

**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA**

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., *et al.*,

*Plaintiffs,*

Case No. 2022-CA-000666

v.

CORD BYRD, in his official capacity as  
Florida Secretary of State, *et al.*,

*Defendants.*

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**DEFENDANTS' RESPONSE TO MOTION TO  
DENY OR DEFER CONSIDERATION OF DEFENDANTS'  
PARTIAL MOTION FOR SUMMARY JUDGMENT**

Defendants, the Florida House of Representatives, the Florida Senate, and Secretary of State Cord Byrd, oppose Plaintiffs' Motion to Deny or Defer Consideration of Defendants' Partial Motion for Summary Judgment, dated September 9, 2022.

**INTRODUCTION**

At the back end of their five-count complaint, which focuses on minority voting rights and alleged partisan intent, Plaintiffs allege that a small number of districts in the State's duly enacted congressional district map violate the Florida Constitution's mandate that districts be compact and, where feasible, utilize political and geographical boundaries. A simple, visual examination of the map and standard compliance metrics refute these claims. No discovery is needed to determine what the face of the districts and basic data make clear: that the challenged districts are compact and, where feasible, utilize political and geographical boundaries.

Plaintiffs' request that the Court defer consideration of Defendants' motion should be denied. The shapes of the districts are not in dispute. Nor is the location of any river, railway, interstate, state road, or county or municipal boundary. Plaintiffs therefore are unable to carry their burden to specifically demonstrate that facts essential to their opposition are unavailable to them. Instead, Plaintiffs claim to need discovery of different techniques used to project the Earth's spheroidal, three-dimensional geometry onto a two-dimensional surface, even though they have sought no such discovery. Unable to identify specific facts unavailable to them—or to explain why those facts are essential to their opposition—Plaintiffs instead grasp at straws.

Summary judgment as to Plaintiffs' compactness and boundaries claims would eliminate claims that are ripe for decision and streamline this case as the parties proceed through discovery. No discovery is needed, and Plaintiffs have ample time to prepare any expert report they wish to offer. This Court should deny Plaintiffs' motion and allow Defendants to present their Motion for Partial Summary Judgment as noticed at the hearing scheduled for November 21, 2022.

#### **LEGAL STANDARD**

A court may deny or defer consideration of a motion for summary judgment only if the non-movant “shows by affidavit or declaration that, for specified reasons, it cannot present facts *essential* to justify its opposition.” Fla. R. Civ. P. 1.510(d) (emphasis added). Under this standard, a party “may not simply rely on vague assertions that additional discovery will produce needed, but unspecified facts, but must specifically demonstrate how postponement of a ruling on the motion will enable him, by discovery or other means, to rebut the movant's showing of the absence of a genuine issue of fact.” *City of Miami Gardens v. Wells Fargo & Co.*, 931 F.3d 1274, 1287 (11th Cir. 2019) (internal marks omitted). In assessing a party's request

under Rule 1.510(d), a court may consider “(1) the probable facts not available, (2) why those facts cannot be presented currently, (3) what steps have been taken to obtain these facts, and (4) how additional time will enable the party to obtain those facts and rebut the motion for summary judgment.” *Nat’l Union Fire Ins. Co. of Pittsburgh v. Dish Network, LLC*, 17 F.4th 22, 34 (10th Cir. 2021) (quoting *Birch v. Polaris Indus., Inc.*, 812 F.3d 1238, 1249 (10th Cir. 2015)).

## ARGUMENT

### **I. AS TO COMPACTNESS, PLAINTIFFS HAVE NOT IDENTIFIED ANY ESSENTIAL BUT UNAVAILABLE FACTS.**

#### **A. Compactness Concerns a District’s Shape.**

The compactness standard concerns the “shape” of a district. *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d 1282, 1287 (Fla. 2022). Most importantly, a district “should not have an unusual shape, a bizarre design, or an unnecessary appendage.” *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d 597, 634 (Fla. 2012). The Florida Constitution does not require that districts be as compact as possible—only that they be compact. *Id.* at 635. Compactness ensures that “bizarrely shaped districts are avoided.” *Id.* at 636.

