

# **EXHIBIT D**

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

GARY WAYNE WRIGHT, II	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Case: 4:22-CV-615-RDP
	)	
MARSHALL COUNTY, ALABAMA, et al.	)	Claim of Unconstitutionality
	)	
Defendants	)	

**RESPONSES TO PLAINTIFF’S INTERROGATORIES**

Defendants hereby respond to Plaintiff’s Interrogatories as follows:

**INTERROGATORIES**

1. Who authored / what was the source of the 2020 and 2023 Picketing Resolutions?

**RESPONSE:** At the direction of the Marshall County Commission, Marshall County Attorney Clint Maze and his staff presented a draft of the Resolutions to the Marshall County Commission for its consideration.

2. What were the primary motivating factors for passage of the 2020 and 2023 Resolutions?

**RESPONSE:** The 2020 Resolution was enacted in the wake of the violent counter protest by Sons of the Confederacy against Black Lives Matter protesters after the death of Travis Banks in the Guntersville City Jail. This incident made it clear that the space and resource limitations could not ensure the safety of multiple groups holding opposing views seeking to protest at the same time. The increase in reports from around the nation of violence occurring in such protests/counter-protests also factored into the determination that such occurrences were likely to increase.

As to the 2023 Resolution: The primary motivating factor for the passage of this Resolution was to ensure the continued provision of services at locations that are not public forums, and to make it clear after the break-in at the Animal Shelter that certain County properties are not generally open to the public for all purposes. Allowing protests at such non-public fora would interfere with their ability to carry out their mission and, particularly as to the Jail, would also result in forcing people to bear witness to the protest. For example, animals at the Animal Shelter are often already uneasy. Loud noises, crowds, and tension only exacerbate this issue, even if the protest is being done on their behalf (since the animals obviously cannot understand what is happening). Protests may interfere with people's ability to visit the shelter, and may cause animals to act in undesirable, even if understandable, ways, causing harm to themselves and others.

3. When was the security fencing authorized?

**RESPONSE:** Defendants object to this Interrogatory as irrelevant to the subject of this action. Without waiving this Objection, Defendants state as follows:

Additional fencing was authorized in October 2020.

4. What were the primary motivating factors for installation of the security fencing?

**RESPONSE:** Defendants object to this Interrogatory as irrelevant to the subject of this action. Without waiving this Objection, Defendants state as follows:

Assuming that this Interrogatory relates to the fencing installed in October 2020, people were climbing on all of the monuments, including both protestors and children playing. The fencing was installed first and foremost to discourage climbing because it is unsafe; secondly, to help prevent vandalism and accidental damage; and third, as part of the continuing efforts to enhance the aesthetic appeal of the courthouse and its grounds.

5. How much was spent on the security fencing at both courthouses?

**RESPONSE:** Defendants object to this Interrogatory as irrelevant to the subject of this action. Without waiving this Objection, Defendants state as follows: Approximately \$3000.00.

6. When was the FOP monument/bricks project authorized?

**RESPONSE:** Defendants object to this Interrogatory as irrelevant to the subject of this action. Without waiving this Objection, Defendants state as follows: The law enforcement memorial was authorized on January 25, 2023.

7. How many protests did police respond to so far in 2023?

None

8. Prior to the pandemic, on average how many protests did police respond to each year?

(N/A)

9. How many violations of the Resolutions / arrests at protests so far in 2023?

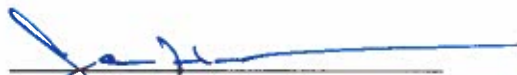
None.

10. Prior to the pandemic, on average how many arrests at protests occurred each year?

(N/A)

Respectfully submitted this 28<sup>th</sup> day of February 2024

**AS TO INTERROGATORY RESPONSES 1-6**

  
James Hutcheson, Chairman  
Marshall County Commission

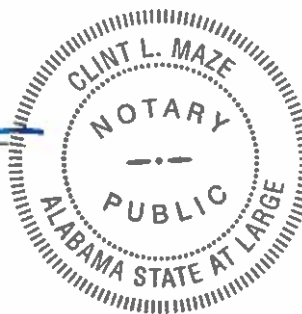
STATE OF ALABAMA    )

COUNTY OF MARSHALL )

BEFORE me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared James Hutcheson, who is the Chairman of the Marshall County Commission, and who being known to me and first duly sworn, acknowledged that after reading the above, he executed the same as his free and voluntary act and deed for the use and purposes therein expressed.

SWORN TO and SUBSCRIBED before me on this the 28<sup>th</sup> day of Feb., 2024.

  
NOTARY PUBLIC



**AS TO INTERROGATORY RESPONSES 7-9**



Sheriff Phil Sims  
Marshall County, Alabama

STATE OF ALABAMA )

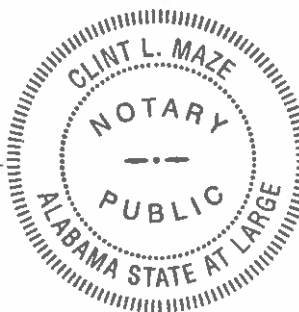
COUNTY OF MARSHALL )

BEFORE me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared MARSHALL COUNTY SHERIFF PHIL SIMS who being known to me and first duly sworn, acknowledged that after reading the above, he executed the same as his free and voluntary act and deed for the use and purposes therein expressed.

SWORN TO and SUBSCRIBED before me on this the 28<sup>th</sup> day of Feb., 2024.



NOTARY PUBLIC



**AS TO OBJECTIONS**

/s/Jamie H. Kidd Frawley  
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