

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

EVAN MILLIGAN, et al.,

Plaintiffs,

v.

WES ALLEN, et al.,

Defendants.

Civil Case No. 2:21-CV-01530-AMM

**MILLIGAN PLAINTIFFS' RESPONSES TO DEFENDANT SECRETARY OF
STATE WES ALLEN'S INTERROGATORIES, REQUESTS FOR PRODUCTION,
AND REQUESTS FOR ADMISSION**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure, Plaintiffs Evan Milligan, Shalela Dowdy, Letetia Jackson, Khadidah Stone, Greater Birmingham Ministries, and Alabama State Conference of the NAACP (collectively "Plaintiffs"), submit the following objections and responses to Defendant Secretary of State Wes Allen's Discovery Requests to the *Milligan* and *Singleton* Plaintiffs ("Requests") as follows:

PRELIMINARY STATEMENT

1. Plaintiffs provide these responses based upon the investigation conducted in the time available since service of the Requests. These responses are based on the information and documents currently available to Plaintiffs, and Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry and as appropriate under the Rules.

2. These responses and objections are based on Plaintiffs' understanding of each individual Request and not an admission or agreement with Secretary Allen's use or interpretation of terms. To the extent Secretary Allen fails to define a term, or proposes a definition inconsistent with the parties

stipulated facts, ECF No. 53, Plaintiffs object. To the extent Secretary Allen asserts an interpretation of any Request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement its responses and objections.

3. Information contained in any responses and objections pursuant to these Requests are not an admission or acknowledgment by Plaintiffs that: (1) such information is relevant to any claim or defense in this action; (2) is without prejudice to Plaintiffs' right to contend at any trial or in any other proceeding, in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and (3) is without prejudice to or waiver of any objection to any future use of such information.

4. Specific objections to each separate Request are made below. Additionally, Plaintiffs make certain continuing objections to the Requests that are also listed below ("Continuing Objections"). These Continuing Objections, including with respect to the definitions, are incorporated by reference into all of the responses made with respect to each separate Request. Plaintiffs' responses to each individual Request are submitted without prejudice to, and without in any respect waiving any Continuing Objections or Objections to Definitions not expressly set forth in that response. Accordingly, the inclusion of any specific objection in any response below is neither intended as, nor shall in any way be deemed, a waiver of any Continuing Objection, Objections to Definitions, or of any other specific objection made herein of that may be asserted at a later date.

5. In responding to the requests, whenever Plaintiffs agree to produce documents, such an agreement does not constitute a representation or concession that such documents are relevant or admissible as evidence. Further, Plaintiffs' responses to the requests shall not be construed in any way as an admission that any definition provided by Secretary Allen is either factually correct or legally binding.

CONTINUING OBJECTIONS

The following Continuing Objections apply to every Interrogatory, Request for Production, and Request for Admission as propounded by Secretary Allen and are incorporated into each of the following specific responses by reference as if set forth in full therein.

1. Plaintiffs object to the definitions and requests to the extent that they seek to impose obligations and demands on Plaintiffs beyond those permitted by the rules, rulings, and agreements that apply to this proceeding, including but not limited to the Federal Rules of Civil Procedure, and to the extent it makes Plaintiffs' responses unduly burdensome.

2. Plaintiffs object to the Requests for Production, as well as their accompanying definitions, to the extent that they impose an obligation to produce electronic or other information in any manner other than as governed by the Court's January 10, 2023 Scheduling Order. ECF No. 157.

3. Plaintiffs object to each Request to the extent that they call for information that is beyond the scope of the claims at issue in this litigation, and/or seeks information that is neither relevant to the claims in this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiffs object to each Request to the extent that it is vague, ambiguous, unintelligible, compound, or fails to identify the documents sought with reasonable particularity.

5. Plaintiffs object to each Request to the extent it is overly broad, harassing, unduly burdensome, oppressive, or not proportional to the needs of the case; to the extent it seeks sensitive and/or personal information; and to the extent it seeks information in a format that Plaintiff does not maintain in the ordinary course of business.

6. Plaintiffs object to the requests and accompanying definitions to the extent they seek documents not in Plaintiffs' possession, custody, or control.

7. Plaintiffs object to the requests to the extent they request information equally or more

readily accessible to Secretary Allen or the other Defendants, and information available to Secretary Allen or the other Defendants from sources for whom production would be easier, less costly, or less burdensome.

8. Plaintiffs object to the requests and accompanying definitions and instructions to the extent that they seek information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or protection. Any inadvertent disclosure of such information shall not be deemed a waiver of any such privilege or protection.

9. Plaintiffs' responses to the requests are made without waiving any objections as to the relevance, materiality, authenticity, or admissibility as evidence for any purpose of the information provided in these responses, or any documents produced, or the subject matter thereof. Plaintiffs reserve all rights to object on any ground to the use of such responses, documents, or the subject matter thereof, in any aspect of this action, or in any other court action, judicial proceeding, administrative proceeding, or investigation.

OBJECTIONS TO DEFINITIONS

1. Plaintiffs object to the purported definition of “2002 Plan” as overly broad and to the extent it includes legislation beyond Alabama Senate Bill 22, signed on January 31, 2002.

2. Plaintiffs object to the purported definition of “2011 Plan” as overly broad and to the extent it includes legislation beyond Alabama Senate Bill 484, signed on June 8, 2011.

3. Plaintiffs object to the purported definition of “2021 Plan” as overly broad and to the extent it includes legislation beyond Alabama House Bill 1, that became law on November 4, 2021.

4. Plaintiffs object to the purported definition of “Black Belt” to the extent it differs from the parties’ Joint Stipulated Facts. ECF No. 53, at 12–13.

5. Plaintiffs object to the purported definition of “Hatcher Plan” to the extent it differs from the parties’ Joint Stipulated Facts. ECF No. 53, at 22.

6. Plaintiffs object to the purported definition of “Opportunity District” because it is vague and ambiguous as to use of “likely” in reference to “permit[ting] black voters to elect their candidate of choice.”

7. Plaintiffs object to the purported definition of “BVAP” because it is vague and ambiguous as to the meaning of the phrase “black and another race.”

**SPECIFIC OBJECTIONS AND RESPONSES TO
INTERROGATORIES**

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Interrogatories as follows:

INTERROGATORY NO. 1: How do you contend that the 2021 Plan violates the Equal Protection Clause?

OBJECTION TO INTERROGATORY NO. 1: Plaintiffs object to Interrogatory No. 1 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. *See, e.g., WNE Cap. Holdings Corp. v. Rockwell Automation, Inc.*, No. CV 09-0733-WS-C, 2011 WL 13254691, at *13 (S.D. Ala. Aug. 4, 2011) ("Propounded early in the discovery process, [contention interrogatories] are more likely used for harassment than as a useful discovery device.") (cleaned up); *In re Checking Acct. Overdraft Litig.*, No. 09-MD-02036-JLK, 2010 WL 5136043, at *2 (S.D. Fla. Dec. 16, 2010) ("contention interrogatories propounded early in the discovery process are often unproductive, expensive and overly burdensome. . . . Compelling parties to respond partially to such interrogatories early in the litigation when they will likely simply be asked to respond again, upon completion of document review or other phases of discovery, lacks finality and compounds the time, effort and cost of the litigation."). Plaintiffs also object to the extent the Interrogatory calls for a legal conclusion.

RESPONSE TO INTERROGATORY NO. 1: The 2021 Plan violates with Equal Protection Clause for the reasons explained in ¶¶ 164–89 of the *Milligan* Plaintiffs' Complaint and for the reasons explained in the *Milligan* Plaintiffs' Motion for Preliminary Injunction and supporting briefing and materials, including that: (a) Districts 1, 2, 3, and 7 were drawn using race as the predominant factor in their construction without doing so in a narrowly tailored manner to comply with the Voting Rights Act or any other compelling governmental interest including in the manners identified in response to

Interrogatory No. 2; and (b) the 2021 Plan purposefully discriminates against Black Alabamians including by prioritizing the political power of white voters over Black voters and diluting the political power of Black voters by drawing lines that take advantage of extreme racially polarized voting and cracking voters in predominantly Black areas across districts, while keeping together similarly situated predominately white areas. Plaintiffs reserve the right to amend their response after more fulsome discovery.

