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

THE LEAGUE OF WOMEN VOTERS OF FLORIDA, ET AL., PLAINTIFFS, v. KENNETH W. DETZNER, ET AL., DEFENDANTS.	CASE NO.: 2012-CA-2842

PLAINTIFFS' RESPONSE TO NON-PARTIES' AMENDED JOINT MOTION FOR REHEARING, RECONSIDERATION OR ALTERNATIVELY, FOR CLARIFICATION

Plaintiffs hereby respond to the Amended Joint Motion for Rehearing, Reconsideration or Alternatively, for Clarification (the "Joint Motion") filed by Richard Heffley, Richard Johnston, Marc Reichelderfer, James Rimes, Joel Springer, Frank Terraferma, and Andrew Wiggins (collectively, the "Heffley Group"); Patrick Bainter, Matthew Mitchell, and Michael Sheehan (collectively, the "Bainter Group"); and Christie Jones, Stafford Jones, Barbara Martin, Delena May, and Henry E. Russell III (collectively, the "Alachua Republicans," and together with the Heffley Group and Bainter Group, "Non-Parties"). Plaintiffs state as follows:

I. THIS COURT SHOULD NOT LIMIT THE SCOPE OF DEPOSITIONS TO COMMUNICATIONS WITH LEGISLATORS AND STAFF

Non-Parties have repeatedly attempted to limit discovery to their direct communications with the Legislature – even to the point of contempt. Judge Lewis and this Court have consistently rejected those efforts. Nevertheless, Non-Parties try again, hoping that the same argument will yield a different result. Although Non-Parties still cast themselves as mere

concerned citizens communicating with "like-minded individuals," (Am. Jt. Mot. at 6),[1] the Florida Supreme Court has now definitively rejected any notion that the operatives were "independent, self-motivated culprits . . . who did not have the ability to and did not, in fact, influence the Legislature's decisions regarding where to draw the lines." *League of Women Voters of Fla. v. Detzner*, __ So. 3d ___, 2015 WL 4130852, at *9 (Fla. July 9, 2015) ("*Apportionment VII*"). To the contrary, the Florida Supreme Court had "little trouble" finding that the "political operatives obtained the necessary cooperation and collaboration from the Legislature to ensure that the redistricting process and the resulting map were tainted with improper partisan intent" and "reject[ed] the Legislature's attempt to water down the trial court's findings and the inferences" of a "parallel" redistricting process. *Id.* at *23 (internal quotation marks and alteration omitted).

In *Apportionment VII*, the Florida Supreme Court catalogued the evidence showing the conspiracy between the Legislature and the operatives in considerable detail, relying, in part, on the partisan operatives' "internal" activities and communications. Examples of "internal" conduct relied upon by the Florida Supreme Court for its decision include the following:

(1) After receiving non-public draft maps from the Legislature, Reichelderfer "traded numerous maps back and forth with" the other operatives and "changed the performance of [several districts] from four Democratic performing or leaning seats to two Democratic and two Republican performing seats, as eventually reflected in the actual map enacted by the Legislature," *id.* at *12-*13.

(2) A map "known to have been drawn by Terraferma, shared eleven identical districts with a map submitted through the public process by an individual named Alex Posada, who denied ever creating or submitting the map and stated that he had not authorized anyone to submit a map using his name," *id.* at *13.

[1] Non-Parties again misrepresent Plaintiffs as "political opponents" interested only in harassing them. (*Id.*). The primary Plaintiffs are non-profit organizations that have long challenged partisan gerrymandering on both sides of the political spectrum. Their activities and this litigation are not directed in any manner by any state or national political party.

(3) "[C]ommunications between [the] consultants regarding the maps referred to having a job to do, wanting to spread the maps around, and heading up to Tallahassee to tell folks to look at certain maps," *id.* (internal quotation marks and alteration omitted).

(4) "Reichelderfer . . . correctly informed other consultants about which of the Legislature's draft maps was most 'relevant,' meaning which was most likely to advance in the process," *id.* at *14.

(5) "[C]ommunications among the consultants revealed particular emphasis on certain areas of the map," such as the crossing of Tampa Bay in Districts 13 and 14 and the division of Homestead in Districts 26 and 27 – features that found their way into the enacted congressional plan, *id.* at *15, *39, *41.

Accordingly, the Florida Supreme Court hardly considered the "internal" activities and discussions among the partisan operatives and their collaborators to be irrelevant.

