

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

Favian Busby, Michael Edgington, Russell
Leaks, and Joseph Nelson, *on their own behalf
and on behalf of those similarly situated*;

Petitioners-Plaintiffs,

v.

Floyd Bonner, Jr., *in his official capacity*,
Shelby County Sheriff, and the Shelby County
Sheriff's Office,

Respondents-Defendants.

Case No. 20-cv-2359-SHL

**PLAINTIFFS' THIRD SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 26.1 of the Local Civil Rules of the United States District Court for the Western District of Tennessee, Plaintiffs, by and through their undersigned counsel, request that Defendants Floyd Bonner Jr. in his official capacity as Shelby County Sheriff and the Shelby County Sheriff's Office ("Defendants") produce the following Documents, under oath and in accordance with the Instructions and Definitions set forth below, no later than December 2, 2020. The Definitions and Instructions in Plaintiffs' First and Second Requests Production are incorporated herein and made a part hereof and are supplemented as follows.

DEFINITIONS

1. "Air filtration" refers to the process of cleaning the air, including by removing small particles from the air.

2. "Ventilation" means the provision of fresh, outside air into a room or space.

DOCUMENT REQUESTS

Request No. 1:

Documents sufficient to show Defendants' policy, and any changes thereto, since March 12, 2020, concerning the transport of Detainees to court hearings, including the holding and screening of Detainees when transporting them to court, scheduling court appearances, and the use of technology to conduct court hearings remotely.

Response No. 1:

Request No. 2:

Documents sufficient to show how and why Defendants adopted a symptom-based strategy to test for COVID-19.

Response No. 2:

Request No. 3:

All grievance forms filed by Detainees related to COVID-19, including those that do not mention COVID-19 but do mention fever, cough, loss of taste or smell, fatigue, body aches, nausea, requests for personal protective equipment (PPE) including masks or gloves, requests for COVID-19 testing; or requests for the ability to practice Social Distancing.

Response No. 3:

Request No. 4:

All grievance forms or complaints filed by any Staff related to COVID-19, including those that do not mention COVID-19 but do mention fever, cough, loss of taste or smell, fatigue, body aches, nausea, requests for personal protective equipment (PPE) including masks or gloves, requests for COVID-19 testing; or requests for the ability to practice Social Distancing.

Response No. 4:

Request No. 5:

All documents and communications concerning or relating to Defendants' decision to use a "timing out," quarantine-based strategy to address COVID-19.

Response No. 5:

Request No. 6:

Documents sufficient to show Defendants' policy for determining whether a Detainee has recovered from COVID-19.

Response No. 6:

Request No. 7:

The following documents related to air ventilation in the Jail:

- a. the most-recent Test and Balance Report performed on any and all HVAC systems in the Jail;
- b. the outdoor ventilation rates (in cubic feet per minute, per square foot, and per person) for any units used for medical isolation or quarantine since March 12, 2020;
- c. a schematic of the Jail's layout and dimensions;
- d. design drawings of the HVAC system(s) in place in the Jail, including any schedules detailing equipment and capacity, and "as built" plans;
- e. mechanical plans showing how air is supplied throughout the Jail; and,
- f. the area and ceiling height, design occupancy, and actual median daily population of Detainees and staff in any units used for medical isolation or quarantine between March 12, 2020 and the present.

Response No. 7:

Request No. 8:

The following documents related to the air filtration in the Jail:

- a. architectural plans showing the location of air filters and the total number of filters;
- b. documents illustrating whether the filters clean air inside the Jail or bring in air from outside;
- c. documents showing the MERV rating on all filters in the Jail, and
- d. documents and communications regarding any schedules for cleaning and replacing air filters in operation from January 1, 2017 to present.

Response No. 8:

Request No. 9:

All materials and communications prepared in connection with the September 2, 2020 Indoor Air Quality Report, including work papers.

Response No. 9:

Dated: November 2, 2020

Respectfully submitted,

/s/ Andrea Woods

Brice M. Timmons (Bar No. 29582)
Black McLaren Jones Ryland & Griffie,
A Professional Corporation
530 Oak Court Dr. Suite 360
Memphis, TN 38117
Telephone: (901) 762-0535
Facsimile: (901) 762-0527
btimmons@blackmclaw.com

Josh Spickler (Bar No. 021019)
Wesley Dozier (Bar No. 037735)
Just City
P.O. Box 41852
Memphis, TN 38174
Telephone: (901) 206-2226
josh@justcity.org

Steven John Mulroy (Bar No. 28831)
Bredesen Professor of Law
Cecil C. Humphreys School of Law,
University of Memphis
1 N. Front St.
Memphis, TN 38103
Telephone: (901) 603-8779
smulroy@memphis.edu

Andrea Woods
Amreeta S. Mathai
Jeffrey Robinson
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: (212) 549-2500
awoods@aclu.org
amathai@aclu.org
jrobinson@aclu.org

Zoe Brennan-Krohn
American Civil Liberties Union
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 343-0769
zbrennan-krohn@aclu.org

Maria Morris
American Civil Liberties Union
915 15th Street N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 548-6607
mmorris@aclu.org

Thomas H. Castelli (Bar No. 24849)
Stella Yarbrough (Bar No. 33637)
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
Telephone: (615) 320-7142
tcastelli@aclu-tn.org
syarbrough@aclu-tn.org

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Joseph Bial*

2001 K Street NW

Washington, D.C. 20006-1047

Telephone: (202) 223-7300

Fascimile: (202) 223-7420

jbial@paulweiss.com

Jonathan M. Silberstein-Loeb

Meredith Borner

Edward C. Robinson Jr.

1285 Avenue of the Americas

New York, NY 10019-6064

Telephone: (212) 373-3000

Fascimile: (212) 757-3990

jsilberstein-loeb@paulweiss.com

mborner@paulweiss.com

ecrobinson@paulweiss.com

Attorneys for Plaintiffs