



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

STEVE MARSHALL
ATTORNEY GENERAL

501 WASHINGTON AVENUE
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.ALABAMA.GOV

January 9, 2023

Mr. David J. Smith, Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

**Re: *Eknes-Tucker v. Governor of the State of Alabama*, No. 22-11707
Rule 28(j) Supplemental Authority Letter**

Dear Mr. Smith:

At oral argument, this Court asked about the schedule of the permanent injunction phase of the district court's proceedings. *See* Oral Arg. Recording, *Eknes-Tucker v. Gov. of Ala.*, No. 22-11707, at 14:19-15:30; 29:12-29:50.

Since then, the district court has adjusted the schedule, moving the trial up by two months from October 2023 to August 21, 2023. *See* Doc. 216. Dispositive motions must be filed by July 14, 2023.

Respectfully submitted,

Steve Marshall
Alabama Attorney General

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Solicitor General

A. Barrett Bowdre
Thomas A. Wilson
Deputy Solicitors General

James W. Davis
Deputy Attorney General

Benjamin M. Seiss

Christopher Mills
SPERO LAW LLC
557 East Bay Street
#22251
Charleston, SC 29451
Telephone: (843) 606-0640
cmills@spero.law

Assistant Attorney General

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Fax: (334) 353-8400
Edmund.LaCour@AlabamaAG.gov

Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

1. I certify that this document complies with the type-volume limitations set forth in Fed. R. App. P. 28(j) and 11th Cir. R. 28, I.O.P. 6. The document contains 71 words, including all headings, footnotes, and quotations, and excluding the parts of the brief exempted under Fed. R. App. P. 32(a)(7)(B)(iii).

2. In addition, this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Counsel for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on January 9, 2023, using the CM/ECF Document Filing System, which will send notification of such filing to all noticed parties.

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Counsel for State Defendants

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BRIANNA BOE, et al.,)
)
 Plaintiffs,)
)
 v.) **Case No. 2:22-cv-184-LCB**
)
 STEVE MARSHALL, et al.,)
)
 Defendants.)

SECOND AMENDED SCHEDULING ORDER

For good cause shown under Federal Rule of Civil Procedure 16(b)(4), the Court **AMENDS** the first amended scheduling order (Doc. 199) as follows:

Discovery Cutoff: All discovery must be commenced in time to be completed by June 9, 2023.

Dispositive Motions: All potentially dispositive motions, including Daubert motions, must be filed by July 14, 2023.

Expert Testimony: Unless modified by court order for good cause shown, the disclosures of expert witnesses—including a complete report under Fed.R.Civ.P. 26(a)(2)(B) from any specially retained or employed expert—are due:

From plaintiffs by January 23, 2023.

From defendants by March 20, 2023.

Final Lists: Lists of trial witnesses and exhibits must be filed by July 21, 2023. Any objections to such lists, including objections under Federal Rule of Civil Procedure 26(a)(3), must be filed within fourteen days thereafter.

Trial: Trial is scheduled to begin on August 21, 2023, at 9:00 a.m. CDT. The trial shall occur at the Frank M. Johnson Jr. United States Courthouse in Montgomery, Alabama.

All other requirements of the initial Scheduling Order remain in effect.

DONE and **ORDERED** January 6, 2023.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE