

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

COURTHOUSE NEWS SERVICE,)
)
Plaintiff,)
)
v.)
)
MEGAN LAVOIE, in her official)
capacity as Administrative Director of the) Civil Action No. 20-1260
Texas Office of Court Administration,)
)
Defendants.)
)
)
_____)

**PLAINTIFF COURTHOUSE NEWS SERVICE’S OPPOSED MOTION FOR
EXPEDITED DISCOVERY (ONE SINGLE REQUEST FOR PRODUCTION)**

Plaintiff Courthouse News Service (“CNS”) hereby moves the Court for an order granting expedited discovery in the form of a **single** Request for Production (“RFP”) directed at Defendant Megan LaVoie, in her official capacity as Administrative Director of the Texas Office of Court Administration (“OCA”). The proposed RFP is attached as Exhibit 1, which seeks statewide statistics, readily available to OCA, regarding the time period between submission of an electronically filed (“e-filed”) new petition to the state-wide Electronic Filing Manager and acceptance of the petition by local district clerks. CNS requests that OCA be ordered to produce responsive documents to this RFP by Friday, July 15, ten days before the bench trial scheduled for Monday, July 25, 2022.

This motion for expedited discovery should not be necessary, but OCA’s counsel has confirmed that it will not voluntarily produce responsive documents. The refusal is

based, according to counsel, on an alleged defect in the Second Amended Complaint that purportedly does not adequately plead a statewide injury. CNS disagrees – the Second Amended Complaint repeatedly references delays in access on a statewide basis. *See, e.g.*, Dkt. 48, ¶¶ 7, 13, 36-38, 42, 45. In any event, good cause exists to require production of these statistics, as they are readily available to OCA, directly relevant and thus discoverable, and production would result in no prejudice to OCA.

For these reasons, CNS respectfully requests that the Court grant this motion and order OCA to produce responsive documents to the attached RFP by Friday, July 15, 2022.

Dated: July 6, 2022

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ John K. Edwards

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ATTORNEYS FOR PLAINTIFF
COURTHOUSE NEWS SERVICE

CERTIFICATE OF CONFERENCE

The undersigned counsel for Plaintiff Courthouse News Service certifies that he spoke with counsel for OCA, Caroline Merideth, on July 6, 2022, after email correspondence requesting responsive documents, and OCA is opposed to producing the documents and the relief sought by this motion.

By: /s/ John K. Edwards
John K. Edwards

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff Courthouse News Service certifies that on July 6, 2022, the foregoing *Opposed Motion for Expedited Discovery (One Single Request for Production)* was electronically filed and served via the CM/ECF system on the following attorneys for Defendant Price, with e-mail transmission to the following attorneys for Defendant OCA:

Caroline Merideth
Benjamin S. Lyles
Assistant Attorney General
P.O. Box 12548, Capital Station MC-019
Austin, Texas 78711-2548

By: /s/ John K. Edwards
John K. Edwards
Attorney-In-Charge

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

COURTHOUSE NEWS SERVICE,)	
)	
Plaintiff,)	
)	
v.)	
)	
MEGAN LAVOIE, in her official capacity as)	
Administrative Director of the Texas Office)	Civil Action No. 20-1260
of Court Administration,)	
)	
Defendants.)	
)	
)	

**PLAINTIFF’S SECOND SET OF REQUESTS FOR PRODUCTION TO DEFENDANT
MEGAN LAVOIE, IN HER OFFICIAL CAPACITY AS ADMINISTRATIVE
DIRECTOR OF THE TEXAS OFFICE OF COURT ADMINISTRATION**

TO: Defendant Megan LaVoie, in her official capacity as Administrative Director of the Texas Office of Court Administration, by and through her attorney of record, Caroline Merideth, Assistant Attorney General, P.O. Box 12548, Capital Station MC-019, Austin, Texas 78711-2548.

Pursuant to Fed. R. Civ. P. 34 and/or order of the Court, Plaintiff Courthouse News Service (“CNS”) serves the following Second Set of Requests for Production to Defendant Megan LaVoie, in her official capacity as Administrative Director of the Texas Office of Court Administration.

Dated: July 6, 2022

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ John K. Edwards
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ATTORNEYS FOR PLAINTIFF
COURTHOUSE NEWS SERVICE

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff Courthouse News Service certifies that on July 6, 2022, the foregoing discovery request was served on Defendant via ECF/CM on the following attorneys for Defendants:

Caroline Merideth
Benjamin S. Lyles
Assistant Attorney General
P.O. Box 12548, Capital Station MC-019
Austin, Texas 78711-2548

By: /s/ John K. Edwards

John K. Edwards
Attorney-In-Charge

INSTRUCTIONS

1. CNS propounds this Requests for Production pursuant to Federal Rules of Civil Procedure 34.

2. Electronically stored information (“ESI”) that is responsive to these requests shall be produced in native format and shall include all metadata. Source code, including program files, library files, and compiling files that exist on computer media must be produced as computer media unless otherwise agreed. Where possible, and if applicable, workbooks or reports generated from ESI should be produced in Excel (.xlsx) format. However produced, ESI that is ordinarily maintained in a way that makes it searchable and sortable by electronic means must not be produced in a form that removes or significantly degrades those features. *See* Fed. R. Civ. Proc. 34 advisory committee’s note (2006).

DEFINITIONS

1. As used herein, the term “Texas District Courts” means all district trial courts of general jurisdiction within the State of Texas.

2. As used herein with respect to civil petitions, the terms “Accept,” “Accepted,” and “Acceptance” means the court clerk’s performative task of accepting a new document that has been electronically-submitted for filing with the court.

REQUESTS FOR PRODUCTION

REQUEST NO. 31

All statistics, data, or other compilation of information (preferably in Excel or CVS form), that identifies for all new e-filed non-confidential petitions in Texas District Courts between January 1, 2022 and the present: (a) the date and time of submission of each petition, (b) the date and time of Acceptance of the petition after administrative processing by the District Clerk, (c) the date and time the petition was made available for press or public access, and (d) the amount of time between each of the preceding events.

RESPONSE:

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

COURTHOUSE NEWS SERVICE,)
Plaintiff,)

v.)

MEGAN LAVOIE, in her official capacity)
as Administrative Director of the Texas)
Office of Court Administration,)
Defendants.)

Civil Action No. 20-1260

**ORDER GRANTING COURTHOUSE NEWS SERVICE’S MOTION FOR
EXPEDITED DISCOVERY (ONE SINGLE REQUEST FOR PRODUCTION)**

Before the Court is Plaintiff Courthouse News Service’s *Opposed Motion for Expedited Discovery (One Single Request for Production)* (“Motion”). Having considered the Motion, any response and reply related thereto, and the arguments of the parties, the Court orders as follows.

IT IS HEREBY ORDERED that the Motion is supported by good cause and is therefore **GRANTED**. It is further

ORDERED that Defendant Megan LaVoie, in her official capacity as Administrative Director of the Texas Office of Court Administration, produce responsive documents to the Request for Production attached as Exhibit 1 to the Motion by Friday, July 15, 2022.

SIGNED this ____ day of _____, 2022.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE