

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

**RENE ROMO, an individual; BENJAMIN
WEAVER, an individual; WILLIAM
EVERETT WARINNER; an individual;
JESSICA BARRETT, an individual; JUNE
KEENER, an individual; RICHARD
QUINN BOYLAN, an individual; and
BONITA AGAN, an individual,**

Plaintiffs,

CASE NO: 2012-CA-00412

v.

**KEN DETZNER, in his official capacity as
Florida Secretary of State, and PAM
BONDI, in her official capacity as
Attorney General of the State of Florida,**

Defendants.

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

Plaintiffs,

CASE NO: 2012-CA-00490

v.

**KEN DETZNER, in his official capacity as
Florida Secretary of State; THE FLORIDA
SENATE; MICHAEL HARIDOPOLOS, in
his official capacity as President of the
Florida Senate; THE FLORIDA HOUSE
OF REPRESENTATIVES; and DEAN
CANNON, in his official capacity as
Speaker of the Florida House of
Representatives,**

Defendants.

**NON-PARTIES PAT BAINTER, MATT MITCHELL, MICHAEL SHEEHAN,
AND DATA TARGETING, INC.'S MOTION FOR ORDER
QUASHING SUBPOENAS DUCES TECUM**

Non-parties Pat Bainter, Matt Mitchell, Michael Sheehan, and Data Targeting, Inc. (collectively “non-parties”) by and through undersigned counsel and pursuant to Rule 1.410, Fla. R. Civ. P., move this Court for an order quashing all subpoenas duces tecum for depositions and production of documents served on the non-parties. Three of the non-parties have been subpoenaed by Plaintiffs, League of Women Voters of Florida, the National Council of La Raza, Common Cause Florida, Robert Allen Schaeffer, Brenda Ann Holt, Roland Sanchez-Medina Jr., and John Steele Olmstead, to appear for deposition on December 13, 2012. This motion is made on the following grounds:

1. The deposition subpoenas served on the non-parties to produce documents and appear for deposition are unreasonable and oppressive. The operative complaints in this case do not mention or even allege that the non-parties have any relation to the case. In short, Plaintiffs’ subpoenas are a fishing expedition seeking information that is not relevant.

2. As framed by the operative complaints, the issue is whether the redistricting maps adopted by the Florida Senate (Senate) and Florida House of Representatives (House) are constitutional. Only the Senate and House members are aware of what information they used and relied on in drawing the maps. There is no allegation in the operative complaints that the Senate or House saw, utilized, considered, or much less relied upon any information submitted by the non-parties (or any other Florida citizen).

3. Thus, even assuming *arguendo* the non-parties submitted information to the Senate and House as did many other Florida citizens, nothing in the allegations shows that a majority of senators or house members who approved the challenged maps relied upon anything provided or prepared by the non-parties. Until such time as such a showing is made, it is premature, unreasonable and burdensome to the non-parties (and for that matter any other

Florida citizen) to produce documents and undergo depositions regarding information and ideas they submitted to their government through a process whereby the government solicited public input.

4. This case should be further viewed in the proper context. The cases are brought by predominately Democratic supporters, and thus far, the discovery and subpoenas are focused on the Republican Party of Florida and a small group of consultants that regularly work with Republicans.

5. As noted above, numerous citizens submitted comments, suggestions and other information to the Florida Legislature through a public web portal specifically designed by the Legislature to solicit and accept such public comments. Plaintiffs have not sought discovery or tried to depose all persons submitting information, but rather have narrowly focused on persons that work with Republicans. Plaintiffs have not alleged that any of the non-parties have participated in the Legislature's public input process by submitting maps, data, comments or information in the first instance, or moreover, that the Legislature derived any district boundary from such a submission even if its existence were alleged. In effect, Plaintiffs' subpoenas are a fishing expedition based on a mere political hunch. Without knowing what information the Senate and House majorities used in preparing the final district maps, if that were even discernible, discovery relating to any Florida citizen who submitted information to the Legislature is premature, unreasonable and unduly burdensome.

