

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BRIANNA BOE, et al.,

*Plaintiffs,*

and

UNITED STATES OF AMERICA,

*Plaintiff-Intervenor,*

v.

STEVE MARSHALL, et al.,

*Defendants.*

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Case No. 2:22-CV-184-LCB

**MELODY H. EAGAN’S AND JEFFREY P. DOSS’S  
NOTICE OF FILING SUPPLEMENTAL DECLARATIONS**

Respondents Melody H. Eagan and Jeffrey P. Doss provide the following in response to the Court’s Supplemental Order to Show Cause:

- Supplemental Declaration of Melody H. Eagan
- Supplemental Declaration of Jeffrey P. Doss

Respectfully Submitted,

Dated: May 8, 2024

/s/ Harlan I. Prater, IV  
One of the Attorneys for  
Melody H. Eagan and Jeffrey P. Doss

OF COUNSEL:  
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**Certificate of Service**

I certify that, on May 8, 2024, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will provide notice of such filing to all counsel of record.

/s/ Harlan I. Prater, IV  
OF COUNSEL



since beginning my legal career in 1994, am licensed to practice and in good standing with multiple state and federal courts outlined in my First Declaration, and have not been the subject of any previous court or bar disciplinary proceedings. I also am the Managing Partner of Lightfoot, a Fellow with the Alabama Law Foundation, a graduate of Leadership Alabama's 2018 class, and a 2023-2024 Leadership Alabama Regional Council for the Birmingham Region. From 2012-2013, I served as the President of the Alabama Defense Lawyers Association. In addition to my professional activities, I am an active member of my church, where I teach Sunday School, serve on the Vestry, lead Cursillo in our parish as a Parish Lay Rector, and assist with services as a Eucharistic Minister, a lector, and an usher. I serve on the Board of Directors of Better Basics, a non-profit organization in Birmingham that works to eradicate illiteracy among children in central Alabama by delivering reading and math instruction and resources to the educationally vulnerable.

3. In my First Declaration, I explained how I first became involved as counsel for the plaintiffs in this case, as well as in *Ladinsky v. Ivey*, No. 5:22-cv-00447-LCB (N.D. Ala.) ("*Ladinsky*"). While others at Lightfoot and I recognize that the issues involved in these cases are controversial to some, Lightfoot agreed to represent the plaintiffs as part of our commitment to pro bono advocacy and because of our high respect for King & Spalding, who approached us about serving

as co-counsel for the *Ladinsky* plaintiffs. Lightfoot has not received any compensation in connection with our time or expenses incurred in these two matters.

4. In addition to my First Declaration, I testified before the Panel on August 4, 2022. I have reviewed my First Declaration and the transcript of my live testimony, and the contents of my First Declaration and my testimony before the Panel were honest, forthcoming, and truthful. I attempted to answer the questions asked of me by the Panel fully and provide the information requested to the best of my ability based upon my recollection of facts at the time.

5. In the Final Report of Inquiry (Doc. # 339) (“the Panel Report”), the Panel discusses a telephone call that occurred among some of the *Ladinsky* lawyers at or around 5:00 p.m. on Friday, April 15, 2022 (“the 5:00 Call”). As outlined in my First Declaration and discussed during my testimony before the Panel on August 4, 2022, I participated in the 5:00 Call. On page 31 of the Panel Report, the Panel states that the 5:00 Call included lawyers who represented the plaintiffs in *Walker v. Marshall*, 5:22-cv-480-LCB (N.D. Ala.) (“*Walker*”), but I do not recall that any *Walker* lawyers were on the 5:00 Call that I attended. I do not remember participating in a telephone conversation with any *Walker* counsel on April 15, 2022.

6. The Panel references testimony by Abigail Hoverman Terry on August 4, 2022, in which she testified that I expressed an opinion that there “was zero percent chance” of success on a preliminary injunction motion before Judge Burke during the 5:00 Call. (Panel Rept., pp. 34-35). The Panel then states, “But, when specifically asked about the phone call, Eagan did not admit what she had said about Judge Burke that there was a ‘zero percent chance’ they would have of succeeding before him.” (*Id.* at 35). There is no citation to the Record after that conclusion, so I do not know which question the Panel believed that I failed to admit, answer truthfully, or answer fully, nor have I been able to identify a question asking me what I said in the 5:00 Call. In my First Declaration, I attempted to provide the information requested by the Panel in their July 8, 2022, Order, and I did not interpret the Panel’s Order to ask that I recount all statements I made during the 5:00 Call or other calls with *Ladinsky* counsel. During my testimony on August 4, 2022, I was not asked to recount any statements I recalled making during that call, nor was I asked about any statement to other *Ladinsky* counsel that there was “zero percent chance” of success. There was no way for me to know during the Panel process what any other witness testified to because of the sequestration order, so I did not know what I needed to address in my testimony other than what the Panel asked. Now that the sequestration order has been lifted and I have reviewed declarations and testimony given by others during the Panel

Hearing, I see that Ms. Terry, and Ms. Terry alone, testified that she recalled my stating an opinion that there was “zero percent chance that Judge Burke would grant our motion if we filed a PI motion before him” during the 5:00 Call.<sup>1</sup> When I testified on August 4, 2022, I had not heard Ms. Terry or anyone attribute that statement to me. I do not remember using those words during the 5:00 Call or at any time. There was no reason for me to address any “zero percent chance” statement when I gave my Declaration or testified on August 4, because I had not heard it, was not asked about it by the Panel, and do not recall saying it.

7. While I do not remember saying “zero percent chance” during the 5:00 Call, I do not recall the specific words or statements I made during that call. The 5:00 Call was a brief and hectic call that occurred late on a Good Friday, and I was confused about why the *Ladinsky* case had been transferred to Your Honor. I know I had concerns and likely expressed an opinion — consistent with what I testified in the Panel Hearing — about what I perceived at the time to be the likelihood of success before Your Honor in this exceptional case. If I said “zero percent chance” or words to that effect, it would have been hyperbole. In addition, I reviewed the hearing transcript after the sequestration order was lifted and saw that the decision-makers on the *Ladinsky* team, when specifically pressed by the

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<sup>1</sup> I have now also reviewed the declaration submitted by Ms. Terry, as well as her testimony before Justice Bernard Harwood on May 20, 2022, and Ms. Terry did not reference any such statement being made by me in this declaration or testimony.

Panel, did not recall my saying “zero percent chance” during the 5:00 Call, which reflects that those words, if spoken, were not critical to the decisions we made.

8. While I was not asked by the Panel about the “zero percent chance” testimony that Ms. Terry gave, I testified candidly and truthfully about my opinions of plaintiffs’ prospects of success in *Ladinsky* before Your Honor and that I shared those opinions with *Ladinsky* co-counsel. For example, I testified:

- “I’m sure that I likely had conversations with my co-counsel at points about . . . different judges and who I thought might view our case more favorably or be more receptive to our clients . . . and these issues than possibly other judges.” (August 4, 2022 Transcript (Doc. # 78, Case No. 2:22-mc-03977-LCB), p. 27).
- “I do believe that I gave some viewpoints from my perspective as to how I thought [Northern District] judges might receive this type of controversial case” during the April 13, 2022 call with some *Walker* and *Ladinsky* counsel. (*Id.* at 38).
- “Judge Burke I viewed as a conservative judge. . . . I knew that he had been involved in Alabama politics and . . . my view of, if he had been elected, [was] that he is likely either socially conservative or gives the appearance of being socially conservative. And with the controversial issues that were involved here, I had some questions and concerns about whether Judge Burke would relate well to our clients or also what his personal views would be on these issues. I did not know what they were, but that was just my impression, is that I had concerns about how he would receive these issues from a personal standpoint. . . . I always believed that Judge Burke is going to be fair and impartial and try to apply the law, but how we interpret the law can be influenced . . . by the lens that we view the world in.” (*Id.* at 49-50).
- “If I were ranking the draws, I would have put [Judge Burke] at the bottom of the list in the Northern District. . . . There were other judges that we had some reservations about or concerns about, but Judge Burke would have been at or close to the bottom as far as from a standpoint of thinking through

. . . what I perceived would be potentially his personal views on some of these issues.” (*Id.* at 50).

