

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	5:20-cv-00453-MTT
	:	
TIMOTHY WARD, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DEFENDANTS’ RESPONSE IN OPPOSITION TO PLAINTIFF’S
MOTION FOR LIMITED EXPEDITED DISCOVERY AND
TO COMPEL PRODUCTION OF DOCUMENTS**

Defendants Timothy Ward, Sharon Lewis, Javel Jackson, Ahmed Holt, Robert Toole, Benjamin Ford, Jack Sauls, Brooks Benton, and Grace Atchison, through counsel, submit this response in opposition to Plaintiff’s Motion for Limited Expedited Discovery and to Compel Production of Documents (Doc. 87).

Plaintiff’s motion mischaracterizes both her discovery requests and also Defendants’ response to the requests. The motion describes the discovery requests as limited and as essential to the resolution of Plaintiff’s motion for preliminary injunction but this description is inaccurate for two reasons: (1) Plaintiff’s request for production 1 essentially asked Defendants to collect and produce all of the documents that they had identified in initial disclosures as documents that could be relevant to the claims and defenses in the case, was not limited to the issues raised in the motion for preliminary injunction, and in several categories sought production dating back to 2012 (a prior

period of incarceration); and (2) Plaintiff's requests for production 2-5 were extremely broad requests for all of the following electronic discovery:

2. All non-privileged Communications sent or received by Defendants from October 1, 2019 to Present concerning Plaintiff's health and healthcare needs, including without limitation her gender dysphoria, Post Traumatic Stress Disorder, suicide risk, and castration attempts.
3. All non-privileged Communications sent or received by Defendants from October 1, 2019 to Present concerning Plaintiff's housing or safety within GDC, including without limitation housing placements, transfer requests, and her eligibility for transfer to a female facility.
4. All non-privileged Communications sent or received by Defendant Benton from September 29, 2020 to Present concerning Plaintiff, including without limitation communications concerning Plaintiff and/or Justin Riley following the allegations against them of sexual misconduct on October 31, 2020.
5. All Documents and Communications sent by, or on behalf of, GDC Defendants, or any administrator at Coastal, concerning Plaintiff's eligibility for parole or transfer, including communications sent to the Georgia Board of Pardons and Paroles, since October 2020.

See Doc. 88-2 at 7-8. These requests 2-5 are broad on their face, and they were made broader by the definitions of "Communications" and "Defendants" in the discovery set. "Communications" was defined as "any written transmittal of information," and "Defendants" was defined as the individual Defendants Ward, Lewis, J. Jackson, Holt, Toole, Ford, Sauls, Benton, and Atchison, and also "where applicable, the party's successors and predecessors in interest, and the party's secretaries, admins, employees, partners, agents, consultants, and others purporting to act on the party's behalf." *See id.* at 3-4. The document requests also included "Instructions" which further called for production of a privilege log for all items identified as privileged in this production, and also for production of the requested "Documents" and "Communications" in specified formats. *See id.* at 4-7.

Plaintiff's discovery requests therefore are not accurately described as "limited," particularly given the expedited nature of the requests. Similarly, the requests are not accurately described as essential to the resolution of Plaintiff's motion for preliminary injunction. The motion addresses Plaintiff's claims of assault at Coastal State Prison and her contentions that she is unsafe at that facility, and her claims that she is not being provided necessary medical and mental health treatment at Coastal State Prison and so her condition has worsened. Plaintiff's reports of assault and the inquiries into those reports, and her medical and mental health treatment, are documented in the nearly 1500 pages of documents from her current period of incarceration that Defendants agreed to produce and have produced on an expedited basis.¹ Plaintiff further elected to take depositions of four of the members of her mental health treatment team before the May 12 hearing: Dr. Fass, Dr. Roth, Tamera Cantera, and Tia Fletcher. Two of those depositions (Cantera and Fletcher) were taken on May 10 (the depositions lasted from 9:00 a.m. to 6:00 p.m.) and the other two (Dr. Roth and Dr. Fass) were taken today (these depositions lasted from 9:00 a.m. to 4:45 p.m.). The "Communications" and "Documents" in the various categories in Plaintiff's requests for production 2-5 are not targeted to address, or essential to the resolution of, the narrow questions – as now presented in the form of a request for extraordinary preliminary injunctive relief – of whether Plaintiff is at risk of physical harm at Coastal State Prison and of whether she is receiving the medical and mental health care that she needs.

¹ Despite Plaintiff's assertions to the contrary, Defendants did not make a selected document production. Rather, through counsel, Defendants asked for and collected from GDC all documents in the categories that were requested and produced those documents. The complete document production was filed with the Court as detailed in the text below.

A third issue raised in the pending motions – alleged retaliation – also is the subject of Plaintiff’s requests for production 4-5. But there is no retaliation claim in this case, and the motion for preliminary injunction does not (and cannot) seek relief on any claim of retaliation for that reason. Moreover, Plaintiff through counsel has indicated in response to an inquiry from the Court regarding Plaintiff’s declaration paragraph 78 that the alleged retaliation will be evidenced by Coastal State Prison mental health providers Fletcher or Cantera, but in their depositions these witnesses testified that they do not have knowledge of retaliation by Warden Benton or by anyone else at Coastal State Prison.² Simply stated, Plaintiff’s assertions of retaliation are no more than that – unsupported assertions. She should not be permitted expedited discovery into areas where preliminary injunctive relief cannot be granted and this is especially so when she has no basis for the contention of retaliation in the first place.

Plaintiff’s motion also mischaracterizes Defendants’ response to her discovery requests. Plaintiff served her discovery sets by email on Friday, April 16. Defendants served their responses 17 days later on Monday, May 3, which was the same day they filed their consolidated response to the motion for preliminary injunction and motion for protective order. *See* Exhibit A hereto. The next morning, the responsive documents were uploaded to the Court (Doc. 78) and served on counsel. *See* Exhibit B hereto. On Wednesday, April 21, more than one week prior to serving the discovery responses and producing responsive documents, counsel for Defendants communicated with counsel for Plaintiffs by email, stating “We’re working as quickly as we can to assess your discovery requests and give you our position. We’re not ready to do that at this time. As you know, we’re also continuing our work on your motions. We’ll get back to you once we have

² Plaintiff’s counsel requested expedited transcripts of these depositions.

assessed your requests. My expectation is that we will have a response for you by this upcoming Monday, and so we will suggest some times for a call then.” *See* Doc. 88-4. Then, on Sunday, April 25, counsel for Defendants communicated to counsel for Plaintiff that they would be ready to discuss the discovery requests the next day as anticipated. *See* Exhibit C hereto. Then, on the next day, Monday, April 26, one week before serving the responses, all counsel had a telephone conference where Defendants’ counsel indicated that they would be producing the documents requested in Plaintiff’s request for production 1 (except for records for the 2012-2019 time period which preceded Plaintiff’s current incarceration) on the requested expedited timeline, but would not produce the documents requested in Plaintiff’s requests for production 2-5. Defendants stated on the call that the reason for the objections would be relevance and scope, specifically as relates to the issues presented in the pending motions, and also the difficulty of collecting, reviewing, and producing all of the “Communications” requested. In the call, Defendants’ counsel explained that they had obtained information from GDC that a search in the listed categories, for Plaintiff, and for all of the listed custodians, would yield in excess of 7,000 items, and that that volume of discovery collection, review, and production simply is not possible on an expedited basis.

After that phone call, Plaintiff’s counsel sent an email and letter which purported to limit or narrow the document requests but did not clearly withdraw the pending requests. *See* Docs. 88-5, 88-6. However, even as Plaintiff’s counsel proposed to narrow the requests, the production still would have required application of search terms to all of the “Defendants” or custodians as defined in the requests, and then review for

responsiveness and privilege before production. For this reason, Defendants continued to assert their objections to the document requests.