6. Plaintiffs' subpoenas also seem to be an attempt through this Court to interject their political preferences into the redistricting process by seeking a judicial remedy which takes the process out of the hands of the Legislature. In addition, Plaintiffs' case in chief attempts an

end-run around the Legislature's constitutional responsibility to redistrict, instead looking to create a permanent right of standing to object for those who dislike the political outcomes.

7. Because the relief sought by Plaintiffs is questionable in the first instance and the discovery is premature, unreasonable, unduly burdensome and oppressive, this Court should quash the subpoenas issued to the non-parties.

WHEREFORE, the non-parties seek an order quashing all subpoenas issued to them and for all other relief the court deems necessary or proper.

Respectfully submitted this 4th day of December, 2012.

/s/

D. Kent Safriet
Florida Bar No. 174939
kents@hgslaw.com
Thomas R. Philpot
Florida Bar No. 091945
thomasp@hgslaw.com
HOPPING GREEN & SAMS, P.A.
P.O. Box 6526
Tallahassee, Florida 32314
Telephone: (850) 222-7500
Facsimile: (850) 224-8551

and

David Healey, Esq.
2846 Remington Green Cir #B
Tallahassee, Florida 32308-3763
dhealy@davidhealylaw.com

Counsel for Non-parties

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the 4th day of December, 2012, a true and correct copy of the foregoing was sent by Electronic Mail to all counsel of record listed below:

Daniel E. Nordby
Ashley E. Davis
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
Tel. (850) 245-6536
Fax. (850) 245-6127
Daniel.Nordby@DOS.MyFlorida.com
Ashley.Davis@DOS.MyFlorida.com
Betty.Money@DOS.MyFlorida.com
Stacey.Smalin@DOS.MyFlorida.com
Counsel for Kenneth W. Detzner
Secretary of State

Michael B. DeSanctis
JENNER & BLOCK, LLP
1099 New York Ave NW, Suite 900
Washington, DC 20001
Telephone: (202) 639-6000
Facsimile: (202) 639-6066
mdesantis@jenner.com

Raoul G. Cantero
Jason N. Zakia
Jesse L. Green
WHITE & CASE LLP
Southeast Financial Center, Ste. 4900
200 South Biscayne Boulevard
Miami, FL 33131
Telephone: (305) 371-2700
Facsimile: (305) 358-5744
rcantero@whitecase.com
jzakia@whitecase.com
jgreen@whitecase.com
ldominguez@whitecase.com
mgaulding@whitecase.com
Counsel for The Florida State Senate and
Michael Haridopolis in his official capacity
as President of The Florida State Senate

Gerald E. Greenberg
Adam M. Schachter
GELBER SCHACHTER & GREENBERG,
P.A.
1441 Brickell Avenue, Suite 1420
Miami, Florida 33131
Telephone: (305) 728-0950
Facsimile: (305) 728-0951
ggreenberg@gsgpa.com
aschachter@gsgpa.com

Richard Burton Bush
BUSH & AUGSPURGER, P.A.
3375-C Capital Circle N.E., Suite 200
Tallahassee, FL 32308
Telephone: (850) 386-7666
Facsimile: (850) 386-1376
rbb@bushlawgroup.com

Charles T. Wells
George N. Meros, Jr.
Jason L. Unger
Allen Winsor
GrayRobinson, P.A.
P.O. Box 11189 (32302)
301 South Bronough Street; Suite 600
Tallahassee, Florida 32301
Tel. (850) 577-9090
Fax. (850) 577-3311
Charles.Wells@gray-robinson.com
George.Meros@gray-robinson.com
Jason.Unger@gray-robinson.com
Allen.Winsor@gray-robinson.com
croberts@gray-robinson.com
tbarreiro@gray-robinson.com
mwilkinson@gray-robinson.com

Leah Marino
Deputy General Counsel
409 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1110
Tel. (850) 487-5229
Marino.leah@flsenate.gov

Miguel De Grandy
800 Douglas Road, Suite 850
Coral Gables, Florida 33134
Telephone: 305-444-7737
Facsimile: 305-443-2616
mad@degrandylaw.com