- “I’ve always found [Judge Burke] to be fair. I’ve always found him to be impartial. But in a case of this nature, with this type of controversy, people have strong personal views on it, and I was concerned as to what his personal perspectives might be.” (*Id.* at 78).

9. I was not optimistic about our chances of success in obtaining a preliminary injunction before Your Honor in *Ladinsky* based upon what I now know were erroneous opinions. Nevertheless, I did not then, nor do I now, question the integrity of the judicial process or the federal judiciary, including Your Honor, and I did not then, nor do I now, believe that Your Honor would blindly deny justice to any litigant who appears before you.

10. The Panel notes some discrepancies about participants’ recollections of discussions regarding Northern District judges or the reason for the discussion during a video call between some *Walker* and *Ladinsky* counsel that I believe occurred on the afternoon of April 13, 2022. While I do not remember everything that was said during that call or what specific words were used, I have testified to the full extent of my memory about that call. I also recall participating in only one call with *Walker* counsel, which is the video call about which I testified to the Panel and referenced in my First Declaration.

11. I understand that the Panel concluded that the fact that the *Ladinsky* case was assigned to Your Honor on April 15, 2022, was the sole reason why

*Ladinsky* was dismissed and this case was filed. This finding, at least as it relates to my reasoning, is not accurate. I truthfully testified in my First Declaration and my August 4, 2022, testimony that I was concerned on April 15, 2022, about a number of issues, and my professional consideration of those multiple factors was why I supported dismissing *Ladinsky* and filing this case. As I told the Panel on August 4, 2022, the assignment of *Ladinsky* to Your Honor was a factor in my decision to support dismissal, but it was not the only or primary factor. (*See, e.g.*, August 4, 2022, Transcript, pp. 81, 93, 124, 135-36, 143). I had not experienced or heard of a transfer like what we saw on April 15, 2022.

12. I did not testify during my August 4, 2022, testimony, nor in my First Declaration, that I supported dismissal “because Judge Axon did not explain the reassignment of *Ladinsky* and [the Court] set *Walker* for a status conference in Huntsville on April 18.” (Doc. #484, p. 12). As I explained to the Panel, the procedural concerns that arose late on April 15, 2022, the appearance to me that *Ladinsky* was potentially losing its position as the lead case to *Walker*, and my opinion about how Your Honor might receive the issues presented in *Ladinsky* were reasons why I supported voluntary dismissal of *Ladinsky*. The fact that *Walker* but not *Ladinsky* was set for a status conference on Monday, as well as not understanding why *Ladinsky* was transferred to Your Honor (contrary to what we understood to be the normal process in the Northern District), were facts that

weighed into those considerations, among others, but I did not intend to infer that Judge Axon's failure "to explain the reassignment of *Ladinsky*" and the April 18 status conference in *Walker* were the reasons I supported the *Ladinsky* dismissal.

13. Based on my review of the hearing transcripts and declarations submitted to the Panel, no witness—despite *all* witnesses being sequestered—testified that the sole reason *Ladinsky* was dismissed and this case was filed was to avoid Your Honor. Moreover, while each of the *Ladinsky* counsel had their own beliefs or reasons why they supported dismissal, I did not see where any witness testified that *Ladinsky* was dismissed solely "because Judge Axon did not explain the reassignment of *Ladinsky* and [the Court] set *Walker* for a status conference in Huntsville on April 18."

14. We filed the *Ladinsky* case in the Southern Division of the Northern District knowing that we could draw any judge who sits there, including Your Honor. Had this case been randomly assigned to you, I believe counsel would have litigated it without hesitation, just as we did when the *Boe* case was reassigned to you. I did not intend anything I did on that Good Friday, Easter weekend, or the following week to demonstrate a lack of respect to Your Honor. On that late Good Friday afternoon, faced with a non-random assignment in *Ladinsky* that I did not understand and, in my opinion, with no good way to address the situation in the pending case, I did what I believed in my professional judgment

best to advocate zealously for my clients. My decision to support dismissal and thereafter file this case were based on my good-faith belief that I was acting in accordance with Rule 41.

15. I am sorry if my conduct in *Ladinsky* or this case may have raised the appearance or inference of impropriety, and I did not intend to abuse the judicial process or circumvent any procedure, rule, standard, or law. When *Ladinsky* was dismissed under Rule 41(a)(1) with consent of our clients and this case was filed in the Middle District, I was not aware of any rule, standard, controlling precedent, procedure, or practice that would be violated by my actions. I did not believe that dismissal of *Ladinsky* under Rule 41 or the filing of this lawsuit in the Middle District constituted unlawful “manipulat[ion] [of] the random case assignment procedures for the U.S. District Courts for the Northern and Middle Districts of Alabama” or violation of any controlling precedent, Federal Rule or rule of professional conduct. When *Ladinsky* was dismissed, I did not believe we had a randomly assigned judge. I also did not believe that dismissal of *Ladinsky* under Rule 41 or the filing of this lawsuit in the Middle District constituted sanctionable or potentially sanctionable conduct. I still am not aware of a rule, standard, controlling precedent, procedure or practice that I violated. In contrast, I understand that Rule 41(a)(1)(A)(i), by its terms, gives plaintiffs an unconditional and absolute right to dismiss a complaint for any reason before a defendant serves

an answer or a summary judgment motion, and that was the situation on April 15, 2022, when *Ladinsky* was dismissed. I also understand that plaintiffs in this case, along with their counsel, had the right to file this lawsuit in the Middle District, as venue was appropriate in the District and Division in which the case was filed, and I was not aware of any procedure, controlling precedent, or rule that was violated by filing this case in the Middle District.

16. In response to the findings of “misconduct” outlined by bullet point on pages 10-11 of the Supplemental Order to Show Cause (Doc. #484), I respond as follows, in addition to my testimony before the Panel, my First Declaration, the testimony above, and briefing submitted on my behalf in this proceeding and in *In re Vague*:

- Coordinating dismissal of *Walker* and *Ladinsky*.

I was not aware of any rule, standard, controlling precedent, procedure or practice that I violated when *Ladinsky* was dismissed, nor with coordinating the timing of the filing of Rule 41 Stipulations of Dismissal between *Ladinsky* and *Walker* counsel. I did not participate in the decision to dismiss *Walker*, and I did not participate in any conversations with *Walker* counsel about why they decided to dismiss the lawsuit. My communications with *Walker* counsel on April 15 related to (1) the filing of a motion to consolidate in *Ladinsky* before the case was transferred to Your Honor, and (2) the timing of the filing of the Stipulations of Dismissal, once the decision was made by *Walker* counsel to dismiss the *Walker* case and the decision was made by *Ladinsky* counsel to dismiss *Ladinsky*. As I explained to the Panel, I believed that we needed to move quickly, while we had the right to dismiss under Rule 41, and that it was prudent for the stipulation of dismissal in *Ladinsky* to be filed shortly after the *Walker* dismissal.

- Disclosing counsel's intent to file a lawsuit after *Ladinsky* was dismissed to the media.

