

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<p>LOUIS AGRE, WILLIAM EWING, FLOYD MONTGOMERY, JOY MONTGOMERY, RAYMAN SOLOMON</p> <p>v.</p> <p>THOMAS W. WOLF, Governor of Pennsylvania, PEDRO CORTES, Secretary of State of Pennsylvania, JONATHAN MARKS, Commissioner of the Bureau of Elections – in their official capacities</p>	<p>CIVIL ACTION NO. 17-4392</p>
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ORDER RE: PLAINTIFFS' MOTION TO COMPEL

BEFORE: Smith, Chief Circuit Judge; Shwartz, Circuit Judge; Baylson, District Judge:

The Court having considered the submissions and arguments of counsel concerning Plaintiffs' motion to compel [ECF No. 51]; and the Court determining that the legislative privilege is a qualified privilege that may be pierced and which at a minimum does not shield communications with third-parties associated with REDMAP nor protect facts and data considered in connection with redistricting; and the Court overruling the assertion of the First Amendment privilege; and the Court seeking to limit the time period for which relevant documents must be produced; and for good cause shown;

AND NOW, this 8th day of November, 2017, it is ORDERED that:

1. No later than November 17, 2017, Intervenor Defendants shall produce documents from the period January 1, 2009 through December 31, 2012, that are

requested in Plaintiffs' discovery demands and over which Intervenor Defendants do not claim privilege;

2. No later than November 17, 2017, Intervenor Defendants shall produce requested facts and data considered in creating the 2011 Plan;

3. No later than November 17, 2017, Intervenor Defendants shall produce documents reflecting requested communications between Intervenor Defendants (including their staffs and agents) and REDMAP's representatives;

4. No later than November 17, 2017, Defendants shall produce privilege logs; and

5. If there are challenges to the assertion of a privilege and/or work product rule, then the parties shall meet and confer and make a good faith effort to resolve the dispute. If the dispute is not resolved, it shall be presented as follows: the parties shall create a joint log that sets forth only the documents for which there is a challenge concerning the assertion of the privilege/work product rule, and the joint log shall contain, in addition to the standard columns on the log listing items such as the identities of the author and recipient of the document, the type of document, and a description of the contents of the document, two additional columns: (a) a column setting forth the reasons why the privilege does not apply, should be pierced, or has been waived, and (b) a column explaining why the privilege/work product rule applies, should not be pierced, or has not been waived. Any such disputes shall be presented no later than November 24, 2017.

BY THE COURT:

s/Patty Shwartz

PATTY SHWARTZ, U.S.C.J.