

2024 Dec-17 PM 11:19  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

2024 Apr-26 AM 11:02  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

## **EXHIBIT B**

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**SENATOR DAN ROBERTS**  
**ALABAMA SENATE DISTRICT 15**

**From:** [Daniel Roberts](#)  
**To:** [Chris Brown](#)  
**Cc:** [Bert Jordan](#); [Othni Lathram](#); [Jim Entekin](#)  
**Subject:** Re: Milligan Subpoena  
**Date:** Saturday, April 13, 2024 1:15:56 AM  
**Attachments:** [Red State Strategies Doc - Apr 5 2024.pdf](#)

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You don't often get email from [robtel@bellsouth.net](mailto:robtel@bellsouth.net). [Learn why this is important](#)

Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-c-v1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,  
Senator Dan Roberts

On Apr 6, 2024, at 8:34 PM, Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)> wrote:

Dear Dan:

This letter is to advise you that Red State Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as

*Milligan v. Allen*

, No.

2:21-cv-1530-AMM (N.D. Ala.).

This case is known as the Congressional redistricting case and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a “court-drawn” district map that has been used in the 2024 elections.

The subpoena directs production of certain materials that may have been generated as a result of your engagement of RedState.

A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan.

However, Request No.

2 does not have a limit as to time if the communications “relate to this litigation,” i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena.

However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19.

Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena.

Our prompt response will allow me to make proper filings to protect confidentiality, and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Esq., Wallace, Jordan, Ratliff & Brandt, LLC

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**SENATOR WILL BARFOOT**  
**ALABAMA SENATE DISTRICT 25**



**From:** [Will Barfoot](#)  
**To:** [Chris Brown](#)  
**Cc:** [Bert Jordan](#); [Othni Lathram](#); [Jim Entrekin](#); [cwb@barfootschoettker.com](mailto:cwb@barfootschoettker.com)  
**Subject:** Re: Milligan Subpoena  
**Date:** Friday, April 12, 2024 10:50:34 AM  
**Attachments:** [Outlook-i53eda1b.png](#)

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Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv-1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,  
Will Barfoot



Will Barfoot

334 | 834 | 3444 [barfootschoettker.com](http://barfootschoettker.com)

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**From:** Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)>  
**Sent:** Saturday, April 6, 2024 8:40 PM  
**To:** Will Barfoot <[cwb@barfootschoettker.com](mailto:cwb@barfootschoettker.com)>  
**Cc:** Bert Jordan <[bjordan@wallacejordan.com](mailto:bjordan@wallacejordan.com)>

**Subject:** Milligan Subpoena

Dear Will:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-cv-1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of Red State Strategies. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan. However, Request No. 2 does not have a limit as to time if the communications "relate to this litigation," i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**FORMER SENATOR CLAY SCOFIELD**  
**ALABAMA SENATE DISTRICT 9**



**From:** Chris Brown <cb@redstate-strategies.com>

**Date:** April 15, 2024 at 12:55:24 PM CDT

**To:** mnbelect@bellsouth.net

**Cc:** Bert Jordan <bjordan@wallacejordan.com>

**Subject:** Milligan Subpoena

Dear Mack:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-cv-1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case, and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of RedState. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan. However, Request No. 2 does not have a limit as to time if the communications "relate to this litigation," i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.

**From:** [Yahoo Account Service](#)  
**To:** [Jim Entrekin](#)  
**Subject:** Fw: Response  
**Date:** Thursday, April 18, 2024 1:07:55 PM

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[clay\_scofield@earthlink.net appears similar to someone who previously sent you email, but may not be that person. Learn why this could be a risk at <https://aka.ms/LearnAboutSenderIdentification> ]

-----Forwarded Message-----

From: Yahoo Account Service <clay\_scofield@earthlink.net>  
Sent: Apr 16, 2024 12:52 PM  
To: <cb@redstate-strategies.com>  
Cc: <bjordan@wallacejordan.com>  
Subject: Response

Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv-01530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them with my attorney for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**REPRESENTATIVE JIM CARNS**  
**ALABAMA HOUSE DISTRICT 48**

**From:** Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)>  
**Date:** April 6, 2024 at 8:42:51 PM CDT  
**To:** Jim Carns <[jwcarns@gmail.com](mailto:jwcarns@gmail.com)>  
**Cc:** Bert Jordan <[bjordan@wallacejordan.com](mailto:bjordan@wallacejordan.com)>  
**Subject:** Milligan Subpoena

Dear Jim:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-c-v1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of Red State Strategies. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan. However, Request No. 2 does not have a limit as to time if the communications "relate to this litigation," i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.