When *Ladinsky* was dismissed, I had no plan to make any public statement. I did learn that Attorney General Steve Marshall tweeted on social media Friday night about the voluntary dismissal. About 24 hours after the dismissal, I received an email inquiry from Paul Gattis with AL.com, asking "if there are plans to re-file the lawsuit regarding Alabama's new transgender law that the notice for voluntary dismissal was filed Friday." Because of concern about the families threatened by this litigation and my desire to convey to them that the challenge to the law was not over, I responded to Mr. Gattis instead of ignoring his inquiry with this brief reply:

We do plan to refile imminently, to challenge this law that criminalizes medical treatment accepted as the standard of care in the medical profession and deprives parents of their right to choose such medical care for their children.

On Monday, in response to additional media contacts, I provided a statement to some reporters along the following lines:

SB 184 was hastily passed by the Alabama Legislature on April 7 and immediately signed by Governor Ivey on April 8. We promptly filed a lawsuit on behalf of two families and two doctors on the day Governor Ivey signed the bill. After filing that case, we are hearing from numerous Alabama families, including patients facing loss of critical medical care and parents facing potential criminal penalties. We also are hearing from numerous medical providers and others who care for transgender youth in Alabama. We plan to file a new case in the immediate future, to block this dangerous law.

No statements to the media were initiated by me. My statements in response to media inquiries were true, and I do not believe my response violated any standards on lawyers making public statements about potential litigation. Moreover, if I believed that *Ladinsky* counsel were doing anything unethical or improper by dismissing *Ladinsky* or filing another lawsuit challenging the

law, I would not have openly discussed our anticipated actions with the media.

Engaging in “numerous and wide-ranging discussions about how judges were favorable or unfavorable in the context of deciding whether to dismiss and refile *Walker* and *Ladinsky*.”

I did not engage in any discussions with *Walker* counsel about whether to dismiss *Walker*, why they made that decision, or the refile of any action. I likewise did not engage in any discussions with *Walker* counsel about how judges were favorable or unfavorable in the context of deciding whether to dismiss or refile *Walker* or *Ladinsky*. The only discussion I had with *Walker* counsel in which judges in the Northern District or Middle District were discussed was the video call I had with *Walker* counsel on the afternoon of April 13, 2022, referenced in Paragraph 10 of this Declaration, Paragraph 11 of my First Declaration, and discussed during my live testimony on August 4, 2022. This call occurred when *Walker* was still pending in the Middle District of Alabama.

I did have the 5:00 Call with *Ladinsky* counsel about which I have testified. I also believe that I had discussions over the weekend after *Ladinsky* was dismissed regarding judges in the Middle District, including the April 16 conversation with a Montgomery attorney that I described to the Panel. I believe Jeff Doss and I spoke during the weekend about Middle District judges, and I may have shared information with other co-counsel but do not recall the specifics of the communications if they occurred. I was not aware of then, nor am I aware of now, any rule, standard, controlling precedent, procedure or practice that I violated by participating in discussions or expressing opinions about whether certain judges may or may not be receptive to the issues raised in *Ladinsky* and this case, including conversations relating to the dismissal of *Ladinsky* or where to file this case.

- Deciding to “suddenly dismiss *Walker* and *Ladinsky* after a series of phone conferences in which counsel discussed a number of matters, including their prospects in front of the Court and how the Court was a bad draw.”

I did not dismiss *Walker* or participate in the decision to dismiss that case. When I had discussions with *Walker* counsel on April 13, 2022, *Walker* was pending in the Middle District.

The right to dismiss under Rule 41 can only be exercised before a defendant answers, so time was of the essence. I was not aware, and am unaware now, of any rule, standard, controlling precedent, procedure or practice that prevented *Ladinsky* counsel from dismissing *Ladinsky*, with our clients' consent, on April 15, 2022. As I testified to the Panel, I considered a number of factors when I agreed to the dismissal of *Ladinsky*. One of those factors was my perception of Your Honor's receptiveness to our claims, but there were other factors about which I have testified. I was not aware, and am not aware now, of any rule, standard, controlling precedent, procedure, or practice that prohibited *Ladinsky* counsel from considering or discussing particular judges and perceptions of how receptive a judge may be toward the case.

- Deciding to “abruptly stop the pursuit of emergency relief”, dismiss *Ladinsky*, and file this case, when “time was of the essence.”

When *Ladinsky* was dismissed, no motion for injunctive relief had been filed by the *Ladinsky* plaintiffs. During the week of April 11-15, 2022, *Ladinsky* counsel were in the process of preparing an amended complaint and motion for preliminary injunction, with the goal of filing the amended complaint and motion early in the week of April 18. After *Ladinsky* was dismissed on April 15, counsel focused their efforts on drafting the complaint in this case and a motion for preliminary injunction. The *Eknes-Tucker/Boe* complaint was driven by courier to the Middle District for filing on Tuesday, April 19. The Clerk's office in the Middle District did not electronically docket the case until late Wednesday afternoon, April 20, and counsel filed the motion for a preliminary injunction in the early morning hours of April 21. Thus, there was no significant or material delay—perhaps 1-2 days—resulting from the dismissal of *Ladinsky* and filing of this case.

I was not aware, and am not aware now, of any rule, standard, controlling precedent, procedure, or practice that prohibited the voluntary dismissal of *Ladinsky* and the filing of this case in the Middle District, even if a motion for injunctive relief had been filed in *Ladinsky* before the April 15 dismissal.

- Deciding “over the weekend to file *Eknes-Tucker* in the Middle District, even though the plan for years had been to file suit in the Northern District.”

Venue was appropriate in this case in both the Northern District and Middle District. I was not aware of, and am not aware of now, any rule, standard,

controlling precedent, procedure, or practice that required us to file this case in the Northern District or precluded us from filing in the Middle District where venue was proper.

- Deciding to “file a new case with new plaintiffs in the Middle District to avoid the appearance of judge shopping and to avoid the Court.”

The concern about accusations of “judge-shopping” was a public relations concern, not a legal or ethical one. I supported the filing of a new case with new plaintiffs, as I did have concerns in this politicized case about potential public accusations by our litigation opponents and their supporters of “judge- shopping” intended to undermine public support of the lawsuit if we were to re-file *Ladinsky*. Some of those “judge-shopping” accusations had already appeared in the media before this case was filed. I did not believe then, nor do I believe now, that our filing of this case—or even if we had simply re-filed *Ladinsky*—would violate any rule, standard, controlling precedent, procedure, or practice in the Northern District or Middle District. If I had thought that dismissal of *Ladinsky* under Rule 41 and the filing of this lawsuit in the Middle District violated any rule or was unethical in any way, I would not have agreed to proceed in that fashion, much less talk about it publicly. Moreover, I supported the decision to file in the Middle District because I believed that filing in that District increased our chances of receiving a randomly assigned judge.

17. The Panel proceeding—which I understand was broadcast to the chambers of every federal district and magistrate judge in Alabama—and the release of the Panel Report have been and continue to be emotionally devastating to me, as well as damaging to my practice, my professional reputation, and my law firm. I have always strived, both professionally and personally, to do things the right way, to be honest and ethical, to preserve my and Lightfoot’s hard-earned good reputation, and to make a positive difference in the profession and the community. I would not have agreed to dismissal of *Ladinsky* or the filing of this

pro bono case if I believed that we were doing anything unethical or contrary to the law or any established procedure, and I certainly would not have openly discussed our actions or plan to file a new case with the media on April 16, 2022, and in the days leading up to the filing of this case if I thought we were doing anything improper.

