

**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.)	
)	
Defendants)	

REPORT OF THE PARTIES' PLANNING MEETING

1. Parties: The following persons participated in a FRCP Rule 26(f) conference on March 23rd, 2023 – April 4th, 2023:

Gary Wayne Wright II, as the pro se Plaintiff.

Jamie Frawley (Webb McNeill Walker PC), representing the Defendants.

2. The nature of the claims and defenses.

The Plaintiff claims the Marshall County Picketing Resolution is an unnecessary unconstitutional government over-reach, and the three claims to be adjudicated are as follows:

- Count One: Violation of the First Amendment right to freedom of speech;
- Count Two: Violation of the First Amendment right to peaceably assemble;
- Count Three: Violation of the First Amendment right to petition the government

for redress of grievances.

The Defendants deny that they have violated the First Amendment and that they may be held liable in any way.

3. Initial Disclosures: The parties will complete by Tuesday, April 18th, 2023 the initial disclosures required by Rule 26(a)(1).

4. Discovery Plan. The parties propose the following discovery plan:

(a) Discovery will be needed on these subjects:¹

From the Plaintiff:

- (a) Authors of county Resolution.
- (b) Any police video / arrest statistics / police reports of protests.
- (c) All correspondence regarding protests and Resolution.
- (d) All communications with Montgomery regarding protests and Resolution.
- (e) All communications with Department of Homeland Security regarding protests and Resolution.
- (f) All communications regarding destruction of computers/evidence by former Sheriff, and all recoverable communications by former Sheriff regarding protests and Resolution.

From the Defendant: Discovery will be needed on Plaintiff's allegations that the Resolution interfered with and/or chilled his rights, including by hampering his ability to form protests.

(b) Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery: Discovery will commence on Friday, April 7th, 2023, and will be completed by Friday, September 1st, 2023.

(c) Maximum number of interrogatories by each party to another party, along with the dates the answers are due: A maximum of twenty interrogatories by the Plaintiff to Defendants and by Defendants to Plaintiff, answers to be served within 30 days.

¹ Out of an abundance of Caution, the Parties state that they do not hereby waive any objections that they may have to any particular discovery request.

(d) Maximum number of requests for admission, along with the dates responses are due: A maximum of ten requests for admission by the Plaintiff to Defendants and by Defendants to Plaintiff, answers to be served within 30 days.

(e) Maximum number of depositions by each party:

A maximum of ten depositions by either the Plaintiffs to Defendants.

(f) Limits on the length of depositions, in hours:

A maximum length of 7 hours per deposition.

(g) Dates for exchanging reports of expert witnesses:

No expert witnesses are required.

(h) Dates for supplementations under Rule 26(e): July 31, 2023

5. Other Items:

The Parties do not request a conference with the court before the entry of the scheduling order.

Scheduling Order:

(a) Plaintiff may seek to amend the pleadings or join additional parties through June 1, 2023.

(b) Defendants may seek to amend the pleadings or join additional parties through July 1, 2023.

(c) All potentially dispositive motions should be filed by October 1, 2023.

(d) Settlement is unlikely given the nature of this case and the relief sought.

(e) The Parties request a final pretrial conference in February 2024.

(f) Final lists of evidence (both witnesses and exhibits) and designations of witnesses whose testimony will be presented by deposition under Rule 26(a)(3) should be due 30 days prior

to the trial date, with all objections and motions *in limine* due fourteen days after lists are exchanged.

(g) This case shall be ready for trial by March 1, 2023, and at this time is expected to take approximately 1 day to try.

Plaintiff has reviewed this Document and given Counsel for Defendant permission to file using an electronic version of his signature.

Respectfully submitted this 7th day of April, 2023.

s/Gary Wayne Wright II

Gary Wayne Wright II

Plaintiff, Pro Se

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s/Jamie Helen Kidd Frawley

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