Defendants have responded to a second set of document requests which Plaintiff's counsel served on Friday, May 30, at 6:00 p.m., asking for a 10 day response time. On Monday, May 10, Defendants through counsel responded to Plaintiff's second expedited request for production. *See* Exhibit D hereto. This was a request for video and in this response Defendants produced all of the known existing video and indicated that they are working to determine if any additional video exists and to produce same.

Finally, Plaintiff's motion takes issue with Defendants' responses in expedited discovery when Plaintiff has failed to fully and timely respond to discovery. On May 3, 2010, Defendants served a limited set of documents requests (3 total, for mental health records for the 2015-2019 time period before Plaintiff's current incarceration, and for the records provided to Plaintiff's two expert witnesses) and a limited set of requests for admission (7 total). *See* Exhibit A hereto. Defendants asked for responses to be provided on Monday, May 10. Plaintiff's served written responses to these request today (May 11) and as of this time have not yet provided the documents requested. By the late response Plaintiff has ensured that Defendants will not have the benefit of the requested document production before the hearing on the pending motions. Plaintiff also asserted numerous objections to simple requests for admission asking that she admit that she indicated to Grace Atchison in a recorded conversation in November 2019 that she would be comfortable with assignment to a medium security men's prison, and also numerous objections to simple requests for admission asking that she admit that she refused to participate in the PREA sexual abuse or assault investigation process at Coastal State

Prison, a refusal that was documented over and over again in the records of the mental health treatment providers on whom she relies for evidence for her motions. *See* Exhibit E hereto.

Plaintiff's motion asserts that Defendants have provided in the expedited discovery process "only what they want to present in their defense, denying Plaintiff and this Court access to relevant evidence that is in their exclusive custody and control." That assertion is false. Defendants searched for and produced all records in the categories included in Plaintiff's request for production 1 (institutional file; medical and mental health records and counseling case notes; grievances; disciplinary history and disciplinary reports; emergency and incident reports and all related documents; PREA reports and all related documents; and Statewide Classification Committee documentation).

Plaintiff's motion also asserts that her request for production 5 "seeks documents identical to those this Court directed [Defendants] file in its Minute Order. ECF No. 73." The reference is to a request made at the April 28, 2021 status conference for Defendants' counsel to "advise the Court whether there is any video evidence from 6/19/2020 dorm meeting" and also to "advise the Court regarding what documents were sent to the Parole Board." Defendants' undersigned counsel has inquired as to whether there is any such video and the information received is that there is no video; and undersigned counsel also has inquired of Warden Benton and Deputy Warden Betterson as to whether documents were sent to the Parole Board from them or from Coastal State Prison, and the information received is that no documents were sent.

Plaintiff has not shown a need for the "Communications" and "Documents" that she seeks in her document requests 2-5 and in her motion to compel. Her motion cites to *Rivera v. Parker*, 2020 U.S. Dist. LEXIS 248707 (N.D. Ga. Aug. 28, 2020). *Rivera*

suggests that a good cause standard applies, but that in the context of discovery sought in aid of a motion for preliminary injunction, “good cause may be found where there is ‘some impelling urgency,’ or ‘hazard of loss,’ requiring action to be ‘taken forthwith.’” *Id.* at *7. There is no such “impelling urgency” or “hazard of loss” at stake here. *Rivera* also states that “the Court should consider the following factors in deciding whether a party has shown good cause for expedited discovery: (1) whether a motion for preliminary injunction is pending; (2) the breadth of the requested discovery; (3) the reason(s) for requesting expedited discovery; (4) the burden on the opponent to comply with the request for discovery; and (5) how far in advance of the typical discovery process the request is made.” *Id.* These factors also cut in Defendants’ favor here. The breadth of the discovery requests that are objected to is significant; the reasons for requesting expedited discovery are not compelling; there will be significant burden placed on Defendants and their counsel if this discovery is required on an expedited basis, rather than in the normal course of discovery in this case; and this is a case where the parties through counsel have agreed that, due to the number of claims, issues, and persons involved, nine months is needed to complete that normal discovery process. These factors all point to allowing Plaintiff to seek the requested discovery in the normal course, not on an expedited basis.

Defendants respectfully ask that Plaintiff’s motion be denied.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General

s/ Roger A. Chalmers

Roger A. Chalmers 118720
Senior Assistant Attorney General

Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO

Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 11th day of May, 2021.

s/ Roger A. Chalmers

Roger A. Chalmers

Roger Chalmers

From: Roger Chalmers
Sent: Monday, May 3, 2021 11:28 PM
To: Tyler Clemons; cezie; 'Beth Littrell'; 'Annarita McGovern'; 'Terry Long'; Maya Rajaratnam
Cc: Robert Shapiro; Roger Chalmers
Subject: Diamond v. Ward, MD 5:20-cv-453
Attachments: Defendants expedited discovery responses.pdf; Defendants expedited discovery requests.pdf

Counsel,

Attached please find service copies of the following responses to Plaintiff's expedited discovery requests:

- 1- Objections And Responses To Plaintiff's Expedited Interrogatories To Certain Georgia Department Of Corrections Defendants
- 2- Objections And Responses To Plaintiff's Expedited Request For Production Of Documents To Certain Georgia Department Of Corrections Defendants
- 3- Objections And Responses To Plaintiff's Expedited Requests For Admission To Certain Georgia Department Of Corrections Defendants

Please note that our document production set will be the same as the material filed under restricted access to the Court and will bear the bates range DEF_ 1-1488. We are attempting to submit the document set for redacted filing this evening. Rob will send a link to the material tomorrow.

Please note that we have marked one portion of the document production set, specifically DEF_613-645, with the additional reference Confidential-Attorneys' Eyes Only. This range of documents includes post orders, which are designated by the Georgia Department of Corrections within its operations to be contraband and so in operations are never disclosed to an offender. To ensure the protection of this information, I am asking each recipient on this email to confirm by email response: (1) that you agree that you will not disseminate or share with any person outside of your law office including Plaintiff Diamond, or file with the Court, these pages; and also (2) that, at the conclusion of this case, you will return these pages to my attention and destroy any copies that may have been made of the material. If you do not agree please let me know so that we can address the matter and seek appropriate protective measures through the Court.

Also attached please find the following expedited discovery requests to Plaintiff for which as noted we are asking for your responses and your document production on or before next Monday, May 10.

- 1- First Expedited Request For Production Of Documents To Plaintiff
- 2- First Expedited Requests For Admission To Plaintiff

Regards,

Roger



Roger Chalmers

Senior Assistant Attorney General - Section Chief

Office of the Attorney General Chris Carr

General Litigation

Tel: (404) 458-3220

rchalmers@law.ga.gov

Georgia Department of Law

40 Capitol Square SW

Atlanta, Georgia, 30334

to lead to the discovery of admissible evidence. Because this discovery set is expedited and limited and for use in relation to a pending motion for preliminary injunction, Defendants' objection takes into account and is premised upon that limited purpose and scope.

3. Defendants object to each Interrogatory to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine, or any other applicable privilege or legal protection from disclosure. Any disclosure of such protected material is inadvertent and is not a waiver of an applicable right or privilege.

4. Defendants object to each Interrogatory to the extent that it seeks information or documents not in his possession, custody or control.