18. I can assure the Court that I have already been punished for the dismissal of *Ladinsky* and the filing of this case. I am an officer of the Court, and I regret that the Panel believed that I had to be placed under oath and sequestered in order to tell the truth. I attempted to answer the Panel's questions and told the truth to the Panel to the best of my ability, as I would have done even if I had not been placed under oath or been sequestered. Now the Panel Report, which paints me in a negative light and finds that I engaged in unethical misconduct by dismissing *Ladinsky* under F.R.C.P. 41 and filing this case, is receiving national attention.

16. I believe that the Panel Report and related press will follow me for the rest of my career. My firm's clients have asked about the Panel Report and proceedings, and we have heard that other law firms are calling my firm's ethics into question as a recruiting tool with law students and summer associates. Even if Your Honor does not levy sanctions against me, I feel like my reputation before the entire federal judiciary in Alabama is tainted. Furthermore, I serve as legal

counsel for several clients in states other than Alabama. Depending on the information requested by *pro hac vice* applications, what Your Honor decides in the way of discipline or sanctions may adversely impact my ability to practice in other states and represent those clients. It also could impact my standing with the state bars and federal courts in which I am already admitted. In sum, this entire process has been devastating, and it has the potential to do permanent damage to my ability to practice law.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

  
Signature

May 8, 2024  
Execution Date

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**BRIANNA BOE, et al.,**

*Plaintiffs,*

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**UNITED STATES OF AMERICA,**

*Plaintiff-Intervenor,*

**v.**

**STEVE MARSHALL, et al.,**

*Defendants.*

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**Case No. 2:22-CV-184-LCB**

**SUPPLEMENTAL DECLARATION OF JEFFREY P. DOSS**

1. I am over the age of nineteen and am otherwise competent to make this declaration, which is based on my personal knowledge. I am providing this declaration in response to the Court’s Order to Show Cause (“Order”) as well as its Supplemental Order to Show Cause (“Supplemental Order”).

2. I am a partner at Lightfoot, Franklin & White, LLC (“Lightfoot”) in Birmingham, Alabama. I have been a member in good standing of the Alabama State Bar continuously since September 2009. I am admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Sixth Circuit, and the U.S. Court of Appeals for the Eleventh Circuit. I am also admitted to practice before the U.S. District Courts for the Northern, Middle, and Southern Districts of Alabama (as well as their corresponding Bankruptcy Courts). I have appeared *pro hac vice* before several courts, including the U.S. District Court for the Northern District of Georgia,

the U.S. District Court for the Middle District of Tennessee, the U.S. District Court for the Northern District of New York, and the U.S. District Court for the District of Colorado.

3. For one year before joining Lightfoot in 2010, I clerked for the Hon. James H. Hancock and the Hon. R. David Proctor.

4. I have never been disciplined by any bar association or court. Before the three-judge panel's inquiry in *In re Vague, et al.*, Case No. 2:22-MC-3977 ("*Vague*"), and this Court's Order and Supplemental Order, I have never been investigated for any potential violation of a rule of professional conduct or rule of court.

5. On July 27, 2022, I submitted a declaration to the three-judge panel in *Vague*. Case No. 2:22-MC-3977, Doc. 80-2. I have reviewed the contents of that declaration, and I stand behind it. Then and now, my declaration was honest, truthful, and forthright in response to the questions that the panel asked me to address. My declaration did not misrepresent or omit any fact the panel asked me to address.

6. On August 4, 2022, I testified before the panel in *Vague*. (*Vague*, Case No. 2:22-MC-3977, Doc. 78 at 236-69). I have reviewed the transcript of the answers that I provided to the panel, and I stand behind those answers. Then and now, my answers were honest, truthful, and forthright in response to the questions that the panel asked. My answers did not misrepresent or omit any fact the panel asked me to address.

### **Identified Actions**

7. In the Supplemental Order, the Court identified six acts that the panel referenced in its report. (Doc. 483 at 10-11). I address each act in this section.

8. “All counsel, including Mr. Doss, to coordinate the dismissal of the *Walker* and *Ladinsky* cases after their assignment to the Court, and then for lead counsel to make clear that the new case would be refiled when commenting to the media about re-filing.” (Doc. 483 at 10).

Response: First, I was not aware in April 2022, nor am I aware now, of any rule, statute, order, or case that precludes parties from “coordinat[ing] the dismissal” of one or more lawsuits. In April 2022, I was aware of Federal Rule of Civil Procedure 41, which I understand confers an “absolute” and “unconditional” right to dismiss. Second, I did not “comment[] to the media about re-filing” a lawsuit. I am aware that Melody Eagan commented in response to a reporter’s inquiry after the Attorney General tweeted about *Ladinsky*’s dismissal. I am not aware of anything improper regarding Ms. Eagan’s comment to the media.

9. “All counsel, including Mr. Doss, to engage in numerous and wide-ranging discussions about how judges were favorable or unfavorable in the context of deciding whether to dismiss and refile *Walker* and *Ladinsky*.” (Doc. 483 at 10).

Response: I was not aware in April 2022, nor am I aware now, of any rule, statute, order, or case that precludes attorneys from expressing their opinions in “discussions about how judges [are] favorable or unfavorable,” regardless of the discussion’s context. Judicial evaluation is commonplace. Second, I did not engage “in numerous and wide-ranging discussions” with anyone regarding judicial assignments in the Northern District or the Middle District. I was on the April 15, 2022, telephone call about which I have testified truthfully, and I provide additional testimony below. During that telephone call, I expressed opinions about Your Honor. Additionally, over the weekend after *Ladinsky*’s dismissal, I conferred with

Ms. Eagan regarding my opinions of the judges in the Middle District. The panel did not ask me about these discussions.

10. “All counsel, including Mr. Doss, to suddenly dismiss *Walker* and *Ladinsky* after a series of phone conferences in which counsel discussed a number of matters, including their prospects in front of the Court and how the Court was a bad draw.” (Doc. 483 at 11).

Response: First, I was not aware in April 2022, nor am I aware now, of any rule, statute, order, or case that precludes the voluntary dismissal of a case, whether “suddenly” or otherwise. To the contrary, I believed then, and believe now, that Rule 41 conferred an absolute and unconditional right to dismiss *Ladinsky*. Second, as I testified to the panel, the decision to dismiss was a complicated one in the face of a transfer of *Ladinsky* that was contrary to my experience in the Northern District. As I testified, the totality of the circumstances was considered.

11. “All counsel, including Mr. Doss, to abruptly stop the pursuit of emergency relief and dismiss and refile a case in the Middle District with brand new plaintiffs, even though time was of the essence and counsel’s stated goal was to move quickly to enjoin what they viewed as an unconstitutional law.” (Doc. 483 at 11).

Response: First, I was not aware in April 2022, nor am I aware now, of any rule, statute, order, or case that precludes the voluntary dismissal of one case and the filing of a new case, with new plaintiffs, in another district, whether emergency relief is sought or not. Second, at dismissal, the *Ladinsky* plaintiffs had not sought emergency relief. No motion for an injunction had been filed. Within one or two days of *Eknes-Tucker* being filed, a motion for a preliminary injunction was filed.

The dismissal of *Ladinsky* and the filing of *Eknes-Tucker* did not cause a material delay in seeking a preliminary injunction.

12. “*Ladinsky* counsel, including Mr. Doss, to decide over the weekend to file *Eknes-Tucker* in the Middle District, even though the plan for years had been to file suit in the Northern District.” (Doc. 483 at 11).

Response: First, I was not aware in April 2022, nor am I aware now, of any rule, statute, order, or case that requires the filing of a new case in one district instead of another when venue is proper in both districts. For *Eknes-Tucker*, venue was proper in both the Northern District and the Middle District. Second, I believed that filing in the Middle District was the best path to obtain a randomly assigned judge.

