

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

In re Amie Adelia Vague, et al. }
 }
 } **Case No. 2:22-mc-03977-WKW**

**RESPONDENTS' REPORT REGARDING
POST-HEARING PROCEDURE AND BRIEFING**

Respondents respectfully submit the following report regarding a proposed procedure and briefing schedule pursuant to the Panel's instructions at the conclusion of the November 4, 2022 hearing:

1. The Panel has indicated that this proceeding is a preliminary inquiry and that it will consider requests to terminate this proceeding before moving beyond this preliminary stage.

2. Respondents are mindful of the guidance already provided by the Panel in its prior orders. (Docs. 1 and 22.) However, in order to streamline briefing and to address the Panel's remaining concerns after reviewing the attorney declarations and

receiving testimony, Respondents request additional guidance regarding (1) which of the attorneys remain subjects of this inquiry; (2) the specific acts or omissions undertaken by each of the attorneys about which the Panel continues to have concerns; and (3) the particular federal rules, local rules, other federal law, or standard of conduct that the Panel believes may have been violated by those attorneys' conduct. *See* FRCP 83(b).¹

3. Respondents are awaiting transcripts from the May 20 proceedings before Special Master Harwood and from the November 3-4, 2022 hearing. Respondents propose that briefs seeking to terminate this preliminary proceeding be submitted no later than 60 days following receipt of those transcripts. In addition, Respondents propose that their counsel be allowed to immediately exchange copies of Respondents' declarations, subject to the same restrictions that apply to counsel's access to the hearing transcripts.

4. The Panel also indicated at the November 4 hearing that it seeks guidance from the Parties on steps the Panel may take if the Panel decides to proceed beyond this preliminary stage. Respectfully, Respondents are not prepared to address further steps that would follow a denial of any motion to terminate and

¹ In prior orders, the Panel has indicated that any sanction would stem from the Court's inherent powers, which requires a finding, at a minimum, that an attorney acted in subjective bad faith. (*See* Doc. 22 at 5). To the extent the Panel is applying any other standard, the Respondents respectfully request that the Panel identify that standard in advance of the filing of any motions to terminate these proceedings.

would request they be allowed to address additional steps after briefing and decision on any such motion to terminate.

Respectfully submitted.

s/ Samuel Holley Franklin

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2022 I filed the foregoing documents with the Clerk of Court via CM/ECF which will serve all counsel of record by electronic mail.

/s/ Brannon J. Buck

Of Counsel