# Exhibit

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

DAN McCALEB, Executive Editor	)	
of THE CENTER SQUARE,	)	
	)	
	)	
	)	
	)	
v.	)	Case No. 3:22-cv-00439
	)	
	)	District Judge Richardson
MICHELLE LONG, in her	)	Magistrate Judge Frensley
official capacity as DIRECTOR of	)	
TENNESSEE ADMINISTRATIVE	)	
OFFICE OF THE COURTS,	)	
	)	
	)	
Defendant.	)	

### DECLARATION OF M. E. BUCK DOUGHERTY III

Pursuant to 28 U.S.C. § 1746, I, M. E. Buck Dougherty III, declare:

- 1. I am a United States citizen over the age of 18 years. If called upon to testify in this matter, I would do so as follows:
- 2. I am a licensed Tennessee attorney and counsel of record in this case on behalf of the Plaintiff Dan McCaleb.
  - 3. The parties have taken seven (7) total depositions thus far, as follows:
    - October 3, 2023 (remote) Prof. Benjamin Barton, Plaintiff's Expert
    - October 9, 2023 (in-person) Gino Bulso, Chair Advisory Commission
    - October 13, 2023 (remote) Plaintiff Dan McCaleb

• October 24, 2023 (in-person) – AOC Deputy Director Rachel Harmon

October 25, 2023 (in-person) – Defendant AOC Director Michelle Long

• November 16, 2023 (in-person) – AOC liaison Michelle Consiglio-Young

• November 21, 2023 (remote) – Lang Wiseman, Defendant's Expert

4. Prior to the scheduled depositions of Chief Justice Kirby, Justice Bivins,

Justice Page, and Special Justice Lee (collectively "Justices"), I instructed my

employer, Liberty Justice Center, to tender \$40 checks to the Justices' counsel for

their attendance at the noticed depositions on November 27, 28, 29, and 30.

Attached as **Exhibit A** are copies of the checks, along with my correspondence.

5. On November 21, 2023, at approximately 1:30 pm CDT, I along with my

colleague, James McQuaid, participated in a video conference call with counsel for

the Justices regarding their Motion to Quash depositions. Counsel for the Justices

participating on the call included Donna Green, Cody Brandon, and Liz Evan. I do

not recall counsel for Defendant Michelle Long (Andrew Coulam, Michael Stahl, and

Robert Wilson) participating on this video call.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS

TRUE AND CORRECT.

Executed on November 27, 2023

Lakeland, Tennessee

M.E. Bur Day De

M. E. Buck Dougherty III LIBERTY JUSTICE CENTER

## Exhibit

A

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### 10 November 2023

Donna L. Green, Managing Attorney Law Enforcement and Special Prosecutions Division Office of the Tennessee Attorney General P.O. Box 20207 Nashville, Tennessee 37202-0207

> RE: Daily witness deposition fee pursuant to 28 U.S.C. 1821 McCaleb v. Long No. 3:22 -cv-00439

Dear Ms. Green,

Enclosed, please find four checks in the amount of \$40.00 each made out to the following pursuant to 28 U.S.C 1821 daily witness deposition fees:

- 1. Chief Justice Holly Kirby
- 2. Justice Roger Page
- 3. Justice Jeffrey Bivens
- 4. Justice Sharon Lee

Sincerely,

M.E. Buck Dougherty, III Senior Counsel Liberty Justice Center