

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:24-cv-21983-JB

CUBANOS PA'LANTE, *et al.*,

Plaintiffs,

v.

FLORIDA HOUSE OF REPRESENTATIVES
and CORD BYRD, in his official capacity as
Florida Secretary of State,

Defendants.

THE FLORIDA HOUSE OF REPRESENTATIVES'
ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Pursuant to Federal Rule of Civil Procedure 33, Defendant, the Florida House of Representatives (the "House"), answers the Plaintiffs' First Set of Interrogatories on the Florida House of Representatives, dated August 13, 2024.

GENERAL STATEMENT AND OBJECTIONS

1. The House objects to the extent that Plaintiffs' definitions and instructions purport to impose obligations different from or additional to the requirements of the Federal Rules of Civil Procedure, or to limit the discretion of answering parties under the Federal Rules of Civil Procedure.

2. The House's review of information and documents is continuing, as is discovery. The House's answers are based on information now known to it and are provided without prejudice to the House's right to assert additional objections or to revise, correct,

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supplement, clarify, or amend its answers, if the House discovers additional grounds for objections or additional, responsive information.

3. The House provides its answers without waiving or intending to waive, and the House expressly preserves, all applicable privileges, exemptions, and protections from discovery. In the answers provided below, the House has not withheld any responsive information on the basis of privilege.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: What were the House’s “legitimate political objectives,” as described the U.S. Supreme Court in *Alexander v. South Carolina State Conference of the NAACP*, 144 S. Ct. 1221, 1235 (2024) (quoting *Easley v. Cromartie*, 532 U.S. 234, 258 (2001)), in drawing and adopting:

- a. the 2022 enacted House plan (Plan H000H8013), including Districts 112, 113, 114, 115, 116, 118, and 119 of Plan H000H8013?
- b. the 2022 enacted congressional plan (Plan P000C0109), including Districts 26, 27, and 28 of Plan P000C0109?
- c. Plan H000C8019, including Districts 26, 27, and 28 of Plan H000C8019?

ANSWER: The House objects that this interrogatory is vague because Plaintiffs do not define their understanding of the term “legitimate political objectives.” The House has not asserted as a defense that it drew the Challenged Districts with an intent to favor or disfavor a political party or an incumbent—the sort of objectives that motivated the district map at issue in *Alexander*. Accordingly, this interrogatory improperly asks the House to provide an explanation for a defense it has not asserted. The House’s overriding objective in drawing the Challenged Districts, as defined in paragraph 4 of Plaintiffs’ First Amended

Complaint (ECF No. 31), was to comply with the requirements of federal and state law, including Florida's tier-one and tier-two standards. *See* Fla. Const. art. III, §§ 20, 21.

To the extent this interrogatory seeks a block-by-block description of the House's rationale for the placement of specific segments of district boundaries, the House objects that the drawing of any district's boundaries at the census-block level involves a range of considerations and that this interrogatory is vague, overly broad, and unduly burdensome.

To the extent this interrogatory seeks information about districts not challenged in this litigation, the House objects that this interrogatory seeks information that is not relevant to any party's claims or defenses.

INTERROGATORY NO. 2: During the period January 1, 2020–April 19, 2022, identify and describe each analysis, report, or study the House (including its members, employees, and outside counsel) conducted, commissioned, or relied on regarding “racially polarized voting,” as defined in paragraph 14 of the First Amended Complaint. For each analysis, report, or study you identify (if any), provide the author(s), title, date, and a description of the findings.

ANSWER: The House understands this interrogatory to refer to ecological-inference and ecological-regression analyses rather than the functional analyses described by the Florida Supreme Court in *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 625–26 (Fla. 2012). Consistent with that understanding, the House responds that, in anticipation of litigation, the House retained Professors John Alford and Randy Stevenson of Rice University to conduct analyses of racially polarized voting. To the extent this

interrogatory seeks a description of their findings, the House objects that these analyses were prepared for the House in anticipation of litigation and therefore constitute work product protected from disclosure by Federal Rule of Civil Procedure 26(b)(3)(A) and (b)(4)(D). Plaintiffs have access to the same data that the House utilized and can conduct their own analyses of racially polarized voting. For additional information about the analyses performed by Professors Alford and Stevenson, such as the number of analyses and the dates on which those analyses were performed, the House refers Plaintiffs to the House's Privilege Log, dated August 23, 2024.


To the extent this interrogatory seeks information about districts not challenged in this litigation, the House objects that this interrogatory seeks information that is not relevant to any party's claims or defenses.

INTERROGATORY NO. 3: If there are any items in Plaintiffs' Requests for Admission Nos. 1-7 that you denied, please set forth, for each such item, the factual reason that you denied it, including the names and contact information of all witnesses who are able to testify about such factual bases and listing all documents that support such factual bases.

ANSWER: Inapplicable.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 9, 2024.



Jason Porcila
Florida House of Representatives

Dated September 12, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on September 12, 2024, a true and correct copy of the foregoing was served by email on all counsel identified on the Service List that follows.

/s/ Andy Bardos

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