13. “*Ladinsky* counsel, including Mr. Doss, to decide to file a new case with new plaintiffs in the Middle District to avoid the appearance of judge shopping and to avoid the Court.” (Doc. 483 at 11).

Response: I address this allegation in the following section.

#### **Concerns About Perceived “Judge Shopping”**

14. Before filing *Eknes-Tucker*, I was concerned about whether there would be a public accusation that we were engaged in “judge shopping.” As I told the panel, I wanted to “eliminate any appearance of impropriety.” (Aug. 4, 2022, Trans. at 245).

15. To be clear, though, I was not concerned that we had violated or were about to violate a rule, statute, case, or order. I did not think that anything we had done or were about to do ran afoul of any rule. Instead, I was concerned that opponents of gender-affirming care—generally, some politicians in Alabama—could use a public allegation of so-called “judge shopping” to bring the legitimacy of our lawsuit into question.

16. Before filing *Eknes-Tucker*, I understood that gender-affirming care was considered controversial among politicians (and the public) in Alabama. I also understood that some politicians had strong feelings regarding the medical treatment. I did not want to do anything that could be used publicly by the opponents of gender-affirming care to undermine our efforts.

17. Those concerns were confirmed following the *Ladinsky* dismissal. Wes Allen, one of the sponsors of the law that we were challenging, made public comments suggesting that we were engaged in “judge shopping,” even before we filed *Eknes-Tucker*. Those comments were reported by *The Washington Post*. See Anne Branigin, *For Alabama families with trans kids, a countdown to decide their futures*, Apr. 19, 2022 (“In a statement shared with *The Washington Post*, Alabama state Rep. Wes Allen (R), one of the champions of the health-care ban, accused the groups of trying to ‘judge-shop’—refile in a district where the judge may be more likely to rule against the law.”). They were also reported by the *Alabama Political Reporter*. See Jacob Holmes, *Lawsuits designed to block new law criminalizing transgender medical treatment dropped*, Apr. 19, 2022 (“‘If they refile this suit in a different district, it will show they are attempting to judge-shop,’ [Wes] Allen said.”).

18. I recall reading those statements before or around the time we filed *Eknes-Tucker*, which confirmed in my mind that we were making the right decision—again, from a public perception standpoint, not an ethical consideration—by filing a new lawsuit with new plaintiffs.

#### **April 15, 2022, Conference Call Details**

19. On April 15, 2022, I participated in a conference call with various members of the *Ladinsky* team. Based on the panel’s report, I am aware that one participant, Abigail Terry, testified that Ms. Eagan expressed an opinion that there was a “zero percent chance” of success before Your Honor.

20. The panel did not ask me what was said during that conference call or whether I recalled Ms. Eagan having made that statement. I have no recollection of Ms. Eagan having said—during that conference call or otherwise—that there was a “zero percent chance” of success before Your Honor.

21. That conference call was chaotic and fast-paced. The call began with participants expressing confusion about why *Ladinsky* had been assigned by Judge Axon to Your Honor. I shared that the transfer was contrary to my experience in the Northern District. Others agreed, based on their experiences in the Northern District and other courts.

22. The conversation shifted to whether there were any procedural options available, such as a motion to reconsider. Ultimately, the consensus was that there would be no way to seek reconsideration.

23. During the conversation, discussion included what effect, if any, the assignment had on *Ladinsky*'s lead case status. Your Honor had set *Walker* for a status conference on the following Monday but had not correspondingly set *Ladinsky*.

24. In the context of those discussions, the conversation included opinions about Your Honor. Various participants expressed an opinion that Your Honor would likely not be receptive to the claims in this case. Two years later, I do not recall exactly what was said or who said what. Similar opinions had been shared before filing *Ladinsky*.

25. Following these discussions, one participant raised the idea of voluntarily dismissing the case. I remember that everyone paused and seemed to consider the option. No one expressed any reason why voluntarily dismissing the case would be improper. I recall that another participant read Federal Rule of Civil Procedure 41 to the others. By its plain terms, my judgment was that Rule 41 provided an unconditional right to dismiss *Ladinsky*.

26. The decision was reached that *Ladinsky* should be voluntarily dismissed, provided our clients agreed. Although the team agreed on the course of action—voluntary dismissal—there was not a discussion regarding the reason for doing so. No one, for example, suggested that *Ladinsky* should be dismissed for one reason rather than another, with the team then expressing assent to a stated rationale. No one, as another example, said that the dismissal would violate any rule, statute, order, or case, but that we should proceed with dismissal anyway. Each team member's reasons were his or her own (and, for that reason, each lawyer may have placed different emphasis on different factors).

27. If I had believed that there was any prohibition on voluntarily dismissing *Ladinsky*, I would not have agreed to do it. I did not agree to the decision to dismiss *Ladinsky* with knowledge that the dismissal would violate a rule, statute, order, or case. By the same token, if *Ladinsky* had been randomly assigned to Your Honor, I also would not have agreed to voluntarily dismiss it.

28. When *Ladinsky* was filed, there was no plan to take any action in response to whichever judge was randomly assigned. No action was taken upon the random assignments to the first three judges (Judge Manasco, Magistrate Judge Cornelius, and Judge Axon). There had been no consideration of a voluntary dismissal until the unexpected event, late Friday afternoon, when *Ladinsky* lost its randomly assigned judge due to a direct reassignment without advance notice to the parties or opportunity to be heard. After that reassignment occurred, I stand behind my testimony to the panel: There was a combination of concerns and opinions that led to my professional judgment that dismissal was the best option.

29. As I testified to the panel, I considered “everything” when deciding whether voluntary dismissal was the best option. Rather than deceitfully “claiming” reasons to support my conclusion that dismissal was the best course for our clients, I truthfully told the panel the things

I considered, including (i) the direct assignment of *Ladinsky*, rather than a random assignment, to Your Honor; (ii) the perception that *Walker* was inching ahead of *Ladinsky* in terms of precedence; and (iii) my opinion regarding whether Your Honor would be amenable to the claims asserted in *Ladinsky*. Based on my review of the transcript of the panel's hearings, every lawyer involved in the decision to dismiss *Ladinsky*—even though sequestered and some of whom were dismissed by the panel—independently confirmed under oath that the assignment of the action to Your Honor was only one of several factors that influenced the decision.

### **Case Assignment Procedures**

30. I am generally familiar with the procedures for how cases are assigned in the Northern District. My familiarity stems from two sources: (i) having continuously practiced in the Northern District since 2010, and (ii) having clerked for Judge Proctor.

31. During my clerkship for Judge Proctor, I do not recall a case that was directly assigned from one judge to another. Before *Ladinsky*, I do not recall a case where one judge directly reassigned a case to another judge.

32. Before *Ladinsky*, it was my experience that cases could be reassigned (i) when a magistrate judge is assigned to a case and not all parties consent to the magistrate judge's jurisdiction, or (ii) when the assigned judge enters an order of recusal. In both situations, the Clerk is responsible for randomly reassigning the case to another judge.

33. Before *Ladinsky*, I was familiar with one procedure by which a judge could directly assign cases. When two or more cases shared common questions of fact or law, that procedure was triggered by the filing of a motion to consolidate before the judge assigned to the earliest-filed action. That judge would then decide the motion to consolidate. If the motion to consolidate was granted, then the earliest-filed action's judge would reassign all related cases to himself or herself.