INTERROGATORY NO. 2: Identify any and all aspects of the 2021 Plan that you contend represent “deviations from traditional redistricting principles.” *See Milligan* Doc. 1 ¶ 8.

OBJECTION TO INTERROGATORY NO. 2: Plaintiffs object to Interrogatory No. 2 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Plaintiffs reserve the right to amend their response after more fulsome discovery.

RESPONSE TO INTERROGATORY NO. 2: In addition to incorporating by reference evidence cited in ¶¶ 164–89 of the *Milligan* Plaintiffs’ Complaint and the *Milligan* Plaintiffs’ Motion for Preliminary Injunction and supporting briefing and materials, the following aspects of the 2021 Plan deviate from traditional districting principles based on Plaintiffs’ current knowledge without full discovery in this action: (a) the 2021 Plan is the product of racial gerrymandering and intentional racial discrimination; (b) the 2021 Plan continued unnecessary targeted cracking of the Black Belt as a community of interest and of the City and County of Montgomery County in particular, and the packing of District 7 with an unnecessarily high BVAP; (c) the pretextual use of core preservation to carry forward previous boundaries that separate voters based on race in a manner not justified by the Voting Rights Act; and (d) the disproportionate splitting of counties with three of the five highest BVAP totals in the State.

INTERROGATORY NO. 3: Who do you contend made decisions predominately on the basis of

race in connection with the 2021 Plan, and what decisions did they make predominately on the basis of race?

OBJECTION TO INTERROGATORY NO. 3: Plaintiffs object to Interrogatory No. 3 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Plaintiffs reserve the right to amend their response after more fulsome discovery.

RESPONSE TO INTERROGATORY NO. 3: At a minimum, the three individuals most involved with creating the 2021 Plan—Randy Hinaman, Sen. McClendon, and Rep. Pringle—made decisions which were then ratified by legislators voting in favor of the plans. Based on the current record, Mr. Hinaman, Sen. McClendon, and Rep. Pringle did so by: (a) choosing to maintain the vast majority of the aspects of Congressional District 7 (“CD 7”) that the Secretary of State previously admitted in a pretrial brief in *Chestnut v. Merrill*, No. 2:18-CV-00907 (N.D. Ala. Oct. 28, 2019), ECF No. 101, at 11, was indicative of a racial gerrymander; (b) using a racial threshold in deciding on the final boundaries of CD 7 without taking any steps to determine whether such a threshold was necessary to comply with the Voting Rights Act; (c) making and/or perpetuating race-based decisions to crack the Black Belt across four congressional districts in a manner that diluted the political power of Black voters; (d) prioritizing the unity of alleged communities of interest that Defendants define by their white racial and ethnic identities in one congressional district, including specifically Mobile and Baldwin Counties, for the purpose of maintaining previous discriminatory maps at the expense of well-recognized predominantly Black communities of interest in the State, like the Black Belt and the Montgomery County and City; (e) continuing to crack Montgomery City and Montgomery County in perpetuation of previous race-based decisions without any compelling reason to do so; and (f) choosing to elevate preserving many of the predominately race-based line drawing of previous legislatures rather than following the State’s enacted redistricting guidelines and evaluating what was necessary to comply with the Voting Rights Act.

INTERROGATORY NO. 4: If you contend that the Equal Protection Clause required the 2021 Legislature to enact a plan based on 2020 census data that included majority-minority districts or Opportunity Districts, explain the factual and legal bases for your contention, including how many such districts the Constitution required the Legislature to draw and percentage of BVAP required for each district.

OBJECTION TO INTERROGATORY NO. 4: Plaintiffs object to Interrogatory No. 4 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Plaintiffs further object as the question of what the Equal Protection Clause requires calls for a legal conclusion inappropriate for an interrogatory.

INTERROGATORY NO. 5: Explain how you contend any alleged racial gerrymander in the 2021 Plan should be remedied.

OBJECTION TO INTERROGATORY NO. 5: Plaintiffs object to Interrogatory No. 5 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Plaintiffs reserve the right to amend their response after more fulsome discovery. Plaintiffs further object as the question of the remedy to an alleged racial gerrymander calls for a legal conclusion inappropriate for an interrogatory.

RESPONSE TO INTERROGATORY NO. 5: Any finding of a racial gerrymander should be remedied by redrawing the affected district or districts in a manner that: (a) respects federal law and traditional districting principles, including compliance with the U.S. Constitution and Section 2 of the Voting Rights Act; and (b) remedies the specific aspects of racial gerrymandering identified in the Court's decision. Because racial gerrymandering requires a district-by-district analysis, any further response is premature without understanding the parameters of the Court's ruling and calls for a legal conclusion.

INTERROGATORY NO. 6: If you contend that race did not predominate in Dr. Duchin's

illustrative Plans (from *Milligan* Doc.88-3 at 7) but that race did predominate in the 2021 Plan, identify and explain the relevant differences between the plans that show, in your view, that race did not predominate in Dr. Duchin's plans but did predominate in the 2021 Plan.

OBJECTION TO INTERROGATORY NO. 6: Plaintiffs object to Interrogatory No. 6 because as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Additionally, Dr. Duchin's plans concern the evidentiary showing required by the Supreme Court for Section 2 claims under the Voting Rights Act, which is not a permissible or proper subject of discovery at this time under the Court's Scheduling Orders. Plaintiffs reserve the right to amend their response after more fulsome discovery.

RESPONSE TO INTERROGATORY NO. 6: Because racial predominance concerns maps drawn and enacted by governmental actors rather than illustrative maps designed to meet an evidentiary requirement, none of Dr. Duchin's maps can or do exhibit racial predominance. To the extent a further response is required, Plaintiffs refer to the portions of the Court's orders granting a preliminary injunction and denying a stay, which found that Dr. Duchin's plans did not prioritize race over all other factors, and her testimony that she prioritized compactness and avoiding splits of geographic communities over race in drawing the required second majority-BVAP district in her illustrative plans. This is in contrast to the aspects of racial predominance of the 2021 Plan known to Plaintiffs at this time and described in the Interrogatory Responses 2–3 above as well as in the *Milligan* Plaintiffs' Motion for a Preliminary Injunction and the supporting briefs and exhibits.

INTERROGATORY NO. 7: If you contend that race did not predominate in the Singleton Whole-County Plan but that race did predominate in the 2021 Plan, identify and explain the relevant differences between the plans that show, in your view, that race did not predominate in the Singleton Whole County Plan but did predominate in the 2021 Plan.

OBJECTION TO INTERROGATORY NO. 7: Plaintiffs object to Interrogatory No. 7 because

as a contention interrogatory served with only limited discovery in this case, such an Interrogatory is premature and unduly burdensome. Plaintiffs reserve the right to amend their response after more fulsome discovery.

RESPONSE TO INTERROGATORY NO. 7: To the best of Plaintiffs' knowledge, the Singleton Whole-County Plan was constructed by prioritizing the maintenance of whole counties within a single congressional district as the predominant factor in their construction, and doing so in a manner that respected traditional redistricting criteria and would not lead to a violation of the Voting Rights Act by harming the electoral opportunities of Black voters. This is in contrast to the aspects of racial predominance of the 2021 Plan known to Plaintiffs at this time and described in the Interrogatory Responses 2–3 above as well as in the *Milligan* Plaintiffs' Motion for a Preliminary Injunction and the supporting briefs and exhibits.