To argue the contrary, Non-Parties rely on a single sentence in a footnote of *Apportionment VII* stating that "[t]here is nothing inherently in violation of the law or the Florida Constitution for an individual to anonymously submit a map to the Legislature for consideration or to submit a map through a third party." *Id.* at *3 n.4. That statement does not mean that any inquiry into anonymous submissions is somehow forbidden. It merely means what it says – submitting a map anonymously or through an agent is not "inherently" illegal.

Plaintiffs do not claim a constitutional violation merely because the maps at issue were submitted through the Alachua Republicans. These maps were prepared by well-connected operatives who communicated in secret with the Legislature and received non-public work product from the Legislature. The Legislature then disproportionately relied on these very maps in preparing the enacted Senate districts. Under these circumstances, the operatives' conduct – whether or not they acted anonymously – is relevant to the question of legislative intent, which is why the Florida Supreme Court specifically discussed the operatives' map submissions and "internal" communications as evidence of improper intent on the part of the Legislature.

No one could seriously dispute that there would be evidence of partisan intent if the operatives *openly* met with key legislators and staffers, handed them highly partisan maps, and the Legislature then relied on those same maps. The fact that the same thing was done "anonymously" does not make the operatives' activities any less relevant or discoverable.

As in the Congressional Action, the operatives' "internal" activities will provide an important link in the chain of proof establishing how the Legislature conducted "an entirely different, separate process that was undertaken contrary to the transparent effort in an attempt to favor a political party or an incumbent in violation of the Florida Constitution" and thereby "thwarted the constitutional mandate." *Id.* at *4 (internal quotation marks and citation omitted). In that regard, Non-Parties are well aware that, if Judge Lewis had accepted their invitation to limit discovery to communications with the Legislature, significant parts of the conspiracy to subvert the redistricting process would never have come to light. The Florida Supreme Court emphasized the importance of third-party discovery in uncovering the conspiracy:

> [S]ince many of the e-mails were deleted or destroyed, we still may have only a partial picture of the behind-the-scenes political tactics. As the trial court found, the Legislators and the political operatives systematically deleted almost all of their e-mails and other documentation relating to redistricting. The Legislature did so even though it had acknowledged that litigation over the redistricting plan was a moral certainty. Indeed, if not for the production of some documents from the political consultants, including Marc Reichelderfer and Pat Bainter, there would be no record of the separate process undertaken by the consultants and no way to establish whether or not this process involved the collusion of the Legislature and ultimately affected the enacted map, as the trial court concluded.

Id. at *9 (internal quotation marks omitted). Now that the conspiracy has been revealed, Non-Parties seek to unwind the clock and limit their testimony in a way that will avoid disclosure of further details of the conspiracy. Yet they offer no legitimate reason to depart from the prior course of court-ordered discovery in these proceedings.

A. Bainter, Sheehan, Mitchell, Terraferma, Heffley, Reichelderfer, and Springer Have Waived Any Claim of Associational Privilege.

In the first place, the Bainter Group and most members of the Heffley Group have waived any claim of associational privilege. The Florida Supreme Court has adjudicated waiver by Bainter, Mitchell, and Sheehan. *See generally Bainter v. League of Women Voters of Fla.*, 150 So. 3d 1115 (Fla. 2014) ("*Apportionment VI*"). Heffley, Reichelderfer, Johnston, and Springer never claimed associational privilege in connection with prior discovery requests, and Terraferma asserted privilege over only a limited set of "general" redistricting communications.[2] (*See* Resp. to Mot. to Quash at 20-22). Bainter, Reichelderfer, Heffley, Johnston, and Terraferma testified falsely about their involvement in the redistricting process without objection. *See Apportionment VI*, 150 So. 3d at 1129 (holding that Bainter's testimony that "he and Data Targeting were drawing maps out of 'intrigue' and 'interest' . . . is unsupported by a review of the disputed documents"); *Apportionment VII*, 2015 WL 4130852 at *13 (discussing trial testimony from Reichelderfer in which he "described his interest in the Legislature's maps as important to him 'professionally' to 'know the lay of the land,' similar to Bainter's explanation that his interest was an 'after-the-fact' one merely for the sake of his own 'knowledge' ") (alteration omitted); (*see also* Resp. to Mot. to Quash at 10-11 & Ex. 19-22 (collecting testimony of various operatives misrepresenting role in redistricting process)).

