

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Common Cause Florida, FairDistricts
Now, Florida State Conference of the
National Association for the
Advancement of Colored People
Branches, Dorothy Inman-Johnson,
Brenda Holt, Leo R. Stoney, Myrna
Young, and Nancy Ratzan,

Plaintiffs,

v.

Cord Byrd, in his official capacity as
Florida Secretary of State,

Defendant.

Case No.: 4:22-cv-109-AW-MAF

PLAINTIFFS' RULE 26(A)(1) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiffs Common Cause Florida, Florida State Conference of the National Association for the Advancement of Colored People Branches, Dorothy Inman-Johnson, Brenda Holt, Leo R. Stoney, Myrna Young, and Nancy Ratzan (collectively, "Plaintiffs") make the following disclosures to Defendant Cory Byrd in the above-captioned action. These disclosures are based on information reasonably available to Plaintiffs as of this date. Plaintiffs reserve the right to supplement these disclosures pursuant to Rule 26(e) as circumstances warrant.

By making these disclosures, Plaintiffs do not represent that they are identifying every document, tangible thing, or witness possibly relevant to all issues that may eventually be raised in this lawsuit. Pursuant to Rule 26(a)(1) and other applicable Federal Rules of Civil Procedure, Plaintiffs are not disclosing documents or information protected by the attorney-client privilege or work-product immunity. Plaintiffs' disclosures represent a good-faith effort to identify information they reasonably believe are required by Rule 26(a)(1).

Plaintiffs do not waive any right to the production of any document or tangible thing identified in these disclosures based on undue burden or other valid objections available to it. Plaintiffs' disclosures are also made without waiving: (1) the right to object on the ground of competency, privilege, relevancy and materiality, hearsay, or other proper ground; (2) the right to object to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures. The disclosures set forth below are made subject to the above objections and qualifications.

Plaintiffs' Initial Disclosures do not identify or otherwise include information concerning experts, as this subject is not covered by Federal Rule of Civil Procedure 26(a)(1)(A).

I. Persons with Knowledge of Discoverable Information

Pursuant to Rule 26(a)(1)(A)(i), Plaintiffs identify the following individuals who are likely to have information that Plaintiffs may use to support their claims. This list does not include all of Defendant's employees and agents who are likely to have discoverable information that Plaintiffs may use to support their claims, as Defendant has not yet disclosed all such individuals. Plaintiffs also anticipate that there will be additional third parties who will likely have discoverable information and whose identities are yet to be determined at this stage.

| Name | Title | Contact Information | Subjects of Relevant Information |
|---------------------------|-------|--|---|
| All Individual Plaintiffs | | c/o Patterson Belknap Webb & Tyler LLP, 1133 Avenue of the Americas, New York, NY 10036 (212) 336-2000 | Individual Plaintiffs have knowledge of their residency and voter registration at the time relevant to the complaint. |
| Adam Foltz | | Unknown at this time. | Mr. Foltz was engaged by the office of Governor DeSantis to draw Congressional maps. |

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| Alex Kelly | Deputy Chief of Staff, Office of the Governor | Unknown at this time. | Mr. Kelly was involved in drawing the Congressional map endorsed by Governor DeSantis. Mr. Kelly also testified before the Senate Redistricting Committee. |
| Ray Rodrigues | Chair, Senate Reapportionment Committee | Unknown at this time. | Senator Rodrigues was involved in the reapportionment process. |
| Governor Ron DeSantis | Governor of Florida | Unknown at this time. | Governor DeSantis was the chief executive of the State of Florida during the reapportionment process. |
| Kaylee Tuck | Vice Chair, House Congressional Redistricting Subcommittee | Unknown at this time. | Representative Tuck was involved in the reapportionment process. |
| Randy Fine | Vice Chair, House Redistricting Committee | Unknown at this time. | Representative Fine was involved in the reapportionment process. |
| Tom Leek | Chair, House Redistricting Committee | Unknown at this time. | Representative Leek was involved in the reapportionment process. |
| Tyler Sirois | Subcommittee Chair, House Congressional Redistricting Subcommittee | Unknown at this time. | Representative Sirois was involved in the reapportionment process. |

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| Robert Popper | Senior Attorney, Judicial Watch | Unknown at this time. | Mr. Popper testified before the House Redistricting Committee in connection with a map proposed by the Governor's office. |
| Ryan Newman | General Counsel, Office of the Governor | Unknown at this time. | Mr. Newman authored a memorandum in connection with the Governor's veto of Congressional maps passed by both chambers of the Florida Legislature. |
| Jennifer Bradley | Chair, Select Senate Subcommittee on Congressional Reapportionment | Unknown at this time. | Senator Bradley was involved in the reapportionment process. |
| Wilton Simpson | President, Florida Senate | Unknown at this time. | Senator Simpson was involved in the reapportionment process. |
| Chris Sprowls | Speaker, Florida House of Representatives | Unknown at this time. | Speaker Sprowls was involved in the reapportionment process. |
| Valdez V. Demings | United States Representative | Unknown at this time. | Representative Demings is the incumbent representative in CD-10. |
| Maxwell Alejandro Frost | United States Representative-Elect | Unknown at this time. | Representative-Elect Frost will represent CD-10 beginning January, 2023. |

