

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2023, I caused a copy of these requests to be served on counsel of record in compliance with the Federal Rules of Civil Procedure.

/s/ Charles L. Babcock

Charles L. Babcock

**OBJECTIONS AND RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1: Please indicate whether any Defendants intend to rely on an advice of counsel defense in describing any of Richard Lowery's speech as disparaging, violent, unsafe, defamatory, or otherwise not legally protected speech. If yes, please identify which Defendants, the nature of the legal advice, and who provided it.

OBJECTION: Defendants object to this interrogatory as expressly seeking the production of information protected from disclosure by the attorney-client privilege and work product doctrine. Defendants further object that because this interrogatory seeks information related to "an advice of counsel defense" dealing with the preparation of Defendants' defense of this matter and not the underlying facts, it is not reasonably calculated to lead to the discovery of admissible evidence and is beyond the scope of discovery in this case.

ANSWER: Subject to objection, Defendants do not intend to rely on an "advice of counsel defense" at this time.

INTERROGATORY NO. 2: Please identify all persons consulted by Jay Hartzell, Lillian Mills, Ethan Burris, Sheridan Titman, Nancy Brazzil, or Meeta Kothare on how to respond to or deal with Richard Lowery's speech, during the time period from June 1, 2022 to November 1, 2022. Please include a brief description as of the consultation. This request includes consultations with legal counsel, but does not seek the substance of any privileged communications, unless any Defendant is relying on an advice of counsel defense.

OBJECTION: Defendants object to this interrogatory as Jay Hartzell, Nancy Brazzil, and Meeta Kothare are not named defendants in this suit, nor has there been any allegation by Plaintiff of any wrongdoing by them, and as such, the requested information is not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object that a request for information related to "consultations with legal counsel," regardless of any ineffective limiting language, expressly seeks information protected from disclosure by the attorney-client privilege or work product doctrine.

ANSWER: Subject to the objections and without disclosing any privileged information/discussions, Defendants respond as follows:

President Jay Hartzell: None.

Nancy Brazzil: None.

Lillian Mills: Ethan Burris and Carlos Carvalho. The conversation involving Burris and Carvalho is described at ECF Nos. 14-1, ¶¶ 7-8.

Ethan Burris: Lilian Mills and Carlos Carvalho. The conversation involving Burris and Carvalho is described at ECF Nos. 14-1, ¶¶ 7-8; 14-2, ¶¶ 7-13.

Sheridan Titman: None.

Meeta Kothare: Defendants direct Plaintiff to the emails from Kothare that will be produced in discovery and already in Plaintiff's possession.