Having already falsely testified and produced documents without timely invoking privilege over their "internal" activities and communications, Non-Parties cannot now avoid revealing the true extent of their redistricting activities or facing documents that prove their

[2] Terraferma never asserted associational privilege over emails with other operatives relating to maps or analyses of maps, and he has already produced documents and offered testimony on those subjects. (*See, e.g.*, Terraferma's Am. Mot. for Protective Order dated June 7, 2013 at 4; Terraferma's Memo. in Support of Am. Mot. for Protective Order dated Aug. 12, 2013 at 3-4).

earlier testimony false. After all, privilege is "intended as a shield, not a sword," and "a party may not insist upon the protection of the privilege for damaging communications while disclosing other selected communications because they are self-serving." *Apportionment VI*, 150 So. 3d at 1130 (quoting *Hoyas v. State*, 456 So. 2d 1225, 1229 (Fla. 3d DCA 1984)) (internal quotation marks omitted). And, once privilege has been waived, Non-Parties cannot "unwaive" it because of a sudden change of heart. *See Hamilton v. Hamilton Steel Corp.*, 409 So. 2d 1111, 1114 (Fla. 4th DCA 1982) ("It is black letter law that once the privilege is waived, and the horse out of the barn, it cannot be reinvoked.") (footnote omitted). Accordingly, this Court should reject Non-Parties' invitation to change course and narrow the scope of depositions in a way that they know will impede discovery of additional details of their conspiracy with the Legislature.

B. Associational Privilege Does Not Allow the Remaining Non-Parties to Limit Depositions to Communications with the Legislature.

As for the Alachua Republicans and any of the operatives who have not yet waived associational privilege, this Court must determine whether a *prima facie* case of associational privilege has been made and, if so, whether the privilege should yield. Associational privilege is a seldom established, *qualified* privilege against the use of government power to silence collective speech. To invoke associational privilege, each Non-Party must first demonstrate a real prospect of group suppression by showing "a reasonable probability that the compelled disclosure of personal information will subject [group members] to threats, harassment, or reprisals from either Government officials or private parties." *John Doe No. 1 v. Reed*, 561 U.S. 186, 200 (2010) (citing, *inter alia*, *Buckley v. Valeo*, 424 U.S. 1, 74 (1976)) (internal quotation marks and alteration in original omitted). After this *prima facie* showing has been made, this Court must apply a balancing test to determine whether the qualified privilege should yield, taking into account: (1) "the importance of the litigation," (2) "the centrality of the information

sought to the issues in the case," (3) "the existence of less intrusive means of obtaining the information," and (4) "the substantiality of the First Amendment interests at stake." *Perry v. Schwarzenegger*, 591 F.3d 1147, 1161 (9th Cir. 2009).

1. Non-Parties have not made a prima facie showing that they are entitled to assert associational privilege.

Associational privilege requires a legitimate prospect of group suppression, such as the extreme harassment involved in the "Proposition 8" controversy over same-sex marriage in California. *See John Doe No. 1*, 561 U.S. at 200 (acknowledging harassment related to Proposition 8 and "other particularly controversial petitions"); Pet. Brief, *John Doe No. 1*, 130 S. Ct. 2811 (2010) (No. 09-559), 2010 WL 711186, at *2-*6 (chronicling examples of harassment). Here, Non-Parties did not associate to advance a controversial moral, religious, or political viewpoint. They conspired with public officials to violate the Florida Constitution. Working with those in government to achieve an unconstitutional goal is no more legitimate than claiming an associational right to bribe public officials or engage in other forms of public corruption. Most members of the purported association – including several operatives and two "straw" persons – have testified about their redistricting activities or otherwise waived associational privilege. As a result, the remaining Non-Parties' involvement in the association has already been revealed, and any "chilling effect" has already occurred. Because depositions – in and of themselves – will not "chill" First Amendment rights or suppress Non-Parties from engaging in legitimate petitioning activity, associational privilege does not attach in the first instance.

