

# **EXHIBIT L**

**Medlock, Stephen M.**

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**From:** Katz, Jennifer [jkatz@oag.state.md.us]  
**Sent:** Friday, December 16, 2016 4:17 PM  
**To:** Medlock, Stephen M.  
**Cc:** Webb, Brantley; Kimberly, Michael B.; Darsie, Jeffrey; Hughes, Paul W.; Rice, Sarah  
**Subject:** RE: Benisek v. Lamone (D. Md.): Depositions [MB-AME.FID1259210]

Steve,

Thank you for your email. We continue to think it is premature to agree to 5 more depositions at this time, given the likelihood that a number of the individuals you seek to depose cannot be compelled to testify in this matter. We would move to quash subpoenas served on members of the GRAC, as well as current or former members of the Maryland General Assembly who seek to assert the testimonial privilege. Thus, we continue to believe that 10 depositions is sufficient. We are open to reexamining our position should the Court not grant those motions to quash, but would anticipate seeking to extend the discovery period to accommodate any increased discovery upon which we may agree.

I note that you say you originally thought you might be able to obtain through “informal discovery” information you now intend to seek through deposition. To the extent you use the term “informal discovery” in its standard use – i.e., the counsel-facilitated exchange of information without resort to formal discovery mechanisms – you have not proposed any such mechanism, nor have we rejected it. What we objected to – ex parte contact with represented parties – is not informal discovery. If you would like to discuss mechanisms other than depositions to obtain information that is properly subject to discovery, whether formal or informal, please let us know.

Best,  
Jennifer

Jennifer Katz  
Assistant Attorney General, Civil Division  
jkatz@oag.state.md.us  
(410) 576-7005

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**From:** Medlock, Stephen M. [mailto:SMedlock@mayerbrown.com]  
**Sent:** Friday, December 16, 2016 9:27 AM  
**To:** Katz, Jennifer <jkatz@oag.state.md.us>  
**Cc:** Webb, Brantley <BWebb@mayerbrown.com>; Kimberly, Michael B. <MKimberly@mayerbrown.com>; Darsie, Jeffrey <jdarsie@oag.state.md.us>; Hughes, Paul W. <PHughes@mayerbrown.com>; Rice, Sarah <srice@oag.state.md.us>  
**Subject:** RE: Benisek v. Lamone (D. Md.): Depositions [MB-AME.FID1259210]

Jennifer:

We do not believe that Plaintiffs have to disclose precisely who they plan to depose in order to agree on a relatively small extension in the number of deponents. Nevertheless, in order to reach an agreement on this matter, we will provide you with additional information regarding who Plaintiffs plan to depose. At this juncture, Plaintiffs plan to depose 5 GRAC members, the Defendants’ 30(b)(6) representative, at least 5 current or former members of the Maryland General Assembly, and at least one member of the Department of Legislative Services. In addition, we may depose at least one official in the Maryland Democratic Party and one of Maryland’s U.S. Congressional representatives. In many cases, we would have sought information from these individuals through informal discovery. However, given our recent exchange of correspondence, Plaintiffs are not now seeking this informal discovery.

As you noted, the discovery window in this matter is fairly tight. Please let us know by close of business today if you will agree to increase the number of fact witness depositions in this matter from 10 per side to 15 per side.

Regards,

Steve

**Stephen M. Medlock**

**Mayer Brown LLP**

1999 K Street NW | Washington, DC 20006

T: (202) 263-3221 | F: (202) 263-5221

[smedlock@mayerbrown.com](mailto:smedlock@mayerbrown.com)

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**From:** Katz, Jennifer [<mailto:jkatz@oag.state.md.us>]

**Sent:** Wednesday, December 14, 2016 3:57 PM

**To:** Medlock, Stephen M.

**Cc:** Webb, Brantley; Kimberly, Michael B.; Darsie, Jeffrey; Hughes, Paul W.; Rice, Sarah

**Subject:** Re: Benisek v. Lamone (D. Md.): Depositions [MB-AME.FID1259210]

Steve, please see the forwarded email. I am working from home today and somehow managed to send this to everyone but you.

Best,  
Jennifer

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**From:** Katz, Jennifer

**Sent:** Wednesday, December 14, 2016 3:52:20 PM

**To:** Katz; Jennifer

**Cc:** Webb; Brantley; Kimberly; Michael B.; Darsie; Jeffrey; Hughes; Paul W.; Rice; Sarah

**Subject:** Re: Benisek v. Lamone (D. Md.): Depositions [MB-AME.FID1259210]

Steve,

We think that the 10 depositions you originally proposed, and to which we agreed, is more than enough given the subject matter of the litigation and, given the very tight discovery schedule, we are not inclined to agree to more at this time. You have not identified a list of who you intend to depose, but we assume that you may seek to depose members of the GRAC and others who are protected by legislative privilege and cannot be compelled to testify in this matter. Thus, we continue to believe that 10 depositions is more than adequate. Further, when we agreed to the 10 depositions per side, we did not understand that agreement to be conditioned on your ability to seek pre-discovery from current and former state officials represented by the Attorney General's Office. If you want to provide us with a list of who you seek to depose, we can further discuss your request, and try to reach an agreement.

Best,  
Jennifer

On Dec 13, 2016 1:41 PM, "Medlock, Stephen M." <[SMedlock@mayerbrown.com](mailto:SMedlock@mayerbrown.com)> wrote:

Jennifer:

When we initially agreed to 10 depositions per side in the joint discovery plan, we believed that we would be able to conduct informal discovery with current and former delegates and senators who were not represented in this matter. Following on our recent exchange of letters, however, we must now resort to command discovery. Accordingly, we propose raising the number of depositions per side from 10 to 15. By Friday, can you please let us know whether you will consent to this mutual increase in the number of depositions?

Regards,

Steve

**Stephen M. Medlock**

Associate

**Mayer Brown LLP**

1999 K Street NW | Washington, DC 20006

T: (202) 263-3221 | F: (202) 263-5221

[smedlock@mayerbrown.com](mailto:smedlock@mayerbrown.com)

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