

**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

**KATHLEEN HARTNETT’S NOTICE OF INTENT TO FILE
EMERGENCY MOTION TO STAY AND PETITION FOR WRIT OF
MANDAMUS IN THE ELEVENTH CIRCUIT**

Respondent Kathleen Hartnett notifies the Court of her intention to file an Emergency Motion to Stay and Petition for Writ of Mandamus in the Eleventh Circuit on the morning of Monday, May 20, 2024.

On May 17, 2024 at 4:17 PM, this Court entered an Order (the “Order”) directing Ms. Hartnett and certain other Respondents “to produce the Q & A document by May 20, 2024 at 5:00 p.m. or show cause why they should not be

sanctioned for violating a court order.” Doc. 527 at 1. On May 18 at 10:52 PM, Ms. Hartnett filed her Response to the Court’s May 17, 2024 Order and Emergency Motion for Status Conference and Stay of Production Deadline (the “Response and Motion”). Doc. 528. In her Response and Motion, Ms. Hartnett demonstrated to the Court that she was not in violation of any order and requested a status conference on Monday morning, May 20, and a stay of the 5:00 PM deadline to produce the Q&A document. The Response and Motion further shows that the Q&A document constitutes a privileged attorney-client communication and that neither Ms. Hartnett nor any other Respondent has ever briefed the Court on the potential applicability of the crime-fraud exception to the privilege, which the Court invoked in its Order.

Ms. Hartnett recognizes that the Court may not yet have had an opportunity to review her Response and Motion, and she remains committed to conferring with Your Honor about whether there is any alternative course of action to producing the privileged Q&A document. Out of an abundance of caution, however, and because of the limited time before the expiration of the Court’s 5:00 PM deadline on May 20 and the Court’s suggestion that failure to timely comply with that deadline could result in Ms. Hartnett being “remand[ed] ... to the custody of the U.S. Marshals Service,” Doc. 527 at 17, Ms. Hartnett is preparing to file a Petition for Writ of Mandamus and Emergency Motion to Stay the production deadline in the Eleventh Circuit in the morning of May 20.

If this Court sets a status conference and grants the motion to stay the deadline, Ms. Hartnett will withdraw the Emergency Motion and Petition in the Eleventh Circuit. Ms. Hartnett hopes to avoid the need to seek relief in the Eleventh Circuit and provides this notice solely to alert the Court of the timing exigencies that will require her to file with the Eleventh Circuit in the morning of May 20 while the Court may still be considering her Response and Motion.

Respectfully submitted, May 19, 2024

/s/ Brannon J. Buck

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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 19th day of May, 2024.

/s/ Brannon J. Buck

OF COUNSEL