**From:** [Jim Carns](#)  
**To:** [Chris Brown](#)  
**Cc:** [Othni Latham](#); [Jim Entrekin](#)  
**Subject:** Milligan Subpoena  
**Date:** Thursday, April 18, 2024 1:02:50 PM

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Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv-1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,

Representative Carns



**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN  
RSS PRESIDENT CHRIS BROWN  
&  
REPRESENTATIVE JAMIE KIEL  
ALABAMA HOUSE DISTRICT 18**

**From:** [Jamie Kiel](#)  
**To:** [Chris Brown](#)  
**Cc:** [Bert Jordan](#); [Othni Lathram](#); [Jim Entrekin](#)  
**Subject:** Re: Milligan Subpoena  
**Date:** Monday, April 15, 2024 8:16:40 PM

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Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the *Milligan v. Allen* case (No. 2:21-c-v1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,  
Representative Kiel

On Apr 15, 2024, at 12:52 PM, Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)> wrote:

Dear Jamie:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-c-v1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case, and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of RedState. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional

district plan.

However, Request No. 2 does not have a limit as to time if the communications “relate to this litigation,” i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.

<Red State Strategies Doc - Apr 5 2024.pdf>

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**REPRESENTATIVE ARNOLD MOONEY**  
**ALABAMA HOUSE DISTRICT 43**

**From:** [Arnold Mooney](#)  
**To:** [Chris Brown](#)  
**Cc:** [Bert Jordan](#); [Jim Entrekin](#); [Othni Lathram](#)  
**Subject:** Re: Milligan Subpoena  
**Date:** Tuesday, April 16, 2024 8:33:32 PM  
**Attachments:** [ATT00001.htm](#)  
[Red State Strategies Doc - Apr 5 2024.pdf](#)

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Dear Chris -

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-c-v1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thank you for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Best regards,

*Arnold*

Arnold Mooney  
Alabama House District 43  
Chair Shelby County House Delegation  
Alabama State Chair for ALEC  
(205) 222-8721

On Apr 15, 2024, at 12:56 PM, Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)> wrote:



Dear Arnold:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-cv-1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of RedState. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan.

However, Request No. 2 does not have a limit as to time if the communications "relate to this litigation," i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.



**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN  
RSS PRESIDENT CHRIS BROWN  
&  
REPRESENTATIVE ERNIE YARBROUGH  
ALABAMA HOUSE DISTRICT 7**

**From:** [Emie Yarbrough](#)  
**To:** [Bert Jordan](#)  
**Cc:** [Chris Brown](#); [Shep Shepherd](#); [Jim Entrekin](#); [Othni Lathram](#)  
**Subject:** Re: Milligan v. Allen 21cv1530 - subpoena response - assertions of legislative privilege  
**Date:** Monday, April 22, 2024 9:03:50 AM

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Dear Chris and Bert:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,

Representative Yarbrough

On Mon, Apr 15, 2024 at 4:53 PM Bert Jordan <[bjordan@wallacejordan.com](mailto:bjordan@wallacejordan.com)> wrote:

Dear Representative Yarbrough:

This follows up on the email from Chris Brown to you today.

On April 6, RedState Strategies, LLC was served with the attached subpoena seeking its communications with legislators about the 2023 Congressional redistricting arising out of the case now known as Milligan v. Allen, No. 21cv1530, and about the litigation itself. A

Case 2:21-cv-01530-AMM Document 346-2 Filed 04/26/24 Page 22 of 30

response or objection to the court is required by April 19.