34. For example, approximately six months before *Ladinsky* was dismissed, I represented Apple Inc. in several lawsuits filed in the Northern District and the Middle District. On September 8, 2021, we filed a motion to consolidate all Northern District cases before Judge Proctor, to whom the Clerk had randomly assigned the earliest-filed action. *Morgan, et al v. Apple Inc.*, Case No. 6:21-CV-973-RDP (N.D. Ala. Sept. 8, 2021). That motion was granted, and Judge Proctor reassigned the related cases to himself. *Morgan, et al. v. Apple Inc.*, Case No. 6:21-CV-973-RDP, Doc. 16 (N.D. Ala. Sept. 17, 2021) (reassigning eight cases—randomly assigned to Judge Haikala, Judge Maze, Judge Manasco, and Judge Coogler—to Judge Proctor). We then moved to transfer the Middle District cases to the Northern District. Those motions were granted, and the cases were randomly assigned to various judges in the Northern District. We notified Judge Proctor that the cases had been transferred, and Judge Proctor reassigned those cases to himself. *Morgan, et al. v. Apple Inc.*, Case No. 6:21-CV-937-RDP, Doc. 18 (N.D. Ala. Oct. 21, 2021) (reassigning newly transferred cases, which had been randomly assigned to Judge Maze and Judge Manasco, to Judge Proctor).

35. In April 2022, I expected *Ladinsky* and *Walker* to follow the procedure that I had observed six months earlier—a procedure that was consistent with my experience clerking for Judge Proctor and with litigating in the Northern District since 2010. When those cases deviated and followed a process I had not seen before, I was concerned.

36. To test my understanding and as part of responding to the Order and the Supplemental Order, I reviewed all cases (i) filed in the Northern District (ii) for the one-year period preceding the dismissal of *Ladinsky* that (iii) involved a judicial reassignment. For that universe, which included hundreds of cases, I found the following:

- a. Recusals: 21 cases where an order of recusal was entered, and the Clerk's Office then randomly reassigned the case. *See* Exhibit A (list of cases).
- b. Magistrate Judge to District Judge: 253 cases where the Clerk's Office randomly reassigned a case to a district judge after the case was initially assigned to a magistrate judge. *See* Exhibit B (list of cases).
- c. Consolidations: 12 sets of cases (44 total cases) where the judge assigned to the earliest-filed case consolidated two or more related cases and then reassigned to himself or herself all later-filed cases. *See* Exhibit C (list of cases). These cases confirmed my understanding that, in the Northern District, reassignments due to cases' relatedness typically follow that pattern.
- d. Sua Sponte Reassignments: I found no cases, before the *Ladinsky* dismissal, where one judge directly assigned a case to another judge or where the judge assigned to the first-filed case assigned that case to a judge assigned to a related, later-filed case.

37. As I testified to the panel, the procedural oddity was not the sole reason for the voluntary dismissal, but neither was *Ladinsky*'s assignment to Your Honor. Using my experience and professional judgment, the totality of the factors, in my mind, weighed in favor of voluntarily dismissing.

**Propriety of Voluntary Dismissal of *Ladinsky* and  
Filing *Eknes-Tucker***

38. Before *Ladinsky* was dismissed, I was unaware of any rule, statute, or case that limited when a voluntary dismissal under Federal Rule of Civil Procedure 41 could be exercised. I am still not aware of any rule, statute, or case.

39. The panel and this Court’s Order and Supplemental Order indicate that *In re BellSouth Corp.*, 334 F.3d 941 (11th Cir. 2003), limits when a case can be voluntarily dismissed. Although I do not recall reading *BellSouth* before the *Ladinsky* dismissal, I read it after the panel’s inquiry began. *BellSouth* does not mention Rule 41. If I had searched on WestLaw or LexisNexis for “Federal Rule of Civil Procedure 41” or “Rule 41”—or searched for citing references to Rule 41 in the Eleventh Circuit—the day that *Ladinsky* was voluntarily dismissed, *BellSouth* would not have appeared in the results.

40. Regarding where to file *Eknes-Tucker*, I was not aware in April 2022, and am still not aware, of any rule, statute, or case that would have required us to file *Eknes-Tucker* in the Northern District rather than the Middle District. Venue was proper in the Middle District. Applying my professional judgment, I do not view *BellSouth* as overriding the discretion a lawyer has in deciding where to file a lawsuit when two or more venues are proper.

#### **Potential Discrepancies**

41. I have reviewed the transcripts and declarations from *Vague*. I have not located any factual discrepancies between my testimony and the testimony of other attorneys. Certainly, attorneys might have different recollections of the same events, but I have not found any discrepancies. The only two examples that I have found—and I am not certain they even qualify as discrepancies—are addressed below.

42. The first is how I answered a hypothetical question and how Scott McCoy answered a similar one. On November 3, 2022, the panel had the following exchange with Mr. McCoy:

JUDGE PROCTOR: Let's say the case had been randomly assigned to Burke off the bat and Walker got transferred in and went to Axon and you got this glowing report about Cornelius and Axon. And out of the blue, as far as you're concerned, this case was transferred by Burke to Axon, even though Burke was first filed.

MR. MCCOY: Yeah.

JUDGE PROCTOR: Are we dismissing on Friday at six o'clock?

MR. MCCOY: You know, it's hard to know without being in that circumstance. But, I mean, that seems like a bank error in your favor, and --

JUDGE PROCTOR: That's a great Monopoly line.

MR. MCCOY: I mean, I don't want to be flippant. It's -- the circumstances are different. It's hard to know in the moment what would have been going on.

(Nov. 3, 2022, Trans. at 214).

43. On August 4, 2022, the panel asked me a similar question, and I answered as follows:

JUDGE PROCTOR: Okay. Can you tell us that if Judge Axon had ruled, instead of transferring her case to Judge Burke, she had sent this to another judge in the Southern Division of the Northern District, excluding me -- I'm not going to put you on the spot -- that you would have had the same reaction?

MR. DOSS: I've thought about that hypothetical for the past three months since this proceeding began, and the honest answer is I don't know what we would have done. I don't know what we would have done because this was such an unprecedented scenario that we found ourselves in. And if you change even one variable -- had this been an insurance coverage dispute, I'm not sure we would have had the same reaction, because it didn't have the same political sensitivities and finding ourselves where the procedure is not being -- appearing to us as not being followed. So if one variable is changed, if it's a different judge, I don't know what our judgment would have been. If it's a different type of case, I don't know what our judgment would have been. If it was a different judge -- I mean, that's the difficulty. I mean, I can say had the case been randomly assigned to Judge Burke, had *Ladinsky* been randomly assigned to Judge Burke, we would not have dismissed. And I base that off of my 12 years practice, never once having dismissed a case because I didn't like the judge. I can say that. I know that. But this unprecedented situation, if one variable is changed -- a different judge, for example -- I don't know what we would have done. And that's the most truthful answer I can give to that question.

(Aug. 4, 2022, Trans. at 264-65).

44. Our answers to that hypothetical were not identical, but they were not incompatible. Both Mr. McCoy and I applied our experience and professional judgment to answer a hypothetical question as best we could. Mr. McCoy explained that it would be “hard to know” exactly what choice he would have made. Likewise, I testified that, “if one variable is changed . . . I don’t know what we would have done.” In that regard, although the answers were different, there was no discrepancy between them. To me, though, how we answered a hypothetical, months after *Ladinsky* was dismissed, does not necessarily speak to how we would have decided an issue earlier.