RESPONSES TO REQUESTS FOR PRODUCTION

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Production as follows:

REQUEST FOR PRODUCTION NO. 1: Produce any documents or records concerning any effort you undertook to draw an Alabama congressional districting plan with more than one Opportunity District using 2020 census data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Plaintiffs object to Request for Production No. 1 to the extent it calls for documents or records subject to attorney-client privilege or the work product privilege. Plaintiffs further object because any effort to draw a plan containing more than one Opportunity District would be relevant only to Plaintiffs' cause of action under Section 2 the VRA, which is not a permissible or proper subject of discovery at this time under the Court's Scheduling Orders. Plaintiffs further incorporate their objection to the use of "likely" in reference to "permit[ting] black voters to elect their candidate of choice," as this term is vague in this context. Subject to and without waiving the foregoing and continuing objections, Plaintiffs will produce any responsive documents in their possession custody and control.

REQUEST FOR PRODUCTION NO. 2: Produce any documents or records concerning any effort you undertook to draw an Alabama congressional districting plan with more than one Opportunity majority-BVAP district using 2020 census data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Plaintiffs object to Request for Production No. 2 to the extent it calls for documents or records subject to attorney-client privilege or the work product privilege. Plaintiffs further object because any effort to draw a plan containing more than one majority-BVAP would be relevant only to Plaintiffs' cause of action under Section 2 the VRA, which is not a permissible or proper subject of discovery at this time under the Court's Scheduling Orders.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs will produce any responsive documents in their possession custody and control.

RESPONSES TO REQUESTS FOR ADMISSION

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen’s Requests for Admission as follows:

REQUEST FOR ADMISSION NO. 1: Admit that members of Alabama’s Congressional delegation provided input in the drafting of the 2021 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Plaintiffs object to Request for Admission No. 1 as vague and ambiguous as to the meaning of the term “input.” Subject to and without waiving the forgoing objections, Plaintiffs admit that Randy Hinaman testified that he spoke with some but not all members Alabama’s congressional delegation about their districts in 2021.

REQUEST FOR ADMISSION NO. 2: Admit that preserving the cores of districts was a consideration in the drafting of the 2021 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Plaintiffs object to Request for Admission No. 2 as vague and ambiguous. Subject to and without waiving the foregoing and continuing objections, Plaintiffs admit that that demographer Randy Hinaman testified that he considered the boundaries of the prior districts when developing the 2021 Plan; and Plaintiffs admit that the Alabama Legislature’s Reapportionment Committee Redistricting Guidelines list as a subordinate guideline that the Legislature should “try to preserve the cores of existing districts” to the extent this factor does not “violate or subordinate the foregoing policies [in the Guidelines] prescribed by the Constitution and laws of the United States and of the State of Alabama” or conflict with higher priority criteria, like Voting Rights Act compliance; but otherwise Plaintiffs deny Request for Admission No. 2.

REQUEST FOR ADMISSION NO. 3: Admit that core preservation is a traditional districting criterion.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Plaintiffs object to Request for Admission No. 3 as vague and ambiguous as to the meaning of “core preservation” and “traditional districting criterion,” particularly without reference to federal law or any particular state or other context. Plaintiffs further object to Request for Admission No. 3 because it calls for a legal conclusion.

Subject to and without waving the foregoing and continuing objections, Plaintiffs admit that Alabama’s Reapportionment Committee Redistricting Guidelines list as a subordinate factor that the Legislature should “try to preserve the cores of existing districts” to the extent this criterion does not “violate or subordinate the foregoing policies [in the Guidelines] prescribed by the Constitution and laws of the United States and of the State of Alabama” or conflict with higher priority state criteria, like non-dilution and Voting Rights Act compliance; but otherwise Request for Admission No. 3 is denied. To the extent Request for Admission No. 3 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 4: Admit that on May 5, 2021, the Reapportionment Committee of the Alabama Legislature passed the Redistricting Guidelines to be used by the Committee during the redistricting process.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Admitted.

REQUEST FOR ADMISSION NO. 5: Admit that those Guidelines passed on a 16-1 vote, with both Republicans and Democrats as well as Black and white legislators supporting the Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Plaintiffs objection to Request for Admission No. 5 as vague and ambiguous as to the meaning of “the Guidelines.” Subject to and without waving the foregoing and continuing objections, Plaintiffs admit that the 17 Democratic and Republican as well as Black and white state legislators who were present and a part of the

Alabama Legislature's Reapportionment Committee voted 16-1 to adopt Redistricting Guidelines on May 5, 2021.

REQUEST FOR ADMISSION NO. 6: Admit that one redistricting guideline that the Alabama Reapportionment Committee adopted is that "Congressional districts shall have minimal population deviation."

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Admitted.

REQUEST FOR ADMISSION NO. 7: Admit that one redistricting guideline that the Alabama Reapportionment committee adopted is that "A redistricting plan considered by the Reapportionment Committee shall comply with the one person, one vote principle of the Equal Protection Clause of the 14th Amendment to the United States Constitution."

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Admitted.

REQUEST FOR ADMISSION NO. 8: Admit that the discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Plaintiffs object to Request for Admission No. 8 as vague and ambiguous particularly in that it does not provide reference to a particular state or timeframe or attempt to define the meaning of "intensely political process," and because it calls for an opinion and legal conclusion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 8 is denied.

REQUEST FOR ADMISSION NO. 9: Admit that it is possible to draw whole-county maps with smaller overall population deviations than 2.46%.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Plaintiffs object to Request for Admission No. 9 as vague and ambiguous particularly in that it does not provide reference to a particular state or timeframe or attempt to define the meaning of "whole-county maps" and "overall

population deviations” and because it calls for an opinion and legal conclusion. Plaintiffs respond that they lack sufficient information on which to admit or deny Request for Admission No. 9.

REQUEST FOR ADMISSION NO. 10: Admit that race could predominate when drawing a whole-county plan if race was the predominant reason that certain counties were put together in a district or separated among two or more districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Plaintiffs object to Request for Admission No. 10 as vague and ambiguous particularly in that it does not provide reference to a particular state or timeframe or attempt to define the meaning of “whole-county plan,” and because it calls for an opinion and legal conclusion. Plaintiffs further object to this Request and can neither admit nor deny it, on the ground that it calls for speculation and/or contains an incomplete hypothetical.

REQUEST FOR ADMISSION NO. 11: (*Singleton* Plaintiffs only): Admit that one non-negotiable goal when drafting the Singleton Whole-County Plan was creating two Opportunity Districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Request for Admission No. 11 is not directed to the *Milligan* Plaintiffs.

REQUEST FOR ADMISSION NO. 12: (Plaintiffs Singleton and Smitherman only): Admit that you would not have supported the Singleton Whole-County Plan if it did not create two Opportunity Districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 12: Request for Admission No. 12 is not directed to the *Milligan* Plaintiffs.

REQUEST FOR ADMISSION NO. 13: Admit that one redistricting guideline that the Alabama Reapportionment Committee adopted is that “[t]he Legislature shall try to preserve the cores of existing districts.”

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Plaintiffs incorporate the objections, responses, and admissions from Requests for Admission Nos. 2 and 3; but otherwise Request for Admission No. 13 is denied.

REQUEST FOR ADMISSION NO. 14: Admit that the 2021 Plan preserved the cores of districts from the 2011 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 14: Plaintiffs object to Request for Admission No. 14 as vague and ambiguous as to the meaning of the phrase “preserved the cores of districts.”

REQUEST FOR ADMISSION NO. 15: Admit that the 2011 Plan preserved the cores of districts from the 2002 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 15: Plaintiffs object to Request for Admission No. 14 as vague and ambiguous as to the meaning of the phrase “preserved the cores of districts.”

REQUEST FOR ADMISSION NO. 16: Admit that the 2002 Plan preserved the cores of districts from the 1992 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 16: Plaintiffs object to Request for Admission No. 14 as vague and ambiguous as to the meaning of the phrase “preserved the cores of districts.”

