

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

WILLIAM EVERETT WARINNER  
and JAMES C. MILLER, SR.,

Plaintiffs,

v.

Case No. 4:14-cv-00164-JA

KEN DETZNER, in his official capacity  
as Secretary of State of the State of Florida,

Defendant,

THE FLORIDA HOUSE OF  
REPRESENTATIVES and THE FLORIDA  
SENATE,

Intervenor-Defendants.

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**THE LEGISLATIVE PARTIES'  
SUBMISSION OF EVIDENCE AND STATUS REPORT**

Pursuant to this Court's Order of June 5, 2014 (D.E. 48), Intervenor-Defendants, the Florida House of Representatives and the Florida Senate (the "Legislative Parties"), supplement the record with evidence admitted in the trial of *Romo v. Detzner*, No. 2012-CA-000412 (Fla. 2d Cir. Ct.) (the "State Trial"), and identify the evidence not admitted in the State Trial, but which the Legislative Parties wish to be admitted in this case.

**I. SUBMISSION OF EVIDENCE.**

The Legislative Parties submit the following evidence admitted in the State Trial:

<b>STATE TRIAL EXHIBITS OF THE LEGISLATIVE PARTIES</b>	
<b>No.</b>	<b>Description</b>
1-F	Romo Plaintiffs' Verified Supplemental Joint Responses and Objections to Third Set of Interrogatories
5-A	<i>Curriculum vitae</i> of Robert Cassanello
7-A	<i>Curriculum vitae</i> of Nolan McCarty
21-G	Exhibit 7 to the deposition of Stephen Ansolabehere
27	Maps and data with respect to the benchmark congressional redistricting plan
28	Maps and data with respect to the congressional redistricting plan enacted by the Legislature on February 9, 2012
29	Maps and data with respect to alternative congressional redistricting plan offered by the plaintiffs in <i>Romo v. Detzner</i>
31	Maps and data with respect to congressional redistricting plans offered in the Legislature by members, committees, or subcommittees
34-B	Portions of the State's preclearance submission to the United States Department of Justice
38	Letter from John R. Dunne to the Honorable Robert A. Butterworth (June, 1992)
44	Maps and data with respect to the congressional redistricting plan adopted in <i>DeGrandy v. Wetherell</i> , 794 F. Supp. 1076 (N.D. Fla. 1992), and the congressional redistricting plan adopted by the Florida Legislature and approved by the federal District Court for the Northern District of Florida in 1996
49	Letter from Ralph F. Boyd, Jr., to Senate President John McKay and Speaker Tom Feeney (July 1, 2002)
72	Powerpoint slides "20120209_slides.pptx" produced by Florida Senate in response to discovery served by Plaintiffs
76-4	2008-2012 Census American Community Survey Data (5-Year Estimates)
76-5	2008-2012 Census American Community Survey Data (5-Year Estimates)
76-9	2008-2012 Census American Community Survey Data (5-Year Estimates)
82-B	Document Entitled "Legal Basis" Produced by the Florida Senate

<b>STATE TRIAL EXHIBITS OF THE DEFENDANT-INTERVENOR FLORIDA STATE CONFERENCE OF NAACP BRANCHES</b>	
<b>No.</b>	<b>Description</b>
1-A	<i>Curriculum vitae</i> of Darryl Paulson

2-A	<i>Curriculum vitae</i> of Richard Engstrom
3	Richard Engstrom's racial polarization analysis
4	Richard Engstrom's racial polarization analysis
5	Richard Engstrom's racial polarization analysis
6	Richard Engstrom's racial polarization analysis
7	Richard Engstrom's diminishment analysis
8	Richard Engstrom's diminishment analysis
9	Richard Engstrom's diminishment analysis
10	Richard Engstrom's analysis of Romo Plaintiffs' Alternative District 10

<b>STATE TRIAL EXHIBITS OF THE COALITION PLAINTIFFS</b>	
<b>No.</b>	<b>Description</b>
46	The State's submission to the United States Department of Justice for preclearance of Amendments 5 and 6
1454-A	Draft congressional map drawn by professional staff of the Florida Senate
1454-B	Data with respect to Exhibit 1454-A

The Legislative Parties submit the following deposition designations, together with their Second Amended Designation of Deposition Testimony Presented at Trial:

<b>DEPOSITION DESIGNATIONS</b>
Deposition of Scott Arceneaux
Deposition of Mark Gersh and exhibits
Deposition of Brian Smoot as corporate representative of the National Democratic Redistricting Trust
Deposition of Eric Hawkins as corporate representative of NCEC Services, Inc. and exhibits
Deposition of Brian Zuzenak as corporate representative of the Democratic Congressional Campaign Committee and exhibits

The Plaintiffs have represented in their filing that they will submit the final trial transcript, with the exception of those portions that reflect trial proceedings that were closed to the public. Therefore, the Legislative Parties are not filing the final trial transcript but will do so upon the Court's direction.

**II. IDENTIFICATION OF ADDITIONAL EVIDENCE.**

In addition to the evidence admitted in the State Trial and submitted to this Court, the Legislative Parties intend to offer the following evidence:

1. Evidence that *res judicata* bars Plaintiffs' claims. The Legislative Parties intend to offer evidence that Plaintiff, James C. Miller, Sr., though not a named plaintiff in the state proceeding, is in privity with, and was virtually represented by, the plaintiffs in the state proceeding.
2. Expert evidence concerning socio-economic data and other demographic circumstances of Congressional District 5, as well as historical evidence concerning the communities that comprise District 5, to supplement the expert testimony provided by Robert Cassanello in the State Trial.
3. Fact testimony concerning the factors that motivated the Legislature in the creation and enactment of Congressional District 5.

Respectfully submitted this nineteenth day of June, 2014.

/s/ Raoul G. Cantero

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was sent by notice of electronic filing on  
June 19, 2014, to the following individuals.

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