

**Dylan Jacobs**

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**Sent:** Friday, January 21, 2022 10:54 AM  
**Subject:** FW: Arkansas redistricting case - witness subpoenas

**From:** Bryan Sells <[bryan@bryansellslaw.com](mailto:bryan@bryansellslaw.com)>  
**Sent:** Thursday, January 20, 2022 1:21 PM  
**To:** Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)>  
**Cc:** Gary Sullivan <[Gary@acluarkansas.org](mailto:Gary@acluarkansas.org)>  
**Subject:** Re: Arkansas redistricting case - witness subpoenas

**EXTERNAL EMAIL**

No, but we would be amenable to video testimony.

BRYAN

On Thu, Jan 20, 2022 at 1:15 PM Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)> wrote:

A further update on witness availability:

Governor Hutchinson is traveling on Thursday to the National Governor's Association meeting, which he's chairing, and which runs through Saturday.

The Attorney General is also traveling out of state on Thursday and will be gone that weekend.

I've already mentioned Secretary Thurston's unavailability on Friday.

Richard Bearden is out of town Saturday and Sunday, but available Thursday/Friday.

Now, in light of their unavailability, would you consider withdrawing the governor's and attorney general's subpoenas?

**From:** Bryan Sells <[bryan@bryansellslaw.com](mailto:bryan@bryansellslaw.com)>  
**Sent:** Wednesday, January 19, 2022 5:18 PM  
**To:** Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)>  
**Cc:** Gary Sullivan <[Gary@acluarkansas.org](mailto:Gary@acluarkansas.org)>  
**Subject:** Re: Arkansas redistricting case - witness subpoenas

**EXTERNAL EMAIL**

Thanks for the update. We will obviously oppose your motion to quash. We are certainly willing to juggle the order if necessary to accommodate schedules.

BRYAN

On Wed, Jan 19, 2022, 6:09 PM Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)> wrote:

So, we are (a) accepting service for all but (b) moving to quash as to at least some constitutional officers, and (c) for whatever it's worth, passing along that the Secretary of State is unavailable Friday.

**From:** Bryan Sells <[bryan@bryansellslaw.com](mailto:bryan@bryansellslaw.com)>  
**Sent:** Wednesday, January 19, 2022 1:31 PM  
**To:** Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)>  
**Subject:** Re: Arkansas redistricting case - witness subpoenas

**EXTERNAL EMAIL**

Thank you for the prompt response. We can hold off.

BRYAN

On Wed, Jan 19, 2022 at 2:28 PM Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)> wrote:

I'm told we're accepting service on all but one that we just haven't heard back about yet; I didn't catch who that one is, but if you bear with me while I finalize today's filing I'll get back to you. Could be a bit after 5.

**From:** Bryan Sells <[bryan@bryansellslaw.com](mailto:bryan@bryansellslaw.com)>  
**Sent:** Wednesday, January 19, 2022 1:07 PM  
**To:** Asher Steinberg <[asher.steinberg@arkansasag.gov](mailto:asher.steinberg@arkansasag.gov)>  
**Cc:** Gary Sullivan <[Gary@acluarkansas.org](mailto:Gary@acluarkansas.org)>; Williams, Matthew <[Matthew.Williams@dechert.com](mailto:Matthew.Williams@dechert.com)>; Reilly, Luke <[luke.reilly@dechert.com](mailto:luke.reilly@dechert.com)>; Liu, Angela (<[Angela.Liu@dechert.com](mailto:Angela.Liu@dechert.com)> <[Angela.Liu@dechert.com](mailto:Angela.Liu@dechert.com)>; Steiner, Neil (<[neil.steiner@dechert.com](mailto:neil.steiner@dechert.com)> <[neil.steiner@dechert.com](mailto:neil.steiner@dechert.com)>; Jonathan Topaz <[jtopaz@aclu.org](mailto:jtopaz@aclu.org)>; Ceridwen Cherry

<[ccherry@aclu.org](mailto:ccherry@aclu.org)>

**Subject:** Re: Arkansas redistricting case - witness subpoenas

**EXTERNAL EMAIL**

Asher-

I am writing to follow up on my email of Saturday afternoon regarding witness subpoenas. We would appreciate the courtesy of a response by the close of business today.

BRYAN

On Sat, Jan 15, 2022 at 3:51 PM Bryan Sells <[bryan@bryansellslaw.com](mailto:bryan@bryansellslaw.com)> wrote:

Asher-

Attached are subpoenas for seven Board of Apportionment witnesses that we'd like to have available at the PI hearing. If you will accept service, we would be happy to work with you on timing so as to minimize the inconvenience for these people. Please let me know as soon as possible so we can make other arrangements if necessary.

BRYAN

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