Some of the documents responsive to the subpoena involve communications between RedState's president Chris Brown and you. However, given your relationship with RedState, and the work its president Chris Brown does for you, those documents are likely protected from disclosure by a privilege known as "legislative privilege." I have attached a log of those documents as well as a copy of each of them.

There is an additional set of materials received by RedState from a third party and responsive to the subpoena. These materials were used in part in formulating opinions that RedState communicated to you. However, these materials themselves were not transmitted to you.

Also attached is a log of these items that would be used to assert that these items are not subject to disclosure. They are titled "Domnanovich - Privilege Log - Text Messages" and "Domnanovich - Privilege Log - Emails."

If you think you need the underlying materials, please advise.

If you wish to treat these materials as protected from disclosure by the legislative privilege, you must indicate that to the court.

However, if you want RedState to assert for you that the documents are properly exempt from disclosure due to your legislative privilege, I need you to so indicate. (If I as attorney for RedState also make the filing in your name, I will need an engagement agreement from you). If not, someone will need to assert to the privilege for you in a separate filing with the court.

It may be possible that the Legislative Services Agency will be in a position to address the subpoena in your name.

At least one other legislator who is a RedState client has LSA attorneys reviewing the RedState response, and considering how to respond for legislators.

Please advise if you wish the privilege to be asserted by RedState to be in your name.

Best regards,



Bert Jordan



**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**REPRESENTATIVE MACK BUTLER**  
**ALABAMA HOUSE DISTRICT 28**

**From:** Chris Brown <[cb@redstate-strategies.com](mailto:cb@redstate-strategies.com)>

**Date:** April 6, 2024 at 8:42:09 PM CDT

**To:** [clay\\_scofield@earthlink.net](mailto:clay_scofield@earthlink.net)

**Cc:** Bert Jordan <[bjordan@wallacejordan.com](mailto:bjordan@wallacejordan.com)>

**Subject:** Milligan Subpoena

Dear Clay:

This letter is to advise you that RedState Strategies, LLC received the attached Subpoena to Produce Documents, etc. on Friday, April 5, in the case known as *Milligan v. Allen*, No. 2:21-c-v1530-AMM (N.D. Ala.). This case is known as the Congressional redistricting case and involved review of districts drawn by the legislature in 2021, and 2023, and resulted in a "court-drawn" district map that has been used in the 2024 elections. The subpoena directs production of certain materials that may have been generated as a result of your engagement of Red State Strategies. A copy of the subpoena is attached for your reference.

The focus of the subpoena is communications related to the 2023 Congressional district plan. However, Request No. 2 does not have a limit as to time if the communications "relate to this litigation," i.e., the claims made by Milligan, or the defenses made by the State.

The subpoena also seeks Red State Strategies documents or records that may not have been delivered to you but related to the 2023 Congressional district plan.

From my initial review of my record of communications, there are items responsive to the subpoena. However, it seems substantially possible that these materials are not relevant, or subject to privilege from production on the ground that they are part of your legislative privilege honored by the courts, including the federal courts.

The subpoena directs a response and production by April 19. Please let me know as soon as possible if you may seek to invoke the legislative privilege for any communications provided to you from Red State Strategies, or sent by you to Red State Strategies, and subject to the directions in this subpoena. Our prompt response will allow me to make proper filings to protect confidentiality and honor my duties to the court allowing issuance of the subpoena.

Yours very truly,

Chris Brown, President  
Red State Strategies, LLC

CC: Albert L. Jordan, Wallace, Jordan, Ratliff and Brandt, LLC.

**From:** [Mack Butler](#)  
**To:** [Chris Brown](#); [Bert Jordan](#); [Jim Entrekin](#); [Othni Lathram](#)  
**Subject:** Legislative privilege  
**Date:** Wednesday, April 17, 2024 12:49:24 PM

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Dear Chris:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv-1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,  
Representative  
Mack N. Butler

**LEGISLATIVE PRIVILEGE CORRESPONDENCE BETWEEN**  
**RSS PRESIDENT CHRIS BROWN**  
**&**  
**REPRESENTATIVE RICK REHM**  
**ALABAMA HOUSE DISTRICT 85**



