “Defendants are given an additional thirty days to respond”).) But Plaintiff untimely served TDOC and OLS with requests after her thirty-day window had closed. (Pl.’s Return of Service of Subpoena to TDOC, at 2; Pl.’s Return of Service of Subpoena to OLS, at 2.) Again, Plaintiff offers the Court no reason why she could not have timely served the subpoenas. *Supra*, pp. 4-5.

D. The subpoenas must be modified if the Court permits Plaintiff to reopen written discovery.

Even if the Court decides not to quash Plaintiff’s subpoenas, her discovery requests must be altered. (Defs.’ TDOC Mem. at 6; Defs.’ OLS Mem. at 6.) Plaintiff says that Defendants have

“grossly overstated” her requests. (Pl.’s Resp. at 9.) But all of the requests Plaintiff references show that they exceed the scope of the October 11 Order’s grant of “limited” discovery. (October 11 Order, at 1.)

Plaintiff claims that Defendants “misleadingly omit” that her first request to TDOC asks for race and ethnicity in conviction data. (Pl.’s Resp. at 9-10.) It is true that her first request did ask for race and ethnicity in conviction data. But Plaintiff “misleadingly omit[s]” that the rest of her request seeks documents of “all individuals” supervised by TDOC since May 1981 and includes 18 “not limited” sub-requests for information ranging from child support obligations, supervising agents, and gender. (Pl.’s Resp., Ex. A, at 5-6.) Plaintiff does not ground any of these unlimited requests to the October 11 Order or her claims—which *only* challenge statutes regarding “permanent” felon disenfranchisement, not felon disenfranchisement generally. Her claims also require altering her requests for “[a]ll” documents as to “[a]ll” persons ineligible to register or vote because of a felony conviction and “[a]ll” documents as to TDOC’s “efforts” to notify “Tennessee residents with a felony conviction” (Pl.’s Resp. at 10 & Ex. A, 6-7), because information as to infamous criminals who *are* eligible to restore their voting rights has no relevance here. *See Falls v. Goins*, 673 S.W.3d 173, 179-80 (Tenn. 2023).

CONCLUSION

For the reasons stated herein and in their Memorandum in Support, the Court should grant Defendants’ Motion to Quash and for a Protective Order.

Respectfully submitted,

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Attorney General and Reporter

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CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of March, 2024, a true and exact copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system. Additionally, a copy of the foregoing has been electronically mailed to the following:

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EXHIBIT A

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

PAMELA MOSES,)	
)	
Plaintiff,)	
v.	)	No. CT-1579-19
	)	Division I
MARK GOINS, TRE HARGETT, and)	
JONATHAN SKRMETTI, in their official	)	Felicia Corbin-Johnson
capacities,	)	Chief Judge
	)	Judge L. Marie Williams
Defendants.	)	Judge Barry Tidwell

**PLAINTIFF’S RESPONSES TO DEFENDANTS’ FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26, 33, and 34 of the Tennessee Rules of Civil Procedure, Plaintiff submits the following responses and objections to Defendants’ First Set of Interrogatories and Requests for Production of Documents.

GENERAL STATEMENTS AND OBJECTIONS

1. These discovery requests were served on February 10, 2023, a month after the deadline to promulgate discovery under the scheduling order. As Defendants are aware, Plaintiff promulgated discovery before the deadline, despite Defendants’ pending Motion to Stay Discovery, because of the “obligation to promulgate discovery by January 6, 2023” and the concern about “prejudic[ing] Ms. Moses by failing to send it out by the deadline.” (*See* Correspondence from J. Haubenreich to R. Wilson, Dec. 8, 2022.) Defendants chose not to do so and—as such—these Interrogatories and Requests are untimely and invalid.

2. In answering or responding to the Interrogatories, Plaintiff does not admit the truth, validity, completeness, or merit of any of Defendants' definitions and/or instructions incorporated herein, and/or the factual statements recited in any of the individual Interrogatories.

3. Plaintiff objects to the "Definition[s]" of the term "Document" and "Identify" to the extent that they purport to impose any requirement or discovery obligation greater than or different from those under the Tennessee Rules of Civil Procedure and the applicable Rules and Orders of this Court.

4. Plaintiff objects generally to Defendants' definitions of "Plaintiff," "You," "Your," and "Yourself" as overly broad, unduly burdensome, not relevant, and seeking information protected from discovery on the grounds of attorney-client privilege, the work product doctrine, and/or any other recognized privilege, particularly because these terms—as defined by Defendants—include counsel to Plaintiff and as such any Interrogatory or Request using one of these terms specifically seeks attorney-client privileged information.

5. Plaintiff's responses are submitted subject to and without waiving any of the specific or general statements and objections set forth in these responses. These general objections are continuing, and they are incorporated by reference in each response below. Plaintiff specifically reserves the right to interpose additional objections as additional facts may develop or be revealed as the case progresses.

I. INTERROGATORIES

INTERROGATORY NO. 1: Identify Yourself.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because the information sought (i.e., the name and other relevant information of Plaintiff Pamela Moses) is already within the possession, custody, and control of Defendants due to, *inter alia*, the records associated with her wrongful prosecution by the State of Tennessee.

