

**Exhibit E**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

Karen Davidson,	)
Debbie Flitman,	)
Eugene Perry,	)
Sylvia Weber, and	)
American Civil Liberties Union	)
of Rhode Island, Inc.,	)
	)
Plaintiffs,	)
	)
vs.	)
	)
City of Cranston, Rhode Island	)
	)
Defendant.	)

Civil Action No. 1:14-cv-00091-L-LDA

**PLAINTIFFS' RESPONSE TO CITY OF CRANSTON'S**

**REQUEST FOR ADMISSIONS**

Plaintiffs here by respond to Defendant City of Cranston's Request for Admissions.

**GENERAL OBJECTIONS**

The following General Objections, set forth here to avoid repetition under each request, are hereby incorporated into each and every individual answer to Defendant's Requests contained herein and into each and every amendment, supplement, or modification to these answers.

1. Plaintiffs object to each Request for Admission to the extent it seeks privileged or confidential information, including information encompassed by the attorney-client privilege, the work-product doctrine, the joint defense privilege, the

common interest privilege, the trade secret or proprietary information privilege, or any other judicially recognized privilege or protection. Privileged or protected information that may be responsive to a particular request will be withheld.

Plaintiffs do not waive, but rather preserve, the aforementioned privileges and protections with respect to all information and documents subject thereto.

2. Plaintiffs object to each Request for Admission to the extent that it seeks admissions not relevant or of little or no benefit to this matter.
3. Plaintiffs object to each Request for Admission to the extent that it assumes facts with which Plaintiffs do not agree. By responding to these Requests, Plaintiffs do not admit or concede any factual assumptions made by Defendant.
4. Plaintiffs object to each Request for Admission to the extent that it seeks information concerning legal contentions and supporting facts that are not reasonably ascertainable at this stage of the litigation on the grounds that it is premature and overbroad. Plaintiffs reserve the right to amend or supplement their responses to any such Request.
5. Plaintiffs object to each Request for Admission to the extent that it seeks to impose obligations beyond those provided by Rule 36 of the Federal Rules of Civil Procedure or Rules of this Court.

**REQUEST # 1**

Admit that, if the population of the Rhode Island ACI located in the City of Cranston is not counted in Cranston's Ward 6, the population would not be counted in any local election.

**RESPONSE # 1**

Objection. The term “counted in any local election” is ambiguous and lacks meaning.

Denied. Further explanation below is pursuant to Defendant’s request in Interrogatory # 5.

Any other municipality in Rhode Island is free to request pre-incarceration address data from the Rhode Island Department of Corrections and count those whose pre-incarceration address is within their municipalities for the purpose of districting or local elections. Similarly, the City could count any persons incarcerated at the ACI who have an actual pre-incarceration residence in Cranston in the Ward of their residence. Alternatively, the City could choose to divide the ACI population equally among the wards of Cranston as a means of reducing the distortions created by the current method of tabulation.

**REQUEST # 2**

Admit that if the ACI population is removed from the districting process in Cranston as suggested in Paragraph 21 of the Complaint, such population removal will affect the distribution of voters for Rhode Island State House of Representatives, Rhode Island State Senate, and U.S. Representative in Rhode Island.

**RESPONSE # 2**

Objection. The request calls entirely for a legal conclusion rather than a factual statement.

Denied. Further explanation below is pursuant to Defendant’s request in Interrogatory # 5.

The consideration of the ACI population with respect to the process for creating Wards in Cranston does not control “the distribution of voters for Rhode Island State House of Representatives, Rhode Island State Senate, and U.S. Representative in Rhode Island.” No other jurisdiction relies on Cranston’s redistricting data.

**REQUEST # 3**

Admit that the only relief you request is a declaratory judgment that the current Cranston ward districting is unconstitutional.

**RESPONSE # 3**

Denied. Further explanation below is pursuant to Defendant’s request in Interrogatory # 5.

In addition to such a declaratory judgment, the Complaint asks the Court to “[e]njoin Defendants...from conducting elections for the City Council of Cranston and the School Committee under the 2012 Redistricting Plan” and “enforce a court ordered redistricting plan” if Defendant does not implement a satisfactory plan itself” as well as award attorneys fees. Compl. pp. 7-8.

**REQUEST # 4**

Admit that no legal definition of “true constituent” exists.

**RESPONSE # 4**

Objection. The request calls for a legal conclusion, not the admission or denial of a fact.

**REQUEST # 5**

Admit that Plaintiffs' assumptions in Paragraphs 21 and 22 of the Complaint require calculations that discount the entire ACI population without any distinction made for whether or not members of that population are eligible to vote.

