

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

SOUTH CAROLINA STATE CONFERENCE
OF THE NAACP,

Plaintiff,

v.

TONNYA K. KOHN, in her official capacity as
South Carolina State Court Administrator;

DONALD W. BEATTY, in his official capacity
as Chief Justice of the South Carolina Supreme
Court,

Defendants.

C/A No.: 3:22-cv-01007-MGL

DECLARATION OF ALLEN CHANEY

I, Allen Chaney, submit this declaration pursuant to Fed. R. Civ. P. 12(d) and 56(d), and declare as follows:

1. I am an attorney practicing law in South Carolina. I work at the American Civil Liberties Union of South Carolina, and I serve as counsel for the Plaintiff South Carolina NAACP in this matter.
2. I make this declaration based on my personal knowledge.
3. Defendants in this matter suggest in a footnote to their motion to dismiss that the Court can rely on the Affidavit of Joel B. Hilke, ECF No. 12-1, under Fed. R. Civ. P. 12(d). ECF No. 12 at 6, n.1.
4. The South Carolina NAACP cannot present facts essential to justify its opposition to a motion for summary judgment at this time.

5. There are material facts in dispute over whether Defendants' asserted government interests in prohibiting scraping of the Public Index are compelling, substantial, or important.
6. Specifically, the South Carolina NAACP does not have access to information as to:
 - a. Whether, and to what degree, the Public Index website has experienced slowdowns or crashes and, if so, why;
 - b. The impact automated searches—*i.e.*, scraping—have on the functionality of the Public Index; or
 - c. The anti-scraping tools used by Defendants to detect and prevent scraping and how those tools are calibrated.
7. This list of material information not yet in possession of Plaintiff is non-exhaustive.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 19, 2022.

/s/ Allen Chaney

Allen Chaney
Fed. Id. 13181
P.O. Box 1668
Columbia, SC 29202
Tel: (843) 282-7953
achaney@aclusc.org