

IN THE ARKANSAS SUPREME COURT

**JENNIFER MCGILL, INDIVIDUALLY AND
ON BEHALF OF THE ARKANSAS CANVASSING
COMPLIANCE COMMITTEE; & CHEROKEE
NATION ENTERTAINMENT, LLC**

Petitioners

v.

CASE NO. CV-24-492

**JOHN THURSTON, IN HIS OFFICIAL CAPACITY
AS ARKANSAS SECRETARY OF STATE**

Respondent

**RESPONDENT’S RESPONSE TO PETITIONERS’ MOTION TO APPOINT SPECIAL
MASTER, BIFURCATE PROCEEDINGS, EXPEDITE SCHEDULING, IMPOSE A
BRIEFING SCHEDULE, GRANT LEAVE TO TAKE DEPOSITIONS, SHORTEN
DISCOVERY RESPONSE TIMES, AND HEAR ORAL ARGUMENT**

I. APPOINTMENT OF SPECIAL MASTER

1. Respondent does not object to the appointment of a Special Master to issue findings on Petitioners’ challenge to the sufficiency of the signatures in Count I under Arkansas Supreme Court Rule 6-5.

2. Respondent does not object to Petitioners’ request that the Special Master be directed to receive evidence and render recommended findings of fact on Count I of the Original Action Petition.

3. Respondent does not object to Petitioners' request that the Court direct the Special Master to file its report containing findings of fact by September 25, 2024.

II. BIFURCATION, EXPEDITED SCHEDULING, AND BRIEFING ORDER

4. Respondent does not object to Petitioners' request to bifurcate Counts I and II and allow the issues to be briefed separately.

5. Respondent does not object to Petitioners' proposed briefing schedule for its challenge in Count II to the ballot title and popular name. Specifically, Respondent does not object to the following proposed deadlines as to Count II:

- a. Petitioners' Brief Due August 16, 2024
- b. Response Briefs Due August 23, 2024
- c. Petitioners' Reply Brief Due August 28, 2024

6. As to Count I, Respondent does not object to the following proposed briefing schedule:

- a. Petitioners' and Respondent's Simultaneous Briefs Due October 2, 2024
- b. Petitioners' and Respondent's Simultaneous Reply Briefs Due October 9, 2024

III. DISCOVERY

7. Respondent objects to Petitioners' request for leave of Court to depose certain employees of Respondent, among others. Specifically, Respondent objects that in lieu of seeking leave of Court, any request for a deposition should be submitted to and resolved by the Special Master. *Zook v. Martin*, 2018 Ark. 254, at 1 (assigning discovery motions to the special master, even though the petitioner had moved for the Court to rule on them).

8. Respondent does not object to Petitioners' request that the time for responses to interrogatories and requests for production of documents be shortened to seven days after the date of service.

IV. ORAL ARGUMENT

9. Respondent does not object to Petitioners' request for oral argument. With that said, Respondent notes that oral argument is usually not granted in ballot title/popular name challenges such as this one, and that oral argument may not be feasible given the time constraints in place before the general election.

Respectfully submitted,

TIM GRIFFIN
Attorney General

By: /s/ Justin Brascher
Justin Brascher

Assistant Attorney General
Ark. Bar No. 2023029
Office of the Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-1019
(501) 682-2591 fax
justin.brascher@arkansasag.gov

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Justin Brascher, hereby certify that on August 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the eFlex filing system, which notifies eFlex participants.

/s/Justin Brascher
Justin Brascher