Compactness is evaluated first and foremost by a visual examination of the district. *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d at 1287; *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d at 634. In addition, courts consider three standard quantitative measures known as the Reock, Convex Hull, and Polsby-Popper measures. *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d at 1287. Each divides the district’s area by the area of some other geometric shape, and thus generates a percentage expressed as a decimal. *See League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258, 283 nn.6–8 (Fla. 2015).<sup>1</sup>

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<sup>1</sup> In the case of the Reock score, the denominator is the area of the smallest circle that can encompass the challenged district. In the case of the Convex Hull score, the denominator

**B. No Discovery Is Needed to Assess the Shapes of Districts 7, 13, and 14.**

No discovery is needed to assess the compactness of Districts 7, 13, and 14. Plaintiffs know each district's shape and can visually examine each district. Discovery will not change the shape of a district. Plaintiffs also have access to the standard compactness measures. They acknowledge that these scores are generated by software programs available to them, such as the Legislature's web-based map-drawing application. *Ansolabehere Aff.* ¶ 7. In fact, Dr. Ansolabehere relied upon the compactness scores generated by the Legislature's web-based map-drawing application in a report he produced earlier in this case. *See Ex. 2 to Pls.' Reply Br. in Supp. of Mot. for Temp. Inj.* ¶¶ 13, 50–51 (May 10, 2022). He also has access to scores calculated by Dave's Redistricting, also an online map-drawing application. *Ansolabehere Aff.* ¶ 8.

**C. Discovery of Software Programming and Mapping Techniques Is Not Essential to Plaintiffs' Opposition.**

Instead, Plaintiffs contend that different mapping programs use different techniques to project the Earth's curved, three-dimensional geometry onto a two-dimensional surface, and that the choice among these techniques can cause differences in compactness scores. *Mot. at 4–5; Ansolabehere Aff.* ¶¶ 7–8. They note that the scores generated by the Legislature's map-drawing application “differ” from those generated by Dave's Redistricting. *Ansolabehere Aff.* ¶ 8.

This argument does not establish that, without additional discovery, Plaintiffs cannot present facts essential to justify their opposition. First, and tellingly, Plaintiffs do not contend that any difference in compactness scores generated by different software programs is material

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is the area of the smallest convex polygon that can encompass the district. And in the case of the Polsby-Popper score, the denominator is the area of the circle with a perimeter of the same length as the district's perimeter. *See Defs.' Mot. for Partial Summ. J.* 11–12 (Aug. 25, 2022).

or significant—or that the scores generated by Dave’s Redistricting are more favorable to their position than those generated by the Legislature’s map-drawing application. It is quite notable that Dr. Ansolabehere does not disclose *how much*—or *in what direction*—the scores generated by Dave’s Redistricting “differ” from the scores on which Defendants relied in their motion.

Second, even if any difference in scores is significant and supports Plaintiffs’ position, Plaintiffs do not need discovery into software programming and mapping techniques to defeat summary judgment. If presented with two materially different sets of compactness scores that dispositively point in different directions, then, as in any summary-judgment proceeding, this Court would find a genuine dispute of material fact and deny summary judgment. *See Fla. R. Civ. P. 1.510(a)*.

Third, Plaintiffs’ argument rings hollow. Though this case was filed in April, Plaintiffs have not sought *any* discovery regarding the method by which the Legislature’s map-drawing application projects the Earth’s three-dimensional geometry onto a two-dimensional surface. *See Composite Ex. A*. Nor does Dr. Ansolabehere claim that, during last decade’s redistricting litigation, either he or Plaintiffs ever sought discovery on this now-important subject. Indeed, in May, Dr. Ansolabehere unquestioningly relied upon the compactness scores generated by the Legislature’s map-drawing application, citing them in a report at the temporary-injunction stage. *See Ex. 2 to Pls.’ Reply Br. in Supp. of Mot. for Temp. Inj.* ¶¶ 13, 50–51 (May 10, 2022).

**D. Plaintiffs Have Not Identified Any Facts Regarding Surrounding Districts or Florida’s Geography That Are Essential But Unavailable.**

Plaintiffs next argue that an evaluation of compactness requires “consideration of surrounding districts” and the State’s unique geography. Mot. at 5. All surrounding districts are

known to Plaintiffs. So is Florida’s geography. Plaintiffs do not explain what specifically they need through discovery to understand either the surrounding districts or Florida’s geography.

