

IN THE UNITED STATES DISTRICT COURT
FOR THE 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,

Defendant.

**PLAINTIFF ENGAGE MIAMI, INC.'S RESPONSES TO DEFENDANT HOUSE OF
REPRESENTATIVES' SECOND SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and the Local Rules of the U.S. District Court for the Southern District of Florida ("Local Rules"), Plaintiff Engage Miami, Inc. ("Plaintiff" or "Engage"), by and through its undersigned counsel, hereby responds and objects to Defendant House of Representatives Second Set of Interrogatories ("Interrogatories"), dated October 11, 2024. These responses and objections are made to the best of Plaintiff's present knowledge, information, and belief, and are provided without prejudice to Plaintiff's right to amend, clarify, and/or supplement these responses and objections at a later time for any reason.

PRELIMINARY STATEMENT

1. Plaintiff's counsel is prepared to meet and confer with the House's counsel about any disputes concerning the meaning, scope, and relevance of the House's Interrogatories or these Responses and Objections.

2. Each response below is on behalf of Engage Miami, Inc. and no other entity or individual.

EXHIBIT

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3. The following objections are made without waiving but, instead, preserving: (a) the right to raise all questions of, and to object to, the authenticity, competence, foundation, relevancy, materiality, privilege, and/or admissibility of any information or document provided or identified in response to the Interrogatories; (b) the right to object on any ground to the use or introduction into evidence of any information or any document in any subsequent proceeding or in the trial of this or any other action on any ground; and (c) the right to object on any ground at any time to additional discovery.

4. As of the date of this response, Plaintiff has not completed its discovery and investigation of the facts in this case, has not completed its review and production of relevant documents, and has not completed its preparation for summary judgment and, if necessary, trial. Accordingly, the responses and objections set forth below are based on information presently known and reasonably available to Plaintiff at this time after a diligent search and reasonable and good-faith inquiry. Plaintiff reserves the right to: (a) amend, alter, supplement, clarify, or otherwise modify these Responses and Objections; (b) make use of, or introduce at any hearing or trial, any documents, information, facts, evidence, and legal theories which are subsequently discovered or which are now known but whose relevance, significance, or applicability has not yet been ascertained; and (3) offer expert witness opinions or testimony on any relevant matter, which opinions or testimony may be at variance with these Responses and Objections or the documents and information referenced in these Responses and Objections or produced in response to the Requests.

5. The Responses and Objections set forth below shall not be construed as any admission that Plaintiff adopts or agrees with any definition, premise, characterization, or legal conclusion in any Interrogatories.

6. Any inadvertent disclosure of privileged or protected information or documents shall not be deemed a waiver of any privilege. The House shall notify Plaintiff of any inadvertently disclosed privileged or protected information or documents pursuant to Federal Rule of Civil Procedure 26(b)(5)(B) and/or any procedures for doing so in any orders governing discovery in this litigation. The House must not use any privileged or protected information or documents inadvertently disclosed. In addition, nothing herein is intended to be, or should be construed as, a waiver of any privilege.

7. Plaintiff objects to each of the House's Definitions, Instructions, and Interrogatories to the extent that they seek to impose on Plaintiff any obligations not required by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Southern District of Florida, any protocol governing the production of documents and/or information in this action, the orders of this Court, and/or any agreements of the parties with respect to document collection, search, and/or production.

RESPONSES AND OBJECTIONS

Plaintiff responds and objects to the House of Representatives' Interrogatories, as follows:

INTERROGATORY NO. 1: Describe how and what information about your decision to initiate this litigation was shared with your membership before you filed your initial complaint, including, for each communication, (i) the date of the communication, (ii) the means of communication, (iii) and the substance of the communication. If no information was shared with your membership about your decision to initiate this litigation, then state so.

RESPONSE TO INTERROGATORY NO. 1: Plaintiff objects to this Interrogatory because it is improperly compound and contains multiple subparts. Plaintiff responds as follows:

Engage Miami joined the litigation after consulting with the leadership of the Board of Directors, reviewing the case, and determining alignment with our organization's purpose. This included a discussion between Rebecca Pelham, Executive Director, and Aimee Ferrer, Board Chair, on September 7-8, 2023. Updated bylaws were in the process of final review and approval, including an updated member intake form in which new members affirm their commitment to supporting our organizational platform, the Young People's Priorities, including Democracy and Voting Rights. Members who are not part of the Board of Directors were not asked to vote on this specific litigation.

INTERROGATORY NO. 2: If, before you made your decision to initiate this litigation, you consulted with your membership about that decision, then, for each such communication, state the date of the communication, the means of communication, and the substance of the communication. If you did not consult with your membership about the decision to initiate this litigation before filing your initial complaint, then state so.

RESPONSE TO INTERROGATORY NO. 2: Engage Miami joined the litigation after consulting with the leadership of the Board of Directors, reviewing the case and determining alignment with our organization's purpose. Members who were not part of the Board of Directors were not asked to vote on this specific litigation.