5. Defendants object to each Interrogatory to the extent that it is not limited to a time period relevant to this case.

6. Defendants' investigation and development of facts and circumstances relating to this action is ongoing. The responses and objections herein are made without prejudice to, and are not a waiver of, Defendants' right to supplement, clarify, revise, or correct any of the responses and objections herein based on information or documents obtained or made available in discovery, and to use and rely on such other facts or documents in discovery and at trial.

7. Defendants incorporate by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to the foregoing General Objections, Defendants respond to the Interrogatories as follows:

INTERROGATORY 1

For each person the Defendants intend to call to testify at the hearing on Plaintiffs Motions, ECF Nos. 50-51, please identify the individual's name, title, job responsibilities, and provide a brief description of the testimony the individual is expected to provide.

RESPONSE

As indicated on the Court status zoom conference call held on April 28, 2021, Defendants may call the following persons: Ahmed Holt, Grace Atchison, Dr. Sharon Lewis, Dr. Marc Weinstein, Coastal State Prison (CSP) Correctional Officer Courtney Brown, and CSP Lieutenant Khaliah Reeves. Defendants may also call CSP Warden Brooks Benton and CSP Deputy Warden of Care and Treatment Carl Betterson.

The title, job responsibilities, and brief description of the testimony each of these individuals is expected to provide is set forth in the declarations filed with the Court in connection with Defendants' response to Plaintiff's motion for preliminary injunction.

INTERROGATORY 2

Identify every Person who has had a role in implementing GDC SOP 220.09, "Classification and Management of Transgender and Intersex Offenders" with respect to Plaintiff or otherwise determining the housing placements and transfers available to her by name, title, and job responsibilities.

RESPONSE

Pursuant to Fed. R. Civ. P. 33(d), Defendants refer to the Declarations of Grace Atchison and Ahmed Holt, and to the business records referenced therein.

INTERROGATORY 3

Identify every Person who has had a role in implementing GDC SOP 507.04.68, “Management and Treatment of Offenders Diagnosed with Gender Dysphoria” with respect to Plaintiff or otherwise determining the gender dysphoria treatment available to her, by name, title, and job responsibilities.

RESPONSE

Pursuant to Fed. R. Civ. P. 33(d), Defendants refer to the Declarations of Dr. Sharon Lewis and Dr. Marc Weinstein, and to the medical and mental health records referenced therein.

INTERROGATORY 4

Identify every Person who has received a PREA Notice concerning Ms. Diamond since October 29, 2019, by name, title, and job responsibilities, and approximate date of such Notice.

RESPONSE

Pursuant to Fed. R. Civ. P. 33(d), Defendants refer to the Declarations of Grace Atchison and Carl Betterson, and to PREA records referenced therein.

INTERROGATORY 5

Identify all Documents or Communications You intend to present or rely on in connection with the hearing on Plaintiff’s Motions, ECF Nos. 50-51.

RESPONSE

Defendants refer to their response to Plaintiff’s motion for preliminary injunction and the other referenced motions, and to the documents referenced in and attached to their responses.

INTERROGATORY 6

For each Request for Admission that you deny, please explain and otherwise provide the basis for your denial.

RESPONSE

Defendants deny the first request for admission within Plaintiff's Expedited Requests for Admission to Certain Georgia Department of Correction [sic] Defendants on the basis that a transgender woman has been housed in a GDC women's facility. Defendants deny in part and admit in part the second request for admission and refer to the explanation that is provided within the response to that request for admission.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General



Roger A. Chalmers 118720
Senior Assistant Attorney General

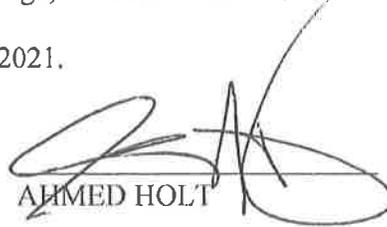
Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing interrogatory responses and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

This 3rd day of May, 2021.


AHMED HOLT

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 3rd day of May, 2021.



Roger A. Chalmers

the needs of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence. Because this discovery set is expedited and limited and for use in relation to a pending motion for preliminary injunction, Defendants' objection takes into account and is premised upon that limited purpose and scope. Without limitation, this objection applies to the form of production that is requested in paragraph 5 of the "Instructions" with the Document Requests.

Defendants are producing herewith documents as they are kept in the usual course of business and are organizing their production to correspond to the categories in Request No. 1 below. Defendants will meet and confer with Plaintiffs in discovery on the search for and production of electronically stored information.

3. Defendants object to each Document Request to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine, or any other applicable privilege or legal protection from disclosure. Any disclosure of such protected material is inadvertent and is not a waiver of an applicable right or privilege.

4. Defendants object to each Document Request to the extent that it seeks information or documents not in his possession, custody or control.

5. Defendants object to each Document Request to the extent that it is not limited to a time period relevant to this case.

6. Defendants' investigation and development of facts and circumstances relating to this action is ongoing. The responses and objections herein are made without prejudice to, and are not a waiver of, Defendants' right to supplement, clarify, revise, or correct any of the responses and objections herein based on information or documents

obtained or made available in discovery, and to use and rely on such other facts or documents in discovery and at trial.

7. Defendants incorporate by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request. Pursuant to Fed. R. Civ. P. 34(b)(2)(C), unless specifically noted below, the above stated general objections are preserved but no responsive materials are being withheld on the basis of the general objections.

OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION

Subject to the foregoing General Objections, Defendants respond to the Document Requests as follows:

DOCUMENT REQUEST 1

Non-public Documents identified in Defendants' Initial Disclosures as being relevant to claims or defenses, including without limitation:

- GDC institutional file for Ashley Diamond (2012 to present);
- GDC medical and mental health records and counseling case notes for Ashley Diamond (2012 to present);
- GDC grievances history and grievances submitted by Ashley Diamond and all related documents (October 29, 2019 to present);
- GDC disciplinary history and disciplinary reports for Ashley Diamond and all related documents (October 2019 to present);
- GDC emergency and incident reports for Ashley Diamond and all related documents (October 29, 2019 to present);
- GDC PREA reports for Ashley Diamond and all related documents³ (2012 to present);
- GDC Statewide Classification Committee documentation concerning housing assignments of Ashley Diamond (September 01, 2019 to present).

RESPONSE

Defendants object to this Document Request to the extent that it seeks production of documents for the time period 2012 to present, on the grounds that the request is not relevant to a claim or defense in this case as it is currently presented at this stage of the case, that is not proportional to the needs of the case again as it is currently presented at this stage of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Subject to the stated objections, Defendants are producing herewith all existing responsive documents in all of the listed categories for the time period October 2019 to the present.

DOCUMENT REQUEST 2

All non-privileged Communications sent or received by Defendants from October 1, 2019 to Present concerning Plaintiff's health and healthcare needs, including without limitation her gender dysphoria, Post Traumatic Stress Disorder, suicide risk, and castration attempts.

RESPONSE

Defendants object to this Document Request on the grounds that it seeks information or material that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

Defendants further object to this Document Request on the grounds that it seeks information that is not relevant to a claim or defense in this case as it is currently presented at this stage of the case, that is not proportional to the needs of the case again as it is currently presented at this stage of the case, and/or that is overly broad, unduly

burdensome or not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Defendants specifically object to this Document Request on the additional basis that the information sought is voluminous and burdensome to collect, review for responsiveness and privilege or other objection or need for protection, and produce in the limited time period before the Court's consideration of Plaintiff's motions. This document request is more appropriately addressed in the context of full merits discovery, not in expedited discovery the purpose of which is to address the limited asserted grounds for relief in Plaintiff's pending motions. No objection or limitation pertaining to the discovery of and/or production of electronically stored information is waived by this response.