45. The other example is what Ms. Terry told the panel about the telephone conference on April 15, 2022, my recall of which I state in paragraphs 19-29. Again, I have no recollection of Ms. Eagan having expressed an opinion—during that conference call or otherwise—that there was a “zero percent chance” of success before Your Honor. In addition, having reviewed the testimony of the other participants in the call, none of them have corroborated Ms. Terry’s recollection about that specific statement. By the same token, Ms. Terry’s testimony about the various reasons the decision was made to dismiss *Ladinsky*—reasons in addition to the case having been assigned to Your Honor—is consistent with the sequestered and independent testimony of the other participants, some of whom were dismissed by the panel and accused of no misconduct.

#### **Additional Information**

46. The practice of law has been one of my true passions. For fifteen years, I have tried my best to follow the rules, tell the truth, and treat others with respect. My professional goal has been to develop a reputation where, although one may disagree with me, no one doubts that I am telling the truth, being candid, and never misrepresenting the law or the facts.

47. It is deeply upsetting to me that any judge, let alone multiple judges, would question my honesty or adherence to the rules. I sincerely apologize that there was even a question raised.

48. Being accused of misconduct—and then being effectively found guilty of it by three federal judges, including one for whom I previously clerked, and all of whom I respect—has been devastating. I feel like I have let them down, and for that, I apologize.

49. The panel’s report has been shared with the federal judges of Alabama and now, with its public release, is available to any judge, lawyer, or potential client. Whether Your Honor ultimately decides to sanction me, I believe that my reputation with the bench and bar has been tainted and will remain tainted for a very long time.

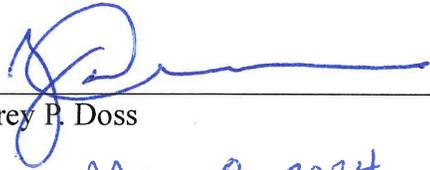
50. In addition, there has been national coverage of the panel’s report. I have seen social media posts covering it, many of which have been viewed by thousands of users.

51. Setting my own reputation aside, there is nothing I regret more than bringing dishonor to my firm. I have the utmost respect for the attorneys with whom I practice. They are professional, ethical, and honest people. They are dedicated to mentoring young lawyers and instilling in them a commitment to integrity. Lightfoot’s culture has always been to not only play by the rules but play well within them. Though the articles covering the report do not always mention me by name, they always reference Lightfoot. I deeply regret that I have done anything that could shame Lightfoot and the exceptional people who have spent their careers solidifying its reputation.

52. At the time that I agreed to dismiss *Ladinsky* and file *Eknes-Tucker*, I sincerely did not believe that I was violating any rule, statute, order, or case—and I still do not know of any rule, statute, order, or case violated.

\* \* \* \*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



Jeffrey P. Doss

Date: May 8, 2024

# EXHIBIT A

**Exhibit A to Doss Declaration**

Recusals in the  
U.S. District Court for the Northern District of Alabama

(for cases filed between April 15, 2021, and April 15, 2022)

1:21-CV-01023
1:21-CV-01226
2:21-CV-00687
2:21-CV-01010
2:21-CV-01205
2:21-CV-01302
2:22-CV-00021
2:22-CV-00214
2:22-CV-00388
4:21-CV-00655
5:21-CV-00950
5:21-CV-01310
5:21-CV-01511
5:21-CV-01620
5:21-CV-01646
5:21-CV-01707
5:22-CV-00392
7:21-CV-00643
7:21-CV-00890
7:22-CV-00135
7:22-CV-00374

# EXHIBIT B

**Exhibit B to Doss Declaration**

Reassignments from Magistrate Judges to District Judges in the  
U.S. District Court for the Northern District of Alabama

(for cases filed between April 15, 2021, and April 15, 2022)

1:21-CV-00914
1:21-CV-00937
1:21-CV-01292
1:21-CV-01312
1:22-CV-00036
1:22-CV-00129
1:22-CV-00250
2:21-CV-00554
2:21-CV-00604
2:21-CV-00627
2:21-CV-00640
2:21-CV-00641
2:21-CV-00659
2:21-CV-00662
2:21-CV-00664
2:21-CV-00669
2:21-CV-00677
2:21-CV-00686
2:21-CV-00701
2:21-CV-00751
2:21-CV-00759
2:21-CV-00768
2:21-CV-00785
2:21-CV-00786
2:21-CV-00787
2:21-CV-00800
2:21-CV-00802
2:21-CV-00814
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2:21-CV-00895

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2:21-CV-01006
2:21-CV-01007
2:21-CV-01009
2:21-CV-01017
2:21-CV-01024
2:21-CV-01028
2:21-CV-01039
2:21-CV-01043
2:21-CV-01044
2:21-CV-01121
2:21-CV-01150
2:21-CV-01161
2:21-CV-01175
2:21-CV-01181
2:21-CV-01182
2:21-CV-01184
2:21-CV-01219
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2:22-CV-00221
2:22-CV-00227
2:22-CV-00236
2:22-CV-00248
2:22-CV-00255
2:22-CV-00264
2:22-CV-00277
2:22-CV-00299
2:22-CV-00302
2:22-CV-00307
2:22-CV-00313
2:22-CV-00316
2:22-CV-00338
2:22-CV-00348
2:22-CV-00362
2:22-CV-00366
2:22-CV-00386
2:22-CV-00387
2:22-CV-00409
2:22-CV-00416
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3:21-CV-00880
3:21-CV-01086
3:21-CV-01096

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3:21-CV-01727
3:22-CV-00020
3:22-CV-00322
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4:21-CV-01728
4:22-CV-00223
4:22-CV-00435
5:21-CV-00535
5:21-CV-00704
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5:21-CV-01325
5:21-CV-01367
5:21-CV-01421
5:21-CV-01432
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5:21-CV-01509
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5:21-CV-01619
5:21-CV-01668
5:21-CV-01689
5:21-CV-01717
5:21-CV-01719
5:21-CV-01722
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5:22-CV-00035
5:22-CV-00062
5:22-CV-00181
5:22-CV-00208
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5:22-CV-00380
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5:22-CV-00385
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6:21-CV-01586
6:22-CV-00094

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7:21-CV-00792
7:21-CV-00842
7:21-CV-00898
7:21-CV-00912
7:21-CV-00945
7:21-CV-00963
7:21-CV-01048
7:21-CV-01405
7:21-CV-01437
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7:21-CV-01578
7:21-CV-01596
7:22-CV-00005
7:22-CV-00025
7:22-CV-00093
7:22-CV-00310
3:21-CV-00764

# EXHIBIT C

### **Exhibit C to Doss Declaration**

Consolidations of Related Cases in the  
U.S. District Court for the Northern District of Alabama  
(for cases filed between April 15, 2021, and April 15, 2022, and  
involving consolidations before April 15, 2022)

- **Consolidation Group One**

Related Cases:       1:21-CV-00539-ACA  
                          1:21-CV-01243-CLM  
                          1:21-CV-01355-CLM

A motion to consolidate was filed in the earliest-filed case. Doc. 74, Case No. 1:21-CV-00539-ACA (Nov. 4, 2021). Judge Axon granted that motion and directed the Clerk to reassign the later-filed cases (1:21-CV-01243-CLM and 1:21-CV-01355-CLM, both assigned to Judge Maze) to Judge Axon. Doc. 75, Case No. 1:21-CV-00539-ACA (Nov. 8, 2021).

- **Consolidation Group Two**

Related Cases:       4:21-CV-00838-ACA-HNJ  
                          4:21-CV-01250-AMM-HNJ

A motion to consolidate was filed in the earlier-filed case. Doc. 28, Case No. 4:21-CV-00838 (Feb. 1, 2023). Judge Axon granted that motion and directed the Clerk to reassign the second-filed case (4:21-CV-01250-AMM-HNJ, assigned to Judge Manasco) to Judge Axon. Doc. 30, Case No. 4:21-CV-00838 (May 15, 2023).

