

**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, in his official)
capacity as Attorney General of the)
State of Alabama, et al.,)
)
Defendants.)

Case No.: 2:22-cv-00184-LCB

**RESPONDENT KATHLEEN HARTNETT’S RESPONSE TO OTHER
RESPONDENTS’ BRIEFS**

Respondent Kathleen Hartnett, consistent with the Court’s Supplemental Order to Show Cause, submits this brief “identify[ing] those portions of all other Respondents’ briefs with which she agrees or disagrees.” Doc. 479 at 15. Ms. Hartnett states as follows:

1. Ms. Hartnett has reviewed the other Respondents’ show cause response briefs. *See* Docs. 500, 513, 514, 515, 517, 518, 520. Ms. Hartnett generally agrees with the other Respondents’ treatment of the issues before the Court. Unless addressed below,

any differences, either factually or legally, between Ms. Hartnett's brief and any other are not material to the Court's assessment of the issues.

2. As Ms. Hartnett's show cause response brief explains, she was not on an April 13, 2022 joint *Ladinsky-Walker* call in which *Walker* counsel allegedly "attempted to persuade *Ladinsky* counsel to transfer the latter case to the Middle District to be before Judge Thompson." (Doc 521. at ECF pp. 59–60). No other show cause response brief identifies Ms. Hartnett as having been on that call.

3. As Ms. Hartnett's show cause response brief also explains, she was not on a joint *Ladinsky-Walker* phone call on the evening of April 15 that allegedly involved "wide-ranging discussions" about judges (Doc. 521 at 62–64). The show cause response brief and declarations of Melody Eagan and Jeff Doss corroborate that Ms. Hartnett was not on such a call. (Doc. 514 at 9, 48 n.11, 49; *see also* Doc. 495-1 at 3, 13 (Eagan Decl.)). No other show cause response brief identifies Ms. Hartnett as having been on such a call.

4. Although not a material disagreement, Ms. Hartnett notes Shannon Minter's statement in his show cause response brief that "[a]t about 5:00 p.m. on April 15, there was a conference call between members of the *Ladinsky* and *Walker* teams." (Doc. 520 at 20). His brief on this point cites to Mr. Minter's declaration, which says, "I reached out to an attorney from the *Walker* team to see if they were considering doing so as well. I participated in a conference call between the two

teams to discuss the possibility of voluntarily dismissing both cases.” (Minter Decl. at ¶ 12). This statement from Mr. Minter’s declaration is consistent with Ms. Hartnett’s recollection that she and Mr. Minter had one or two individual calls around that time. (Doc. 521 at 31).

5. Ms. Hartnett does not know whether the reference in Mr. Minter’s show cause response brief to “a conference call between the two teams to discuss the possibility of voluntarily dismissing both cases” is an inapt description of the conversation between Mr. Minter and Ms. Hartnett, or whether it is meant to describe another call that did not involve Ms. Hartnett. In any event, nothing in the record, including Mr. Minter’s brief and declaration, supports a finding that the *Walker* and *Ladinsky* teams had a call on April 15, 2022 that involved “wide-ranging discussions about how judges were favorable or unfavorable in the context of deciding whether to dismiss and refile their cases” or “their prospects in front of the Court and that the Court was a bad draw.” (Doc. 479 at 13; *see* Doc. 521 at ECF pp. 62–64). Moreover, Mr. Minter’s brief goes on to say, “During discussions on April 15, Levi and Minter were part of ***Ladinsky* team communications** in which other lawyers stated that Judge Burke ‘wasn’t considered a good draw for the case’ and expressed concern about the prospects of their case.” (Doc. 520 at 21) (emphasis added).

Respectfully submitted, May 21, 2024.

/s/ Brannon J. Buck

Brannon J. Buck (ASB-5848-K56B)

bbuck@badhambuck.com

Christopher B. Driver (ASB-9178-G39B)

cdriver@badhambuck.com

BADHAM & BUCK, LLC

2001 Park Place North, Ste. 500

Birmingham, Alabama 35203

(205) 521-0036 (Phone)

(205) 521-0037 (Facsimile)

Counsel for Kathleen Hartnett

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served on all parties of record via the CM/ECF electronic filing system, electronic mail, and/or U.S. Mail on this the 21st day of May, 2024.

/s/ Brannon J. Buck

OF COUNSEL