

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA**

**THE LEAGUE OF WOMEN VOTERS  
OF FLORIDA, et al.,**

**Plaintiff,**

**vs.**

**CASE NO.: 2012 CA 2842**

**KENNETH W. DETZNER, et al.,**

**Defendants.**

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**ORDER ON DISCOVERY MATTERS OF NON-PARTIES**

**THIS CAUSE** came before the Court following this Court's "Order Granting Plaintiff's Motion to Compel Production of Documents by Bainter Group," (i.e. Data Targeting Groups Documents) filed June 26, 2015, regarding said Order. The list of the "Data Targeting Groups Documents" for which protection was sought by the non-parties was:

- 1) Initially set forth in their filing styled "Certain Non-Parties' Additional Submissions in Support of their Motion to Quash or for Protective Order or, Alternatively, Request for Ruling, for Reconsideration or a Stay" filed June 23, 2015;
- 2) Subsequently amended in a filing styled "Certain Non-Parties Continuing Designation of Materials Subject to Claims of Privilege and Requesting Review In Camera" filed June 29, 2015; and

3) Amended further in a filing styled “Notice of Compliance with Paragraph 5 of the Court’s Order Granting Plaintiffs’ Motion to Compel Production of Documents By Bainter Group” filed June 30, 2015.

This last filing seemingly narrowed the request of the Court for an in camera review to just three (3) of the non-parties (Reichelderfer, Springer, and Wiggins) claims of privilege to a very reduced number of the documents in question, all of which could be found in the first 200 bates stamped pages of the disputed e-mails.

The Court is unsure whether the non-parties intended to limit the in camera review to the amended list of documents listed in their June 29 filing or to the reduced list of documents in their June 30<sup>th</sup> filing. Based on the uncertainty as to scope the Court will use the amended list filed June 29, and this Order is based on utilizing the amended list of June 29<sup>th</sup> and includes, in alphabetical order, the privilege claims of Heffley, Johnston, Reichelderfer, Rimes, Springer, Terraferma and Wiggins.

The Court, having considered the constitutional rights of the non-parties under both the United States Constitution and the Constitution of the State of Florida in attempting to balance the Defendants claims of an unconstitutional infringement of their right to privacy, their right of association, and their right to participate in the legislative process of this State with the Plaintiff’s right to relevant information, and otherwise being fully informed in the premises, it is hereby,

**ORDERED AND ADJUDGED** that:


1. The scope of documents requested to be kept confidential are set forth in “Certain Non-Parties’ Continuing Designations of Materials Subject to Claims of Privilege and Requesting review In Camera,” filed on June 29, 2015.
2. The Court has reviewed the initial document list filed June 23rd and found they consisted of approximately forty (40) different subjects in the subject line of the initial e-mail. The e-mails, “replies and forwards” constitute the remaining e-mails – the e-mail chain. Of the forty (40) subject email and their respective chains, the Court determines fourteen (14) subject e-mails are highly relevant to the instant case in using the standard set forth in *Perry v. Schwarzenegger*, 591 F.3d 1147 (9th Cir. 2010). Not all e-mails in a “e-mail chain” related to the subject<sup>1</sup> of the e-mail were determined to be highly relevant.
3. The remaining subject e-mails, approximately twenty-six (26), and their respective e-mail chains are not highly relevant and do not require production. The non-parties have asserted an associational privilege in these documents in their filing called “Certain Non-Parties’ Additional Submission in Support of Their Motion to Quash or for Protective Order or Alternatively, Request for Ruling, for Reconsideration or a Stay” and in their filing called “Certain Non-Parties Continuing Designation of Materials Subject to Claims of Privilege and Requesting Review In Camera.” The Court grants the Motion to Quash as it relates to these e-mails and their e-mail chains not specifically addressed in this Order.

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<sup>1</sup> In using the term “Subject of the e-mail” the court is referring to the terminology that is found in the subject line at the top of the e-mail and not to whatever the content of the e-mail actually may or may not be.

4. Although this Court finds that non-parties are entitled to First Amendment protection to many of the contested documents, this Court finds that the privilege must yield regarding the fourteen (14) aforementioned e-mails. The following e-mails (identified by the DATAT CONF bates stamp using the page numbers used by the non-parties in their June 29, 2015 filing), and which are attached (Attachment A) to this Order, are to be released to Plaintiff within ten (10) days of the date of this order.
5. The confidentiality agreement previously agreed to shall cover these e-mails ordered to be produced.

**DONE AND ORDERED** in Chambers, Tallahassee, Leon County, Florida, this 6<sup>th</sup> day of July, 2015.

  
**GEORGE S. REYNOLDS, III.**  
Circuit Judge

*Copies furnished to all counsel through e-portal.*

	<b>NON-PARTY</b>	<b>BATES NUMBER</b>
1	Terraferma and Springer	DATAT CONF 00008
2	Wiggins	DATAT CONF 00096
3	Wiggins, Springer	DATAT CONF 00126 , 00127, 00129
4	Wiggins, Heffley and Springer	DATAT CONF 00130, 00131, 00132
5	Wiggins	DATAT CONF 00162, 00163, 00164
6	Reichelderfer	DATAT CONF 00136, 00138, and 01175
7	Springer	DATAT CONF 00033
8	Springer and Wiggins	DATAT CONF 00188
9	Johnston	DATAT CONF 01116 and 01117
10	Johnston	DATAT CONF 00080, 00221 and 00222
11	Johnston	DATAT CONF 01253 , 01254, 01255
		DATAT CONF 01272-001274, 001277,01282, 01284, 01285, 01286, 01288, 01289, 01290, 01292, 01294, 01296, 01297, 01299, 01528
12	Heffley and Johnston	DATAT CONF1300
13	Johnston	DATAT CONF 1528
14	Heffley and Terraferma	