REQUEST FOR ADMISSION NO. 17: Admit that the 2002 Plan was sponsored by Senator Hank Sanders.

RESPONSE TO REQUEST FOR ADMISSION NO. 17: Admitted.

REQUEST FOR ADMISSION NO. 18: Admit that Senator Hank Sanders is a Black Democrat.

RESPONSE TO REQUEST FOR ADMISSION NO. 18: Admitted.

REQUEST FOR ADMISSION NO. 19: Admit that a majority of the Black members of the Alabama Legislature in 2002 voted to approve the 2002 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 19: Plaintiffs respond that they lack sufficient information on which to admit or deny Request for Admission No. 19.

REQUEST FOR ADMISSION NO. 20: Admit that in the early-1990's, the Department of Justice applied a "Black-maximization" policy in its enforcement of Section 5 of the Voting Rights Act. *See Miller v. Johnson*, 515 U.S. 900, 921–23 (1995).

RESPONSE TO REQUEST FOR ADMISSION NO. 20: Plaintiffs object to this Request as vague and ambiguous as to the definition of a "Black-maximization policy" allegedly pursued by the U.S. Department of Justice. Plaintiffs further object to this Request on the ground that it calls for a legal conclusion, and accordingly can neither admit nor deny this request. *See In re Tobkin*, 578 F. App'x 962, 964 (11th Cir. 2014) ("A party may not request an admission of a legal conclusion"). Plaintiffs further object to this Request because it calls for speculation as to the unwritten policies of the U.S. Department of Justice from approximately 30 years ago. Subject to and without waiving the foregoing and continuing objections, Plaintiffs state that they lack sufficient information on which to admit or deny Request for Admission No. 20.

REQUEST FOR ADMISSION NO. 21: Admit that Dr. Moon Duchin's Illustrative Plan A (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Mobile County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 21: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of "residents" and "basis of race." Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 21 is denied.

REQUEST FOR ADMISSION NO. 22: Admit that Dr. Moon Duchin's Illustrative Plan A

(shown in *Milligan* Doc. 88-3 at 7) assigns residents of Jefferson County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 22: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing general and specific objections, Request for Admission No. 22 is denied.

REQUEST FOR ADMISSION NO. 23: Admit that Dr. Moon Duchin’s Illustrative Plan A (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Houston County to congressional districts on the basis of race. Admit that Dr. Moon Duchin’s Illustrative Plan B (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Mobile County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 23: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Further, Plaintiffs object to the Request for Admission as compound and Plaintiffs object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 23 is denied.

REQUEST FOR ADMISSION NO. 24: Admit that Dr. Moon Duchin’s Illustrative Plan B (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Jefferson County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 24: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 24 is denied.

REQUEST FOR ADMISSION NO. 25: Admit that Dr. Moon Duchin’s Illustrative Plan C (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Mobile County to congressional districts on

the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 25: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 25 is denied.

REQUEST FOR ADMISSION NO. 26: Admit that Dr. Moon Duchin’s Illustrative Plan C (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Jefferson County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 26: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 26 is denied.

REQUEST FOR ADMISSION NO. 27: Admit that Dr. Moon Duchin’s Illustrative Plan C (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Tuscaloosa County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 27: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 27 is denied.

REQUEST FOR ADMISSION NO. 28: Admit that Dr. Moon Duchin’s Illustrative Plan D (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Mobile County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 28: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs

further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 28 is denied.

REQUEST FOR ADMISSION NO. 29: Admit that Dr. Moon Duchin’s Illustrative Plan D (shown in *Milligan* Doc. 88-3 at 7) assigns residents of Jefferson County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 29: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of “residents” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Request for Admission No. 29 is denied.

REQUEST FOR ADMISSION NO. 30: Admit that the Hatcher Plan assigns residents of Mobile County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 30: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of the “Hatcher Plan,” “residents,” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Plaintiffs respond that they lack sufficient information on which to admit or deny Request for Admission 30.

REQUEST FOR ADMISSION NO. 31: Admit that the Hatcher Plan assigns residents of Jefferson County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 31: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of the “Hatcher Plan,” “residents,” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Plaintiffs respond that lack sufficient information on which to admit or deny Request for Admission 31.

REQUEST FOR ADMISSION NO. 32: Admit that the Hatcher Plan assigns residents of

Tuscaloosa County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 32: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of the “Hatcher Plan,” “residents,” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion. Subject to and without waiving the foregoing and continuing objections, Plaintiffs respond that they lack sufficient information on which to admit or deny Request for Admission 32.

REQUEST FOR ADMISSION NO. 33: Admit that the Hatcher Plan assigns residents of Russell County to congressional districts on the basis of race.

RESPONSE TO REQUEST FOR ADMISSION NO. 33: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of the “Hatcher Plan,” “residents,” and “basis of race.” Plaintiffs further object that this Request calls for a legal conclusion and opinion.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs respond that lack sufficient information on which to admit or deny Request for Admission 33.

REQUEST FOR ADMISSION NO. 34: Admit that each Congressional districting plan drawn by Bill Cooper and offered by the *Caster* Plaintiffs during the preliminary injunction phase of this litigation split the Black Belt among at least three districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 34: Plaintiffs object to this Request as vague and ambiguous. Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs admit that at least part of at least one county identified in the definition of Black Belt contained in Secretary Allen’s Discovery Requests is assigned to a district other than one of the two majority-Black districts in Mr. Cooper’s illustrative plans. To the extent Request for Admission No. 34 seeks an admission

of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 35: Admit that each Congressional districting plan drawn by Dr. Moon Duchin and offered by the *Milligan* Plaintiffs during the preliminary injunction phase of this litigation split the Black Belt among at least three districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 35: Plaintiffs object to this Request as vague and ambiguous. Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs admit that at least part of at least one county identified in the definition of Black Belt contained in Secretary Allen's Discovery Requests is assigned to a district other than one of the two majority-Black districts in Dr. Duchin's illustrative plans. To the extent Request for Admission No. 35 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 36: Admit that the Singleton Whole-County Plan splits the Black Belt among at least three districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 36: Plaintiffs object to this Request as vague and ambiguous. Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt. Subject to and without waiving the foregoing general and specific objections, Plaintiffs admit that the counties identified in the definition of Black Belt contained in Secretary Allen's Discovery Requests are divided among three districts in the Singleton Whole-County Plan. To the extent Request for Admission No. 36 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 37: Admit that the Hatcher Plan splits the Black Belt

among four districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 37: Plaintiffs object to this Request as vague and ambiguous, particularly as to the meaning of the “Hatcher Plan.” Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs admit that at least part of at least one county identified in the definition of Black Belt contained in Defendant’s Discovery Requests is assigned to a district other than one of the two majority-Black districts in the Hatcher Plan. To the extent Request for Admission No. 37 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 38: Admit that for each Congressional districting plan used by Alabama since 1833, Black Belt counties have been split among at least three districts. *See Singleton Doc. 57-7 at 5-43.*

RESPONSE TO REQUEST FOR ADMISSION NO. 38: Plaintiffs object to this Request as vague and ambiguous. Plaintiffs further object to this Request to the extent it assumes that the Black Belt constituted an identifiable community of interest in 1833 or at every point thereafter. Plaintiffs further object to this Request to the extent it asks Plaintiffs to assume that the Alabama Legislature’s decision to split the Black Belt in a particular manner or to a particular degree in 1833 or thereafter were not the result of illegal or unconstitutional racial discrimination. Plaintiffs also object to the extent this Request asks Plaintiffs to assume that it was not possible for the Alabama Legislature to avoid splitting the Black Belt in 1833 or thereafter. And Plaintiffs object that the Thirteenth, Fourteenth, and Fifteenth Amendment, including the prohibitions on racial discrimination, racial vote dilution, and quantitative vote dilution did not exist or were not enforced

in 1833 and certain periods thereafter. Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs lack sufficient information to admit or deny this Request.

