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
)	Judge Richardson
MICHELLE LONG, in her official capacity)	Magistrate Judge Frensley
as DIRECTOR of the TENNESSEE)	
ADMINISTRATIVE OFFICE OF THE)	
COURTS,)	
)	
Defendant.)	
)	

NON-PARTY TENNESSEE SUPREME COURT JUSTICES' MOTION TO QUASH SUBPOENA OR FOR PROTECTIVE ORDER

Tennessee Supreme Court Chief Justice Holly Kirby, Justice Jeffrey Bivins, Justice Roger Page, and Special Justice Sharon Lee, non-parties to this action, respectfully move this Court pursuant to Rule 45(d) of the Federal Rules of Civil Procedure to quash the subpoenas for deposition issued by Plaintiff's counsel. In the alternative, the non-party Justices seek a protective order barring the depositions pursuant to Rule 26(c)(1)(A). As set out in the accompanying memorandum of law, these subpoenas should be quashed as they seek to disclose privileged and protected matters and are unduly burdensome given the non-parties' lack of factual knowledge regarding the underlying litigation.

¹ Justice Lee retired on August 31, 2023, but maintains the status of a "Special Justice" while she closes out business in her chambers.

I certify that I have in good faith conferred with counsel for the party serving the subpoena in an effort to resolve the dispute without court action pursuant to Fed. R. Civ. P. 26(c)(1).

Respectfully submitted,

JONATHAN SKRMETTI Attorney General and Reporter

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

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Date: <u>11-22-2023</u> /s/ Donna Green

DONNA GREEN

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