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| Alfred J. Lawson, Jr. | United States Representative | Unknown at this time. | Representative Lawson is the incumbent representative in CD-5. |
| John H. Rutherford | United States Representative | Unknown at this time. | Representative Rutherford is the incumbent representative in CD-4 and will represent CD-5 beginning January, 2023. |
| Kathy Castor | United States Representative | Unknown at this time. | Representative Castor is the incumbent representative in CD-14. |
| Anna Paulina Luna | United States Representative-Elect | Unknown at this time. | Representative-Elect Luna will represent CD-13 beginning January, 2023. |
| Charlie Crist | United States Representative | Unknown at this time. | Governor Crist is the incumbent representative in CD-13. |
| John Gore | Jones Day | Unknown at this time. | Mr. Gore was approached by the Governor's office to assist in the redistricting process. |
| Hans A. von Spakovsky | Heritage Foundation | Unknown at this time. | Mr. von Spakovsky was approached by the Governor's office to assist in the redistricting process. |
| Scott Kellar | Unknown at this time. | Unknown at this time. | Mr. Kellar was approached by the Governor's office to |

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| | | | assist in the redistricting process. |
| Michael Barley | Unknown at this time. | Unknown at this time. | Mr. Barley was approached by the Governor's office to assist in the redistricting process. |

II. Relevant Documents

Pursuant to Rule 26(a)(1)(A)(ii) and based on the information available at this time Plaintiffs may possess or have in their control the following categories of documents that it may use to support their claims or defenses:

1. Plan S0355C8060, *available at* <https://redistrictingplans.flsenate.gov/plandetails/121>
2. Plan P000C0079, *available at* <https://www.floridaredistricting.gov/pages/submitted-plans>
3. Plan P000C0094, *available at* <https://www.floridaredistricting.gov/pages/submitted-plans>
4. Plan H000C8015 *available at* <https://www.floridaredistricting.gov/pages/submitted-plans>
5. Plan H000C8019, *available at* <https://www.floridaredistricting.gov/pages/submitted-plans>
6. Plan P000C0109 ("Enacted Plan"), *available at* <https://www.floridaredistricting.gov/pages/submitted-plans>
7. Florida Senate Committee on Reapportionment and Select Subcommittee on Congressional Reapportionment Hearings Related to 2022 Congressional Redistricting Cycle, *available at* <https://thefloridachannel.org/videos/>

8. Florida House Redistricting Committee and Congressional Redistricting Subcommittee Hearings Related to 2022 Congressional Redistricting Cycle, *available at* <https://thefloridachannel.org/videos/>
9. Florida Legislature Special Session Hearings Related to 2022 Congressional Redistricting Cycle, *available at* <https://thefloridachannel.org/videos/>
10. Written testimony offered during legislative or rulemaking hearings.
11. Press releases, newsletters, and other public statements regarding the redistricting process and/or Redistricting Plans.
12. Memorandum from Ryan Newman, General Counsel, Executive Office of the Governor, March 29, 2022, re. Constitutionality of CS/SB 102, An Act Relating to Establishing the Congressional Districts of the State, *available at* <https://www.flgov.com/wp-content/uploads/2022/03/SLA-BIZHUB22032912102.pdf>
13. Memorandum from Florida Senate President Wilton Simpson and House Speaker Chris Sprowls, April 11, 2022, re. “Redistricting Update,” *available at* <https://www.miamiherald.com/latest-news/article260313980.ece/BINARY/4.11.22%20Redistricting%20Update%20Joint.pdf>
14. Robert D. Popper’s Testimony Before the House Congressional Redistricting Subcommittee, February 18, 2022, *available at* <https://www.judicialwatch.org/wp-content/uploads/2022/02/Robert-Popper-Testimony-Florida-Gerrymandering-February-2022.pdf>
15. Advisory Opinion to Governor re. Whether Article III, Section 20(a) of the Florida Constitution Requires the Retention of a District in Northern Florida, No. SC22-139, Petition at 4 (Fla. Feb. 1, 2022), and Related Briefing.
16. Documents regarding Common Cause, FairDistricts Now, and the Florida NAACP’s organizational mission statement and structure.

III. DAMAGE CALCULATIONS

Rule 26(a)(1)(A)(iii) requires Plaintiffs to disclose a computation of each category of damages claimed and make available for inspection and copying the documents or other evidentiary material on which such computation is based,

provided such documents or evidentiary material are not privileged or otherwise protected from disclosure. Pursuant to Rule 26(a)(1)(A)(iii), Plaintiffs are not obligated to make any disclosure because Plaintiffs do not seek damages at this time.

IV. INSURANCE AGREEMENTS

Rule 26(a)(1)(A)(iv) requires Plaintiffs to make available for inspection and copying any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. Pursuant to Rule 26(a)(1)(A)(iv), Plaintiffs are not obligated to make any disclosure because Plaintiffs are not aware of any such insurance agreement(s) at this time.

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Dated: December 20, 2022