REQUEST FOR ADMISSION NO. 39: Admit that the 2021 Plan splits the Black Belt among only three districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 39: Plaintiffs object to this Request as vague and ambiguous. Plaintiffs further object to this Request to the extent it assumes that all of the ways in which the Black Belt may be split are equivalent with respect to degree or protecting the community of interest formed by the Black Belt.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs admit that at the counties identified in the definition of Black Belt contained in Secretary Allen's Discovery Requests are divided in whole or in part among three districts in the 2021 Plan. To the extent Request for Admission No. 39 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 40: Admit that the 18 core Black Belt counties cannot fit into a single congressional district in a plan that ensures minimal population deviation between districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 40: Plaintiffs object to this Request as vague and ambiguous as to the identity of "the 18 core Black Belt counties." Subject to and without waiving the foregoing and continuing objections, and assuming "the 18 core Black Belt counties" refers to the counties identified in the definition of Black Belt contained in Defendant's Discovery Requests, Request for Admission 40 is denied.

REQUEST FOR ADMISSION NO. 41: (For Senators Singleton and Smitherman only):

Admit that you were a member of the Alabama Reapportionment Committee in 2021.

RESPONSE TO REQUEST FOR ADMISSION NO. 41:

REQUEST FOR ADMISSION NO. 42: (For Senator Singleton only): Admit that you

voted in favor of the Reapportionment Committee's 2021 Redistricting Guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

REQUEST FOR ADMISSION NO. 43: (For Senators Singleton and Smitherman only):

Admit that those Guidelines provided that core retention was a policy interest that the Reapportionment Committee would seek to honor in its districting plans.

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

REQUEST FOR ADMISSION NO. 44: Admit that, following the 2020 Census, the Census

Bureau was statutorily required to release redistricting data to the States no later than April 1, 2021.

13 U.S.C. § 141.

RESPONSE TO REQUEST FOR ADMISSION NO. 44: Plaintiffs object to Request for

Admission No. 44 on the ground that it calls for a legal conclusion and thus lies outside the scope of Rule 36(a)(1). *See In re Tobkin*, 578 F. App'x 962, 964 (11th Cir. 2014) ("A party may not request an admission of a legal conclusion").

REQUEST FOR ADMISSION NO. 45: Admit that, in February 2021, the Census Bureau

issued a press release stating that it would not release the redistricting data until September 30, 2021.

RESPONSE TO REQUEST FOR ADMISSION NO. 45: Admitted.

REQUEST FOR ADMISSION NO. 46: Admit that, on March 10, 2021, the State of

Alabama sued the Census Bureau to require it to comply with the statutory deadline. *See Alabama v. United States Dep't of Com.*, No. 3:21-CV-211-RAH-ECM-KCN, (M.D. Ala.) (three-judge court).

RESPONSE TO REQUEST FOR ADMISSION NO. 46: Plaintiffs object to this Request as vague and ambiguous as to “the statutory deadline.” Plaintiffs further object to this Request to the extent it requests information equally or more readily accessible to Secretary Allen, including the reasons, intent, purpose, or motive for the State of Alabama’s lawsuit.

Subject to and without waiving the foregoing and continuing objections, Plaintiffs respond that they lack sufficient information on which to admit or deny Request for Admission No. 46.

REQUEST FOR ADMISSION NO. 47: Admit that, on March 15, 2021, the Census Bureau issued a further press release stating it could provide redistricting data in a legacy format by mid-to-late August 2021.

RESPONSE TO REQUEST FOR ADMISSION NO. 47: Admitted.

REQUEST FOR ADMISSION NO. 48: Admit that the Alabama Legislature received initial 2020 Census data from the United States Bureau of the Census on August 12, 2021.

RESPONSE TO REQUEST FOR ADMISSION NO. 48: Plaintiffs object to Request for Admission No. 48 as vague and ambiguous, particularly as to the term “initial 2020 Census data.” Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing continuing and specific objections, Plaintiffs admit that the United States Census Bureau released the results of the 2020 census in legacy format on August 12, 2021. ECF No. 53, at 16. Plaintiffs lack sufficient information to truthfully admit or deny that the Alabama Legislature—which is undefined—received the 2020 Census data on August 12, 2021.

REQUEST FOR ADMISSION NO. 49: Admit that the Reapportionment Committee held 28 public hearings at locations around the State between September 1 and September 16, 2021.

RESPONSE TO REQUEST FOR ADMISSION NO. 49: Admitted.

REQUEST FOR ADMISSION NO. 50: Admit that the public could attend these hearings in person or via videoconference.

RESPONSE TO REQUEST FOR ADMISSION NO. 50: Plaintiffs object to Request for Admission No. 50 as vague and ambiguous, particularly as to the terms “the public” and “these hearings.” Plaintiffs further object to the extent this Request might ask Plaintiffs to assume that all members of the public have equal knowledge of the date and time of these hearings, equal access to videoconferencing technology, or otherwise asks Plaintiffs to assume that all members of the public have an equal ability to attend these meetings at the designated times and locations. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing continuing and specific objections, Plaintiffs admit that members of the public were permitted to attend the 28 public hearings held by the Reapportionment Committee at locations around the State between September 1 and September 16, but deny that all members of the public could attend these hearings in person or via videoconference.

REQUEST FOR ADMISSION NO. 51: Admit that, on October 25, 2021, Alabama Governor Kay Ivey officially called for the Legislature to convene in a special session to address redistricting.

RESPONSE TO REQUEST FOR ADMISSION NO. 51: Plaintiffs object to Request for Admission No. 51 as vague and ambiguous, particularly as to the terms “special session” and “redistricting.” Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 52: Admit that, on October 26, 2021, the Reapportionment Committee met and considered a draft congressional plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 52: Plaintiffs object to Request for

Admission No. 52 as vague and ambiguous, particularly as to “draft congressional plan.” Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 53: Admit that, on October 28, 2021, the special session began and the Congressional Plan (then H.B. 1) was assigned to the House Committee on State Government.

RESPONSE TO REQUEST FOR ADMISSION NO. 53: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 54: Admit that, on October 29, 2021, the congressional Plan (in addition to three other redistricting plans) was voted out of the House Committee on State Government.

RESPONSE TO REQUEST FOR ADMISSION NO. 54: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 55: Admit that, on November 1, 2021, the Alabama House of Representatives considered the Congressional Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 55: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 56: Admit that, on November 1, 2021, the Alabama House of Representatives passed the Congressional Plan 65-38.

RESPONSE TO REQUEST FOR ADMISSION NO. 56: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 57: Admit that, in addition to every Democratic Representative, several Republicans in the Alabama House of Representatives voted against the plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 57: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 58: Admit that one Black representative, Rep. Kenneth Paschal, voted in favor of the Congressional Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 58: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 59: Admit that, on November 2, 2021, the Senate General Fund and Appropriations Committee considered the Congressional Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 59: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 60: Admit that, on November 2, 2021, the Senate General Fund and Appropriations Committee voted the Congressional Plan out of Committee.

RESPONSE TO REQUEST FOR ADMISSION NO. 60: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 61: Admit that, on November 3, 2021, the Alabama Senate forwarded the Congressional Plan to Alabama Governor Kay Ivey.

RESPONSE TO REQUEST FOR ADMISSION NO. 61: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 62: Admit that, on November 4, 2021, Governor Ivey signed the Congressional Plan into law.

RESPONSE TO REQUEST FOR ADMISSION NO. 62: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 63: Admit that, on July 23, 2021 a special election was held to fill a vacancy in District 73 of the Alabama House of Representatives.

RESPONSE TO REQUEST FOR ADMISSION NO. 63: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 64: Admit that, Kenneth Paschal, the Republican candidate, won the July 23, 2021 special election to fill the vacancy in District 73 of the Alabama House of Representatives with 2,743 votes.