**RESPONSE # 5**

Admitted. Plaintiffs were not at the time of filing the Complaint, and are not currently, aware of any incarcerated persons who are eligible to vote in Cranston's Ward 6. A preliminary analysis of data from the Rhode Island Department of Corrections suggests that approximately 14 people incarcerated in the ACI on or around Census day may have a pre-incarceration address in Cranston's Ward 6. To the extent such persons were present at the ACI, Plaintiffs are amenable to adjusting their calculations to include such persons in the Ward 6 population, regardless of their eligibility to vote due to age, citizenship, or sentencing status.

**REQUEST # 6**

Admit that Plaintiffs' assumptions in Paragraphs 21 and 22 of the Complaint require calculations that discount the entire ACI population without any distinction made for whether or not members of that population resided in Ward 6 prior to his/her incarceration.

**RESPONSE # 6**

Admitted. Plaintiffs were not at the time of filing the Complaint aware of any persons incarcerated at the ACI who resided in Cranston's Ward 6 prior to their incarceration. A preliminary analysis of data from the Rhode Island Department of Corrections suggests that approximately 14 people incarcerated in the ACI on or around Census day may have a pre-incarceration address in Cranston's Ward 6. To the extent

such persons were present at the ACI, Plaintiffs are amenable to adjusting their calculations to include such persons in the Ward 6 population. Plaintiffs' expert disclosures will contain a calculation of the number of applicable persons.

**REQUEST # 7**

Admit that Plaintiffs' assumptions in Paragraphs 21 and 22 of the Complaint require calculations that discount the entire ACI population without any distinction made for whether or not any member of the ACI population changed his/her domicile to Ward 6 prior to his/her incarceration.

**RESPONSE # 7**

Admitted. Plaintiffs were not at the time of filing the Complaint, and are not currently, aware of any incarcerated persons who have changed their domiciles to Ward 6. To the extent such persons are present at the ACI, Plaintiffs are amenable to adjusting their calculations to include such persons in the Ward 6 population.

**REQUEST # 8**

Admit that the total population of Cranston's Ward 6, as created by the City's redistricting plan enacted on April 17, 2012, was 13,642, and is listed as such in the City's Resolution No. 2012-20 "Resolution of the City Council adopting a redistricting plan for the city's six wards" attachment "Redistricting Project—Population Distribution (2010 Census Data)."

**RESPONSE # 8**

Objection. Plaintiffs object to the extent this request calls for or implies a legal definition of "population" with respect to districting.

Admitted in part and denied in part. Plaintiffs admit that a Ward 6 population of 13,642 was listed in the relevant City Council resolution; but make no admission with respect to the legal relevance of this number, and deny that it accurately reflects the actual resident population of Ward 6.

**REQUEST # 9**

Admit that the population of the City of Cranston on August 1, 2010, according to the United States Bureau of the Census, was 80,387, as listed in 2010 Census Summary File 1, Table P1.

**RESPONSE # 9**

Admitted that File 1, Table P1 list that number as the population of Cranston. Denied that the Census Bureau requires incarcerated persons to be counted as residents of their place of incarceration; for the 2010 Census the Census Bureau provided state and municipalities with the means of identifying and removing incarcerated persons from their population count by separately publishing the Advanced Group Quarters File specifically for use in redistricting.

**REQUEST # 10**

Admit that according to the City's "Resolution of the City Council adopting a redistricting plan for the city's six wards" attachment "Redistricting Project—Population Distribution (2010 Census Data)" as adopted by the City Council *available at* [URL] has a maximum deviation among the wards of below 10 percent.

**RESPONSE # 10**

Objection. It is unclear what admission the request seeks, and to the extent it seeks admission of a legal conclusion such a request is improper. To the extent this



Request merely seeks admission that the City's Resolution asserts that the maximum deviation among the wards is below 10 percent, plaintiffs admit that the Resolution so asserts; but they deny that the assertion is factually or legally correct.

**REQUEST # 11**

Admit that R.I. Gen. Law § 17-1-3.1(a), as quoted in the Complaint at Paragraph 15, has no applicability to redistricting.

**RESPONSE # 11**

Objection. Request calls for a legal conclusion rather than the admission or denial of a fact.

**REQUEST # 12**

Admit that by not counting the ACI population in Ward 6, the overall Rhode Island population for state redistricting purposes would be reduced by 3,433.

**RESPONSE # 12**

Denied. Further explanation below is pursuant to Defendant's request in Interrogatory # 5.

The overall Rhode Island population for state redistricting purposes is wholly separate from the question of whether the persons incarcerated at the ACI are counted as part of the population of Cranston's Ward 6 for districting purposes.

**REQUEST # 13**

Admit that the City's "Resolution of the City Council adopting a redistricting plan for the city's six wards" attachment "Redistricting Project—Population Distribution (2010 Census Data)" as adopted by the City Council was ratified by the General Assembly.

**RESPONSE # 13**

Admitted.

DATED this 20th day of March, 2015.

Plaintiffs,

By their attorneys:

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**CERTIFICATE OF SERVICE**

I hereby certify that this document will be sent electronically to counsel for the Defendant on March 20, 2015.

/s/ Adam Lioz