

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

<b>RICHARD LOWERY,</b>	§	
<i>Plaintiff</i>	§	
	§	
<b>v.</b>	§	<b>No. 1:23-CV-00129-DAE</b>
	§	
<b>LILLIAN MILLS, IN HER</b>	§	
<b>OFFICIAL CAPACITY AS DEAN</b>	§	
<b>OF THE MCCOMBS SCHOOL OF</b>	§	
<b>BUSINESS AT THE UNIVERSITY</b>	§	
<b>OF TEXAS AT AUSTIN; ETHAN</b>	§	
<b>BURRIS, IN HIS OFFICIAL</b>	§	
<b>CAPACITY AS SENIOR</b>	§	
<b>ASSOCIATE DEAN FOR</b>	§	
<b>ACADEMIC AFFAIRS OF THE</b>	§	
<b>MCCOMBS SCHOOL OF</b>	§	
<b>BUSINESS AT THE UNIVERSITY</b>	§	
<b>OF TEXAS-AUSTIN; AND</b>	§	
<b>SHERIDAN TITMAN, IN HIS</b>	§	
<b>OFFICIAL CAPACITY AS</b>	§	
<b>FINANCE DEPARTMENT CHAIR</b>	§	
<b>FOR THE MCCOMBS SCHOOL</b>	§	
<b>OF BUSINESS AT THE</b>	§	
<b>UNIVERSITY OF TEXAS-</b>	§	
<b>AUSTIN;</b>	§	
<i>Defendants</i>		

**ORDER**

Before the Court is Plaintiff Richard Lowery’s Opposed Motion for Expedited Discovery, Dkt. 16. The District Court referred the motion to the undersigned for disposition. The Court set the motion for a hearing on April 5, 2023. Dkt. 25. After considering all related filings, along with the arguments at that hearing, the Court announced its ruling on the motion on the record, granting in part and denying in part Plaintiff’s motion. This Order confirms that ruling.

Plaintiff's motion asks the Court to order expedited discovery to be served in advance of the District Court's consideration of his motion for a preliminary injunction. In particular, Plaintiff seeks: (1) production of emails and texts sent to or from the three Defendants in the case, along with non-parties Jay Hartzell, Nancy Brazzil, and Meeta Kothare, "concerning Lowery's speech, directly or indirectly, dated between June 1, 2022, and November 1, 2022"; and (2) leave to conduct three-hour depositions of the three Defendants, along with non-parties Hartzell and Kothare. The undersigned agrees with Plaintiff that some limited discovery should be provided, but not to the extent Plaintiff requests.

Accordingly, the Court **GRANTS IN PART and DENIES IN PART** Plaintiff's motion, Dkt. 16. The Court **GRANTS** Plaintiff leave to serve up to 10 questions in the form of a deposition on written questions directed at the three Defendants, Mills, Burris, and Titman. The Court likewise **GRANTS** Defendants leave to serve up to 10 DWQs on Plaintiff. The Court **ORDERS** any party served with such a request to respond within 10 days of service. The Court **DENIES** all other relief sought in Plaintiff's motion. The Court confirmed on the record the parties' understanding of the relief awarded here, and the parties gave their assurance that no further clarity on the terms of the Order was needed. Lastly, the referral in this case is **CANCELED**.

SIGNED April 5, 2023.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE