

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 TAD OTTMAN**

Tad Ottman, 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. Ottman has also withheld certain privileged documents described in the following privilege log. Mr. Ottman has also withheld documents which constitute attorney-client communications.

Privilege Log

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

1. May 4, 2011 email correspondence from State Senator to 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.

2. 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.

3. July 9, 2011, email exchange between Legislative Staff Member Adam Foltz and State Representative and Legislative Staff Member Tad Ottman regarding alternatives for AD 8 and AD 9.

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 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.

5. July 14, 2011 email correspondence and attachments from Tad Ottman to Legislative Staff Member regarding alternatives for AD 8 and AD 9.

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 correspondence from Adam Foltz to 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 Tad Ottman and individual Legislators, including reports related to the 2002 maps, proposed new district analysis, population change analysis, maps confirming the physical location of member’s residence.

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. Documents created in preparation for meetings between Legislative Staff Member Tad Ottman and individual Legislators.

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. Various draft legislative redistricting maps prepared by Tad Ottman.

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 22nd day of December, 2011.

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