

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

GARY WAYNE WRIGHT, II)
)
 Plaintiff,)
)
 v.)
)
 MARSHALL COUNTY, ET AL.,)
)
 Defendants.)

CASE NO.:
4:22-CV-615-RDP

**DEFENDANTS’ FIRST CONSOLIDATED DISCOVERY
REQUESTS TO PLAINTIFF GARY WAYNE WRIGHT, II**

COMES NOW the Defendant in this case and hereby propounds these Discovery Requests to Plaintiff Gary Wayne Wright, II pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, as follows:

DEFINITIONS

1. For the purposes of these discovery requests the term *“documents and things”* means all written, recorded or graphic matters of whatever kind and nature and all non-identical copies thereof, however said document or thing is produced, reproduced, copied, or stored, specifically including electronic storage either locally or stored via cloud, including, but not limited to, all papers, books, records, record of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, guidelines, charts, manuals, brochures, photographs, publications, schedules, journals, diaries, lists, tabulations, newsletter, receipts,

bills, canceled checks, vouchers, ledger sheets, statements of witnesses, findings of investigations, insurance policies, claim forms, records of negotiations, reports or consultations, records kept by electronic or mechanical means, tapes or tape recordings, transcripts of tape recordings, notes or drafts relating to any of the foregoing things, all things similar to the foregoing things, and any other document or thing of any kind or character in your possession, custody or known by you to exist. For the purposes of these interrogatories, different versions of the same document, handwritten notes or notations in any form, draft documents and documents with handwritten notations or marks not found on the original or on other copies are different documents.

2. ***“Identify”*** when used in reference to a natural person, means to state: his or her full name, his or her present or last known address, telephone number, and email address, his or her present or last known position and business affiliation, and his or her employer, title, and position at the time in question in this lawsuit.

3. ***“Identify”*** when used in reference to a corporation, partnership, joint venture, company, business entity, or other organization, and the principal business address of the organization, means to state: the full, legal and proper name of the organization, the type of organization, and the principal business address of the organization.

4. ***“Identify”*** when used in reference to a document means to state: the date, title, author, addressee, type of document, or other reasonable means of identification of the document, and its present location and custodian. If the document is no longer in your possession or subject to your control, then please state what disposition was made of the document, as last known to you.

5. **“Identify”** when used in reference to an oral communication, conference, or meeting, means to state: the date of the communication, conference or meeting; the identity of all parties of the communication, conference or meeting; and the subject matter and general substance of what was said or transpired in the communication, conference, or meeting.

6. **“Communications”** shall be deemed to include any oral or written communication, correspondence, contact, promise, representation, inducement, or document of which you have any knowledge or information.

7. **“Related to”** or **“relating to”** shall mean directly and indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon the stated subject matter.

8. The singular form of a word, document, or person shall refer to the plural form as well, and words used in the masculine gender also include the feminine.

9. **“And”** or **“or”** shall be construed to be both conjunctive and disjunctive, so as to bring within the scope of the request any document or information that might be deemed to be outside its scope by some other construction or interpretation.

10. **“You,” “yours,” “your,”** and **“the Plaintiff”** shall refer to, unless otherwise stated, Gary Wayne Wright, II and all of his agents, representative, employees, attorneys, and all other persons or entities in privity with his.

11. **“Person”** shall mean any individual, partnership, firm, association, corporation, or any other business, governmental or local entity.

12. **“Address”** shall mean the street number, street, city, state, and zip code of subject person, business or other entity.

13. If you claim that information or documents otherwise responsive to one of these Interrogatories or Requests for Admission is privileged or confidential, please specify the legal and factual basis for your claim of privilege.

INTERROGATORIES

1. Identify any person who has provided information or otherwise assisted in preparing the responses to these discovery requests, including, but not limited to, by providing information and/or documents.

RESPONSE:

2. Identify all persons with whom you have communicated directly, whether orally or in writing, including, about the claims made in your lawsuit regarding the alleged violations of the First Amendment or the legal or factual basis for said claims, and describe the communication.

RESPONSE:

3. Identify all persons with whom somebody acting on your behalf has communicated, regardless of whether the communication was made at your behest or direction, whether orally or in writing, about the claims made in your lawsuit regarding the alleged violations of the First Amendment or the legal or factual basis for said claims, and describe the communication.

RESPONSE:

4. Identify each and every person who was a witness to the events giving rise to the claims, averments and allegations in your pleadings, or has any information related to the

claims, averments and allegations contained in your pleadings and their relationship, if any, to you.

RESPONSE:

5. Identify each and every person from whom you or other person acting under your direction or control or on your behalf have received or taken a statement regarding the incidents described in your pleadings and any injury or injuries arising therefrom, whether written, oral, audiotaped, videotaped, digitally recorded or preserved, stored on computer or disc/disk, handwritten, typed or put in declaration or affidavit form.

RESPONSE:

6. Have you ever registered for a protest permit in Marshall County, Alabama using the procedure set out in the 2020 Picketing Resolution?

RESPONSE:

7. State each and every fact supporting the allegation in the Amended Complaint that you were unable to protest on April 8, 2022, due to the 2020 Picketing Resolution.