**II. AS TO POLITICAL AND GEOGRAPHICAL BOUNDARIES, PLAINTIFFS HAVE NOT IDENTIFIED ANY ESSENTIAL BUT UNAVAILABLE FACTS.**

The Constitution provides that “districts shall, where feasible, utilize existing political and geographical boundaries.” Art. III, § 20(b), Fla. Const. “Political boundaries” refers to county and municipal boundaries, *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d at 1288, while “geographical boundaries” refers to “rivers, railways, interstates, and state roads,” and similar geographical demarcations that are “easily ascertainable and commonly understood,” *id.* (quoting *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d at 638).<sup>2</sup> Because district boundaries cannot always follow political and geographical boundaries, adherence to those boundaries is required only “where feasible.” *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d at 636–38.

No discovery is needed to determine whether Districts 4, 5, 13, and 14 utilize political and geographical boundaries where feasible. Plaintiffs know where Florida’s county and municipal boundaries are. They also know where Florida’s rivers, railways, interstates, and state roads are. All of this information is publicly available through the Census Bureau and can be accessed in web-based map-drawing applications such as the Legislature’s. Plaintiffs do not claim to require discovery to secure information about political and geographical boundaries.

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<sup>2</sup> Although Plaintiffs’ motion also asserts a need to examine “308 precinct/VTD splits” for “compliance with constitutional criteria,” no Florida court has found that either precincts or voting tabulation districts (VTDs) are “political boundaries” under article III, section 20. To the contrary, the Florida Supreme Court “has held that political boundaries are county and city boundaries.” *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d at 1288.

Rather, Plaintiffs claim that alternative maps can help a court evaluate whether adherence to political and geographical boundaries was feasible, and that it takes time to develop alternative maps. Mot. at 5–6. Plaintiffs suggest that their expert cannot develop an alternative map for the Court’s consideration before November 1—the deadline for Plaintiffs to respond to Defendants’ motion. *See* Fla. R. Civ. P. 1.510(c)(5). Plaintiffs’ argument defies all credulity.

Earlier in this proceeding, Dr. Ansolabehere prepared *two* alternative maps in *one day*. On May 10, one day after Defendants responded to Plaintiffs’ temporary-injunction motion, Dr. Ansolabehere filed a rebuttal report in “response to Defendants’ submissions,” Ex. 13 to Pls.’ Reply Br. in Supp. of Mot. for Temp. Inj. ¶ 2 (May 10, 2022), along with two alternative maps that Dr. Ansolabehere drew for the express purpose of addressing criticisms made one day earlier by Defendants, Pls.’ Reply Br. in Supp. of Mot. for Temp. Inj. 6–7 (May 10, 2022).

Plaintiffs provide the Court with no specifics to explain why Dr. Ansolabehere cannot prepare a map by November 1, when, earlier in this proceeding, he prepared two in one day. Vague and implausible assertions are insufficient to postpone a summary-judgment hearing.

Plaintiffs suggest that the Court must defer consideration of the motion because, under the parties’ proposed schedule, expert disclosures are not due until January 27, 2023. Mot. at 6. But expert-disclosure deadlines do not prohibit the Court’s prior consideration of motions that the non-movant might wish to oppose with expert evidence. Rather, the relevant question is whether Plaintiffs have specifically demonstrated that they *cannot* present facts essential to justify their opposition. Fla. R. Civ. P. 1.510(d). Plaintiffs have not made that showing here.

**III. THE COURT NEED NOT CONSIDER TIER-ONE STANDARDS TO DETERMINE THE TIER-TWO COMPLIANCE OF THE FIVE DISTRICTS AT ISSUE.**

Plaintiffs claim it is impossible to assess a district’s compliance with tier-two standards (such as compactness) without consideration of tier-one protections for minority voters. Mot.

at 7–9. But that is true only when the defendant seeks to defend a district’s violation of a tier-two standard on the ground that tier-one required it. Defendants’ motion asserts no such defense.