RESPONSE TO REQUEST FOR ADMISSION NO. 64: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 65: Admit that Rep. Paschal's white Democratic opponent received 920 votes.

RESPONSE TO REQUEST FOR ADMISSION NO. 65: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 66: Admit that House District 73 is located in Shelby County, Alabama.

RESPONSE TO REQUEST FOR ADMISSION NO. 66: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 67: Admit that, based on 2010 census data, the voting-age population of Alabama House District 73 was 84.12% white and 9.75% Black. (*See ALBC doc. 338-1*).

RESPONSE TO REQUEST FOR ADMISSION NO. 67: Plaintiffs object to Request for

Admission No. 67 as vague and overbroad. The Request does not define “Black,” which could mean Hispanic or non-Hispanic any-part Black or single race Black and could refer to the entire voting-age population of the district or only the citizen voting-age population. The Request similarly does not define “white,” which could mean non-Hispanic white or single-race white and could refer to the citizen or entire voting-age population. Plaintiffs therefore lack sufficient information to truthfully admit or deny the Request.

REQUEST FOR ADMISSION NO. 68: Admit that Rep. Paschal defeated a white Republican candidate in the primary election.

RESPONSE TO REQUEST FOR ADMISSION NO. 68:

Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, Plaintiffs admit that Rep. Paschal defeated a white Republican candidate in the primary election by 64 votes.

REQUEST FOR ADMISSION NO. 69: Admit that, under the 2002 Plan, in the 2008 election three Democrats won seats in Congress from Alabama—namely, Bobby Bright, Parker Griffith, and Artur Davis.

RESPONSE TO REQUEST FOR ADMISSION NO. 69: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted, to the extent “2002 Plan” refers to Alabama Senate Bill 22, signed on January 31, 2002, and to the extent the Request calls for Rep. Bright, Griffith, and Davis’s party affiliation at the time of their election in 2002, as all three later changed their party affiliation to the Republican Party.

REQUEST FOR ADMISSION NO. 70: Admit that Sen. Bobby Singleton and Sen. Roger

Smitherman served on the Reapportionment Committee for the 2011 Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 70: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, Plaintiffs lack sufficient information to truthfully admit or deny that Senator Bobby Singleton and Senator Roger Smitherman served on the Reapportionment Committee for the 2011 Plan.

REQUEST FOR ADMISSION NO. 71: Admit that the 2011 Plan was precleared by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act, currently codified at 52 U.S.C. § 10304.

RESPONSE TO REQUEST FOR ADMISSION NO. 71: Plaintiffs object to this Request for Admission as vague and ambiguous. Plaintiffs further object to the extent it calls for a legal conclusion or requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the forgoing objections, this Request is admitted to the extent that Section 5 of the Voting Rights Act, currently codified at 52 U.S.C. § 10304(a), states that “[n]either an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.”

REQUEST FOR ADMISSION NO. 72: Admit that the 2011 Plan was never declared unlawful by any court of competent jurisdiction.

RESPONSE TO REQUEST FOR ADMISSION NO. 72: Plaintiffs object to this Request on the ground that it calls for a legal conclusion, and accordingly can neither admit nor deny this request. *See In re Tobkin*, 578 F. App’x 962, 964 (11th Cir. 2014) (“A party may not request an

admission of a legal conclusion”). Plaintiffs also object to Request for Admission No. 72 as it is vague and overbroad. This Request does not make clear what constitutes “unlawful” or a “court.” Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen. Subject to and without waiving the forgoing objections, Plaintiffs lack sufficient information to truthfully admit or deny that any court ever declared the 2011 Plan unlawful.

REQUEST FOR ADMISSION NO. 73: Admit that Jerry Carl currently represents Alabama’s Congressional District 1.

RESPONSE TO REQUEST FOR ADMISSION NO. 73: Admitted.

REQUEST FOR ADMISSION NO. 74: Admit that Jerry Carl represented Alabama’s Congressional District 1 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 74: Plaintiffs object to Request for Admission No. 74 as it is vague and overbroad. The request does not define “the time that the 2021 Plan was drawn,” which lacks a specific date.

Subject to this specific objection and Plaintiffs’ Continuing Objections, Plaintiffs respond: Admitted.

REQUEST FOR ADMISSION NO. 75: Admit that Barry Moore currently represents Alabama’s Congressional District 2.

RESPONSE TO REQUEST FOR ADMISSION NO. 75: Admitted.

REQUEST FOR ADMISSION NO. 76: Admit that Barry Moore represented Alabama’s Congressional District 2 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 76: Plaintiffs object to Request for Admission No. 76 as it is vague and overbroad. The request does not define “the time that the 2021 Plan was drawn,” which lacks a specific date. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen. Subject to this specific objection

and Plaintiffs' Continuing Objections, Plaintiffs respond: Admitted.

REQUEST FOR ADMISSION NO. 77: Admit that Mike Rogers currently represents Alabama's Congressional District 3.

RESPONSE TO REQUEST FOR ADMISSION NO. 77: Admitted.

REQUEST FOR ADMISSION NO. 78: Admit that Mike Rogers represented Alabama's Congressional District 3 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 78:

Plaintiffs object to Request for Admission No. 78 as it is vague and overbroad. The request does not define "the time that the 2021 Plan was drawn," which lacks a specific date. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs' Continuing Objections, Plaintiffs respond: Admitted.

REQUEST FOR ADMISSION NO. 79: Admit that Robert Aderholt currently represents Alabama's Congressional District 4.

RESPONSE TO REQUEST FOR ADMISSION NO. 79: Admitted.

REQUEST FOR ADMISSION NO. 80: Admit that Robert Aderholt represented Alabama's Congressional District 4 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 80:

Plaintiffs object to Request for Admission No. 80 as it is vague and overbroad. The request does not define "the time that the 2021 Plan was drawn," which lacks a specific date. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs' Continuing Objections, Plaintiffs respond:

Admitted.

REQUEST FOR ADMISSION NO. 81: Admit that Dale Strong currently represents Alabama's Congressional District 5.

RESPONSE TO REQUEST FOR ADMISSION NO. 81: Admitted.

REQUEST FOR ADMISSION NO. 82: Admit that Gary Palmer currently represents Alabama's Congressional District 6.

RESPONSE TO REQUEST FOR ADMISSION NO. 82: Admitted.

REQUEST FOR ADMISSION NO. 83: Admit that Gary Palmer represented Alabama's Congressional District 6 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 83:

Plaintiffs object to Request for Admission No. 83 as it is vague and overbroad. The request does not define "the time that the 2021 Plan was drawn," which lacks a specific date. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs' Continuing Objections, Plaintiffs respond:
Admitted.

REQUEST FOR ADMISSION NO. 84: Admit that Terri Sewell currently represents Alabama's Congressional District 7.

RESPONSE TO REQUEST FOR ADMISSION NO. 84: Admitted.

REQUEST FOR ADMISSION NO. 85: Admit that Terri Sewell represented Alabama's Congressional District 7 at the time that the 2021 Plan was drawn.

RESPONSE TO REQUEST FOR ADMISSION NO. 85: Plaintiffs object to Request for Admission No. 85 as it is vague and overbroad. The request does not define "the time that the 2021 Plan was drawn," which lacks a specific date. Plaintiffs further object to the extent it requests

information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs' Continuing Objections, Plaintiffs respond:
Admitted.

REQUEST FOR ADMISSION NO. 86: Admit that District 7 was underpopulated when the 2020 Census numbers were input into the 2011 Plan, and thus District 7 needed to pick up population.

RESPONSE TO REQUEST FOR ADMISSION NO. 86: Plaintiffs object to Request for Admission No. 86 as it is vague and overbroad. The Request does not define "needed to pick up population" with sufficient specificity. Plaintiffs lack sufficient information to truthfully admit or deny the Request.

