

# **EXHIBIT 3**

*Benisek v. Lamone*  
Revised Privilege Log for Speaker Michael E. Busch

| Document No. | Date         | Description  | Reason for Withholding   |
|--------------|--------------|--|--|
| 1            | October 2011 | Email from Speaker's staff to staff of Speaker, President and Governor re scheduling   | Produced   |
| 2            | October 2011 | Email from Speaker's staff to DLS staff re Special Session   | Produced   |
| 3            | 3/25/2011    | Email from Delegate Cardin to his close legislative aide and the close legislative aides of Speaker Busch regarding constituent request for input into map-drawing process   | Legislative Privilege –legislator to legislator and close aides not shared with others   |
| 4            | 8/1/2011     | Email from DLS staff to Speaker's staff re research request  | Produced   |
| 5            | 10/17/2011   | Email from President's staff to staff of Speaker, President and Governor containing opinions and recommendations developed for legislators regarding Rep. Edwards' proposed plan exchanged while SB1 was pending in the General Assembly | Legislative Privilege—legislative close aides not shared with others   |
| 6            | 10/24/2011   | Email from County staff to Speaker's staff for information on Congressional Districts in County  | Produced previously  |
| 7            | 7/6/2011     | Speaker's Staff to President's staff regarding opinions and recommendations about the approach to passing an eventual redistricting plan   | Legislative Privilege – discussion of legislative close aides not shared with others   |
| 8            | 9/15/2011    | Speaker's staff to Delegate regarding schedule for consideration of congressional redistricting plan   | Legislative Privilege – legislator to legislator communication not shared with others  |
| 9            | 10/7/2011    | Email Delegate to Speaker's staff regarding availability of congressional plan   | Legislative Privilege—legislator to legislator communication not shared with others  |
| 10           | 10/17/2011   | Attachment to Item 5. Spreadsheet prepared by the President's staff as part of his job duties in preparing drafts of SB1 containing plan summaries of congressional districts which may have been used by the President's and Speakers's | Legislative Privilege – legislative close aides not shared with others. Withheld only as an attachment to otherwise privileged communication |

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|    |      | staff in preparing and analyzing draft and proposed legislation in the special session   |          |
| 11 | 2011 | Spreadsheet containing plan summaries of congressional districts, which may have been used by President Miller's and Speaker Busch's personal legislative staff and Governor's staff while they were performing their job duties in preparing drafts of SB1 for consideration. | Produced |

*Benisek v. Lamone*

## Revised Privilege Log for Senator Thomas V. Mike Miller, Jr.

| Document No.    | Date                         | Description   | Reason for Withholding  |
|-----------------|------------------------------|---|---|
| 1               | 4/25/11                      | Email from one member of the President's staff to another forwarding email from Dan Friedman concerning <i>Martin</i> case.   | Produced  |
| 2               | 10/13/11                     | Email from President Miller to members of Senate and Staff about Special Session  | Produced  |
| 3               | 10/14/11                     | Email from President Miller to members of Senate and Staff about Special Session  | Produced  |
| 4               | 10/20/11                     | Email from Planning Staff to GRAC members and staff and Secretary of State about equivalency files  | Produced  |
| 5               | 10/31/11                     | Email from Dan Friedman, Assistant Attorney General to GRAC members, staff, and other Assistant Attorneys General re litigation   | Produced  |
| 6               | 11/10/11                     | Same as above   | Produced  |
| 7               | 11/18/11                     | Same as above   | Produced  |
| 8               | 11/21/11                     | Same as above   | Produced  |
| 9               | 11/29/11                     | Same as above   | Produced  |
| 10              | 2011                         | Data compiled from internal and external sources, which may have been used by President Miller's and Speaker Busch's personal legislative staff while they were performing their job duties in preparing plan drafts for consideration. | Produced—Content of CD  |
| 11              | 10/3/11                      | Senate Democratic Caucus Meeting Agenda Draft authored by Pat Murray, then Chief of Staff   | Produced  |
| 12 <sup>1</sup> | Undated, likely October 2011 | Pat Murray-authored draft of remarks to be provided by Senate President Miller to Senator Robey   | Legislative privilege—legislator to legislator communication not shared with others |
| 13              | July 6, 2011                 | Pat Murray-authored notes for presentation to be given by Senate  | Legislative privilege—close legislative aide to legislator                          |

<sup>1</sup> Items 12 through 16 were originally located when searching in response to the subpoena issued to Yaakov Weissman. However, consistent with practice in disclosing staff documents in response to the subpoena for documents issued to Senate President Miller, they are included on this privilege log. No documents other than those disclosed on this privilege log are withheld in response to the subpoena to Mr. Weissman.

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|    |                 | President Miller to the Redistricting Advisory Committee  | communication not shared with others  |
| 14 | August 18, 2011 | Pat Murray-authored notes for remarks to be given at the Maryland Democratic Party Trustees Reception | Legislative privilege—close legislative aide to legislator communication not shared with others |
| 15 | May 11, 2011    | Pat Murray-authored notes for remarks to be given at the Calvert County Democratic Club               | Legislative privilege—close legislative aide to legislator communication not shared with others |
| 16 | October 3, 2011 | Pat Murray-authored notes for remarks to be given at Democratic Caucus Meeting                        | Legislative privilege—close legislative aide to legislator communication not shared with others |