Florida’s redistricting standards are arranged in two tiers. *See* Art. III, § 20, Fla. Const. In case of conflict, tier-one standards take precedence over tier-two standards. Art. III, § 20(a), Fla. Const. (“Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) . . .”). Thus, “in certain situations,” tier-two standards might be “compromised” to ensure compliance with tier-one standards. *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d at 626; *accord id.* at 640 (explaining that tier-one standards “may require the preservation or creation of non-compact districts”); *id.* at 653 (explaining that tier-two standards “must yield when necessary . . . to avoid conflict with tier-one requirements”).

Where, as here, a defendant does not assert that tier-one standards required a violation of tier-two standards, tier-one standards play no role in the resolution of a tier-two challenge. Here, Defendants’ motion does not assert that tier-one standards required a violation of tier-two standards. Rather, it argues that the districts are in fact compact and utilize political and geographical boundaries where feasible. Plaintiffs do not explain how tier-one standards can impact the analysis under these circumstances. Indeed, they cite no authority for the position that a district which, in isolation, is compact and otherwise complies with tier-two standards may nonetheless be found to violate those standards after consideration of tier-one standards.

**IV. THE ROBUSTNESS OF DR. ANSOLABEHERE’S PAST REPORTS DOES NOT DEMONSTRATE THAT ESSENTIAL FACTS ARE UNAVAILABLE TO PLAINTIFFS.**

Last, Plaintiffs cite facts showing how “robust” expert reports are in redistricting cases generally. Mot. at 6. They assert that, during the last cycle, Dr. Ansolabehere submitted five

expert reports that totaled 147 pages and reviewed block-assignment files, shapefiles, population and demographic statistics, election results, and precinct-level voter-registration data. *Id.*

Plaintiffs paint with too broad a brush. They do not and *cannot* claim that all of this information is needed to evaluate compactness and adherence to political and geographical boundaries. Dr. Ansolabehere’s reports concerned other standards as well, including minority voting standards. Nor do Plaintiffs disclose what data Dr. Ansolabehere needs but does not have in order to assess compactness and adherence to political and geographical boundaries. It is not enough to speak in sophisticated generalities about the complexities of redistricting cases; Plaintiffs must “specifically demonstrate” how deferral of a ruling will enable them to rebut the movant’s summary-judgment showing. *City of Miami Gardens*, 931 F.3d at 1287 (11th Cir. 2019) (quoting *Reflectone, Inc. v. Farrand Optical Co.*, 862 F.2d 841, 843 (11th Cir. 1989)). General allusions to data reviewed last cycle for unstated purposes cannot sustain that burden.

Plaintiffs do not explain, for example, how voter-registration data are relevant to the compactness of a district’s shape, or how election results will help the Court assess whether a district’s boundaries follow rivers and state roads. Nor do they bother to tell the Court what block-assignment files and shapefiles are—or whether they have them (which they clearly do).

In any event, all of the data referenced by Plaintiffs is available online, either through the Legislature’s map-drawing application<sup>3</sup> or on the redistricting website’s “resources” page.<sup>4</sup> All 2020 redistricting data published by the Census Bureau and all population, demographic, and elections data in the Legislature’s map-drawing application are available in downloadable form on the resources page. Further, for all maps considered by the Legislature in committee

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<sup>3</sup> <https://www.floridaredistricting.gov/pages/get-involved>.

<sup>4</sup> <https://www.floridaredistricting.gov/pages/resources>.

or on the floor, data from the map-drawing application was available and posted long ago for convenient access on the “submitted plans” page.<sup>5</sup> Plaintiffs have identified no data essential to their opposition that is not publicly available through the Legislature’s redistricting website.

**CONCLUSION**

For these reasons, Defendants respectfully request the Court to deny Plaintiffs’ Motion to Deny or Defer Consideration of Defendants’ Partial Motion for Summary Judgment, dated September 9, 2022.

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<sup>5</sup> <https://www.floridaredistricting.gov/pages/submitted-plans>.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that, on September 20, 2022, the foregoing response was furnished by email to all individuals identified on the Service List that follows.

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# **Exhibit A**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION TO  
DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their First Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida House of Representatives produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to

obtain, or to compel the production of, from any third party (including, but not limited to, any financial institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter

data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents,

the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

14. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

15. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

16. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors therefor.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation

that the plan take effect if Plan H000C8019 was found unconstitutional.

- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors therefor, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services or participated in an official or unofficial capacity.
- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or

tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- q) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- r) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

17. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;
- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h) The singular number and masculine gender shall include, and be applied as, the

plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

### **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** All documents and communications relating to the Fair Districts Amendments, including but not limited to all documents or communications regarding the applicability of or compliance with the Fair Districts Amendments.

**REQUEST FOR PRODUCTION NO. 2:** All documents and communications between or among members, employees, staff, agents, vendors, or consultants of the Legislature relating to the process of or substance of congressional redistricting.

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**REQUEST FOR PRODUCTION NO. 5:** All documents and communications related to your response to each interrogatory in Plaintiffs' First Interrogatories to Defendant Florida House of Representatives.

**REQUEST FOR PRODUCTION NO. 6:** To the extent not already produced in response to Request for Production #1 or #2, all documents and communications discussing, analyzing, or commenting upon Plan P000C0079, Plan P000C0094, and the Enacted Plan, or any drafts thereof.

Dated: July 20, 2022

/s/ Frederick S. Wermuth

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*Counsel for Plaintiffs*

*\*\*Admitted pro hac vice*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 20, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service

List below.

/s/ Frederick S. Wermuth

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Florida Bar No. 0184111

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*Counsel for the Florida House of Representatives*

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION**  
**TO DEFENDANT FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their First Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida Senate produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to obtain, or to compel the production of, from any third party (including, but not limited to, any financial

institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
  4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material,

together with an identification of each such person(s);

5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF

format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date;

received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

14. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

15. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

16. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other

persons or entities acting or purporting to act on its behalf.

- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
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17. The following rules of construction apply to all requests:

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Dated: July 20, 2022

/s/ Frederick S. Wermuth

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*Counsel for Plaintiffs*

*\*\*Admitted pro hac vice*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 20, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service

List below.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

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*Counsel for the Florida House of Representatives*

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
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BLACK VOTERS MATTER CAPACITY  
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CORD BYRD, in his official capacity as Florida  
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Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION TO  
DEFENDANT SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their First Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Secretary of State produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

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institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
  4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material,

together with an identification of each such person(s);

5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF

format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date;

received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

14. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

15. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

16. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or

entities acting or purporting to act on its behalf.

- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term Plan “H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional, or any drafts or precursors thereof.

- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors thereof, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.
- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether

or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- q) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- r) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

17. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;
- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** All documents and communications related to your response to each interrogatory in Plaintiffs' First Interrogatories to Defendant Secretary of State.

**REQUEST FOR PRODUCTION NO. 2:** All documents and communications relating to the Fair Districts Amendments, including but not limited to all documents or communications regarding the applicability of or compliance with the Fair Districts Amendments.

**REQUEST FOR PRODUCTION NO. 3:** All documents and communications discussing, analyzing, or commenting upon any Proposed Plans or the Enacted Plan.

Dated: July 20, 2022

Respectfully submitted,

/s/ Frederick S. Wermuth  
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*Counsel for Plaintiffs*

*\*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 20, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth  
Frederick S. Wermuth  
Florida Bar No. 0184111

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*Counsel for the Florida House of Representatives*

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST SET OF INTERROGATORIES**  
**TO DEFENDANT FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their First Set of Interrogatories to Defendant Florida House of Representatives and, in accordance with the Definitions and Instructions set forth below, request that Defendant Florida House of Representatives answer the following eleven (11) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and

its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of

Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.

- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term Plan “H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional, or any drafts or precursors thereof.
- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors thereof, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.
- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of

their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.

- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- q) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- r) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.

