

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, et al.,

Plaintiffs,

v.

City of Virginia Beach, et al.,

Defendants.

Civil Action No. 2:18-cv-0069

DEFENDANTS' MOTION FOR ENTRY OF A PROTECTIVE ORDER

COME NOW the Defendants, City of Virginia Beach, Virginia Beach City Council, Louis Jones, James Wood, Jessica Abbott, Aaron Rouse, Robert Dyer, Barbara Henley, Shannon Kane, John Moss, David Nygaard, Sabrina Wooten, Rosemary Wilson, in their official capacity as members of the Virginia Beach City Council, David L. Hansen, in his official capacity as City Manager, and Donna Patterson, in her official capacity as Director of Elections/General Registrar for the City of Virginia Beach (collectively "Defendants"), by counsel, and respectfully move this Court for entry of a protective order,¹ pursuant to Rules 26(c)(1) and 26(b)(1)(C)(iii) of the Federal Rules of Civil Procedure, limiting discovery at this time to only those matters relating to the three preconditions promulgated in *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986), for reasons set forth in the accompanying Memorandum in Support of Motion for Protective Order.

¹ On May 2, 2019, counsel for the Defendants and Plaintiffs discussed the scope of Plaintiffs' First Requests for Production of Documents by telephone. The purpose of this telephone conference was to confer with Plaintiffs in good faith in an effort to resolve the dispute without court action, as required by Rule 26(c). Only after having been unable to reach a mutually agreeable resolution as to the permissible scope and breadth of discovery at this stage of the case, are Defendants pursuing this relief. Defendants expect that Plaintiffs will oppose Defendants' Motion for Entry of a Protective Order.

WHEREFORE, for the reasons set forth above and in the attached memorandum, the Defendants hereby respectfully request entry of a protective order limiting the scope of discovery at this time to requests related to the *Thornburg v. Gingles* preconditions, and for other relief as the Court deems appropriate.

Respectfully submitted,

CITY OF VIRGINIA BEACH, VIRGINIA BEACH CITY COUNCIL, LOUIS JONES, JOHN UHRIN, BEN DAVENPORT, JAMES WOOD, JESSICA ABBOTT, AARON ROUSE, ROBERT DYER, DAVID NYGAARD, BARBARA HENLEY, SHANNON KANE, JOHN MOSS, SABRINA WOOTEN, and ROSEMARY WILSON, in their official capacity as members of the Virginia Beach City Council, DAVID L. HANSEN, in his official capacity as City Manager, and DONNA PATTERSON, in her official capacity as Director of Elections/General Registrar for the City of Virginia Beach,

By: _____ /s/ _____
Of Counsel

Mark D. Stiles (VSB No. 30683)
City Attorney
Christopher S. Boynton (VSB No. 38501)
Deputy City Attorney
Gerald L. Harris (VSB No. 80446)
Associate City Attorney
Joseph M. Kurt (VSB No. 90854)
Assistant City Attorney
Attorneys for the City of Virginia Beach
Office of the City Attorney
Municipal Center, Building One
2401 Courthouse Drive
Virginia Beach, Virginia 23456
(757) 385-4531 (Office)
(757) 385-5687 (Facsimile)
mstiles@vbgov.com
cboynton@vbgov.com

glharris@vbgov.com
jkurt@vbgov.com

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2019, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Joseph Gerald Hebert
Danielle Marie Lang
Paul March Smith
Annabelle Harless
Ruth Merewyn Greenwood
Campaign Legal Center
1411 K Street, NW
Suite 1400
Washington, DC 20005
(202) 736-2200 (telephone)
(202) 736-2222 (facsimile)
ghebert@campaignlegal.org
dlang@campaignlegal.org
psmith@campaignlegal.org
aharless@campaignlegal.org
rgreenwood@campaignlegal.org

/s/
Joseph M. Kurt

Mark D. Stiles (VSB No. 30683)
City Attorney
Christopher S. Boynton (VSB No. 38501)
Deputy City Attorney
Gerald L. Harris (VSB No. 80446)
Associate City Attorney
Joseph M. Kurt
Assistant City Attorney (VSB No. 90854)
Attorneys for the City of Virginia Beach
Office of the City Attorney
Municipal Center, Building One, Room 260
2401 Courthouse Drive
Virginia Beach, Virginia 23456

(757) 385-8803 (Office)

(757) 385-5687 (Facsimile)

mstiles@vbgov.com

cboynton@vbgov.com

glharris@vbgov.com

jkurt@vbgov.com