DOCUMENT REQUEST 3

All non-privileged Communications sent or received by Defendants from October 1, 2019 to Present concerning Plaintiff's housing or safety within GDC, including without limitation housing placements, transfer requests, and her eligibility for transfer to a female facility.

RESPONSE

Defendants object to this Document Request on the grounds that it seeks information or material that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

Defendants further object to this Document Request on the grounds that it seeks information that is not relevant to a claim or defense in this case as it is currently presented at this stage of the case, that is not proportional to the needs of the case again

as it is currently presented at this stage of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Defendants specifically object to this Document Request on the additional basis that the information sought is voluminous and burdensome to collect, review for responsiveness and privilege or other objection or need for protection, and produce in the limited time period before the Court's consideration of Plaintiff's motions. This document request is more appropriately addressed in the context of full merits discovery, not in expedited discovery the purpose of which is to address the limited asserted grounds for relief in Plaintiff's pending motions. No objection or limitation pertaining to the discovery of and/or production of electronically stored information is waived by this response.

DOCUMENT REQUEST 4

All non-privileged Communications sent or received by Defendant Benton from September 29, 2020 to Present concerning Plaintiff, including without limitation communications concerning Plaintiff and/or Justin Riley following the allegations against them of sexual misconduct on October 31, 2020.

RESPONSE

Defendants object to this Document Request on the grounds that it seeks information or material that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

Defendants further object to this Document Request on the grounds that it seeks information that is not relevant to a claim or defense in this case as it is currently

presented at this stage of the case, that is not proportional to the needs of the case again as it is currently presented at this stage of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Defendants specifically object to this Document Request on the additional basis that the information sought is voluminous and burdensome to collect, review for responsiveness and privilege or other objection or need for protection, and produce in the limited time period before the Court's consideration of Plaintiff's motions. This document request is more appropriately addressed in the context of full merits discovery, not in expedited discovery the purpose of which is to address the limited asserted grounds for relief in Plaintiff's pending motions. No objection or limitation pertaining to the discovery of and/or production of electronically stored information is waived by this response.

DOCUMENT REQUEST 5

All Documents and Communications sent by, or on behalf of, GDC Defendants, or any administrator at Coastal, concerning Plaintiff's eligibility for parole or transfer, including communications sent to the Georgia Board of Pardons and Paroles, since October 2020.

RESPONSE

Defendants object to this Document Request on the grounds that it seeks information or material that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

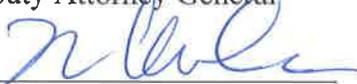
Defendants further object to this Document Request on the grounds that it seeks information that is not relevant to a claim or defense in this case as it is currently presented at this stage of the case, that is not proportional to the needs of the case again as it is currently presented at this stage of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Defendants specifically object to this Document Request on the additional basis that the information sought is voluminous and burdensome to collect, review for responsiveness and privilege or other objection or need for protection, and produce in the limited time period before the Court's consideration of Plaintiff's motions. This document request is more appropriately addressed in the context of full merits discovery, not in expedited discovery the purpose of which is to address the limited asserted grounds for relief in Plaintiff's pending motions. No objection or limitation pertaining to the discovery of and/or production of electronically stored information is waived by this response.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General



Roger A. Chalmers 118720
Senior Assistant Attorney General

Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 3rd day of May, 2021.



Roger A. Chalmers

RESPONSE

Denied in part and admitted in part. This request is denied to the extent it requests an admission that Plaintiff requested placement in a women's facility on the basis that upon initial assessment Plaintiff expressed comfort with and requested placement in a medium security men's prison. This request is admitted to the extent it requests an admission that Plaintiff's transgender status was a consideration in facility placement, on the basis that the applicable policy concerns the classification and management of transgender and intersex offenders. This request is denied to the extent that it requests an admission that Plaintiff's anatomy was a consideration in facility placement, and for explanation reference is made to the Classification Committee documentation served contemporaneously with this response, and further the request is denied to the extent it requests an admission that transgender offenders are assigned to gender-specific facilities based solely on their external genital anatomy.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General


Roger A. Chalmers 118720
Senior Assistant Attorney General

Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 3rd day of May, 2021.



Roger A. Chalmers

grounds of the claimed privilege and the paragraph of these document requests to which the information is responsive; and identify each person to whom the information, or any part thereof, has been disclosed.

3. Where knowledge, information, or documents are requested, such request encompasses knowledge, information or documents in your possession, custody or control, or in the possession, custody or control of your staff, agents, employees, representatives and, unless privileged, attorneys, or any other person who has possession, custody or control of your proprietary knowledge, information or documents, including without limitation your medical and mental health records and/or records showing medical or mental health treatment that you have received.

4. “You” and “your” mean Ashley Diamond.

II. Document Requests

DOCUMENT REQUEST 1

All records, including without limitation medical and mental health records, for the time period 2015-2019 which you contend show that the medical treatment or the mental health treatment that you received outside of the custody of the Georgia Department of Corrections was better, superior, more effective, more comprehensive, or more therapeutic for your conditions than the treatment that you have received in your current period of incarceration.

DOCUMENT REQUEST 2

All documents provided by you or your legal counsel to James Aiken related to your claims in this case.

DOCUMENT REQUEST 3

All documents provided by you or your legal counsel to Randi Ettner related to your claims in this case.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General



Roger A. Chalmers 118720
Senior Assistant Attorney General

Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 3rd day of May, 2021.



Roger A. Chalmers

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

Civil Action No.
5:20-cv-00453-MTT

FIRST EXPEDITED REQUESTS FOR ADMISSION TO PLAINTIFF

Defendant Ahmed Holt, through counsel, pursuant to Fed. R. Civ. P. 36, and as part of expedited discovery related to Plaintiff’s pending motion for preliminary injunction, asks that Plaintiff admit or deny each of the requests herein and serve her answers by electronic mail on or before May 10, 2021 to the undersigned counsel.

I. Definitions

1. “You” and “your” mean Ashley Diamond.

II. Requests for Admission

Request 1

Admit that you met with Grace Atchison in November 2019 in the classification process.

Request 2

Admit that, in your meeting with Grace Atchison, you stated that the problem in your past period of incarceration was security and classification and specifically that you had been placed at close security prisons, and that you would be ok in this period of incarceration with a placement in a medium security men’s prison.

Request 3

Admit that, in your meeting with Grace Atchison, you stated your preference for being placed in a single person cell.

Request 4

Admit that, prior to your meeting with Grace Atchison, you were visited by the Warden at the Georgia Diagnostic and Classification Prison, and by Robert Toole, the Georgia Department of Corrections' Director of Facility Operations, and that you discussed with them your possible placement in a men's facility in this period of incarceration.

Request 5

Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault.

Request 6

Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault, stating "I do want to talk about it, but my lawyers want to me to wait so I'm going to do that."

Request 7

Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault, stating that your attorneys advised you to "wait."

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General



Roger A. Chalmers 118720
Senior Assistant Attorney General

Robert B. Shapiro 932554
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
Roger A. Chalmers
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3220
Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Tyler Rose Clemons
Andrea Chinyere Ezie
Elizabeth Littrell
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 3rd day of May, 2021.



Roger A. Chalmers

Roger Chalmers

From: Robert Shapiro
Sent: Tuesday, May 4, 2021 9:59 AM
To: Roger Chalmers; amcgovern@satchermcgovernlaw.com; tyler.clemons@splcenter.org; maya.rajaratnam@splcenter.org; cezie@ccrjustice.org; beth.littrell@splcenter.org; tlong@satchermcgovernlaw.com
Cc: Robert Shapiro
Subject: GDC Defendants First Production of Documents

kiteworks

Robert Shapiro sent you a secure message

Access message

Counsel:

Attached are the GDC Defendants' First Production of Documents. Again, please let me know if you have any trouble accessing these documents.