- s) The term “identify” means:
  - i. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - ii. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
  - iii. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and
  - iv. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;
- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current

and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and

- g) References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## INTERROGATORIES

**INTERROGATORY NO. 1:** Identify by name, job title, and work address every person who had any responsibility, formal or informal, official or unofficial, for assisting, advising, or consulting the Florida House of Representatives with respect to congressional redistricting in 2021 and 2022 and, for each such individual, please describe the nature of those responsibilities. This request includes without limitation members of the House Redistricting Committee or its subcommittees and any staff members, consultants, experts, map drawers, and other individuals who assisted or advised the Committee or House with respect to any issue relating to the redistricting process, including: (a) technical assistance, (b) map drawing of proposed maps, partial maps, or final maps, (c) goals, issues, or objectives to be achieved (or avoided) in the map drawing process, or (d) legal advice. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 2:** Describe if and how you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, of the Enacted Plan, and of the Benchmark Congressional Plan, including (a) the person, people, entity, and/or entities responsible for the analysis; (b) the approximate date that the analysis was performed; (c) the specific data used to perform such an analysis, (d) the districts analyzed, (e) results of the analysis, and (f) who was provided the analysis and when. If no functional analysis was performed of a Proposed Plan, of the Enacted Plan, or of the Benchmark Congressional Plan, please state that no analysis was performed.

RESPONSE:

**INTERROGATORY NO. 3:** If you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, of the Enacted Plan, or of the Benchmark Congressional Plan, describe in detail your conclusion as to which congressional districts provided racial or language minorities the ability to elect the candidates of their choice in those Plans and the reasons for reaching those conclusions. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 4:** Identify all individual legislators, staff members, attorneys, or any other individuals known to you who tested, analyzed, advised, or commented upon the expected or desired political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered by or enacted by the Legislature in 2021 or 2022. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 5:** Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 6:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 7:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 8:** Identify all persons who, prior to the public release of any Proposed Plan, including but not limited to Plan S035C8060, Plan HOOOC8015, Plan HOOOC8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 9:** Identify and describe in detail any and all attempts that were made by you and/or the Legislature to comply with the Tier I requirements of the Fair Districts Amendments in the Proposed Plans and Enacted Plan. Please refer to the instructions above for the definition of “identify” and “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 10:** Identify all data and information to which the map drawer(s) had access during the process of drawing any Proposed Plan or Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 11:** Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to these interrogatories and requests for production of documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST SET OF INTERROGATORIES**  
**TO DEFENDANT FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their First Set of Interrogatories to Defendant Florida Senate and, in accordance with the Definitions and Instructions set forth below, requests that Defendant Florida Senate answer the following eleven (11) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron

DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.

- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional, or any drafts or precursors thereof.
- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors thereof, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.

- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- q) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- r) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences

referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.

- s) The term “identify” means:
  - i. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - ii. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
  - iii. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and
  - iv. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;

- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## INTERROGATORIES

**INTERROGATORY NO. 1:** Identify by name, job title, and work address every person who had any responsibility, formal or informal, official or unofficial, for assisting, advising, or consulting the Florida Senate with respect to congressional redistricting in 2021 and 2022 and, for each such individual, please describe the nature of those responsibilities. This request includes without limitation members of the Florida Senate Committee on Reapportionment or its subcommittees and any staff members, consultants, experts, map drawers, and other individuals who assisted or advised the Committee or Senate with respect to any issue relating to the redistricting process, including: (a) technical assistance, (b) map drawing of proposed maps, partial maps, or final maps, (c) goals, issues, or objectives to be achieved (or avoided) in the map drawing process, or (d) legal advice. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 2:** Describe if and how you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, or the Enacted Plan, or of the Benchmark Congressional Plan, including (a) the person, people, entity, and/or entities responsible for the analysis; (b) the approximate date that the analysis was performed; (c) the specific data used to perform such an analysis, (d) the districts analyzed, (e) results of the analysis, and (f) who was provided the analysis and when. If no functional analysis was performed of a Proposed Plan, of the Enacted Plan, or of the Benchmark Congressional Plan, please state that no analysis was performed.

RESPONSE:

**INTERROGATORY NO. 3:** If you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, or the Enacted Plan, or of the Benchmark Congressional Plan, describe in detail your conclusion as to which congressional districts provided racial or language minorities the ability to elect the candidates of their choice in those Plans and the reasons for reaching those conclusions. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 4:** Identify all individual legislators, staff members, attorneys, or any other individuals known to you who tested, analyzed, advised, or commented upon the expected or desired political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered by or enacted by the Legislature in 2021 or 2022. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 5:** Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 6:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida Senate and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 7:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida Senate and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 8:** Identify all persons who, prior to the public release of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 9:** Identify and describe in detail any and all attempts that were made by you and/or the Legislature to comply with the Tier I requirements of the Fair Districts Amendments in the Proposed Plans and Enacted Plan. Please refer to the instructions above for the definition of “identify” and “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 10:** Identify all data and information to which the map drawer(s) had access during the process of drawing any Proposed Plan or Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 11:** Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to these interrogatories and requests for production of documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Respondents.