2. The importance of the litigation weighs decisively against Non-Parties' purported associational rights.

Even if any Non-Parties could make a *prima facie* showing, associational privilege must yield under the four-factor balancing test set forth in *Perry*. Although Non-Parties do not

expressly concede the paramount importance of this litigation, they do not seriously contest it. *See, e.g.*, *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 147 (Fla. 2013) ("*Apportionment IV*") ("[I]t is difficult to imagine a more compelling, competing government interest than the interest represented by the challengers' . . . claims.") (internal quotation marks omitted); *League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510, 515-16 (Fla. 2014) (Lewis, J., concurring) (recognizing that Bainter Group's meritless privilege claim threatened to "preclude[e] the disclosure and use of documents during trial to potentially demonstrate that our entire legislative structure is a façade and was not redistricted in compliance with the Florida Constitution"). There can be no reasonable dispute that the first *Perry* factor weighs heavily in favor of allowing Non-Parties to be deposed.

3. The centrality of the expected testimony to the issues in this case weighs decisively against Non-Parties' purported associational rights.

The requested deposition testimony is central to Plaintiffs' claim that the Legislature conspired with Republican operatives to subvert the public redistricting process. As *Apportionment VII* makes clear, the operatives' activities and communications – beyond actual discussions with the Legislature – bear directly on Plaintiffs' claims. Nevertheless, Non-Parties attempt to lay a "trap" on this issue. According to Non-Parties, Plaintiffs must either concede that their case is hopeless without the requested testimony or else forego the right to depose Non-Parties because they "already have the information needed to make their case." (Am. Jt. Mot. at 9). Any such standard would be patently unworkable, and Judge Lewis rejected it in the Congressional Action. Because of the destruction of evidence and non-public dealings in this case, Plaintiffs have "bits and pieces of information" that they must "weave into a narrative consistent with their theory." (Resp. to Mot. to Quash, Ex. 1 at 12). Even though Plaintiffs have evidence to prove their case apart from Non-Parties' testimony, it would be impossible and

premature to determine during pretrial discovery that such evidence "would have been enough, or that th[e] additional evidence wouldn't be crucial to the case." (*Id.* at 13). After all, this Court has "not heard all of the evidence nor had the opportunity to view it in context." (*Id.*). For good reason, the law does not require this Court to find – or Plaintiffs to concede – that their case would be lost without the requested deposition testimony. Instead, it is enough that the evidence is sufficiently "central" to Plaintiffs' claims in this case. Because the Florida Supreme Court has already determined that Non-Parties' redistricting activities shed light on the type of "different, separate process" that goes to the heart of Plaintiffs' claims, that standard is met here.

Non-Parties cannot avoid depositions by "acknowledg[ing]" that maps submitted by the Alachua Republicans "were drawn to favor either the Republican Party or individual Republican incumbents or candidates for the Florida Senate." (Am. Jt. Mot. at 10). Plaintiffs are not simply out to prove that Non-Parties drew and submitted maps that overwhelmingly favored Republicans. That much is obvious from the metrics. Instead, Plaintiffs allege – and the Florida Supreme Court found in *Apportionment VII* – that Non-Parties did much more. They were part of a conspiracy in which well-connected partisan operatives met in secret with the Legislature to decide how they could stay involved in the redistricting process, received non-public draft maps from the Legislature, submitted partisan maps through "straw" persons, and remained in secret contact with the Legislature so that they could provide feedback on the districts and helpfully "nudge" the Legislature towards their maps. One need not strain to imagine how little of this conspiracy would have surfaced if Plaintiffs could only ask about "direct" communications with the Legislature and then had to accept the operatives' responses at face value. The operatives had no qualms about repeatedly misrepresenting their role in the redistricting process. It was only when Plaintiffs obtained "internal" documents that they could confront the operatives with

the true facts and discover what really had occurred. (*See* Resp. to Mot. to Quash, Ex. 1 at 12 (finding by Judge Lewis that "internal" communications among Bainter Group "gave the Plaintiffs . . . the ability to confront [the operatives'] denials, to lay [bare] not only the fact that some of these consultants were submitting maps to the legislature, but to show how extensive and organized that effort was, and what lengths they went to in order to conceal what they were doing," even though the operatives "did their best to evade answering direct questions on the subject, often using semantic distinctions to avoid admitting what they had done")).[3]

4. The lack of other means to get the requested documents weighs decisively against Non-Parties' purported associational rights.

