

**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,ss

Defendant.

**PLAINTIFF FIU ACLU CLUB’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 FIU ACLU Club’s (“Plaintiff” or “Club”), 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 FIU ACLU Club and no other entity or individual.

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:

The decision to initiate this litigation was communicated to our members via our club Whatsapp group chat on May 24, 2024, and it was also raised at our in-person General Body Meeting on September 11, 2024. In both instances, we provided the opportunity for students to voice any concerns or questions. No concerns were expressed.

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: On May 1, 2024, the FIU ACLU Club President Enrique Cruz and Vice President Genesis Falcon, informed the Executive Board of their interest in joining the litigation. On May 5, they met with the rest of the Executive Board, Treasurer Klaudia Quinones, Head of Campaigns Camila Suarez Melinkoff, Head of Communications Loren Vincent, and Secretary Adem Seker, over FaceTime to discuss joining the lawsuit. After a discussion, all in attendance voted in favor of joining the lawsuit, and the board decided that the FIU ACLU Club would be a Plaintiff in the lawsuit. No one expressed disagreement or disapproval. On May 24, 2024, the Executive Board then informed the broader membership through WhatsApp. Members who were not part of the Executive Board were not consulted before entering the lawsuit.

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: In response to our May 24 announcement, David Rivera replied, “@Enrique and the team. A HUGE congratulations this is enormous! Keep grinding and let us know how we can help,” on May 24 at 3:23 PM. Brian Levine commented, “Wait, the student organization is one of the named plaintiffs? Interesting,” on May 24 at 3:47 PM, to which we responded, “Yes.” These messages were sent on WhatsApp.

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-0000000134-137

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: Our events have supported elevating students’ voices and educating them so they feel prepared for the upcoming elections. Since January of 2023, we have hosted events dedicated to this interest, including two Know Your Rights trainings for voters; two Murmurations which provided a safe space for students to talk

about politics; a Racial Gerrymandering Town Hall; an Accessing the Panther Vote event in support of Disabled Voter Rights Week; presidential and vice-presidential debate watch parties; a Constitutional Amendment Forum where we invited community leaders, an ACLU attorney, and a representative of the Miami-Dade Supervisor of Elections to talk about the amendments on Floridians ballots; and we've co-hosted a "Yeson4" organizing bootcamp where we helped students navigate how to efficiently organize in our communities. We've conducted six phone bank events, contacting about 20,000 Floridians, to educate and remind Floridians to vote "Yes" on Amendment 4; co-hosted a Rally 4 Abortion Rights to emphasize to students the importance of Amendment 4, and we hosted a Get Out the Vote event to encourage students to vote and to foster an educated electorate. All these events support our student organization's goal of having our voice heard and knowing our rights, justice, and fair representation.

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-0000000001-0000000034
- CUBANOS-0000000138-142
- CUBANOS-0000000145-160
- CUBANOS-0000000185-229

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:

We held the Racial Gerrymandering Town Hall. There, we saw the concern and excitement of our members to do something more, which is why we felt supported in initiating litigation. We've been transparent with our member base and make it clear that if anyone has any concerns at all, we are available to speak with them at any time.

Dated: November 18, 2024

Nicholas L.V. Warren (FBN 1019018)
Daniel B. Tilley (FBN 102882)
Caroline A. McNamara (FBN 1038312)
ACLU Foundation of Florida, Inc.
4343 West Flagler Street, Suite 400
Miami, FL 33134
(786) 363-1769
nwarren@aclufl.org
dtalley@aclufl.org
cmcnamara@aclufl.org

Andrew Frackman*
O'Melveny & Myers LLP
1301 Avenue of the Americas
17th Floor
New York, NY 10019
(212) 326-2000
afrackman@omm.com

/s/ Andrew Frackman

Jorge L. Vasquez, Jr.*
Vasquez Attorneys at Law, PC
141 Parkway Road, Suite 14
Bronxville, NY 10708
(212) 752-8408
jorge@vasquezpc.com

Brian P. Quinn*
Patrick J. Jones*
Emily Murphy*
Gabrielle S. Jackson*
O'Melveny & Myers LLP
1625 Eye Street NW
Washington, DC 20006
(202) 383-5300
bquinn@omm.com
pjones@omm.com
emurphy@omm.com
gjackson@omm.com

**Admitted pro hac vice
Counsel for Plaintiffs*

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/ Andrew Frackman

**VERIFICATION TO PLAINTIFF FIU ACLU CLUB'S RESPONSES TO DEFENDANT'S
SECOND SET OF INTERROGATORIES**

My name is **Enrique Cruz**. I have read *Plaintiff FIU ACLU Club'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 FIU ACLU Club, 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 **15** day of November, 2024, at **Miami**, **Florida**.



Signature

Enrique Cruz

Print Name