

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

EVAN MILLIGAN, *ET AL.*,

*Plaintiffs,*

**v.**

WES ALLEN, *ET AL.*,

***Defendants.***

***Civil Action No: 2:21:cv-01530-AMM***

**DEFFENDANTS REP. PRINGLE'S AND SEN. LIVINGSTON'S  
RESPONSES TO *MILLIGAN* PLAINTIFFS'  
FIRST SET OF INTERROGATORIES**

Pursuant to FED. R. CIV. P. 26 and FED. R. CIV. P. 33, Rep. Chris Pringle and Sen. Steve Livingston, the respective House and Senate Chairs of the Permanent Legislative Committee on Reappointment (“the Chairs”) respond to the *Milligan* Plaintiffs’ first set of Interrogatories as follows:

## General Statement

In responding to these Interrogatories, the Chairs have relied on the information presently available to them. Further or different information may be discovered as litigation continues, and the Chairs thus reserve the right to amend their Answers. In addition, Sen. Livingston was substituted by operation of law for Sen. Jim McClendon, who was the Senate Chair during the 2021 redistricting. Consequently, Sen. Livingston has no personal knowledge of the matters about

which these Interrogatories inquire. The Chairs will amend their Objections and Answers to the extent required under FED. R. CIV. P. 26.

The Chairs' Answer to each Interrogatory is made subject to all objections as to privilege, competence, relevance, materiality, propriety, and admissibility, as well as any and all other objections and grounds that would require the exclusion of evidence. The Chairs reserve the right to make any and all such objections at the appropriate time.

Rep. Pringle also objects to the Instructions and Definitions to the extent that they purport to impose any requirements or obligations different from those contained in the Federal Rules of Civil Procedure, the local Rules of this Court, applicable orders of the Court, and/or related agreements.

### **INTERROGATORIES**

#### **INTERROGATORY NO.1.**

**Identify all communities of interest that you or your agents, employees, or anyone assisting you, Senator McClendon and Rep. Pringle, as Co-Chairs of the Alabama Permanent Legislative Committee on Reapportionment, including but not limited to Randy Hinaman, sought to keep together in the same congressional district in drawing Alabama's congressional districts during the 2021 redistricting cycle.**

RESPONSE: The Chairs object to this Interrogatory to the extent that it seeks information protected by the Attorney-Client privilege, joint-defense privilege, deliberative-process privilege, legislative privilege, or work-product doctrine.

Without waiving these objections: The 2021 congressional district plan that was

introduced as Pringle Congressional No. 1 and later became the State's 2021 Congressional Plan was drawn by Randy Hinaman, working (in most cases) in consultation with Alabama's congressional representatives or their staff members. The Chairs did not draw the plan. It was drawn by Randy Hinaman. Mr. Hinaman drew a least-changes plan that preserved the cores of existing districts while at the same time making necessary adjustments for population and accommodating requests of members of Congress and comments made during the public hearings. Preserving the cores of existing districts preserved the communities of interest in those districts, like the Gulf region in District 1, the Wiregrass in District 2, the Tennessee Valley area in District 5, and the western Black Belt counties in District 7. *See, e.g., Wesch v. Hunt*, 785 F. Supp. 1491, 1497 (S.D. Ala. 1992) (“[M]aintaining the cores of existing Districts 1 and 2 ... better preserves the communities of interests in those two districts.”). In addition, Mr. Hinaman sought to keep counties and precincts whole, which often helps maintain communities of interest. Mr. Hinaman also sought to keep together Baldwin and Mobile Counties, and Madison and Morgan Counties, to split Montgomery County fewer than three ways, and to keep as much of the Shoals area together as possible. Ultimately, the bill was voted on by the entire Legislature, and Legislators would each have their own views about what communities of interest were kept together in the 2021 Congressional Plan.

**INTERROGATORY NO.2.**

**Identify all consultants, experts, or other individuals you consulted to ensure Alabama's 2021 congressional maps complied with the Voting Rights Act and other applicable federal law, and for each identify such individuals' affiliate companies or organizations.**

RESPONSE: The Chairs object to this Interrogatory to the extent that it seeks information protected by the Attorney-Client privilege, joint-defense privilege, deliberative-process privilege, legislative privilege, or work-product doctrine. The Chairs also object to the extent this Interrogatory seeks information about any plan except for the Committee's plan, Pringle Congressional Plan No. 1 (later, the 2021 Congressional Plan). Without waiving these objections: Mr. Randy Hinaman and Dr. Trey Hood (University of Georgia); legal counsel for the Committee and from the Attorney General's office were also involved for the purpose of providing legal advice.

**INTERROGATORY NO.3 (Defendant Pringle only).**

**When you testified at your deposition that you asked Mr. Hinaman to draw maps in a "race-neutral" manner: (a) identify what you meant by "race neutral"; and (b) state whether you intended this instruction to apply only during the initial drafting of the congressional maps or throughout the consideration of the maps up until public release?**

RESPONSE: Rep. Pringle objects to this Interrogatory to the extent that it seeks information protected by the Attorney-Client privilege, joint-defense privilege, deliberative-process privilege, legislative privilege, or work-product doctrine. Rep.

Pringle also objects to this Interrogatory to the extent it seeks a response about any map other than the Committee's plan, Pringle Congressional Plan No. 1 (later, the 2021 Congressional Plan). Without waiving these objections: the instruction to draw the map in a race-neutral manner meant to follow the Guidelines by redistricting based on race-neutral criteria like core retention, compactness, and keeping precincts and counties together. Thus, in drawing Pringle Congressional Plan No. 1, Mr. Hinaman did not access racial data or otherwise draw the plan based on race. After the plan was finalized, no changes were made to it.

#### **INTERROGATORY NO.4.**

**Identify the latest date by which you believe a congressional districting plan must be in place in advance of the 2024 primary elections, including any specific deadlines, requirements, or other facts or factors that provide basis for this determination. To the extent you contend that your response to this Interrogatory depends on the exact plan being implemented, please provide the answer for: (a) the *Singleton* "Whole County" Plan; (b) the *Caster* Plaintiffs' Illustrative Plan 1; and (c) the *Milligan* Plaintiffs Illustrative Plan B.**

RESPONSE: The Chairs object to this Interrogatory to the extent that it seeks information protected by the Attorney-Client privilege, joint-defense privilege, deliberative-process privilege, legislative privilege, or work-product doctrine. Without waiving these objections: The Chairs lack sufficient information to opine on what date would be the latest date by which a congressional districting plan must be in place in advance of the 2024 primary. That is a question for the Secretary of State and perhaps the Democratic and Republican Parties.

Respectfully submitted this the 21<sup>st</sup> day of April, 2023.

I, Steve Livingston, serving in my official capacity as Senate Chair of the Permanent Legislative Committee on Reapportionment, acknowledge that the answers I have provided to the foregoing interrogatories are true and correct to the best of my knowledge.

/s/ Steve Livingston

Sen. Steve Livingston

I, Chris Pringle, serving in my official capacity as House Chair of the Permanent Legislative Committee on Reapportionment, acknowledge that the answers I have provided to the foregoing interrogatories are true and correct to the best of my knowledge.

/s/ Chris Pringle

Rep. Chris Pringle

Signed as to objections:

/s/ Dorman Walker

Counsel for Rep. Pringle in his official  
capacity as House Chair of the Permanent  
Legislative Committee on Reapportionment

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2023, I served the foregoing on counsel of record by email.

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