

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

O. JOHN BENISEK, *et al.*,

Plaintiffs,

v.

LINDA H. LAMONE, *et al.*,

Defendants.

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Case No. 13-cv-3233

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**DEFENDANTS' RESPONSES TO PLAINTIFFS'
THIRD SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendants Linda H. Lamone and David J. McManus, Jr., state as follows for their responses and objections to Plaintiffs' Second Set of Requests for Admissions.

PRELIMINARY STATEMENT

The following responses are based on the Defendants' knowledge, information, and belief, and are complete to the best of their knowledge at this time. The Defendants assume no obligation to supplement or amend voluntarily these responses beyond applicable legal requirements to reflect information, evidence, documents, or things discovered following service of these responses. Furthermore, these responses were prepared based on the Defendants' good faith interpretation and understanding of the Plaintiffs' requests and are subject to correction for inadvertent errors or omissions, if any. These responses are given without prejudice to subsequent revision, amendment, or supplementation based upon any information, evidence, and documentation that hereinafter may be discovered.

The Defendants reserve the right to refer to, or to offer into evidence at the time of trial, any and all facts, evidence, documents, and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents, and things in these responses.

The Defendants reserve all objections or other questions as to the competency, relevance, materiality, privilege or admissibility of evidence in any subsequent proceeding of their responses and of any information or documents produced in response thereto.

The Defendants state that, except for facts explicitly admitted herein, no admission of any nature whatsoever is to be implied or inferred from their responses. The fact that the Defendants have responded to a request should not be taken as an admission, or a concession of the existence of any fact set forth, inferred or assumed by such request, or that such response constitutes evidence of any fact thus set forth, inferred, or assumed.

The Defendants' decision to respond to any request, notwithstanding the objectionable nature of any of the requests themselves, is not: (a) an acceptance of, or agreement with, any of the characterizations or purported descriptions of the transactions or events contained in the requests; (b) a concession or admission that the material is relevant to this proceeding; (c) a waiver of the General Objections or of the objections asserted in any specific response; (d) an admission that any such information exists; or (e) an agreement that responses for similar information will be treated in a similar manner.

GENERAL OBJECTIONS

The Defendants' responses are subject to, qualified by, and limited by the following General Objections, which apply to each specific request as if incorporated and set forth in full in each response.

1. The Defendants object to these requests to the extent they seek material that is not relevant to the subject matter involved in this action or is beyond the scope of what is required to be provided by the Federal Rules of Civil Procedure, the local rules of this Court, or the Orders of the Court in this matter.

2. The Defendants object to these requests to the extent that they are overbroad, oppressive, duplicative, or cumulative.

3. The Defendants object to these requests to the extent that they are vague, ambiguous, fail to specify with reasonable particularity the information sought, or otherwise are incomprehensible.

4. The Defendants object to these requests to the extent that they require the Defendants to make legal conclusions, and/or presuppose legal conclusions or assume the truth of matters that are disputed.

5. The Defendants object to these requests to the extent that they seek admissions regarding information not available to the Defendants and/or that calls for information that is not within the Defendants' possession, custody, or control.

6. The Defendants object to these requests to the extent that they seek information that is protected from disclosure pursuant to the attorney-client privilege, the

attorney work product doctrine, executive or legislative privilege, or otherwise is privileged, protected, or exempt from discovery.

7. The Defendants object to plaintiffs' definition of relevant individual because, with the exception of the Defendants and their agents, representatives, and attorneys, it consists solely of individuals who are employees and former employees of other state entities over whom the Defendants have no control. Plaintiffs' definition also includes other government entities over whom the Defendants have no control.

8. In addition to these General Objections, the Defendants also state, where appropriate, other specific objections to individual requests. By setting forth such specific objections, the Defendants neither intend to, nor do, limit or restrict or waive the General Objections, which shall be deemed incorporated in each of the responses to the specific requests that follow, though not specifically referred to or restated therein.

RESPONSES

22. The GRAC had the ability in 2011 to draw the lines of Maryland's eight congressional districts in such a way as to ensure that, as a result of any election held under a map adopting such lines, Maryland's delegation to the U.S. House of Representatives would comprise seven Democrats and one Republican.

Response 22. Defendants admit that GRAC had the ability in 2011 to draw the lines of Maryland's eight congressional districts in any number of ways that would have produced a high likelihood that, as a result of any election held under a map adopting such lines, Maryland's delegation to the U.S. House of Representatives would comprise seven

Democrats and one Republican, because in 2011 Democrats, as measured by voter party registration, outnumbered Republicans by more than 2 to 1 statewide. Defendants further admit that GRAC had the ability in 2011 to draw the lines of Maryland's eight congressional districts in a number of ways that would have produced a high likelihood that, as a result of any election held under a map adopting such lines, Maryland's delegation to the U.S. House of Representatives would comprise eight Democrats and no Republicans. Defendants deny that GRAC could, through the line drawing process, ensure any particular electoral outcome in the composition of Maryland's delegation to the U.S. House of Representatives.

23. The GRAC considered a congressional redistricting map that was projected to produce eight majority-Democratic districts.

Response 23. Defendants admit that the GRAC was provided with a third-party proposed map that was projected to produce eight majority-Democratic districts, and further admit that the GRAC did not adopt that map.

24. When considering the lines of the Sixth District, the GRAC moved registered Democratic voters into the Sixth District by reason of their party affiliation for partisan purposes.

Response 24. Defendants admit that, when considering the lines of all districts, the GRAC moved population groups in and out of potential districts by Census Block Group, at the smallest unit of consideration. Defendants further admit that the GRAC considered

turnout and party affiliation data at either the Census Block Group or precinct level, as that data was available. Defendants do not have enough knowledge to admit or deny the remainder of this statement. Defendants have made reasonable inquiry of all members of the GRAC and staff members with knowledge of this topic, but were not able to learn more information before responses were due, in part because of continued assertion of legislative privilege in response to inquiry regarding these matters by Senate President Miller and House of Delegates Speaker Busch.

25. When considering the lines of the Sixth District, the GRAC moved registered Republican voters out of the Sixth District by reason of their party affiliation for partisan purposes.

Response 25. Defendants admit that, when considering the lines of all districts, the GRAC moved population groups in and out of potential districts by Census Block Group, at the smallest unit of consideration. Defendants further admit that the GRAC considered turnout and party affiliation data at either the Census Block Group or precinct level, as that data was available. Defendants do not have enough knowledge to admit or deny the remainder of this statement. Defendants have made reasonable inquiry of all members of the GRAC and staff members with knowledge of this topic, but were not able to learn more information before responses were due, in part because of continued assertion of legislative privilege in response to inquiry regarding these matters by Senate President Miller and House of Delegates Speaker Busch.

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