Case No.: 2022-ca-000666

**PLAINTIFFS' FIRST SET OF INTERROGATORIES**  
**TO DEFENDANT SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their First Set of Interrogatories to Defendant Secretary of State and, in accordance with the Definitions and Instructions set forth below, request that Defendant Secretary of State answer the following seven (7) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. The following terms shall have the meanings indicated below:
  - a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
  - b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
  - c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron

DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.

- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term Plan “H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional, or any drafts or precursors thereof.
- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors thereof, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.

- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- q) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- r) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences

referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.

- s) The term “identify” means:
  - i. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - ii. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
  - iii. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and
  - iv. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.
- 4. The following rules of construction apply to all requests:
  - a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;

- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify any individuals from the Legislature or Executive Office of Governor Ron DeSantis or any other individuals known to you who tested, analyzed, advised, or commented upon the expected or desired political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered by or enacted by the Legislature in 2021 or 2022. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 2:** Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 3:** Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and the Legislature. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 4:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 5:** Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 6:** Identify the latest date by which you believe a congressional plan must be in place in advance of the 2024 congressional primary elections. Please explain the specific reasons for your chosen date. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 7:** Identify all persons who, prior to the public release of Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO DEFENDANT  
FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida House of Representatives produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to

obtain, or to compel the production of, from any third party (including, but not limited to, any financial institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter

data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents,

the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- e) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors therefor.
- f) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- g) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- h) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional.
- i) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors therefor, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.

- j) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- k) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services or participated in an official or unofficial capacity.
- l) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- m) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- n) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- o) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing,

constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:
  - a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
  - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
  - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
  - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 7:** All documents and communications related to any testing, analysis, advice, or comments concerning the expected political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered or enacted by the Legislature in 2021 or 2022, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, and the Enacted Plan.

**REQUEST FOR PRODUCTION NO. 8:** All documents and communications exchanged between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives related to congressional redistricting in 2021 and 2022.

**REQUEST FOR PRODUCTION NO. 9:** All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022 .

**REQUEST FOR PRODUCTION NO. 10:** All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022 between.

**REQUEST FOR PRODUCTION NO. 11:** All documents and communications related to the evaluation, review, analysis, or comments on any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans.

**REQUEST FOR PRODUCTION NO. 12:** All data and information to which the map drawers(s) had access during the process of drawing any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

**REQUEST FOR PRODUCTION NO. 13:** All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at [floridaredistricting.gov](http://floridaredistricting.gov).

Dated: September 13, 2022

/s/ Frederick S. Wermuth

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Thomas A. Zehnder  
Florida Bar No. 0063274  
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Respectfully submitted,

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*Counsel for Plaintiffs*

*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 13, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth

Frederick S. Wermuth  
Florida Bar No. 0184111

*Counsel for Plaintiffs*

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO DEFENDANT  
FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida Senate produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to

obtain, or to compel the production of, from any third party (including, but not limited to, any financial institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter

data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents,

the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- e) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors therefor.
- f) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- g) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- h) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional.
- i) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors therefor, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.

- j) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- k) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services or participated in an official or unofficial capacity.
- l) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- m) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- n) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- o) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the

matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:
  - a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
  - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
  - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
  - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## REQUESTS FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 7:** All documents and communications related to any testing, analysis, advice, or comments concerning the expected political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered or enacted by the Legislature in 2021 or 2022, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, and the Enacted Plan.

**REQUEST FOR PRODUCTION NO. 8:** All documents and communications exchanged between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives related to congressional redistricting in 2021 and 2022.

**REQUEST FOR PRODUCTION NO. 9:** All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida Senate and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022 .

**REQUEST FOR PRODUCTION NO. 10:** All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida Senate and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022 between.

