

# **EXHIBIT 1**

BRIAN E. FROSH  
ATTORNEY GENERAL



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ELIZABETH F. HARRIS  
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CAROLYN A. QUATTROCKI  
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ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER  
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

November 15, 2016

Michael B. Kimberly, Esquire  
1999 K. Street, N.W.  
Washington, D.C. 20006

Dear Mr. Kimberly:

This letter is written in response to your October 25, 2016 public information request directed to Warren G. Deschenaux, Executive Director of the Department of Legislative Services. The purpose of the letter is to comply with General Provisions Article, § 4-203(b), which requires that a letter be sent in 10 business days of a public information request if it will take more than 10 days to respond to the request. The 10 day deadline has been extended to November 15, 2016 by agreement of the parties.

At this point I would anticipate that all of the responsive materials can be sent by the end of this week. The delay past 10 days was caused by the need to collect and review a large number of documents for possible relevance.

In response to question 1, the Department of Legislative Services is not the custodian of documents reflecting what information was used to draw the maps recommended to the Governor by the Governor's Redistricting Advisory Committee or the maps introduced by the Governor to the legislature in October 2011. Nevertheless, the Department of Legislative Services provided information to staff of the Governor's Redistricting Advisory Committee. The .bin files with the information provided to the Governor's Redistricting Advisory Committee staff will be provided. Certain information, including Census information, is and was available as part of the Maptitude software subscription service. This information is not severable from the program itself.

In response to question 2, documents related to voter demographics data, voter registration data, and political party affiliation data in possession of the Department of Legislative Services will be provided to you. These documents are based on information from the United States Census Bureau, the Maryland Department of Planning, and the State Board of Elections. The Department of Legislative Services also has publications such as newspapers, magazines, and books commonly available in libraries that may contain returns and results from Maryland's 2008, 2010, 2012, and 2014 federal congressional elections. These documents will not be copied and provided, but you are welcome to review the documents at the legislative library, which is open to the public Monday through Friday from 8 a.m. to 5 p.m.

Michael B. Kimberly, Esquire  
November 15, 2016  
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In response to question 3, you will be provided with responsive emails from redistricting and library staff with the Department of Legislative Services.

It is my understanding that you have already sent a request to the Governor's office, the Maryland Department of Planning, and the State Board of Elections, any of which may have responsive documents. It is also possible that the offices of the Speaker of the House and the President of the Senate, each of whom was a member of the Governor's Redistricting Advisory Committee, have additional responsive documents.

Sincerely,

A handwritten signature in black ink, appearing to read 'KMR', with a long horizontal flourish extending to the right.

Kathryn M. Rowe  
Assistant Attorney General

KMR/kmr  
10DayLetter.wpd

**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:14 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA to Warren Deschanaux  
**Attachments:** 2011\_02\_02Aldridge.pdf; 2011\_04\_21Horgan.pdf; 2011\_04\_29Ford.pdf; 2011\_05\_09Horgan.pdf; 2011\_10\_14Cheatham.pdf; 2011\_11\_14Gordon.pdf; 2016\_09\_08Fisher.pdf; 2016\_09\_08Fisher\_2.pdf; 2016\_09\_22Fisher\_3.pdf

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 3:53 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA to Warren Deschanaux

Attached are emails responsive to request #3 directed to Warren Deschenaux. Emails that have attachments, and those attachments, will come in a separate email

**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:14 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA request to Warren Deschenaux  
**Attachments:** 2011\_10\_03KengleAtt.pdf; 2012\_01\_09BishopAtt.pdf;  
BishopAttachgracsb1hb1adjpop.xls; bishopattachgracsb1hb1REG-TNT.xlsx;  
bishopattachgracsb1hb1vap.xls; KengleAttach.dbf

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 3:56 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA request to Warren Deschenaux

The remaining emails. Documents responsive to 1 and 2 will follow.

**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:14 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA request to Warren Deschenaux  
**Attachments:** 2010 Turnout by vtd format3.xlsb; MD2010pollingplaces.xlsx;  
MDPrecinctlongnamesoriginalfile.xlsx; Precinct\_Turnout\_by\_Party\_Statewide\_GG10  
printable.xlsx; Precinct\_Turnout\_by\_Party\_Statewide\_GG10\_KA.xls

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 4:14 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA request to Warren Deschenaux

Attached are documents responsive to request #2 of the request to Warren Deschenaux. Additional documents will follow.