REQUEST FOR ADMISSION NO. 87: Admit that U.S. Rep. Terry Sewell wanted to pick up universities, facilities, companies, and military bases in expanding District 7 to gain population.

RESPONSE TO REQUEST FOR ADMISSION NO. 87: Plaintiffs object to Request for Admission No. 87 as it is vague and overbroad. The Request does not define "to pick up" or "to gain population" or the entities referenced with sufficient specificity. Subject to the foregoing objections, Plaintiffs lack sufficient information to truthfully admit or deny the Request as it requires familiarity with U.S. Rep. Terri Sewell's intent on this issue that Plaintiffs do not possess.

REQUEST FOR ADMISSION NO. 88: Admit that U.S. Rep. Terry Sewell did not want Alabama State University split between two Congressional Districts and instead wanted the entire Acadome precinct in her District.

RESPONSE TO REQUEST FOR ADMISSION NO. 88: Plaintiffs object to Request for Admission No. 88 as it is vague and overbroad, particularly with respect to "entire Acadome precinct." The Request is generally vague and lacks sufficient specificity. Subject to the foregoing objections, Plaintiffs lack sufficient information to truthfully admit or deny the Request as it requires

familiarity with U.S. Rep. Terri Sewell’s intent on this issue that Plaintiffs do not possess.

REQUEST FOR ADMISSION NO. 89: Admit that the 2021 Plan puts the entire Acadome precinct—which includes Alabama State University—in District 7.

RESPONSE TO REQUEST FOR ADMISSION NO. 89: Plaintiffs object to this Request as vague, ambiguous, and overbroad, particularly as to the definition of “entire Acadome precinct.” Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs’ Continuing Objections, Plaintiffs lack sufficient information to truthfully admit or deny this Request.

REQUEST FOR ADMISSION NO. 90: Admit that the 2021 Plan puts Maxwell Air Force Base in District 7.

RESPONSE TO REQUEST FOR ADMISSION NO. 90: Plaintiffs object to this Request because it is vague and ambiguous in that it fails to define the geographic boundaries of Maxwell Air Force Base. Plaintiffs further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to this specific objection and Plaintiffs’ Continuing Objections, Plaintiffs lack sufficient information to truthfully admit or deny Request for Admission No. 90 in full, but admit that at least portions of Maxwell Air Force Base sit in District 7 in the 2021 Plan.

REQUEST FOR ADMISSION NO. 91: Admit that U.S. Rep. Terry Sewell wanted a family home, which is in Selma, in her Congressional District.

RESPONSE TO REQUEST FOR ADMISSION NO. 91: Plaintiffs lack sufficient information to truthfully admit or deny Request for Admission No. 91, as it requires familiarity with U.S. Rep. Terry Sewell’s state of mind that Plaintiffs do not have.

REQUEST FOR ADMISSION NO. 92: (For *Milligan* plaintiffs only): Admit that, using

Maptitude and Dave's Redistricting, *Milligan* Plaintiff Evan Milligan and some associates of his who had taken map-making training courses tried to draw a Congressional map that would include two majority-Black or two majority-non-white districts and they were unsuccessful.

RESPONSE TO REQUEST FOR ADMISSION NO. 92: Plaintiffs object to Request for Admission No. 92 because it is vague and ambiguous in that it fails to define “associates” or specify who the referenced “associates” are. Plaintiffs further object to Request for Admission No. 92 to the extent it implies or asks Plaintiffs to otherwise assume that taking an unspecified number of “map-making training courses” of unknown quality over an unknown period of time qualified Plaintiff Milligan or his unspecified associates as experts or as skilled or as adequately trained map drawers.

Subject to Plaintiffs' specific and continuing objections, Plaintiffs admit that Plaintiff Evan Milligan testified that, based on his limited training, he was unable to draw a map based on the 2020 Census that would include two-majority Black congressional districts. To the extent Request for Admission No. 92 seeks an admission of facts beyond those expressly admitted in this response, it is denied.

REQUEST FOR ADMISSION NO. 93: Admit that racial polarization analyses are performed for a draft district to determine whether the district is likely to result in minority voters in the district being able to elect the candidate of their choice.

RESPONSE TO REQUEST FOR ADMISSION NO. 93: Plaintiffs object to Request for Admission No. 93 because it is vague and overbroad. The Request fails to define “draft district” or “minority voters.” Plaintiffs therefore lack sufficient information to truthfully admit or deny Request for Admission No. 93. Plaintiffs also object on the ground that it calls for a legal conclusion, and accordingly can neither admit nor deny this request. *See In re Tobkin*, 578 F. App'x 962, 964 (11th Cir. 2014) (“A party may not request an admission of a legal conclusion”). Plaintiffs

further object to the extent it requests information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing continuing and specific Plaintiffs’ objections, Plaintiffs admit that determining the ability of members of a protected racial group to elect a candidate of choice is one of many uses of a racial polarization analysis, but otherwise deny the Request.

REQUEST FOR ADMISSION NO. 94: Admit that on October 19, 2021, the NAACP Legal Defense & Educational Fund, Inc., the American Civil Liberties Union Voting Rights Project, and the American Civil Liberties Union of Alabama sent a letter to the Alabama Legislative Reapportionment Committee asserting that the organizations’ “preliminary analysis reveals that BVAP percentages in excess of a bare majority (i.e., 50%+1) are unnecessary in many parts of the state for Black voters to elect their candidates of choice” *See* <https://www.naacpldf.org/wp-content/uploads/Letter-to-AL-Reapportionment-Committee-20211019-1-1.pdf>.

RESPONSE TO REQUEST FOR ADMISSION NO. 94: Admitted.

REQUEST FOR ADMISSION NO. 95: Admit that a racial polarization analysis was not required in 2021 for legislators to know that District 7 in HB 1, with a single-race BVAP of 54%, was likely to result in Black voters in District 7 being able to elect the candidate of their choice.

RESPONSE TO REQUEST FOR ADMISSION NO. 95: Plaintiffs object to Request for Admission No. 95 as it is vague and overbroad. The Request fails to define “legislator,” which can mean a specific group of legislators or the legislature as a whole, and thus the answer may depend on which individuals to whom the Request refers. Plaintiffs also lack sufficient information into the states of minds of “legislators.” Additionally, Plaintiffs object on the ground that this Request calls for a legal conclusion. *See In re Tobkin*, 578 F. App’x 962, 964 (11th Cir. 2014) (“A party may not request an admission of a legal conclusion”). Plaintiffs further object to the extent it requests

information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing continuing and specific Plaintiffs’ objections, Plaintiffs deny this Request.

REQUEST FOR ADMISSION NO. 96: Admit that in 2021 you did not need a racial polarization analysis to know that District 7 in HB 1, with a single-race BVAP of 54%, was likely to result in Black voters in District 7 being able to elect the candidate of their choice.

RESPONSE TO REQUEST FOR ADMISSION NO. 96: Plaintiffs object to Request for Admission No. 96 as vague and overbroad because it fails to define “HB 1”, “BVAP”, “candidate of their choice,” “you,” which can mean anyone, and other terms. Plaintiffs also object on the ground that it calls for a legal conclusion. *See In re Tobkin*, 578 F. App’x 962, 964 (11th Cir. 2014) (“A party may not request an admission of a legal conclusion”).

Subject to and without waiving the foregoing continuing and specific Plaintiffs’ objections, Plaintiffs deny this Request for Admission.

REQUEST FOR ADMISSION NO. 97: Admit that District 7, with a single-race BVAP of 54%, is likely to result in Black voters in District 7 being able to elect the candidate of their choice.

RESPONSE TO REQUEST FOR ADMISSION NO. 97: Plaintiffs object to Request for Admission No. 97 as vague and overbroad because it fails to define “District 7”, “BVAP”, “candidate of their choice,” and other terms. Plaintiffs also object on the ground that it calls for a legal conclusion. *See In re Tobkin*, 578 F. App’x 962, 964 (11th Cir. 2014) (“A party may not request an admission of a legal conclusion”).

