

EXHIBIT 3

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

DAN McCALEB, Executive Editor of)
THE CENTER SQUARE,)

Plaintiff,)

v.)

Case No. 3:22-cv-00439

MICHELLE LONG, in her official capacity)
as DIRECTOR of the TENNESSEE)
ADMINISTRATIVE OFFICE OF THE)
COURTS,)

Judge Richardson

Magistrate Judge Frensley

Defendant.)

**PLAINTIFF'S FIRST SUPPLEMENTAL RESPONSE TO DEFENDANT'S FIRST SET
OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

GENERAL OBJECTIONS

Plaintiff retains all objections in his original Responses as though fully set forth herein,
unless expressly waived.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 2: Identify each person who has knowledge of the facts or
information relevant to the subject matter of the allegations in your First Amended Complaint for
Declaratory and Injunctive Relief against Defendant Michelle Long, and for each person so
identified, provide a summary of the knowledge you understand that person to possess.

RESPONSE: McCaleb submits that any and all persons deposed in this matter by either his counsel or Defendant Long's counsel, have knowledge of the subject matter of this case. Additionally, McCaleb responds as follows:

- John Styf, TN Staff Reporter, The Center Square. Business address: 20 N. Clark St., Suite 3300, Chicago IL 60602. Email address: jstyf@thecentersquare.com. Styf is the reporter in TN who would be assigned to cover Advisory Commission meetings if those meetings were open to the public.
- J.D. Davidson, TN Editor, The Center Square. See above for business address. Email: jdavidson@thecentersquare.com Davidson would be involved in assigning reporters to assign reporters to cover open Advisory Commission meetings, subject to McCaleb's editorial decision.
- Steve Wilson, former TN Editor, The Center Square. See above for business address. Email: swilson@thecentersquare.com Same knowledge as Davidson.
- Chris Krug, President, President, Franklin News Foundation. Business address: 20 N. Clark St., Suite 3300, Chicago, IL 60602, 847-497-5230. Email: ckrug@franklinnews.com Knowledge of operations of the Center Square.
- Professor Benjamin Barton (previously disclosed as expert witness)
- Gino Bulso, Chair of the Advisory Commission – information related to his duties as members of the Tennessee State court rulemaking meetings of the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601. This includes decisions on whether meetings are open or closed to the public.
- Defendant Long's expert witness to be disclosed on or before November 1, 2023

In addition, the following people were identified in McCaleb's Rule 26 Initial Disclosures, along with the requested summary of knowledge. McCaleb incorporates his Initial Disclosure herein as if fully restated.

- Plaintiff McCaleb
- Defendant Long
- Justice Roger Page, formerly Chief Justice (identified as Chief Justice in the Initial Disclosures)
- Justice Sharon Lee (Ret.), formerly Chief Justice
- Justice Jeffrey Bivens, formerly Chief Justice
- Current Chief Justice of the TN Supreme Court, Holly Kirby (identified as Justice in the Initial Disclosures)
- Justice Sarah Campbell
- Presiding Judge Michael Swiney (TN Court of Appeals)
- TAOC Deputy Director Rachel Harmon
- TAOC employee Michelle Consiglio-Young, who provides administrative support to the Advisory Commission
- Jeana Hendrix, former AOC Assistant General Counsel
- Bill Lee, 50th Governor of Tennessee
- Janet Kleinfelter, Retired Deputy Attorney General
- Advisory Commission members
- Commission Members on the Future of the Tennessee Judicial System

INTERROGATORY NO. 8: Please list all of Plaintiff's and Reporters' attendances at meetings of a Bench-bar Advisory Commission or Bench-bar Advisory Committee during the

Relevant Time Period, including the name, date(s), and location(s) of the meetings, and whether the attendance was in person, telephonically, virtually, or by other means. In answering this Interrogatory, Identify Plaintiff and/or the Reporter(s) who attended the listed meetings.

RESPONSE: Dan McCaleb attended the June 9, 2023 Bench-bar Advisory Commission meeting by viewing the recording a few days later. Other than that, none.

INTERROGATORY NO. 9: Please list all of Plaintiff's and Reporters' requests to attend a meeting of a Bench-bar Advisory Commission or Bench-bar Advisory Committee during the Relevant Time Period, including the name, date(s), and location(s) of the meetings. In answering this Interrogatory, Identify Plaintiff and/or the Reporter(s) who made the request to attend the meeting(s).

RESPONSE: None.

INTERROGATORY NO. 10: Please list all meetings of a Bench-bar Advisory Commission or Bench-bar Advisory Committee that Plaintiff and Reporters were denied attendance, including the name, date(s), and location(s) of the meeting(s). In answering this Interrogatory, Identify Plaintiff and/or the Reporter(s) who were denied attendance.

RESPONSE: Neither McCaleb nor his reporters were specifically and expressly denied access to any meetings. However, the entire public, including McCaleb and his reporters, were denied access since the meetings were closed in 2022.