INTERROGATORY NO. 2: Identify by case name, docket number, disposition, and court each and every civil lawsuit to which Plaintiff has been a party for the ten years previous to the filing of the Petition for Restoration of Citizenship in this cause.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

INTERROGATORY NO. 3: Describe any arrests, criminal charges, and/or convictions Plaintiff has had, including the offense, date of offense, place of offense, penalty imposed, and the court in which the criminal charge was brought for the ten years previous to the filing of the Petition for Restoration of Citizenship in this cause.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

INTERROGATORY NO. 4: For each conviction identified in response to Interrogatory No. 3, Identify any post-judgment proceedings relating to the conviction (including but not limited to petitions for post-conviction relief, petitions for writ of habeas corpus, and motions to withdraw a guilty plea), the court in which the proceedings were brought, the docket number, and the disposition of the proceedings.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

INTERROGATORY NO. 5: For each conviction identified in response to Interrogatory No. 3, Identify each person known or reasonably believed by You who has knowledge of the conviction.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

INTERROGATORY NO. 6: Identify each person known by You who lost the right to vote because of that person's conviction for an infamous crime for the ten years previous to the filing of the Petition for Restoration of Citizenship in this cause.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to Defendants' defenses in the pending action and (2) it seeks information already in the possession, custody, and/or control of Defendants.

INTERROGATORY NO. 7: For each person identified in response to Interrogatory No. 6, describe the person's conviction, including offense, date of offense, place of offense, penalty imposed, and the court in which the criminal charge was brought, if known.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to Defendants' defenses in the pending action and (2) it seeks information already in the possession, custody, and/or control of Defendants.

INTERROGATORY NO. 8: Identify each person known by You who was not informed by State or county authorities that the person would lose their right to vote because of the person's conviction for an infamous crime for the ten years previous to the filing of the Petition for

Restoration of Citizenship in this cause.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to Defendants' defenses in the pending action and (2) it seeks information already in the possession, custody, and/or control of Defendants.

INTERROGATORY NO. 9: Identify each person whom You anticipate calling as an expert witness at trial.

RESPONSE: See General Statement and Objection No. 1 above.

INTERROGATORY NO. 10: For each expert witness identified in response to Interrogatory No. 9, state his or her educational background, work background, other qualifications (including but not limited to a list of all publications authored in the previous ten years), the compensation paid and expected to be paid to the expert in this matter, and a list of all other cases in which, during the previous four years, the witness testified as an expert.

RESPONSE: See General Statement and Objection No. 1 above.

INTERROGATORY NO. 11: For each expert witness identified in response to Interrogatory No. 9, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which he or she is expected to testify, and a summary of the grounds relied on for each opinion.

RESPONSE: See General Statement and Objection No. 1 above.

INTERROGATORY NO. 12: Identify each person (except your attorney) whom You consulted in preparing your answers to this set of interrogatories.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general

objections, Plaintiff objects to this Interrogatory because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

II. REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce copies of all Documents You relied upon to support the allegations in the Second Amended Complaint that is attached as Exhibit A to the October 14, 2022 Joint Notice of Filing.

RESPONSE: See General Statement and Objection No. 1 above.

REQUEST NO. 2: Produce copies of all pleadings filed in all lawsuits listed in response to Interrogatory No. 2.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 3: Produce copies of all Documents filed in all lawsuits listed in response to Interrogatory No. 3.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 4: Produce copies of all Documents filed in all lawsuits listed in response to Interrogatory No. 4.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 5: Produce copies of all Documents filed in all lawsuits listed in response to Interrogatory No. 7.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to the subject matter involved in the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 6: Produce copies of all Documents you have reviewed or otherwise relied upon to understand or comply with Tenn. Code Ann. § 40-29-105.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 7: Produce copies of all Documents you have reviewed or otherwise relied upon to understand or comply with Tenn. Code Ann. § 40-29-204.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action and (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action.

REQUEST NO. 8: Produce copies of all Documents which evidence, refer to, or relate to how to understand or comply with Tenn. Code Ann. § 40-29-105.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action; (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action; and (3) it seeks documents already in the possession, custody, and/or control of Defendants.

REQUEST NO. 9: Produce copies of all Documents which evidence, refer to, or relate to how to understand or comply with Tenn. Code Ann. § 40-29-204.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general

objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action; (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action; and (3) it seeks documents already in the possession, custody, and/or control of Defendants.

REQUEST NO. 10: Produce copies of all Documents which evidence, refer to, or relate to enforcement of Tenn. Code Ann. § 40-29-105.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action; (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action; and (3) it seeks documents already in the possession, custody, and/or control of Defendants.

REQUEST NO. 11: Produce copies of all Documents which evidence, refer to, or relate to enforcement of Tenn. Code Ann. § 40-29-204.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because: (1) it seeks information not relevant to Defendants' defenses to the pending action; (2) it seeks information not reasonably calculated to lead to the discovery of either relevant or admissible evidence in this action; and (3) it seeks documents already in the possession, custody, and/or control of Defendants.

REQUEST NO. 12: Produce copies of all Documents relating to the educational background, work background, other qualifications, and compensation or expected compensation of each expert witness identified in response to Interrogatory Nos. 9 and 10.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because it is not authorized by the expert discovery rules contained in Tenn. R. Civ. P. 26.02(4).

REQUEST NO. 13: Produce copies of all Documents relating to the facts and opinions of each expert witness identified in response to Interrogatory Nos. 9 and 11.

RESPONSE: See General Statement and Objection No. 1 above. In addition to her general objections, Plaintiff objects to this Request because it is not authorized by the expert discovery rules contained in Tenn. R. Civ. P. 26.02(4).

REQUEST NO. 14: Produce copies of all Documents, records, or other items relied upon in responding to Defendants' First Set of Interrogatories to Plaintiff.

RESPONSE: See General Statement and Objection No. 1 above.

Respectfully submitted,

/s/ John E. Haubenreich

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served via email on March 10, 2023, as follows:

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