Non-Parties cast any suggestion that the Legislature deleted evidence of its collaboration with operatives as a mere "unverified statement[] of a party's counsel." (Am. Jt. Mot. at 11 n.5). The deletion of documents was discussed at length in Judge Lewis' final judgment and now in the *Apportionment VII* decision. *See Apportionment VII*, 2015 WL 4130852, at *9 ("[I]f not for the production of some documents from the political consultants . . . there would be no record of the separate process undertaken by the consultants and no way to establish whether or not this process involved the collusion of the Legislature and ultimately affected the enacted map, as the trial court concluded."). The Legislature has confirmed that it followed the same approach to document "retention" in both the Senate and congressional processes. (*See* **Comp. Ex. A**). As in the Congressional Action, the Legislature has produced hundreds of thousands of pages of documents that include helpful hints on where to park at public redistricting hearings, but no trace of the conspiracy with partisan operatives. Nor could Plaintiffs rely on the Legislature to

[3] It is entirely possible that further discovery will reveal additional or different ways in which the operatives have tainted the redistricting process and additional districts that were influenced by the operatives. Merely stipulating that the known maps were drawn with partisan intent is not a substitute for discovery that could produce evidence of additional constitutional violations.

voluntarily reveal the details of the conspiracy. At trial in the Congressional Action, the Legislature repeatedly denied that it had collaborated with the operatives, offering theories about staffers going "rogue" and other convoluted explanations that Judge Lewis readily discredited. *See Apportionment VII*, 2015 WL 4130852 at *12, *15 (describing discredited testimony of Speaker Cannon and key staffer regarding interactions with Reichelderfer and Heffley). Accordingly, the history of these proceedings – not a mere "unverified statement" of counsel – establishes that Non-Parties are the only source for the requested evidence.

Non-Parties, of course, know this. What they really seek is a means by which they can run out the clock. Non-Parties hope to convince this Court that Plaintiffs are required to depose every single legislator and staffer before turning to them so that they can be in a position to avoid testimony altogether by raising further objections and then appealing on the eve of trial. This Court should not countenance Non-Parties' continued bids for delay and obstruction.

5. The absence of substantial First Amendment interests weighs decisively against Non-Parties' associational privilege claim.

Non-Parties assert that the requested depositions would "[w]ithout question" infringe on substantial First Amendment interests, but they offer no details to support this claim. (Am. Jt. Mot. at 10). As Judge Lewis recognized, "the danger to the legitimate exercise of First Amendment rights" is "rather slight," and any chilling effect is actually beneficial. (Resp. to Mot. to Quash, Ex. 1 at 10-11); *cf. League of Women Voters of Fla. v. Fla. House of Reps.*, 132 So. 3d 135, 138 (Fla. 2013) (rejecting argument that testimony of legislators and staffers would have a "chilling effect" on redistricting because "this type of 'chilling effect' was the precise purpose of the constitutional amendment outlawing partisan political gerrymandering and improper discriminatory intent"). Non-Parties shared their work product with outside persons and "made [it] very public" through transmission to the Legislature. (Resp. to Mot. to Quash,

Ex. 1 at 11). Many members of the conspiracy have already produced documents and testified about their involvement in the redistricting process, meaning that any further impact on First Amendment rights will be limited. And, "[u]nlike the politically hot button issue of homosexual marriage" involved in *Perry*, the requested deposition testimony deals with redistricting, which "does not address controversial issues of social and moral values that divide the population" or "arouse the type of intense passions that might justify a real fear of physical danger or mass public reprisals." (*Id.*). Because all of the *Perry* factors weigh strongly in favor of allowing the requested testimony, the qualified associational privilege must yield.

C. Plaintiffs Should Not Be Precluded from Inquiring into Matters Addressed at Trial in the Congressional Action.

Non-Parties appear to interpret language in this Court's June 26, 2015 order as precluding inquiry into matters addressed at trial in the Congressional Action.[4] As this Court knows, trials and discovery depositions are completely different. In trial, parties are limited by the rules of evidence, must streamline their presentations, and face narrow time frames in which to offer testimony. Discovery depositions, by contrast, permit broad questioning into any issue that is "relevant to the subject matter of the pending action," even if "the information sought will be inadmissible at the trial," provided that the inquiry "appears reasonably calculated to lead to the discovery of admissible evidence." FLA. R. CIV. P. 1.280(b)(1). In the Congressional Action, Plaintiffs had just received hundreds of pages of documents revealing new aspects of the conspiracy between the Legislature and Non-Parties and had to scramble to include those documents in their trial presentation. Plaintiffs also naturally limited their questioning regarding Senate issues, which were only secondarily relevant in the Congressional Action. Plaintiffs have

[4] In the initial Joint Motion, Non-Parties specifically argued that depositions should not cover matters addressed at trial. In their amended Joint Motion, they seek to exclude "matters into which Plaintiffs' counsel have already inquired at previous examinations." (Am. Jt. Mot. at 3).

never had an opportunity to fully depose Non-Parties based on the documents and information obtained since the earlier depositions, and they should not be denied that right simply because they touched on Senate-related issues during the trial of the Congressional Action.

