

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

KEVIN BURNS <i>et al.</i> ,)	
)	
Plaintiffs,)	<u>CAPITAL CASE</u>
)	
v.)	No. 25-0414-IV
)	
FRANK STRADA, et al.,)	Chancellor Perkins
)	
Defendants.)	

DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFF BYRON BLACK'S
INTERROGATORY TO DEFENDANTS

Pursuant to Rules 26 and 33 of the Tennessee Rules of Civil Procedure, Defendants Frank Strada and Kenneth Nelsen, each in their official capacities, submit the following responses and objections to Plaintiff Byron Black's Interrogatory.

PRELIMINARY STATEMENT

1. Defendants have made a reasonable inquiry into information reasonably available to the Tennessee Department of Correction to respond to the Interrogatory below. Defendants reserve the right to supplement, clarify, revise, or correct their responses and objections to this Interrogatory as discovery progresses. Where privileged information is protected by applicable state laws or rules, the fact that Defendants' response does not specifically delineate a state law or rule shall not be deemed to be a waiver of any applicable privilege.

RESPONSE TO INTERROGATORY

INTERROGATORY NO. 17 (for Byron Black only): Please specify in detail, for Mr. Black's execution, how if at all, you plan to address the Boston Scientific Dual Chamber ICD Resonate HF EL ICD DR-4-DR implanted in Mr. Black?

RESPONSE: Defendants object to the interrogatory's use of the phrase "plan to address" as vague and ambiguous. This interrogatory also assumes facts not in evidence, namely, that the ICD implanted in Mr. Black requires a "plan" for Defendants to consider and execute.

Defendants also object because the interrogatory seeks information that is not relevant to Mr. Black's complaint. Mr. Black's pre-suit grievance makes no mention of the ICD and makes no request for the Department to "plan to address" it during his execution. And other than a general allegation in the complaint that Mr. Black suffers from "cardiomyopathy that requires a pacemaker," it also makes no mention of an ICD or that it requires a "plan" related to his execution. For these reasons, this interrogatory seeks irrelevant information not calculated to lead to the discovery of admissible evidence.

The Department does not believe the Eighth Amendment necessitates any alternative plan or actions to carry out Mr. Black's execution outside the processes described in the Protocol. However, the Department will consider any legitimate and reasonable requests, should Mr. Black have any, related to his ICD and his upcoming execution.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Cody N. Brandon
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on this the 23rd of June 2025, upon:

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/s/ Cody N. Brandon
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VERIFICATION

I, Jennifer Brenner, in my capacity as General Counsel for the Tennessee Department of Correction (TDOC), declare under penalty of perjury that the foregoing response to Plaintiff Byron Black's interrogatory reflect the true and complete information available to TDOC in its collective knowledge, information and belief formed after a reasonable inquiry.

Sworn to on this the 23 day of June, 2025.



Signature