Subject to and without waiving the continuing objections and these specific objections, Plaintiffs admit that, as drawn in the 2021 Plan, CD 7 is likely to permit Black voters to elect their candidates of choice; however, to the extent this Request asks Plaintiffs to admit to facts beyond the foregoing admission—including but not limited to any admission that single-race BVAP of 54% was

necessary to allow Black voters an equal opportunity to elect the candidate of their choice or that such a district with a single-race BVAP below 54% would not have allowed Black voters an equal opportunity to elect the candidate of their choice—Plaintiffs deny Request for Admission No. 97.

REQUEST FOR ADMISSION NO. 98: Admit that the draft congressional plan proposed to the Alabama Legislative Reapportionment Committee by the NAACP Legal Defense & Educational Fund, Inc., the American Civil Liberties Union Voting Rights Project, and the American Civil Liberties Union of Alabama in the organizations’ October 19, 2021 letter contained splits in 13 counties.

RESPONSE TO REQUEST FOR ADMISSION NO. 98: Plaintiffs admit that the illustrative plan contained in the letter contained splits of 13 counties, but deny that the illustrative plan was a “proposal” by the above-named organizations and otherwise deny Request for Admission No. 98.

REQUEST FOR ADMISSION NO. 99: Admit that the only congressional plan introduced during the Legislature’s 2021 special session on redistricting that contained at least two majority-Black districts contained splits in 13 counties.

RESPONSE TO REQUEST FOR ADMISSION NO. 99: Plaintiffs object to Request for Admission No. 99 as beyond the scope of discovery currently allowed under the Scheduling Orders. Plaintiffs also object to the term “introduced,” which does not specify whether it refers only to plans introduced formally as bills, or plans introduced during committee meetings. Plaintiffs therefore admit in terms of plans formally introduced as bills, but otherwise lack sufficient information to truthfully admit or deny this Request.

REQUEST FOR ADMISSION NO. 100: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan that created two majority-Black congressional districts.

RESPONSE TO REQUEST FOR ADMISSION NO. 100: Plaintiffs object to this Request on the ground that it is vague and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 101: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan that created two districts in which Black voters were likely to be able to elect the candidate of their choice.

RESPONSE TO REQUEST FOR ADMISSION NO. 101: Plaintiffs object to this Request on the ground that it is vague and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 102: Admit that HB 1 better advanced the traditional districting principles of preserving the cores of preexisting districts and avoiding the pairing of incumbents than the Hatcher Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 102: In addition to Plaintiffs' Continuing Objections, which are incorporated herein, Plaintiffs object to Request for Admission No. 102 because it is vague and ambiguous in that it fails to define "traditional districting principles," or what constitutes the core of a district, and assumes the legal conclusion that preserving the cores of preexisting districts is a traditional districting principle. Plaintiffs further object that this Request assumes facts not in evidence, namely that preserving the cores of preexisting districts is a traditional districting principle.

Subject to and without waiving the foregoing continuing and specific objections, Plaintiffs admit that HB 1 did not pair incumbents against each other, but otherwise deny this Request for Admission.

REQUEST FOR ADMISSION NO. 103: Admit that HB 1 better advanced the traditional districting principles of preserving the cores of preexisting districts and avoiding the pairing of incumbents than the Singleton Whole-County Plan.

RESPONSE TO REQUEST FOR ADMISSION NO. 103: In addition to Plaintiffs'

Continuing Objections, which are incorporated herein, Plaintiffs object to Request for Admission No. 103 because it is vague and ambiguous in that it fails to define “better advanced” or “traditional districting principles,” and assumes the legal conclusion that preserving the cores of preexisting districts is a traditional districting principle. Moreover, Plaintiffs object to this Request on the ground that it calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 104: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 53%.

RESPONSE TO REQUEST FOR ADMISSION NO. 104: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 105: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 52%.

RESPONSE TO REQUEST FOR ADMISSION NO. 105: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 106: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 51%.

RESPONSE TO REQUEST FOR ADMISSION NO. 106: Plaintiffs object to this Request on the grounds that it is vague, ambiguous, and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 107: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 50%.

RESPONSE TO REQUEST FOR ADMISSION NO. 107: Plaintiffs object to this Request

on the grounds that it is vague, ambiguous, and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 108: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 48%.

RESPONSE TO REQUEST FOR ADMISSION NO. 108: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 109: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 46%.

RESPONSE TO REQUEST FOR ADMISSION NO. 109: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 110: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 44%.

RESPONSE TO REQUEST FOR ADMISSION NO. 110: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 111: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 42%.

RESPONSE TO REQUEST FOR ADMISSION NO. 111: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 112: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 40%.

RESPONSE TO REQUEST FOR ADMISSION NO. 112: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 113: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has a BVAP of no greater than 38%.

RESPONSE TO REQUEST FOR ADMISSION NO. 113: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 114: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which District 7 has any particular BVAP.

RESPONSE TO REQUEST FOR ADMISSION NO. 114: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 115: Admit that the Equal Protection Clause did not impose an obligation on the 2021 Legislature to enact a congressional redistricting plan in which any district has any particular BVAP.

RESPONSE TO REQUEST FOR ADMISSION NO. 115: Plaintiffs object to this Request on the grounds that it is vague and ambiguous and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 116: Admit that, following the 1960 Census, Alabama was apportioned 8 congressional seats.

RESPONSE TO REQUEST FOR ADMISSION NO. 116: Admitted.

REQUEST FOR ADMISSION NO. 117: Admit that, since the 1970 Census, Alabama has been apportioned only 7 congressional seats.

RESPONSE TO REQUEST FOR ADMISSION NO. 117: Admitted.

REQUEST FOR ADMISSION NO. 118: Admit that Dr. Kosuke Imai's simulations

submitted during the preliminary injunction proceedings in this case fail to show that race predominated in the 2021 Plan because Imai's simulations did not incorporate all of the criteria included in Alabama's redistricting guidelines, including cores of existing district, municipal boundaries, etc.

RESPONSE TO REQUEST FOR ADMISSION NO. 118: Denied.

REQUEST FOR ADMISSION NO. 119: Admit that Dr. Ryan Williamson's reports submitted during the preliminary injunction proceedings in this case fail to show that race predominated in the 2021 Plan because Williamson did not consider communities of interest of many other principles included in Alabama's redistricting guidelines.

RESPONSE TO REQUEST FOR ADMISSION NO. 119: Denied.

VERIFICATION OF INTERROGATORY RESPONSES

I, Scott Douglas, in my capacity as Executive Director of Greater Birmingham Ministries, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read "Scott Douglas", written over a horizontal line.

Scott Douglas

VERIFICATION OF INTERROGATORY RESPONSES

I, Benard Simelton, in my capacity as President of the Alabama State Conference of the National Association for the Advancement of Colored People, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


Benard Simelton

VERIFICATION OF INTERROGATORY RESPONSES

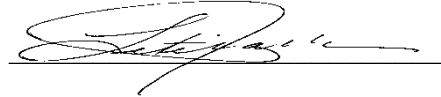
I, Shalela Dowdy, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read "Shalela Dowdy", written in a cursive style.

Shalela Dowdy

VERIFICATION OF INTERROGATORY RESPONSES

I, Letetia Jackson, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read 'Letetia Jackson', is written over a horizontal line.

Letetia Jackson

DATED this 17th day of April, 2023.

Respectfully submitted,

/s/ LaTisha Gotell Faulks

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2023, a true and correct copy of the foregoing was served on counsel of record by electronic mail.

/s/ Davin M. Rosborough
Davin M. Rosborough


VERIFICATION OF INTERROGATORY RESPONSES

I, Evan Milligan, in my individual capacity, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


Evan Milligan

VERIFICATION OF INTERROGATORY RESPONSES

I, Khadidah Stone, in my individual capacity, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


Khadidah Stone