II. THIS COURT SHOULD OVERRULE THE CLAIMS OF ASSOCIATIONAL PRIVILEGE AS TO CERTAIN DOCUMENTS RAISED BY RUSSELL, HEFFLEY, AND REICHELDERFER

After consuming a considerable amount of this Court's time and Plaintiffs' resources by raising convoluted constitutional arguments and other objections that have repeatedly been rejected, Non-Parties have finally revealed that the vast majority of these witnesses do not have a single responsive document. Indeed, only a handful of documents in the possession of Russell, Heffley, and Reichelderfer are at issue. Russell is one of the "straw" persons who submitted a map – in this case, SPUBS0105 – at Bainter's request, and the documents provided for *in camera* review presumably pertain to that map. For the reasons stated above, Plaintiffs are entitled to documents confirming that the map at issue was received from Bainter's firm (through Stafford Jones) and any associated discussions. That information is highly relevant to Plaintiffs' claims and not obtainable from other sources, and it is difficult to imagine how disclosing these documents could "chill" Russell from anything, as his involvement is already known.

As for Heffley and Reichelderfer, they waived any claim of privilege long ago. In late 2012, Heffley and Reichelderfer received requests for their redistricting-related documents. (**Comp. Ex. B**). They did not assert associational or attorney-client privilege over the documents

identified on their privilege log at that time,[5] and they proceeded to produce documents and testify (albeit falsely) about their role in redistricting. It was only in May 2015, after the operatives' efforts to conceal the conspiracy with the Legislature failed, that Heffley and Reichelderfer first attempted to invoke privilege. In July 2015, these witnesses disclosed the existence of documents that appear to have been responsive to requests served more than two and a half years earlier and as to which they never asserted any claim of associational or attorney-client privilege. Thus, Heffley and Reichelderfer have waived any alleged privilege and must explain why these documents were not previously disclosed.

Turning to the individual documents on the log, Heffley3658-3659 is a communication from Chris Clark, who was chief legislative aide to President Gaetz, and Kris Money, a key staffer to Speaker Weatherford. This email with legislative staff is plainly not privileged, even under Non-Parties' view of the scope of associational privilege.

If this Court does not find that Heffley and Reichelderfer have waived associational privilege as to the emails among the partisan operatives identified on the privilege log, it should first determine whether Heffley and Reichelderfer have made out a *prima facie* case and then conduct the *Perry* balancing analysis. For the reasons stated above, any alleged privilege should yield based on the paramount importance of this litigation, the centrality of the documents to Plaintiffs' claims of a "shadow" redistricting process involving the operatives, Plaintiffs' inability to obtain the information from other sources, and the lack of a substantial infringement on First Amendment rights in light of the information that has already been revealed.

[5] Several documents on Heffley's privilege log are communications with Benjamin Ginsberg, an attorney who represents the national Republican Party in redistricting matters. Ginsberg communicated with (and evidently represented) Heffley and several other operatives. Heffley, however, disclosed communications with Ginsberg in his prior production and testified about the communications in deposition. (**Comp. Ex. C**). In doing so, Heffley waived any alleged privilege.

CONCLUSION

For the foregoing reasons, this Court should (1) deny the Joint Motion; (2) reject Non-Parties' request to limit deposition questioning to communications with the Legislature; (3) overrule the claims of privilege by Russell, Heffley, and Reichelderfer as to the documents identified on their privilege logs; (4) award Plaintiffs the reasonable attorneys' fees and costs incurred in obtaining the requested discovery pursuant to Rules 1.280(c) and 1.380(a)(4), Florida Rules of Civil Procedure; and (5) grant such further relief as is just and proper.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 15, 2015 I filed the foregoing using the State of Florida ePortal Filing System, which will serve a copy by email on all counsel listed on the Service List below.

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