INTERROGATORY NO. 11: Please list all of Plaintiff's and Reporters' attendances at meetings of a Judicial Conference during the Relevant Time Period, including the name, date(s), and location(s) of the meetings, and whether the attendance was in person, telephonically, virtually, or by other means. In answering this Interrogatory, Identify Plaintiff and/or the Reporter(s) who attended the listed meetings.

RESPONSE: None

INTERROGATORY NO. 12: Please list all of Plaintiff's and Reporters' requests to attend a meeting of a Judicial Conference during the Relevant Time Period, including the name, date(s), and location(s) of the meetings. In answering this Interrogatory, Identify Plaintiff and/or the Reporter(s) who made the request to attend the meeting(s).

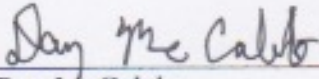
RESPONSE: None

INTERROGATORY NO. 13: Please list all meetings of a Judicial Conference that Plaintiff and Reporters were denied attendance, including the name, date(s), and location(s) of the meeting(s). In answering this Interrogatory, Identify Plaintiff and the Reporter(s) who were denied attendance.

RESPONSE: Neither McCaleb nor his reporters were specifically and expressly denied access to any meetings. However, the entire public, including McCaleb and his reporters, were denied access since the meetings were closed in 2022.

DECLARATION

I declare under penalty of perjury that the foregoing responses to these Interrogatories are true, accurate, and complete.



Dan McCaleb

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 8: Please produce a copy of all Documents and Communications relating to your response in Interrogatory No. 2.

RESPONSE: Plaintiff originally objected on vagueness and unduly burdensome grounds. Plaintiff further objected to “producing a privilege log for *every* Communication between Plaintiff and his employees Styf, Davidson, and Wilson is itself unduly burdensome and not likely to lead to relevant information.” In their initial written response, counsel for Defendant did not clarify the request. On a subsequent call, counsel for Defendant clarified the request to include only those documents pertaining to the people listed in the response to Interrogatory 2 that also pertain to those people’s knowledge of the facts of this case. With that understanding, Plaintiff WAIVES the previously-asserted objections to Request for Production 8, and produces documents marked McCALEB 0014-0015. In addition, see Privilege Log.

PRIVILEGE LOG

McCALEB 0016: Email chain originating from Buck Dougherty to Dan McCaleb, cc: LJC personnel James McQuaid, Morgan Bowles, and Chloe Edwards; sent March 22, 2023 at 4:46 PM. Forwarded by McCaleb to Center Square Employees Jon Styf, JD Davidson, and Alan Wooten.

- a) Author: Buck Dougherty
- b) Addressed to McCaleb, cc McQuaid, Bowles, Edwards. Forwarded by McCaleb to Styf, Davidson, Wooten
- c) Other individuals to whom the document or a copy of the document was sent or shown: unknown, believed to be none
- d) Date: March 22, 2023
- e) The email from Dougherty to McCaleb is a summary of the March 22, 2023 Memorandum Opinion issued by this Court (Dkt. 39). McCaleb forwarded it to his employees, telling them “FYI. We should plan a short story tomorrow.”
- f) The document is protected under the attorney-client privilege
- g) The document is responsive to Request 8.

McCALEB 0017: Email chain originating from Buck Dougherty to Dan McCaleb, cc: LJC personnel James McQuaid and Kristen Williamson; sent June 13, 2022.

- a) Author: Buck Dougherty
- b) Addressed to McCaleb, cc McQuaid, Williamson
- c) Other individuals to whom the document or a copy of the document was sent or shown: unknown, believed to be none
- d) Date: June 13, 2022
- e) The email is Attorney Dougherty informing his client that this lawsuit has been filed. In response, McCaleb asks Williamson when she will have a press release; Dougherty supplies the initial filings and discusses next steps.
- f) The document is protected under the attorney-client privilege
- g) The document is responsive to Request 8.

November 6, 2023

Respectfully submitted,

/s/ M.E. Buck Dougherty III
M.E. Buck Dougherty III, TN BPR #022474
James McQuaid, Admitted pro hac vice
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jmcquaid@libertyjusticecenter.org

CERTIFICATE OF SERVICE

I, counsel for Plaintiff Dan McCaleb, hereby certify that a true and correct copy of the foregoing document, along with responsive documents stamped “McCALEB 0014 - 0017,” have been served on the following counsel of record via email on this 6th day of November, 2023:

Andrew Coulam Deputy Attorney General Public Interest Division P.O. Box 20207 Nashville, Tennessee 37202 Andrew.coulam@ag.tn.gov	Michael Stahl Senior Assistant Attorney General P.O. Box 20207 Nashville, Tennessee 37202-0207 615-253-5463 Michael.stahl@ag.tn.gov
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s/ M. E. Buck Dougherty III
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