Best,

Robert Shapiro

Secured by  Accellion

 Attachments expire on May 11, 2021



1 compressed file
GDC Defendants First Production of Documents.zip

This message requires that you sign in to access the message and any file attachments.

Roger Chalmers

From: Roger Chalmers
Sent: Sunday, April 25, 2021 4:00 PM
To: 'Beth Littrell'
Cc: Robert Shapiro; Elizabeth M. Crowder; cezie; Tyler Clemons; 'Annarita McGovern'; 'Terry Long'; Maya Rajaratnam
Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

Beth –

Thanks for your email. Re: our call tomorrow, yes it is still our intention to talk with you tomorrow. I am not available in the morning through mid-afternoon so suggest we set a call for 4:30 tentatively. We may have to push that time back as I have calls that could run later than that. But we remain committed to having our call tomorrow.

Re: depositions, thank you for proposing to schedule them after our filing deadline. Please note a couple of things. First, I am traveling on May 6 and 7 as I indicated in my email to the Court and counsel some weeks ago. I would appreciate not scheduling anything for those dates. Second, this will confirm that Rob and I do not represent GDC employees other than those for whom we have entered appearances in the lawsuit. Now that I have your proposed deponents, I can do some checking to see if other attorneys in my office will represent those individuals or if they would be represented by outside counsel. I'll set that inquiry in motion right now and try to get some information back to you on that before our call tomorrow, or at the latest on our call.

Regarding whether we will agree to do these 4 depositions by remote means, for our clients yes I think likely we will agree to that given COVID-19 concerns and limitations. But again if there are other counsel involved they would need to weigh in on that. Let's discuss that also on our call tomorrow.

Would you be able to set up our call for tomorrow using your zoom platform as you did before? Thank you.

Roger



Roger Chalmers
Senior Assistant Attorney General - Section Chief
Office of the Attorney General Chris Carr
General Litigation
Tel: (404) 458-3220
rchalmers@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia, 30334

From: Beth Littrell <beth.littrell@splcenter.org>
Sent: Sunday, April 25, 2021 3:28 PM
To: Roger Chalmers <rchalmers@law.ga.gov>
Cc: Robert Shapiro <RShapiro@LAW.GA.GOV>; Elizabeth M. Crowder <ecrowder@LAW.GA.GOV>; cezie <cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam

<maya.rajaratnam@splcenter.org>

Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Counsel:

We remain hopeful that we will hear from you tomorrow/Monday morning with a response to outstanding questions and with a proposed time to discuss issues related to the May 12 hearing in order for the Parties to narrow the issues for the Court at the April 28 status conference. As set forth in the emails below, we are available Monday.

In anticipation of our discussion, we highlight the following. Because we have not heard from you regarding whether you represent GDC employees, we have drafted subpoenas to compel depositions and, because we seek documents, will file them along with a Notice of Intention to Serve Subpoenas. We can convert these to notices if you respond that you represent any of the deponents. The subpoenas are drafted in anticipation that the parties will stipulate that we may take the depositions by remote means given Covid-19, the urgency and the location of the parties and their counsel. Please let us know if you are unwilling to so stipulate.

Should the dates and times noticed be unavailable, we will work with deponents and counsel to arrive at a mutually agreeable time to take the depositions in advance of the hearing. We did not schedule them before your response briefs are due based on your representations concerning limited capacity to address issues prior to your briefing deadline.

Please let us know if you are available Monday (4/26) at 12 pm, and if not, when you are available to meet.

Respectfully,



Beth Littrell she/her/hers
Sr. Supervising Attorney | Legal
Southern Poverty Law Center
T 404.221.5876 F 404.221.5857
beth.littrell@splcenter.org | www.splcenter.org
Admitted in Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Beth Littrell

Sent: Friday, April 23, 2021 5:38 PM

To: 'Roger Chalmers' <rchalmers@law.ga.gov>

Cc: 'Robert Shapiro' <RShapiro@LAW.GA.GOV>; 'Elizabeth M. Crowder' <ecrowder@LAW.GA.GOV>; cezie <cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>

Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

Roger:

Let's get on a call to work through the outstanding issues around expedited discovery. What is your availability for a call Monday?

Thanks,
Beth



Beth Littrell she/her/hers
Sr. Supervising Attorney | Legal
Southern Poverty Law Center
T 404.221.5876 F 404.221.5857
beth.littrell@splcenter.org | www.splcenter.org
Admitted in Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Beth Littrell
Sent: Thursday, April 22, 2021 7:52 PM
To: Roger Chalmers <rchalmers@law.ga.gov>
Cc: Robert Shapiro <RShapiro@LAW.GA.GOV>; Elizabeth M. Crowder <ecrowder@LAW.GA.GOV>; cezie <cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>
Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

Hi Roger:

Thank you for your email. Given your representations that you are engaging your clients to assess the limited expedited document requests served last week, we will hold off on involving the Court under the presumption that you are making a good faith effort to meet the requested expedited deadline in anticipation of the hearing. We look forward to hearing from you, and I am available to meet on Monday as needed.

We also seek clarification on another matter related to the upcoming hearing. At various times during discussions, we understand your position to be that the AG's office does not represent the GDC. Accordingly, can you clarify whether you represent employees of GDC who are not named as parties to this lawsuit, so that we know whether we're proceeding under Fed R. Civ. P. 30 or 45 for purposes of any necessary depositions in advance of our hearing?

Thanks,
Beth



Beth Littrell she/her/hers
Sr. Supervising Attorney | Legal
Southern Poverty Law Center
T 404.221.5876 F 404.221.5857
beth.littrell@splcenter.org | www.splcenter.org
Admitted in Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Roger Chalmers <rchalmers@law.ga.gov>
Sent: Wednesday, April 21, 2021 9:19 AM
To: Beth Littrell <beth.littrell@splcenter.org>
Cc: Robert Shapiro <RShapiro@LAW.GA.GOV>; Elizabeth M. Crowder <ecrowder@LAW.GA.GOV>; cezie <cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>
Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Beth – Thanks for your email. We’re working as quickly as we can to assess your discovery requests and give you our position. We’re not ready to do that at this time. As you know, we’re also continuing our work on your motions. We’ll get back to you once we have assessed your requests. My expectation is that we will have a response for you by this upcoming Monday, and so we will suggest some times for a call then.

Roger



Roger Chalmers

Senior Assistant Attorney General - Section Chief
Office of the Attorney General Chris Carr

General Litigation

Tel: (404) 458-3220

rchalmers@law.ga.gov

Georgia Department of Law

40 Capitol Square SW

Atlanta, Georgia, 30334

From: Beth Littrell <beth.littrell@splcenter.org>

Sent: Tuesday, April 20, 2021 10:12 AM

To: Roger Chalmers <rchalmers@law.ga.gov>

Cc: Robert Shapiro <RShapiro@LAW.GA.GOV>; Elizabeth M. Crowder <ecrowder@LAW.GA.GOV>; cezie <cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>

Subject: RE: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Roger:

At your earliest convenience, please let us know whether your clients will agree to the requested limited expedited discovery schedule we have proposed so that we know whether we will need to engage in additional motion practice prior to the hearing.