RESPONSE:

8. State each and every fact supporting the allegation in the Amended Complaint that you were unable to protest on April 13, 2022, due to the 2020 Picketing Resolution.

RESPONSE:

9. State each and every fact supporting the allegation in the Amended Complaint that you were unable to organize a protest of a leaked draft opinion in May 2022 due to the 2020 Picketing Resolution.

RESPONSE:

10. State each and every fact supporting the allegation in the Amended Complaint that you were unable to organize a protest in June 2022 due to the 2020 Picketing Resolution.

RESPONSE:

11. Do you contend that the locations specified in the 2023 Picketing Resolution (the Marshall County Animal Control Shelter, the County Commission District Offices, the Marshall County Sheriff's Office, the Marshall County Jail, and the Marshall County District Attorney Annex, the Marshall County Probate Office Annex) are traditional public forums? If so, identify the location and all facts that support your contention.

RESPONSE:

12. Do you contend that the locations specified in the 2023 Picketing Resolution (the Marshall County Animal Control Shelter, the County Commission District Offices, the Marshall County Sheriff's Office, the Marshall County Jail, and the Marshall County District Attorney Annex, the Marshall County Probate Office Annex) are limited public forums? If so, identify the location and all facts that support your contention.

RESPONSE:

13. State each and every fact supporting the allegations made in Paragraph 39 of the Amended Complaint.

RESPONSE:

14. State each and every fact supporting the allegations made in Paragraph 40 of the Amended Complaint.

RESPONSE:

15. Do you contend that the 2023 Picketing Resolution has stopped you personally from protesting at the designated locations in Marshall County? If so, state each and every fact supporting this contention.

RESPONSE:

16. In Paragraph 35 of the Amended Complaint, you state that you are now seeking damages because, due to your “PTSD and previous traumatic interactions with numerous Marshall County employees (including a former probate judge), each interaction with government employees who have demonstrated such animus is a furtherance of [your] traumas.” Describe the compensable damages that you claim were caused by the alleged violation(s) of your First Amendment rights due to the 2020 Picketing Resolution and 2023 Picketing Resolution, including by identifying the date that you contend each compensable injury occurred; the nature of the compensable injury; the amount of damages sought; and the person(s) that you allege caused such injury or damages;

RESPONSE:

REQUESTS FOR PRODUCTION

1. Any recordings, whether audio, video, or any other electronic means, including transcriptions of or documents referencing recordings otherwise not available, that Plaintiff has made, or that have been made on behalf of Plaintiff, or that are in Plaintiff’s possession or the possession of any of Plaintiff’s agents, of any conversation, meeting, interview, or other communication regarding the subject property and/or the claims asserted in your lawsuit. If you contend that any such communications are privileged or otherwise protected, please provide a privilege log of documents alleged to be privileged or otherwise protected.

RESPONSE:

2. Any and all documents constituting or evidencing communications that are in your care, custody or control, regardless of the parties to said communication, regarding or referencing the instant lawsuit including, but not limited to, meeting minutes, letters, voice mails, electronic mail, text messages, messages sent via Facebook or other social media platform, regarding this matter. If you contend that any such communications are privileged or otherwise protected, please provide a privilege log of documents alleged to be privileged or otherwise protected.

RESPONSE:

3. Any and all documents or records reflecting, pertaining or related to in any way to the communications identified in response to Interrogatory Number 2, including, but not limited to, copies of statements, correspondence, notes of conversations, electronic mail, etc.

RESPONSE:

4. Any and all documents or records reflecting, pertaining or related to in any way to the communications identified in response to Interrogatory Number 3, including, but not limited to, copies of statements, correspondence, notes of conversations, electronic mail, etc.

RESPONSE:

5. Any and all documents or records reflecting, pertaining or related to the statements identified in response to Interrogatory Number 5, including, but not limited to, copies of statements, correspondence, notes of conversations, electronic mail, etc.

RESPONSE:

6. Any and all documents that would support any contention that the locations specified in the 2023 Picketing Resolution are a traditional public forum.

RESPONSE:

7. Any and all documents that would support any contention that the locations specified in the 2023 Picketing Resolution are a limited public forum.

RESPONSE:

8. Any and all documents that you contend support your claim for damages in this action.

RESPONSE:

9. Any and all documents not previously produced that you may use to support your claims in this action.

Submitted this the 24th day of October, 2023.

/s/Jamie H. Kidd Frawley
JAMIE H. KIDD FRAWLEY (ASB-7661-
M76H)
Attorney for Defendants
WEBB, MCNEILL, & WALKER, P.C.
P.O. Box 238
Montgomery, AL 36101-0238
(334) 262-1850 - T
(334) 262-1772 - F
jfrawley@wmwfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of October 2023, I filed the foregoing electronically pursuant to Local Rule 5.3, and have also provided a copy to Plaintiff, first class mail, postage prepaid, and electronically, as follows:

Gary Wayne Wright II (*pro se*)
3486 Wellington Road
Montgomery, AL 36106
gary@gary-wright.com

s/Jamie H. Kidd Frawley
OF COUNSEL