**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:14 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA request to Warren Deschenaux  
**Attachments:** 2002Cong\_LegMap\_Pop.pdf; 2010AdjTotalPopbyCounty\_Region.pdf; 2012CongdistrictsPrecinctAdjPop.pdf; OverviewDemographis.pdf; PrecinctPopulationDataCorrection.pdf

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 4:27 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA request to Warren Deschenaux

Dear Mr. Kimberly --

Attached are additional documents responsive to request #2.

The documents responsive to request #1 are in the form of .bin files. While .bin files can be emailed, many servers do not like them. I will try to email them in the next couple of emails, but it may be necessary to find a different way to transmit them. Let me know if you do not receive them, or receive the emails with the .bin files stripped.

Kathryn M. Rowe  
Assistant Attorney General

**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:12 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA request to Warren Deschenaux  
**Attachments:** 2010 County Census PL Data joinable.bin; 2010 Ideal Pop numbers joinable.bin; 2010 Turnout by precinct format.bin; 2010 Turnout by precinct formatted.bin; 2010 Turnout by precinct formatted2.bin; 2010 Turnout by vtd format2.bin

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 4:30 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA request to Warren Deschenaux

.bin files attached



**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 6:12 PM  
**To:** Brantley, Sandra; Rice, Sarah; Katz, Jennifer  
**Subject:** FW: PIA request to Warren Deschenaux  
**Attachments:** 2010 Turnout by vtd format3.bin; 2010 Turnout by vtd formatted.bin; 2010 Turnout by vtd4.bin; 2010 Turnout by vtd5.bin; 2010 Turnout by vtd6.bin

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**From:** Rowe, Kathryn  
**Sent:** Wednesday, November 16, 2016 4:31 PM  
**To:** 'mkimberly@mayerbrown.com' <mkimberly@mayerbrown.com>  
**Subject:** PIA request to Warren Deschenaux

Second batch of .bin files

**BRIAN E. FROSH**  
Attorney General

**ELIZABETH HARRIS**  
Chief Deputy Attorney General



**DONNA HILL STATON**  
Deputy Attorney General

**CAROLYN QUATTROCKI**  
Deputy Attorney General

FACSIMILE NO.

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

WRITER'S DIRECT DIAL NO.

February 3, 2017

*via email*

Stephen M. Medlock  
Mayer Brown LLP  
1999 K Street, N.W.  
Washington, DC 20006

Re: *Benisek v. Lamone*

Dear Mr. Medlock,

This letter serves as the response to the subpoena served on Karl Aro in connection with the *Benisek v. Lamone* litigation.

When Mr. Aro left State service earlier this year, he retained only his personal notebook that he kept during redistricting, but not any hard copy or electronic state records. Mr. Aro's state records related to redistricting are in the possession of the Department of Legislative Services. The portions of the notebook responsive to the subpoena are produced with this correspondence, with one exception that is noted on the privilege log recording notes of a conversation where Mr. Aro was seeking advice from counsel and which is therefore protected by the attorney client privilege.

Mr. Aro was made aware of the *Benisek v. Lamone* litigation in late September or early October 2017, and at that time he was informed that were he to be identified as a fact witness in the case, the Office of the Attorney General would represent him regardless of his employment status. In the course of those communications, on January 5, 2017, he exchanged emails with Assistant Attorney General Sarah Rice on the subject of a representation agreement in this matter. The content of those emails is protected by attorney-client privilege. Prior to the first conversations specific to this case, Mr. Aro knew that as an employee of the State of Maryland, the Office of the Attorney General was statutorily required to represent him in relation to actions taken within his official capacity. *See* Md. Code Ann., State Gov't § 6-106. He further understood that this representation would continue even after he left State service.



Stephen M. Medlock  
February 3, 2017  
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Best,

A handwritten signature in black ink, appearing to read "Sarah W. Rice".

Sarah W. Rice  
Assistant Attorney General

cc: all counsel of record