Thanks,

Beth



Beth Littrell she/her/hers

Sr. Supervising Attorney | Legal

Southern Poverty Law Center

T 404.221.5876 F 404.221.5857

beth.littrell@splcenter.org | www.splcenter.org

Admitted in Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

From: Beth Littrell

Sent: Friday, April 16, 2021 3:53 PM

To: Roger Chalmers <rchalmers@law.ga.gov>

Cc: Robert Shapiro <RShapiro@LAW.GA.GOV>; Elizabeth M. Crowder <ecrowder@LAW.GA.GOV>; cezie

<cezie@ccrjustice.org>; Tyler Clemons <Tyler.Clemons@splcenter.org>; 'Annarita McGovern' <amcgovern@satchermcgovernlaw.com>; 'Terry Long' <tlong@satchermcgovernlaw.com>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>

Subject: Diamond v. Ward: Limited Expedited Discovery and Protective Order subject to Scheduling Order

Roger:

As a follow-up to our last conversation, Plaintiff's positions on the two outstanding matters referenced above are as follows. Regarding limited expedited discovery, mentioned by the Court at the status conference, by us in our motions, and as incorporated into the Scheduling Order, Plaintiffs seek narrowly tailored, limited discovery in anticipation of the upcoming hearing which we seek to expedite by agreement to responses within 15 days given the recently scheduled May 12 hearing. Attached please find our limited expedited discovery requests.

As a reciprocal courtesy, we are willing to agree to your to file a Notice with the Court today delaying execution of the protective order governing discovery that we sent to you several weeks ago and which is due to be completed by today.

Please let us know your position on these matters at your earliest convenience.

Thanks,
Beth



Beth Littrell she/her/hers
Sr. Supervising Attorney | Legal
Southern Poverty Law Center
T 404.221.5876 F 404.221.5857
beth.littrell@splcenter.org | www.splcenter.org
Admitted in Georgia

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify The Southern Poverty Law Center immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

Roger Chalmers

From: Robert Shapiro
Sent: Monday, May 10, 2021 4:31 PM
To: beth.littrell@splcenter.org; maya.rajaratnam@splcenter.org; scott.mccoy@splcenter.org; tyler.clemons@splcenter.org; cezie@ccrjustice.org
Cc: Annarita McGovern; Terry Long; Roger Chalmers
Subject: Diamond v. Ward, et al. - 5:20-cv-453
Attachments: 5.10.21 - GDC Defendants' Responses and Objections to Plaintiff's Second Expedited Discovery Request.pdf

Counsel,

Attached please find the GDC Defendants' responses and objections to Plaintiff's second expedited requests for production. As our response indicates, we are completing a search for additional responsive video recordings but are producing all responsive recordings known to us at this time. We will supplement our productions when and if any additional responsive videos are identified.

I will follow this email with a secure link to Defendants' productions. As you will see, several of the video files are quite large, so please allow a half hour or so for the link to appear in your inbox while our KiteWorks program works to send the file. If you have not received the email within an hour, or if you have any problems opening the video attachments, please contact me.

Best,



Robert Shapiro
Assistant Attorney General
Office of the Attorney General Chris Carr
General Litigation
Tel: (404) 458-3536
rshapiro@law.ga.gov
Georgia Department of Law
40 Capitol Square, SW
Atlanta, Georgia, 30334

3. Defendants object to each request for production to the extent that it seeks information or material that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and/or that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendants object to each request for production to the extent that it seeks information or documents not in Defendants' possession, custody, or control.

5. Defendants object to each request for production to the extent that it is not limited to a time period relevant to this case.

6. Defendants object to each request for production to the extent that it seeks information or material which implicates prison security concerns and/or poses a risk to the safe and secure operation of the GDC prison system.

7. Defendants' investigation and development of the facts and circumstances relating to this action is ongoing. The responses and objections herein are made without prejudice to, and are not a waiver of, Defendants' right to supplement, clarify, revise, or correct any of the responses and objections herein based on information or documents obtained or made available in discovery and to use and rely on such other facts or documents in discovery and at trial.

RESPONSES AND OBJECTIONS

Subject to the foregoing General Objections, Defendants respond to Plaintiff's requests for production as follows:

REQUEST FOR PRODUCTION NO. 6

All video and/or audio recordings from the surveillance camera positioned in a way that captured Rodney Jackson's dormitory meeting June 16–19, and from the surveillance camera

outside Ashley Diamond's cell, and any handheld video cameras used to capture images or sound of Ashley Diamond, including the handheld camera held by Capt. Judkins on April 26, 2021, on the following days:

- a. November 1–3, 2019 (GDCP)
- b. November 8–10 (GDCP)
- c. July 15–16, 2020
- d. September 12–13, 2020
- e. September 18–20, 2020
- f. October 9, 2020
- g. October 29, 2020
- h. October 30–31, 2020
- i. October 7, 2020
- j. October 31, 2020
- k. December 3, 2020
- l. December 23, 2020
- m. January 3, 2020
- n. Feb 18, 2021
- o. Feb 22, 2021
- p. March 17, 2021
- q. April 25–26, 2021

RESPONSE

Defendants object to this request for production on the grounds that it is not proportional to the needs of the case and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Defendants further object to this request for production on the grounds that it seeks information or material that is not proportional to the needs of the case as it is currently presented at this stage of the litigation and that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the issues raised in Plaintiff's motion for preliminary injunction and related motions.

Defendants specifically object to this request for production on the additional basis that the information or material sought is voluminous and burdensome to collect, review for responsiveness, and produce in the limited time period before the Court's consideration of Plaintiff's motions. This request for production is more appropriately addressed in the context of full merits discovery, not in expedited discovery, the purpose of which is to address the limited asserted grounds for relief in Plaintiff's pending motions.

Subject to and without waiving the foregoing objections, all presently known video recordings responsive to this request are produced herewith as DEF 1489–1495. Defendants are conducting a search for additional responsive video recordings and will supplement these responses once additional responsive recordings are identified. Defendants are not aware of any additional responsive video recordings at this time. No objection or limitation pertaining to the discovery of and/or production of responsive information or material is waived by this response.

Respectfully submitted this 10th day of May, 2021.

PLEASE ADDRESS ALL
COMMUNICATIONS TO:
Robert B. Shapiro
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
Tel: (470) 355-2765
Fax: (404) 651-5304
Email: rshapiro@law.ga.gov

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General

Roger A. Chalmers 118720
Senior Assistant Attorney General

/s/ Robert B. Shapiro 932554
Robert B. Shapiro
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2021, I served the foregoing upon all attorneys of record as follows:

Elizabeth Littrell
Southern Poverty Law Center
P.O. Box 1287
Decatur, Georgia 30031

Tyler Rose Clemons
Southern Poverty Law Center
201 St. Charles Avenue, Suite 2000
New Orleans, Louisiana 70170

Maya G. Rajaratnam
Scott Daniel McCoy
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104

A. Chinyere Ezie
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, New York 10012

Annarita L. McGovern
Terry L. Long
SATCER & MCGOVERN, LLC
288 South Main Street, Suite 100
Alpharetta, Georgia 30009

/s/ Robert B. Shapiro
Robert B. Shapiro
Georgia Bar No. 932554
*Attorney for Defendants Ward,
Lewis, Jackson, Holt, Toole, Ford,
Sauls, Benton, Atchison, Smith, and
Jackson*

State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300
Tel: (470) 355-2765
Fax: (404) 651-5304
Email: rshapiro@law.ga.gov

Roger Chalmers

From: cezie@ccrjustice.org
Sent: Tuesday, May 11, 2021 12:46 PM
To: Robert Shapiro; beth.littrell@splcenter.org; maya.rajaratnam@splcenter.org; scott.mccoy@splcenter.org; tyler.clemons@splcenter.org
Cc: Annarita McGovern; Terry Long; Roger Chalmers
Subject: RE: Diamond v. Ward, et al. - 5:20-cv-453
Attachments: Plaintiff's Objections and Responses to Defendants' 1st Expedited Requests for Admission.pdf; Plaintiff's Objections and Responses to Defendants' 1st Expedited Requests for Production.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Counsel,

Enclosed please find Plaintiff's Responses and Objections to Defendants' Request for Expedited Discovery.