INTERROGATORY NO. 3: If you received a communication from any of your members in response to any communication identified in response to Interrogatory No. 2 or Interrogatory No. 3 above, then, for each such communication from a member, identify the first

and last name of the member and state the date of the communication, the means of communication, and the substance of the communication.

RESPONSE TO INTERROGATORY NO. 3: The organization did not receive other communication from our members in response to the communication identified in response to Interrogatory No. 2 or No. 3, absent those referenced in our response to those Interrogatories.

INTERROGATORY NO. 4: Describe in detail the specific activities in which you have engaged—or the specific projects that you have conducted—to further the interests that you seek to advance through this litigation.

RESPONSE TO INTERROGATORY NO. 4: Engage Miami's mission is to increase participation of young people, to help advance justice, sustainability, democracy in a way that is bold, local, and impactful. Engage carries out its mission through both engagement such as voter registration, Get Out The Vote efforts; and leadership developments such as our fellowship programs and advocacy focused mostly at the local level. To further these interests, we engage in work in democracy and voting rights issues, including:

- Engage Miami has engaged in election-related activities including creating day of election checklists, being on the ground for election protection, registering voters and educating voters on how to get registered, and educating voters on candidates and ballot measures.
- Engage Miami conducted a Young People's Priorities survey that explored issues that various communities in South Florida were concerned about, including housing, climate change, public transit, libraries, parks, public schools, community safety, economic opportunity, democracy, and voting rights.

- Engage Miami also advocates for fair districts and census counts. Engage was involved in the 2020 Get Out The Count efforts for the census. The organization also has created voter guides to inform young voters about local elections and shared responses from candidates about issues including how they will ensure elections and redistricting processes are fair, accessible, and equitable.
- Engage Miami fights for fair districts, voting rights, and access to elections at the local and state level. We push for racial equity in access to democracy and political power.
- After advocating for fair districts throughout the redistricting process, Engage Miami sued the City of Miami for racial gerrymandering as plaintiffs in the case *Grace, Inc. v. City of Miami*, Case No. 1:22-cv-24066-KMM (S.D. Fla.).
- Engage Miami works closely with our partners and coalitions to defend against attacks on democracy, track voting-rights related bills, educate young voters on legislation and how to be advocates for voting rights, and engage in rulemaking processes to advocate for accessibility and equity.
- Engage Miami engages regularly with our county Supervisor of Elections. We have conducted tours for members of the elections departments, advocated for increased voter registration in high schools, and are researching a campaign to increase voting accessibility in prisons.
- Engage Miami recruits, trains, and manages volunteers as poll monitors to provide voter information, protection, and resources. This includes connecting voters experiencing problems at their polling location to the voter protection hotline and ensuring voters know how to cast a provisional ballot.

- Engage Miami has conducted a poll in 2022 of young voters of color in South Florida to understand young voters' top issues and perspectives on voting.
- Engage Miami conducts civic education on how government works, including how to get involved in important issues such as redistricting at the local and state levels.

Plaintiff further responds that, pursuant to Federal Rule of Civil Procedure 33(d), the answer to this Interrogatory may be determined by examining Plaintiff's records (including electronically stored information), other documents produced in this litigation, and publicly available information, including, for example, the following:

- CUBANOS-0000000231-240
- CUBANOS-0000000242-307
- CUBANOS-0000000952-980
- CUBANOS-0000005818-5863
- CUBANOS-0000005914-5915

INTERROGATORY NO. 5: Describe in detail all efforts you made before you initiated this litigation to determine whether—and to what extent—your members agree with the way the challenged districts were drawn or agree with the non-diminishment provision's application to Hispanic voters in South Florida.

RESPONSE TO INTERROGATORY NO. 5: Plaintiff objects to this Interrogatory because it is improperly compound and contains multiple subparts. Plaintiff responds as follows:

Engage Miami did not undergo efforts before initiating litigation to determine whether our members agree with the way the challenged districts were drawn or with the non-diminishment provision's application to Hispanic voters in South Florida.

Dated: November 18, 2024

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CERTIFICATE OF SERVICE

I certify that, on November 18, 2024, the above Plaintiff's Responses to Defendant's Second Set of Interrogatories was served by email on counsel for the House of Representatives.

/s/ Andy Frackman

**VERIFICATION TO PLAINTIFF ENGAGE MIAMI'S RESPONSES TO DEFENDANT'S
SECOND SET OF INTERROGATORIES**

My name is Rebecca Pelham I have read *Plaintiff Engage Miami's Responses to Defendant House of Representatives' Second Set of Interrogatories* and know its contents. While I have relied on others to compile and prepare these responses, I am informed and believe that the matters stated therein are true and correct, and on that basis verify the responses on behalf of Engage Miami reserving the right to, in the event new, additional, or different information is discovered, revise or supplement the responses as appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of November, 2024, at Miami, Florida.



Rebecca Pelham