

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, et al.,

Plaintiffs,

v.

Case No. 11-CV-562

MEMBERS OF THE WISCONSIN
GOVERNMENT ACCOUNTABILITY BOARD, et al.,

Defendants.

**DOCUMENTS PRODUCED IN RESPONSE TO SUBPOENA
ISSUED BY PLAINTIFFS TO ADAM FOLTZ**

Adam Foltz, through his attorneys, produces the enclosed documents in response to the subpoena issued by Plaintiffs on December 13, 2011, in the above-captioned matter. Mr. Foltz has also withheld certain privileged documents described in the following privilege log. Mr. Foltz has also withheld documents which constitute attorney-client communications.

Privilege Log

The following documents or categories of documents are privileged and are, therefore, not being produced.

1. July 7, 2011 email between Legislative Staff Member Adam Foltz and State Representative regarding area alternatives.

Grounds for Privilege: Legislative Privilege. Contains "information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to" prepare Wisconsin Acts 43 and 44; "information concerning the identities of persons who participated in decisions regarding" the preparation of Wisconsin Acts 43 and 44; and information amounting to "opinions, recommendations or advice." *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

2. July 7, 2011, email correspondence between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding area alternatives.



Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

3. July 18, 2011, email exchange between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding potential amendment to Act 43.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

4. July 11, 2011, email exchange between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding Hispanic population heat map.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

5. July 9, 2011, email exchange between Legislative Staff Member Adam Foltz and State Representative and Legislative Staff Member Tad Ottman regarding Hispanic district alternatives.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

6. March 1, 2011, email exchange between Legislative Staff Member Adam Foltz and Legislative Staff Member Tad Ottman regarding election data.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

7. Documents used during meetings between Legislative Staff Member Adam Foltz and State Representatives, including memoranda analyzing population changes of each district enumerated in the 2010 census, maps illustrating the analysis of the district population changes over the decade, maps confirming the physical location of members' residence, and new district analysis.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

8. Political analysis of draft/final maps compared to current districts.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

9. Demographic analysis of minority population trends/proportionality.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

10. Spreadsheets analyzing census and election data.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare

Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

11. Maps incorporating census and elections data.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

12. Draft maps prepared by Legislative Staff Member Adam Foltz.

Grounds for Privilege: Legislative Privilege. Contains “information concerning the motives, objectives, plans, reports and/or procedures used by lawmakers to” prepare Wisconsin Acts 43 and 44; “information concerning the identities of persons who participated in decisions regarding” the preparation of Wisconsin Acts 43 and 44; and information amounting to “opinions, recommendations or advice.” *Comm. For a Fair and Balanced Map v. Ill. State Bd. Of Elections*, No. 11-CV-5065, 2011 U.S. Dist. LEXIS 117656 (N.D. Ill. Oct. 12, 2011) * 32-34.

Dated this 21st day of December, 2011.

MICHAEL BEST & FRIEDRICH LLP

By: 

Eric M. McLeod, SBN 1021730

emcleod@michaelbest.com

Joseph Louis Olson, SBN 1046162

jlolson@michaelbest.com

Aaron H. Kastens, SBN 1045209

ahkastens@michaelbest.com

MICHAEL BEST & FRIEDRICH LLP

One South Pinckney Street, Suite 700

Post Office Box 1806

Madison, WI 53701-1806

Telephone: 608.257.3501

Facsimile: 608.283.2275