Due to the file size of the production itself, I'm encountering errors when I attempt to send.

Does your office have a sharefile link you're able to circulate to facilitate transmission at this time?

Thanks and Best,
Chinyere

Chinyere Ezie
Senior Staff Attorney

Center for Constitutional Rights | Justice takes a fight.
666 Broadway, 7th Floor New York, NY 10012
Phone & Fax: 212.614.6467
cezie@ccrjustice.org

Pronouns: She/Her

ccrjustice.org | [facebook](#) | [twitter](#) | [instagram](#) | [linkedin](#)

Read my op-ed, "Call Out for Good," [here](#).



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ASHLEY DIAMOND,

Plaintiff,

v.

No. 5:20-cv-00453-MTT

TIMOTHY WARD, *et al.*,

Defendants.

**PLAINTIFF'S OBJECTIONS AND ANSWERS TO
DEFENDANTS AHMED HOLT'S FIRST EXPEDITED REQUESTS FOR ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff Ashely Diamond submits the following answers and objections to Defendant Ahmed Holt's first set of expedited requests for admission ("Requests").

GENERAL OBJECTIONS AND RESEVERATION OF RIGHTS

1. Plaintiff expressly incorporates all of the general objections and reserved rights set forth below into each and every response and objection to the Requests. Specific objections provided below are made in addition to these general objections and reserved rights, and a failure to reiterate a general objection or reserved right shall not constitute a waiver of that or any other objection.

2. These answers and objections are made without in any way waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any information produced in response to the Requests; (b) the right to object on any ground to the use of the information produced in response to the Requests at any hearing, trial, or other proceeding in this action; (c) the right to object on any ground at any

time to a demand for further responses to the Requests; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the answers or objections contained herein.

3. The information supplied herein and any documents produced are for use in this action and for no other purpose.

4. The answers and objections made herein are based on Plaintiff's investigation to date of those sources within her control where she reasonably believes responsive information might exist.

5. Plaintiff's investigation and discovery efforts in this action are ongoing. Plaintiff reserves the right to amend or supplement these answers and objections with additional information that might become available or come to her attention, and to rely upon such information at any hearing, trial, or other point during this action consistent with the applicable Federal Rules of Civil Procedure and the local rules of this Court.

6. Plaintiff objects to each Request to the extent it seeks discovery that is outside the scope permitted by the Federal Rules of Civil Procedure.

7. Plaintiff objects to the Requests to the extent they demand the production of information that is privileged or otherwise protected against discovery pursuant to the attorney-client privilege, the work-product doctrine, the psychotherapist-patient privilege, the consulting expert rule, or any other legally recognized privilege, immunity, or exemption from discovery under any other applicable rule or statutory or common-law protection against disclosure, including the laws of the country or countries where such documents are located. To the extent that any such protected information is inadvertently produced in response to the Requests, the production of such information shall not constitute a waiver of Plaintiff's right to assert the applicability of any privilege or immunity to the information, and any such information shall be returned to Plaintiff's counsel immediately upon discovery thereof.

ANSWERS AND OBJECTIONS

Request for Admission 1. Admit that you met with Grace Atchison in November 2019 in the classification process.

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice, and seeks information already in the possession of Defendants. Subject to and without waiving the foregoing objections, Plaintiff admits that she met with Grace Atchison in November 2019 as part of a classification screening.

Request for Admission 2. Admit that, in your meeting with Grace Atchison, you stated that the problem in your past period of incarceration was security and classification and specifically that you had been placed at close security prisons, and that you would be ok in this period of incarceration with a placement in a medium security men's prison.

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Plaintiff directs Defendants to DEF 1437, which speaks for itself. Plaintiff further objects to this Request because it is improperly compound and that she is not required to admit multiple allegations in a single Request. Plaintiff additionally objects to this Request as improper to the extent it mischaracterizes Plaintiff's statements in the meeting referenced. Subject to and without waiving the foregoing objections, Plaintiff admits she had a conversation with Grace Atchison where she explained that during her past period of incarceration she experienced problems related to her security and classification because GDC housed her at men's close security prisons as a medium security offender. When asked about whether she "would feel safer housed at a male or female facility," Plaintiff unequivocally indicated that her preference was to be placed at a female facility. DEF 1437. Plaintiff identified placements at medium security male prisons like Rutledge State Prison or Central State Prison as an alternative option if a female facility placement was not made available. DEF 1437.

Request for Admission 3. Admit that, in your meeting with Grace Atchison, you stated your preference for being placed in a single person cell.

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Plaintiff directs Defendants to DEF 1437, which speaks for itself. Subject to and without waiving the foregoing objections, Plaintiff admits that in addition to indicating that she would feel safest housed at a female facility, Plaintiff informed Grace Atchison that her preference would be to be housed in a single person cell rather than with a roommate. DEF 1437.

Request for Admission 4. Admit that, prior to your meeting with Grace Atchison, you were visited by the Warden at the Georgia Diagnostic and Classification Prison, and by Robert Toole, the Georgia Department of Corrections' Director of Facility Operations, and that you discussed with them your possible placement in a men's facility in this period of incarceration.

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Subject to and without waiving the foregoing objections, Plaintiff denies the Request as worded, but admits that she met with Defendants Ford and Toole and discussed the possibility of being placed at Rutledge State Prison where she was previously housed safely, since Defendants did not advise her that she could request a placement at a male or female facility.

Request for Admission 5. Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault.

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Subject to and without waiving the foregoing objections,

Plaintiff denies the Request as worded, but admits that she requested that her lawyers be present for interviews related to certain PREA allegations, and asked GDC personnel make appropriate arrangements or expected that they would do so.

Request for Admission 6. Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault, stating “I do want to talk about it, but my lawyers want to me to wait so I’m going to do that.”

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Subject to and without waiving the foregoing objections, Plaintiff denies the Request as worded, but admits that she requested and/or reiterated that her lawyers be present for interviews related to certain PREA allegations, and asked GDC personnel to make appropriate arrangements or expected that they would do so.

Request for Admission 7. Admit that at Coastal State Prison you have refused to speak to mental health care providers about one or more of your allegations of sexual assault, stating that your attorneys advised you to “wait.”

Response: In addition to the General Objections, Plaintiff objects to this Request because it was not served in a timely manner or with sufficient notice to Plaintiff, and seeks information already in possession of Defendants. Subject to and without waiving the foregoing objections, Plaintiff denies the Request as worded, but admits that she requested that her lawyers be present for interviews related to certain PREA allegations, and asked GDC personnel to make appropriate arrangements or expected that they would do so.

Dated: May 11, 2021

/s/ A. Chinyere Ezie

A. Chinyere Ezie*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Phone/Fax: (212) 614-6467
Email: cezie@ccrjustice.org

Elizabeth Littrell, Ga. Bar No. 454949
Southern Poverty Law Center
P.O. Box 1287
Decatur, GA 30031
Phone: (404) 221-5876
Fax: (404) 221-5857
Email: beth.littrell@splcenter.org

Scott D. McCoy*
Southern Poverty Law Center
P.O. Box 10788
Tallahassee, FL 32302
Phone: (334) 224-4309
Email: scott.mccoy@splcenter.org

Tyler Rose Clemons*
Southern Poverty Law Center
201 St. Charles Avenue, Suite 2000
New Orleans, LA 70170
Phone: (504) 526-1530
Fax: (504) 486-8947
Email: tyler.clemons@splcenter.org

Maya G. Rajaratnam*
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
Phone: (334) 956-8307
Fax: (334) 956-8481
Email: maya.rajaratnam@splcenter.org

Counsel for Plaintiff Ashley Diamond
** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document and all attachments were served on all counsel of record by email.