**REQUEST FOR PRODUCTION NO. 11:** All documents and communications related to the evaluation, review, analysis, or comments on any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans.

**REQUEST FOR PRODUCTION NO. 12:** All data and information to which the map drawers(s) had access during the process of drawing any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

**REQUEST FOR PRODUCTION NO. 13:** All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at [floridaredistricting.gov](http://floridaredistricting.gov).

Dated: September 13, 2022

/s/ Frederick S. Wermuth

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Respectfully submitted,

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*Counsel for Plaintiffs*

*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 13, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth

Frederick S. Wermuth  
Florida Bar No. 0184111

*Counsel for Plaintiffs*

**SERVICE LIST**

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
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BLACK VOTERS MATTER CAPACITY  
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Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO  
DEFENDANT SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Secretary of State produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

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2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
  1. the type of document;
  2. the date of the document;
  3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
  4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material,

together with an identification of each such person(s);

5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF

format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date;

received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or

entities acting or purporting to act on its behalf.

- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- e) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- f) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- g) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;
- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 4:** All documents and communications exchanged between you and Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis related to congressional redistricting in 2021 and 2022.

**REQUEST FOR PRODUCTION NO. 5:** All documents and communications exchanged between you and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022.

**REQUEST FOR PRODUCTION NO. 6:** All documents and communications exchanged between you and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022.

**REQUEST FOR PRODUCTION NO. 7:** All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at floridaredistricting.gov.

**REQUEST FOR PRODUCTION NO. 8:** Information or data sufficient to determine the race of the candidate in each statewide and congressional primary and general election from 2012 to 2020.

**REQUEST FOR PRODUCTION NO. 9:** Information or data sufficient to determine the Citizen Voting Age Population using the 2015-2019 American Community Survey and/or the 2016-2020 American Community Survey at the block, precinct, and district levels.

Dated: September 13, 2022

Respectfully submitted,

/s/ Frederick S. Wermuth  
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*Counsel for Plaintiffs*

*\* Admitted pro hac vice*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 13, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

*Counsel for Plaintiffs*

### **SERVICE LIST**

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGRATORIES TO DEFENDANT  
FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Florida House of Representatives and, in accordance with the Definitions and Instructions set forth below, request that Defendant Florida House of Representatives answer the following two (2) interrogatories, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and

its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- c) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics,

estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- d) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- e) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- f) The term “identify” means:
  - a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - b. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
  - c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other

means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
  - a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
  - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
  - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
  - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## **INTERROGATORIES**

**INTERROGATORY NO. 12:** Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for members, committees, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 13:** Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the above interrogatory and to Plaintiffs’ First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGRATORIES TO DEFENDANT  
FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Florida Senate and, in accordance with the Definitions and Instructions set forth below, request that Defendant Florida Senate answer the following two (2) interrogatories, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and

its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- c) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines,

newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- d) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- e) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- f) The term “identify” means:
  - a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - b. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
  - c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
- a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
  - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
  - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
  - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

## INTERROGATORIES

**INTERROGATORY NO. 12:** Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for members, committees, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 13:** Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the above interrogatory and to Plaintiffs’ First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Florida  
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGATORIES TO DEFENDANT  
SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Secretary of State and, in accordance with the Definitions and Instructions set forth below, request that Defendant Secretary of State answer the following three (3) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

**INSTRUCTIONS FOR INTERROGATORIES**

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

### **DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. The following terms shall have the meanings indicated below:
  - a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
  - b) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
  - c) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.

- d) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- e) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- f) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- g) The term “identify” means:
- a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
  - b. when used in reference to a company, corporation, association, firm,

partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;

c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
- a) The terms “all” and “any” shall each be construed as encompassing any and all;
  - b) All uses of the word “each” include “every” (and vice versa);
  - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
  - d) The term “including” shall be construed without limitation;
  - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
  - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
  - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.

- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

### **INTERROGATORIES**

**INTERROGATORY NO. 8:** Describe in detail all instructions, guidance, or feedback provided to or received from Adam Foltz in relation to his work as a consultant for you and/or the Executive Office of the Governor. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 9:** Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for the Secretary, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

**INTERROGATORY NO. 10:** Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the First and Second Interrogatories and First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

