

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

**TENNESSEE STATE CONFERENCE OF
THE NAACP, et al.,**

Plaintiffs,

v.

**WILLIAM B. LEE, in his official capacity as
Governor of the State of Tennessee, et al.,**

Defendants.

Case No. 3:23-cv-00832

Judge Eric Murphy

Judge Eli Richardson

Judge Benita Pearson

AGREED PROTECTIVE ORDER REGARDING STATE VOTER REGISTRY DATA

As demonstrated by the signatures of adversary counsel below, the Parties recognize that the use of data contained in the statewide voter registration list compiled by the Tennessee Secretary of State as required by Tenn. Code Ann. § 2-2-301 is restricted by Tenn. Code Ann. § 2-2-138(e). Accordingly, the Parties agree to the following terms for the production, review and use of the statewide voter registration list, and further agree that all data contained within the statewide voter registration list shall be subject to this Order.

1. Use of the statewide voter registration list and all data contained therein is restricted exclusively to the prosecution of, and the defense of, claims asserted in this action, and as such may not be used for any other purpose. The statewide voter registration list and all data contained therein is designated for counsels' eyes only (including counsels' respective associates, clerks, legal assistants, stenographic, and support personnel to whom disclosure is reasonably necessary, and expert witnesses, consultants, and their staff as further described in Paragraph 2 below), and copies or the contents of said records shall not be disclosed or published outside the instant matter in any manner except as provided here.

2. With the exception of expert witnesses and consultants specifically retained for this action (including their staff), Plaintiffs shall not transmit, deliver, or otherwise convey the statewide voter registration list, or any data contained therein, to any non-party to this action.
3. The terms of this Order do not preclude the use of the statewide voter registration list and all data contained therein at trial, depositions or in any other hearing in this matter. Any use of the statewide voter registration list and all data contained therein shall be filed under seal or redacted to protect the identifying information of each voter in the list.
4. Within 30 days of the conclusion of this action, including the conclusion of all appeals thereto, counsel for Plaintiffs shall (a) destroy all hard copies of the statewide voter registration list and documents generated or derived from the data contained therein, (b) delete all digital copies of the statewide voter registration list and documents generated or derived from the data contained therein, and (c) certify in writing to counsel for Defendants that all digital and hard copies of the statewide voter registration list and all documents generated or derived from data contained therein have been destroyed and that neither Plaintiffs, their counsel, nor their retained experts and consultants continue to possess the statewide voter registration list or data contained therein. Notwithstanding the foregoing, this provision shall not be applicable to (a) any documents filed with the Court or disclosed during expert discovery which may contain data from the statewide voter registration list or (b) any internal work product of counsel which may contain data from the statewide voter registration list.
5. In the event of any dispute arising out of a past or anticipated use of the statewide voter registration list or data contained therein, which the Parties are unable to resolve, the Parties will follow the discovery dispute procedure in the Initial Case Management Order. Dkt. 47 at 4-5.

It is SO ORDERED.

U.S. Magistrate Judge

Approved for Entry,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Ryan Henry

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2024, the undersigned filed the foregoing document via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

COUNSEL OF RECORD	PARTY REPRESENTED
<p>Phillip F. Cramer Sperling & Slater 150 3rd Avenue South, Suite 1100 Nashville, TN 37201 Tel.: 312-224-1512 pcramer@sperling-law.com</p> <p>Jon Greenbaum Ezra D. Rosenberg* Pooja Chaudhuri* Alexander S. Davis* Lawyers' Committee for Civil Rights Under Law 1500 K Street NW, Suite 900 Washington, DC 20005 Tel.: 202-662-8600 jgreenbaum@lawyerscommittee.org erosenberg@lawyerscommittee.org pchaudhuri@lawyerscommittee.org adavis@lawyerscommittee.org</p> <p>Jeffrey Loperfido* Mitchell D. Brown* Southern Coalition for Social Justice 1415 West Highway 54, Suite 101 Durham, NC 27707 Tel.: 919-323-3380 jeffloperfido@scsj.org mitchellbrown@scsj.org</p> <p>Adrienne M. Spoto Southern Coalition for Social Justice 5517 Durham-Chapel Hill Blvd Durham, NC 27707 Tel.: (919) 323-3380 adrienne@scsj.org</p> <p>George E. Mastoris* Michelle D. Tuma* Winston & Strawn LLP 200 Park Avenue New York, NY 10166 Tel.: 212-294-6700 gmastoris@winston.com</p>	<p>Plaintiffs Tennessee State Conference of the NAACP, League of Women Voters of Tennessee, The Equity Alliance, Memphis A. Philip Randolph Institute, African American Clergy Collective of Tennessee, Judy Cummings, Brenda Gilmore, Ophelia Doe, Freda Player, and Ruby Powell-Dennis</p>

<p>Adam K. Mortara Lawfair LLC 40 Burton Hills Blvd., Suite 200 Nashville, TN 37215 (773) 750-7154 mortara@lawfairllc.com</p> <p>Whitney D. Hermandorfer Director of Strategic Litigation Miranda H. Jones Senior Assistant Attorney General Ryan Nicole Henry Assistant Attorney General Philip Hammersley Assistant Solicitor General Office of the Tennessee Attorney General P.O. Box 20207 Nashville, Tennessee 37202 (615) 532-2935 whitney.hermandorfer@ag.tn.gov miranda.jones@ag.tn.gov ryan.henry@ag.tn.gov philip.hammersley@ag.tn.gov</p>	<p>Defendants William B. Lee, in his official capacity as Governor of the State of Tennessee, Tre Hargett, in his official capacity as Secretary of State of the State of Tennessee, Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, the State Election Commission, and Donna Barrett, Judy Blackburn, Jimmy Eldridge, Mike McDonald, Secondra Meadows, Bennie Smith and Kent Younce, in their official capacities as members of the State Election Commission</p>
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/s/ Ryan N. Henry
Counsel for Defendants