- **Consolidation Group Three**

Related Cases:       2:19-CV-02099-LCB  
                          2:21-CV-01424-RDP

A motion to consolidate was filed in the second-filed case. Doc. 6, Case No. 2:21-CV-01424-RDP (Jan. 26, 2023). Judge Burke, who had the earlier-filed case (2:19-CV-02099-LCB), granted that motion and directed the Clerk to reassign the second-filed case (2:21-CV-01424-RDP, assigned to Judge Proctor), to Judge Burke. Doc. 7, Case No. 2:21-CV-01424-RDP (Jan. 30, 2023).

- **Consolidation Group Four**

Related Cases:       5:22-CV-00027-LCB  
                          5:22-CV-00038-HNJ  
                          5:22-CV-00148-SGC

A motion to consolidate was filed in the earliest-filed case. Doc. 10, Case No. 5:22-CV-00027-LCB (Mar. 11, 2022). Judge Burke granted that motion and directed the Clerk to reassign the later-filed cases (5:22-CV-00038-HNJ, assigned to Judge Johnson; and 5:22-CV-00148-SGC, assigned to Judge Cornelius) to Judge Burke. Doc. 13, Case No. 5:22-CV-00027-LCB (Apr. 1, 2022).

- **Consolidation Group Five**

Related Cases:           2:22-CV-00029-LSC  
                                  2:22-CV-00852-NAD

A motion to consolidate was filed in the earlier-filed case. Doc. 34, Case No. 2:22-CV-00029-LSC (Aug. 25, 2022). Judge Coogler granted that motion and directed the Clerk to reassign the later-filed case (2:22-CV-00852-NAD, assigned to Judge Danella) to Judge Coogler. Doc. 35, Case No. 2:22-CV-00029-LSC (Aug. 31, 2022).

- **Consolidation Group Six**

Related Cases:           2:22-CV-00309-MHH  
                                  2:22-CV-00405-AMM

Judge Haikala was assigned the earlier-filed case. Case No. 2:22-CV-00309-MHH. Judge Haikala determined that consolidation was appropriate. Doc. 10, Case No. 2:22-CV-00405-AMM (May 5, 2022). Judge Haikala directed the Clerk to reassign the later-filed case (2:22-CV-00405-AMM) to Judge Haikala. *Id.*

- **Consolidation Group Seven**

Related Cases:           2:21-CV-00859-AMM  
                                  2:21-CV-01177-CLM

A motion to consolidate was filed in the earlier-filed case. Doc. 26, Case No. 2:21-CV-00859-AMM (Mar. 1, 2022). Judge Manasco granted that motion and directed the Clerk to reassign the later-filed case (2:21-CV-01177-CLM, assigned to Judge Maze) to Judge Manasco. Doc. 31, Case No. 2:21-CV-00859-AMM (May 26, 2022)

- **Consolidation Group Eight**

Related Cases:           7:21-CV-01602-CLM  
                                  7:21-CV-01659-RDP  
                                  7:21-CV-01660-MHH  
                                  7:21-CV-01708-CLM  
                                  7:21-CV-01714-LSC  
                                  7:21-CV-01715-AKK  
                                  7:21-CV-01716-AMM  
                                  7:22-CV-00089-AMM

7:22-CV-00091-RDP

A motion to consolidate was filed in the earliest-filed case. Doc. 3, Case No. 7:21-CV-01602-CLM (Jan. 18, 2022). Judge Maze granted that motion and directed the Clerk to reassign the later-filed cases (7:21-CV-01659-RDP, assigned to Judge Proctor; 7:21-CV-01660-MHH, assigned to Judge Haikala; 7:21-CV-01708-CLM, assigned to Judge Maze; 7:21-CV-01715-AKK, assigned to Judge Kallon; 7:21-CV-01716-AMM, assigned to Judge Manasco; 7:21-CV-01714-LSC, assigned to Judge Coogler; 7:22-CV-00091-RDP, assigned to Judge Proctor; 7:22-CV-00089-AMM, assigned to Judge Manasco) to Judge Maze. Doc. 10, Case No. 7:21-CV-01602-CLM (Feb. 7, 2022).

- **Consolidation Group Nine**

Related Cases:           2:21-CV-00725-RDP  
                                  6:21-CV-00726-LSC  
                                  6:21-CV-00727-GMB  
                                  6:21-CV-00728-LSC

A motion to consolidate was filed in the earliest-filed case. Doc. 10, Case No. 2:21-CV-00725-RDP (June 9, 2021). Judge Proctor granted that motion and directed the Clerk to reassign the later-filed cases (6:21-CV-00726-LSC, assigned to Judge Coogler; 6:21-CV-00727-GMB, assigned to Judge Borden; and 6:21-CV-00728-LSC, assigned to Judge Coogler) to Judge Proctor. Doc. 11, Case No. 2:21-CV-00725-RDP (June 10, 2021).

- **Consolidation Group Ten**

Related Cases:           2:22-CV-00166-RDP  
                                  2:22-CV-00167-SGC

A motion to consolidate was filed the earlier-filed case. Doc. 3, Case No. 2:22-CV-00166-RDP (Mar. 28, 2022). Judge Proctor granted that motion and directed the Clerk to reassign the later-filed case (2:22-CV-00167-SGC, assigned to Judge Cornelius) to Judge Proctor. Doc. 6, Case No. 2:22-CV-00166-RDP (Apr. 11, 2022)

- **Consolidation Group Eleven**

Related Cases:           6:21-CV-00973-RDP  
                                  7:21-CV-00974-LSC  
                                  5:21-CV-00975-MHH  
                                  4:21-CV-00976-CLM  
                                  3:21-CV-00977-MHH  
                                  2:21-CV-00978-AMM  
                                  1:21-CV-00979-CLM  
                                  2:21-CV-01232-CLM  
                                  2:21-CV-01233-AMM  
                                  2:21-CV-01379-CLM

2:21-CV-01386-AMM

A motion to consolidate was filed in the earliest-filed case. Doc. 13, Case No. 6:21-CV-00973-RDP (Sept. 8, 2021). Judge Proctor granted that motion and directed the Clerk to reassign the later-filed cases (7:21-CV-00974-LSC, assigned to Judge Coogler; 5:21-CV-00975-MHH, assigned to Judge Haikala; 4:21-CV-00976-CLM, assigned to Judge Maze; 3:21-CV-00977-MHH, assigned to Judge Haikala; 2:21-CV-00978-AMM, assigned to Judge Manasco; 1:21-CV-00979-CLM, assigned to Judge Maze; 2:21-CV-01232-CLM, assigned to Judge Maze; 2:21-CV-01233-AMM, assigned to Judge Manasco) to Judge Proctor. Doc. 16, Case No. 6:21-CV-00973-RDP (Sept. 17, 2021). Additional cases were then transferred to the Court, and Judge Proctor assigned those cases (2:21-CV-01379-CLM, assigned to Judge Maze; 2:21-CV-01386-AMM, assigned to Judge Manasco) to Judge Proctor. Doc. 18, Case No. 6:21-CV-00973-RDP (Oct. 21, 2021).

- **Consolidation Group Twelve**

Related Cases:           1:21-CV-01094-CLM  
                                  1:22-CV-00666-RDP

A motion to consolidate was filed in the earlier-filed case. Doc. 35, Case No. 1:21-CV-01094 (June 24, 2022). Judge Maze granted that motion and directed the Clerk to reassign the later-filed case (1:22-CV-00666-RDP, assigned to Judge Proctor) to Judge Maze. Doc. 36, Case No. 1:21-CV-01094 (July 7, 2022).