

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE AT JACKSON

FREEDOM FROM RELIGION  
FOUNDATION, INC.,

Plaintiff,

vs.

TOWN OF WHITEVILLE,  
TENNESSEE, MAYOR JAMES  
BELLAR and THE WHITEVILLE  
TENNESSEE BOARD OF ALDERMEN,

Defendants.

Case No. 1:11-cv-1374-JDB  
JURY DEMANDED

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DEFENDANTS' FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO PLAINTIFF

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In accordance with Fed. R. Civ. P. 33 and 34, Defendants Town of Whiteville, Tennessee, Mayor James Bellar, and the Whiteville, Tennessee Board of Aldermen submit the following interrogatories and requests for production to Plaintiff Freedom From Religion Foundation, Inc.

**INTERROGATORIES**

**INTERROGATORY NO. 1:** State the name, address, and telephone number of any person who contributed to your answers and responses to Defendants' written discovery.

**ANSWER:**

**INTERROGATORY NO. 2:** Of the individuals that you identify in response to Interrogatory No. 1, state whether they have been involved in or connected with, in any

way, any previous litigation. If so, state the style, docket number, court, and resolution of each case.

**ANSWER:**

**INTERROGATORY NO. 3:** State the identity and location, if known, and if not known, the last known address or location, of all persons having knowledge of any relevant facts pertaining to the matters and issues in this action. Do you have statements from any of them? If so, state the names of those persons from whom you have statements and by whom and when they were taken. PLEASE TAKE NOTICE THAT DEFENDANTS WILL OBJECT TO ANY PERSON TESTIFYING AT TRIAL ON YOUR BEHALF WHO IS NOT LISTED IN YOUR ANSWER TO THIS INTERROGATORY, UNLESS SUCH PERSON IS LISTED AS AN EXPERT IN RESPONSE TO THE FOLLOWING INTERROGATORIES.

**ANSWER:**

**INTERROGATORY NO. 4:** State the name, address, telephone number, and employer of the person referred to as "John Doe" in your complaint.

**ANSWER:**

**INTERROGATORY NO. 5:** State whether the "John Doe" referred to in your complaint resides inside the Whiteville, Tennessee city limits.

**ANSWER:**

**INTERROGATORY NO. 6:** State whether the "John Doe" referred to in your complaint resides in Hardeman County, Tennessee.

**ANSWER:**

**INTERROGATORY NO. 7:** State with particularity the factual basis, if any, supporting your assertion the person identified in your complaint as “John Doe” had an objectively reasonable fear of actual physical or economic harm, at the time of the complaint’s filing, if his or her identity was disclosed in the complaint.

**ANSWER:**

**INTERROGATORY NO. 8:** State with particularity the factual basis (as opposed to counsel’s legal argument) for your claim that the person identified in your complaint as “John Doe” has suffered a recognizable injury-in-fact as a consequence of his or her alleged contact with the allegedly religious symbols, including, but not limited to: the nature and frequency of the alleged “contact” with the symbols; the reason for the alleged “contact”; and whether the alleged “contact” could have been avoided by taking an alternative route or by not staring at the alleged symbols and, if not avoided, the reason it was not.

**ANSWER:**

**REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** Produce copies of any statements referred to in response to Interrogatory No. 3.

**RESPONSE:**

**REQUEST NO. 2:** Produce any photographs, statements, reports, documents, records, electronically stored information, audio or video recordings, or other tangible items or information that relate to your claims.

**RESPONSE:**



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**FREEDOM FROM RELIGION  
FOUNDATION, INC.,**

**Plaintiff,**

**vs.**

**Case No. 1:11-cv-1374-JDB**

**TOWN OF WHITEVILLE,  
TENNESSEE, MAYOR JAMES  
BELLAR and THE WHITEVILLE  
TENNESSEE BOARD OF ALDERMEN,**

**Defendants.**

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**RULE 16(b) SCHEDULING ORDER**

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Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1)):** **February 29, 2012**

**JOINING PARTIES:**

For Plaintiff: **April 15, 2012**  
For Defendants: **May 15, 2012**

**AMENDING PLEADINGS:**

For Plaintiff: **April 15, 2012**  
For Defendants: **May 15, 2012**

**COMPLETING ALL DISCOVERY:** **October 15, 2012**

(a) **REQUESTS FOR PRODUCTION,  
INTERROGATORIES and  
REQUESTS FOR ADMISSIONS:** **October 15, 2012**

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**(b) EXPERT DISCLOSURE (RULE 26(a)(2)):**

- (i) Plaintiff's Experts: **August 15, 2012**
- (ii) Defendants' Experts: **September 14, 2012**
- (iii) Supplementation under Rule 26(e)(2): **September 24, 2012**

**(c) DEPOSITIONS OF EXPERTS: **October 15, 2012****

**FILING DISPOSITIVE MOTIONS: **November 15, 2012****

**FINAL LIST OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

- (a) for Plaintiff: **45 days before trial**
- (b) for Defendants: **30 days before trial**

Parties shall have 14 days after service of final lists of witnesses and exhibits to file objections under Rule 26 (a)(3).

The trial of this matter is expected to last 3 days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allows 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7.2 (a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

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The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required. However, pursuant to Local Rule 12.1(c) and Local Rule 56.1(c) a party may file a reply of up to 10 pages without seeking leave, within 14 days of being served with the response in opposition to the motion.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

**The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.** Within seven (7) days after the close of discovery or the date on which mediation occurs, whichever is earlier, the parties are directed to provide to the Court a status report containing when the mediation occurred and with whom and, if unsuccessful, whether additional efforts might be beneficial. If no mediation has been undertaken on or before the close of discovery, the parties are to report the date on which it is scheduled or the reason for its nonoccurrence.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED.**

s/ Edward G. Bryant  
EDWARD G. BRYANT  
UNITED STATES MAGISTRATE JUDGE

Date: February 15, 2012