

EXHIBIT 1

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

Dan McCaleb, Executive Editor of THE CENTER SQUARE, Plaintiff, v. Michelle Long, in her official capacity as DIRECTOR OF TENNESSEE ADMINISTRATIVE OFFICE OF THE COURTS, Defendant.	Case No. 3:22-cv-00439 District Judge Richardson Magistrate Judge Frensley
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PLAINTIFF'S RULE 26(a)(1)(A) INITIAL DISCLOSURES

Plaintiff Dan McCaleb, Executive Editor of The Center Square, pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i)-(iv), and in accordance with the Court's Initial Case Management Order [ECF No. 50, Page ID #1148 at ¶E.], respectfully provides Defendant Michelle Long his required Initial Disclosures. Plaintiff reserves the right to supplement these Initial Disclosures in accordance with the Federal Rules, Local Rules, and the Court's Initial Case Management Order as additional information becomes available through the discovery process.

(i) Individuals likely to have discoverable information:

RESPONSE:

1. Plaintiff Dan McCaleb, Executive Editor of The Center Square
c/o LIBERTY JUSTICE CENTER
440 N. Wells Street, Suite 200
Chicago, Illinois 60654
312-637-2280-telephone

Subject: Information related to facts that forms the basis for this lawsuit. *See* First Amended Complaint (“Am. Compl.”), ECF No. 19. This information further includes his three supporting declarations submitted in this lawsuit in support of a preliminary injunction, including facts related to assigning reporters to report on Tennessee State court rulemaking meetings of (1) the Tennessee bench-bar advisory commission (“Advisory Commission”), created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the Tennessee Judicial Conference (TJC) committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq.

2. Defendant Michelle Long, Director Administrative Office of the Courts
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to facts that forms the basis for any and all defenses in Answer (ECF No. 48) to Plaintiff’s claims alleged in the Amended Complaint. ECF No. 19. This information further includes all statutory duties imposed on the AOC Director and the AOC’s administrative support related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. This includes decisions on whether meetings are open or closed to the public.

3. Roger A. Page, Chief Justice Tennessee Supreme Court
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. Information related to August 2, 2022, comments as reported via AOC article on livestreaming. *See* ECF No. 33-4. Information related to the

supervision of AOC Director Long. This includes decisions on whether meetings are open or closed to the public.

4. Sharon G. Lee, Justice Tennessee Supreme Court
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. Information related to duties on Advisory Commission. This includes decisions on whether meetings are open or closed to the public.

5. Jeffrey S. Bivins, Justice Tennessee Supreme Court
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. This includes decisions on whether meetings are open or closed to the public.

6. Holly Kirby, Justice Tennessee Supreme Court
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees,

created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. This includes decisions on whether meetings are open or closed to the public.

7. Sarah K. Campbell, Justice Tennessee Supreme Court
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. This includes decisions on whether meetings are open or closed to the public.

8. Michael Swiney, Presiding Judge Tennessee Court of Appeals
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to August 2, 2022, comments as reported via AOC article on livestreaming. *See* ECF No. 33-4.

9. Rachel Harmon, AOC Deputy Director
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to facts that forms the basis for any and all defenses in Director Long's Answer (ECF No. 48) to Plaintiff's claims alleged in the Amended Complaint. ECF No. 19. This information further includes all statutory duties imposed on the AOC Director and the AOC's administrative support related to Tennessee State court rulemaking meetings of (1) the Advisory Commission,

created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. Information related to all declarations by Harmon submitted in this lawsuit thus far. This includes decisions on whether meetings are open or closed to the public.

10. Michelle Consiglio-Young, AOC Administrative Support Advisory Commission
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to her administrative support provided to 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.

11. Jeana Hendrix, former AOC Assistant General Counsel
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to her administrative support provided to the public and Advisory Commission regarding the May 20, 2016, open Tennessee State court rulemaking meeting of the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601. *See* ECF No. 26-2. This includes decisions that this meeting would be open to the public.

12. Bill Lee, 50th Governor of Tennessee
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-253-5463-telephone

Subject: Information related to 2022-23 TN State Fiscal Budget, ECF No. 27-1, including fiscal information submitted on the Courts and Judiciary by Director Long in accordance with her statutory duties.

13. Janet Kleinfelter, Retired Deputy Attorney General
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
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Subject: Information related to Agenda and Program for 69th Annual Tennessee Judicial Conference, filed under seal at ECF No. 12. *See* ECF No. 11.

14. Advisory Commission members. *See* ECF No. 26-3.

Subject: Information related to their 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.

15. Commission Members on the Future of the Tennessee Judicial System, ECF No. 33-3, Page ID #1010-1019, including Court Executive Team, Page ID #1019-1020.

Subject: Information related to Tennessee State court rulemaking meetings of (1) the Advisory Commission, created by the enabling statute, Tenn. Code Ann. § 16-3-601; and (2) the TJC committees, created by the enabling statute, Tenn. Code Ann. §17-3-101, et seq. This includes decisions on whether meetings are open or closed to the public and whether they should be open in the future.

16. Fed. R. Civ. P. 30(b)(6) deposition(s) as applicable described with reasonable particularity and directed to the Administrative Office of the Courts.
c/o JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Public Interest Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
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(ii) Description by category of documents, ESI, and tangible things:

RESPONSE:

1. Agenda and Program for 69th Annual Tennessee Judicial Conference, filed under seal at ECF No. 12. *See* ECF No. 11.
2. May 20, 2016, Public Meeting Notice of Advisory Commission. *See* ECF No. 26-2.
3. List of Advisory Commission Members as of July 21, 2022. *See* ECF No. 26-3.
4. 2022-23 TN State Fiscal Budget, ECF No. 27-1.
5. TN Supreme Court Order, ECF No. 33-1.
6. Advisory Commission Rule Recommendations, ECF No. 33-2.
7. 30-year Vision Report, ECF No. 33-3.
8. August 2, 2022, comments as reported via AOC article on livestreaming. ECF No. 33-4.
9. TN Supreme Court Order. ECF No. 37-1.
10. TN Supreme Court Order. ECF No. 38-1.
11. TN Supreme Court Order. ECF No. 38-2.
12. TN Supreme Court Order. ECF No. 38-3.
13. AOC website (tncourts.gov) calendar and public notices on meetings of boards and commissions.
14. Federal Court judicial website on public notices of bench-bar rulemaking meetings. *See* ECF No. 19.

(iii) Computation of damages:

RESPONSE:

1. Plaintiff is seeking declaratory and injunctive relief. *See* ECF No. 19.
2. To the extent Plaintiff is a prevailing party, he is seeking reasonable attorneys' fees and costs pursuant to the applicable federal statute at issue. *See* ECF No. 19.

(iv) Insurance agreement:

RESPONSE:

1. This is inapplicable to Plaintiff.

May 19, 2023

Respectfully submitted,

/s/ M. E. Buck Dougherty III
M. E. Buck Dougherty III, TN BPR #022474
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Attorneys for Plaintiff, Dan McCaleb,
Executive Editor of The Center Square

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023, a copy of the foregoing Plaintiff's Initial Disclosures was served via electronic mail upon the Office of Tennessee Attorney General and Reporter, counsel for Defendant Administrative Director Michelle Long, as follows:

JONATHAN SKRMETTI
Office of the Attorney General & Reporter
Andrew C. Coulam, *Deputy Attorney General*
Michael M. Stahl, *Senior Assistant Attorney General*
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/s/ M. E. Buck Dougherty III
M. E. Buck Dougherty III, TN BPR #022474