/s/ A. Chinyere Ezie

A. Chinyere Ezie*

Center for Constitutional Rights

666 Broadway, 7th Floor

New York, NY 10012

Phone/Fax: (212) 614-6467

Email: cezie@ccrjustice.org

Counsel for Plaintiff Ashley Diamond

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

**PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT AHMED HOLT'S
FIRST EXPEDITED REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiff Ashley Diamond submits the following responses and objections to Defendant Ahmed Holt's first set of expedited requests for production of documents ("Requests").

GENERAL OBJECTIONS AND RESERVATIONS OF RIGHTS

1. Plaintiff expressly incorporates all of the general objections and reserved rights set forth below into each and every response and objection to the Requests. Specific objections provided below are made in addition to these general objections and reserved rights, and a failure to reiterate a general objection or reserved right shall not constitute a waiver of that or any other objection.

2. These responses and objections are made without in any way waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any information produced in response to the Requests; (b) the right to object on any ground to the use of the information produced in response to the Requests at any hearing, trial, or other proceeding in this action; (c) the right to object on any ground at any time to a demand for further responses to the interrogatories or further document

productions; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses or objections contained herein.

3. The information supplied herein and any documents produced are for use in this action and for no other purpose.

4. Any statement by Plaintiff that she will produce documents responsive to any Request does not mean that she possesses responsive materials or that such materials exist, only that she will conduct a reasonable search and produce responsive, non-objectionable, nonprivileged information. No response or objection made herein, or lack thereof, is an admission by Plaintiff as to the existence or non-existence of any documents or information.

5. The responses and objections made herein are based on Plaintiff's investigation to date of those sources within her control where she reasonably believes responsive information might exist.

6. Plaintiff's investigation and discovery efforts in this action are ongoing. Plaintiff reserves the right to amend or supplement these responses and objections with additional information that might become available or come to her attention, and to rely upon such information at any hearing, trial, or other point during this action consistent with the applicable Federal Rules of Civil Procedure and the local rules of this Court.

7. Plaintiff objects to Defendant's Instructions to the extent they impose additional or greater obligations than those imposed by the Federal Rules of Civil Procedure, this Court's local rules, or the discovery schedule approved by the Court. Plaintiff specifically objects to Instruction 3 to the extent it purports to obligate Plaintiff to produce documents not within her possession, custody, or control; Plaintiff cannot and will not produce documents not within her possession, custody, or control.

8. Plaintiff objects to each request to the extent it seeks discovery that is outside the scope permitted by the Federal Rules of Civil Procedure.

9. Plaintiff objects to the Requests to the extent the discovery sought is unreasonably cumulative or duplicative, is publicly available, or can be obtained from some other source that is more convenient, less burdensome, or less expensive.

10. Plaintiff objects to the Requests to the extent the discovery sought is available to the Defendant and the burden on Defendant to obtain the discovery sought is no greater than the burden on Plaintiff. If necessary, Plaintiff will produce any such documents at Defendant's expense.

11. Plaintiff objects to the Requests to the extent they demand the production of documents or information that are privileged or otherwise protected against discovery pursuant to the attorney-client privilege, the work product doctrine, the psychotherapist-patient privilege, the consulting expert rule, or any other legally recognized privilege, immunity, or exemption from discovery under any other applicable rule or statutory or common-law protection against disclosure, including the laws of the country or countries where such documents are located. To the extent that any such protected documents or information are inadvertently produced in response to the Requests, the production of such documents or information shall not constitute a waiver of Plaintiff's right to assert the applicability of any privilege or immunity to the documents or information, and any such documents or information shall be returned to Plaintiff's counsel immediately upon discovery thereof.

SPECIFIC RESPONSES AND OBJECTIONS

Request for Production 1. All records, including without limitation medical and mental health records, for the time period 2015-2019 which you contend show that the medical treatment or the mental health treatment that you received outside of the custody of the Georgia Department of Corrections was better, superior, more effective, more comprehensive, or more therapeutic for your conditions than the treatment that you have received in your current period of incarceration.

Response: In addition to the General Objections, Plaintiff objects to this Request improper and as unduly burdensome because it was not served in timely manner or with sufficient notice, and seeks documents protected by the Health Insurance Portability and Accountability Act (HIPPA) that are not presently in Plaintiff's possession, custody, or control. Plaintiff further objects to this Request because it seeks documents and information that are not relevant to the Parties' claims or defenses. *See* Statement of Interest of the United States, ECF 29 at 14-15 (the healthcare a prisoner receives outside prison, or lack thereof, is irrelevant for purposes of the Eighth Amendment standard). Plaintiff also objects because the request is improper in that it misstates and mischaracterizes the contentions in her Amended Complaint. Because the documents sought by this request are not presently in Plaintiff's custody or possession, no documents are presently being withheld in response to this Request.

Request for Production 2. All documents provided by you or your legal counsel to James Aiken related to your claims in this case.

Response: In addition to the General Objections, Plaintiff objects to this Request as improper because it was not served in timely manner or with sufficient notice, and overbroad to the extent it calls for information that is publicly available or already in the possession of Defendants. Plaintiff further objects to this Request to the extent it seeks documents and information that are protected against disclosure or beyond the scope of discovery permitted by Rule 26(b)(3) of the Federal Rules of Civil Procedure. Subject to and without waving these

objections, Plaintiff directs Defendants to the documents bates-stamped PL 000001-000852 and produced herewith.

Request for Production 3. All documents provided by you or your legal counsel to Randi Ettner related to your claims in this case.

Response: In addition to the General Objections, Plaintiff objects to this Request as improper because it was not served in timely manner or with sufficient notice, and overbroad to the extent it calls for information that is publicly available or already in the possession of Defendants. Plaintiff further objects to this Request to the extent it seeks documents and information that are protected against disclosure or beyond the scope of discovery permitted by Rule 26(b)(3) of the Federal Rules of Civil Procedure. Subject to and without waving these objections, Plaintiff directs Defendants to the documents bates-stamped PL 000853-1228 and produced herewith.

Dated: May 11, 2021

/s/ A. Chinyere Ezie

A. Chinyere Ezie*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Phone/Fax: (212) 614-6467
Email: cezie@ccrjustice.org

Elizabeth Littrell, Ga. Bar No. 454949
Southern Poverty Law Center
P.O. Box 1287
Decatur, GA 30031
Phone: (404) 221-5876
Fax: (404) 221-5857
Email: beth.littrell@splcenter.org

Scott D. McCoy*
Southern Poverty Law Center
P.O. Box 10788
Tallahassee, FL 32302
Phone: (334) 224-4309
Email: scott.mccoy@splcenter.org

Tyler Rose Clemons*
Southern Poverty Law Center
201 St. Charles Avenue, Suite 2000
New Orleans, LA 70170
Phone: (504) 526-1530
Fax: (504) 486-8947
Email: tyler.clemons@splcenter.org

Maya G. Rajaratnam*
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
Phone: (334) 956-8307
Fax: (334) 956-8481
Email: maya.rajaratnam@splcenter.org

Counsel for Plaintiff Ashley Diamond

** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document and all attachments were served on all counsel of record by email.

Dated: May 11, 2021

/s/ A. Chinyere Ezie
A. Chinyere Ezie*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Phone/Fax: (212) 614-6467
Email: cezie@ccrjustice.org