Blaine Winship
Timothy D. Osterhaus
Office of the Attorney General of Florida
The Capitol, Suite PL-01
Tallahassee, FL 32399-1050
Blaine.winship@myfloridalegal.com

Peter M. Dunbar
Cynthia S. Tunnicliff
**PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.**
215 South Monroe Street, Second Floor
Tallahassee, FL 32301
pete@penningtonlaw.com
Cynthia@penningtonlaw.com

Jon L. Mills
Elan Nehleber
BOIES, SCHILLER & FLEXNER, LLP
100 S.E. 2nd Street, Suite 2800
Miami, FL 33131-2144
jmills@bsflfp.com
enehleber@bsflfp.com
ecruz@bsflfp.com

J. Gerald Hebert
191 Somerville Street, #415
Alexandria, VA 22304
Telephone: (703) 628-4673
hebert@voterlaw.com

Ronald G. Meyer
Lynn Hearn
Meyer, Brooks, Demma & Blohm, P.A.
131 North Gadsen Street
Post Office Box 1547
Tallahassee, FL 32302
rmeyer@meyerbrookslaw.com
lhearn@meyerbrookslaw.com

Michael A. Carvin
Louis K. Fisher
JONES DAY
51 Louisiana Avenue N.W.
Washington, D.C. 20001
macarvin@jonesday.com
lkfisher@jonesday.com

Joseph W. Hatchett
Thomas A. Ranger
AKERMAN & SENTERFITT
106 E. College Avenue
Suite 1200
Tallahassee, FL 32301
Joseph.hatchett@akerman.com
tom.range@akeerman.com
Martha.parramore@akerman.com

Karen C. Dyer
BOIES, SCHILLER & FLEXNER, LLP
121 South Orange Ave., Suite 840
Orlando, FL 32801
kdyer@bsflfp.com

John M. Devaney
Mark Erik Elias
PERKINS COIE, LLP
700 Thirteenth Street, NW, Suite 700
Washington, D.C. 20005
jdevaney@perkinscoie.com
melias@perkinscoie.com
efrost@perkinscoie.com
sYarborough@perkinscoie.com

Abba Khanna
Kevin J. Hamilton
PERKINS COIE, LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
akhanna@perkinscoie.com
rkelly@perkinscoie.com
khamilton@perkinscoie.com
npurcell@perkinscoie.com

Stephen Hogge
STEPHEN HOGGE ESQ., LLC
117 South Gadsden Street
Tallahassee, Florida 32301
stephen@stephenhoggeesq.com

Charles G. Burr
BURR & SMITH, LLP
Grand Central Place
442 W. Kennedy Blvd., Suite 300
Tampa, FL 33606
cburr@burrandsmithlaw .com

Allison J. Riggs, *Admitted Pro Hac Vice*
Anita S. Earls
SOUTHERN COALITION FOR SOCIAL JUSTICE
1415 W. Highway 54, Suite 101
Durham, NC 27707
allison@southerncoalition.org
anita@southerncoalition.org

Victor L. Goode
Dorcas R. Gilmore
NAACP
4805 Mt. Hope Drive
Baltimore, MD 21215-3297
vgoode@naacpnet.org
dgilmore@naacpnet.org
Counsel for Intervenor/Defendant, NAACP

Harry O. Thomas
Christopher B. Lunny
Radney, Thomas, Yon & Clark, PA
301 South Bronough St., Ste. 200
Tallahassee, FL 32301-1722
hthomas@radneylaw .com
clunny@radneylaw .com
jday@radneylaw.com
cdemeo@radneylaw.com
*Counsel for Intervenors/Defendants Negron,
Suarez, Rodriguez, Pinder, Mathiri, Mount,
Barnes, Butler, and Wise*

GeorgeT. Levesque (FBN 555541)
General Counsel
Florida House of Representatives
422 The Capitol
Tallahassee, Florida 32399-1300
Telephone: 850-410-0451
George.Levesque@myfloridahouse.gov
Glevesque4@comcast.net
Velma.Carter@myfloridahouse.gov
*Counsel for The Florida House of
Representatives and Dean Cannon, in his
official Capacity as Speaker of the Florida
House of Representatives*

/s/

Attorney