Case 2:21-cv-01530-AMM Document 346-2 Filed 04/26/24 Page 28 of 30

**From:** [rjr1966@aol.com](mailto:rjr1966@aol.com)  
**To:** [Bert Jordan](#)  
**Cc:** [Chris Brown](#); [Shep Shepherd](#); [Jim Entrekian](#); [Othni Lathram](#)  
**Subject:** Re: Milligan v. Allen 21cv1530 - subpoena response - assertions of legislative privilege  
**Date:** Wednesday, April 17, 2024 4:48:45 PM  
**Attachments:** [Rehm - Privilege Log.pdf](#)  
[Rehm - Text Messages.pdf](#)  
[Domnanovich - Privilege Log - Text Messages.pdf](#)  
[Domnanovich - Privilege Log - Emails.pdf](#)

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You don't often get email from [rjr1966@aol.com](mailto:rjr1966@aol.com). [Learn why this is important](#)

Dear Chris and Bert:

I received your previous correspondence informing me of the subpoena you received in the Milligan v. Allen case (No. 2:21-cv-1530-AMM (N.D. Ala.)). Thank you for affording me the opportunity to reiterate that I do in fact wish to maintain and continue to invoke legislative privilege over all applicable interactions, communications, conversations, work product, documents, and records you have or are privy to as a result of your engagement with me in furtherance of my legislative-related activities. This includes not only all privileged documents or records that you have in your possession or control and which are potentially subject to the aforementioned subpoena, but also extends to any and all other requests for such privileged information, including oral or written testimony, arising out of this or any other matter.

When possible, and at the appropriate time, please provide me with an advance copy of your itemized and descriptive index of records (either all or just those you intend to produce as nonprivileged) so that I can have a chance to review them, along with our legislative legal staff, for any potential recommendations or requests regarding legislative records that we would consider to be privileged.

Thanks for all the work you do and assistance you provide to me and others in our legislative capacities, it is much appreciated.

Sincerely,

Rick Rehm  
Representative  
Alabama House District 85

On Wednesday, April 17, 2024 at 10:45:56 AM CDT, Bert Jordan <[bjordan@wallacejordan.com](mailto:bjordan@wallacejordan.com)> wrote:

Dear Representative Rehm:



This follows up on the email from Chris Brown to you today.

On April 6, RedState Strategies, LLC was served with a subpoena seeking its communications with legislators about the 2023 Congressional redistricting arising out of the case now known as Milligan v. Allen, No. 21cv1530, and about the litigation itself. Chris Brown's email provided you a copy of the subpoena. A response or objection to the court was required by April 19, and has been extended by agreement to April 26.

Some of the documents responsive to the subpoena involve communications between RedState's president Chris Brown and you. However, given your relationship with RedState, and the work its president Chris Brown does for you, those documents are likely protected from disclosure by a privilege known as "legislative privilege." I have attached a log of those documents, as well as a copy of each of them. There are only a few electronic communications with you.

There is an additional set of materials received by RedState from a third party and responsive to the subpoena. These materials were used in part in formulating opinions that RedState communicated to you. However, these materials themselves were not transmitted to you.

Also attached is a log of these items that would be used to assert that these items are not subject to disclosure. They are titled "Domnanovich – Privilege Log – Text Messages" and "Domnanovich – Privilege Log – Emails."

If you think you need the underlying materials, please advise.

If you wish to treat these materials as protected from disclosure by the legislative privilege, you must indicate that to the court by filing in your own name with an attorney of your choosing.

However, if you want RedState to assert for you that the documents are properly exempt from disclosure due to your legislative privilege, I need you to so indicate. (If I as attorney for RedState also make the filing in your name, I will need an engagement agreement from you). If not, someone will need to assert to the privilege for you in a separate filing with the court.

It may be possible that the Legislative Services Agency will be in a position to address the subpoena in your name.

Other legislators who are RedState clients have LSA attorneys reviewing the RedState response, and considering how to respond for legislators.

Please advise if you wish the privilege to be asserted by RedState to be in your name.

Best regards,

Bert Jordan

Attorney for RedState Strategies, LLC

205-874-0305

205-612-1058