

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KÉTO NORD HODGES, *et al.*,

Plaintiffs,

v.

Case No. 8:24-cv-879

BEN ALBRITTON, *etc., et al.*,

Defendants.

**PLAINTIFF KÉTO NORD HODGES'S RESPONSES AND OBJECTIONS
TO PRESIDENT ALBRITTON'S SECOND SET OF
INTERROGATORIES TO KÉTO NORD HODGES**

Plaintiff Kéto Nord Hodges responds and objects to Senate President Ben Albritton's Second Set of Interrogatories to Kéto Nord Hodges as follows:

10. Please provide the name, address, telephone number, place of employment, job title, and relationship to Plaintiff (You) for any person answering or assisting in answering these interrogatories, and identify the specific interrogatories each person responded to or assisted in the preparation of.

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Interrogatories 10–19

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Clinical Students Supporting David Chen (Attorney for Plaintiff)
Interrogatories 10–19

- 11. Please list Your employment history for the last 7 years, including the employers for whom You have worked, cities in which You worked, and the dates of each position You have held.**

I have worked for Hillsborough County Schools in Tampa, Florida since August 2011.

- 12. Plaintiffs’ Rule 26 Initial Disclosures, dated May 31, 2024, states that You “have information tending to show that the Challenged Districts cause harm to [Yourself] and other residents,” Please Explain in Detail the harm that each Challenged District causes You.**

I am harmed because I am personally subject to a racial classification by the Enacted Plan. I am harmed by the threat racial gerrymandering poses to our system of representative democracy by signaling to my elected state senator that they represent a particular racial group rather than their constituency as a whole. I am harmed because the Legislature unnecessarily divided St. Petersburg and Pinellas County and lumped parts of St. Petersburg and Tampa together in District 16—simply because they are both predominantly Black areas. I am harmed by living and voting in an unconstitutionally racially gerrymandered district.

- 13. Regarding Your response to Interrogatory No. 12 above, is the harm caused by the Challenged Districts to “other residents” different than the harm caused to You? If yes, Explain in Detail the unique harm that each Challenged District causes “other residents” and identify the “other residents” about whom you are concerned.**

All residents living in the Challenged Districts are harmed by the threat racial gerrymandering poses to our system of representative democracy by signaling to their elected state senators that those senators represent a particular racial group rather than their constituency as a whole. All residents living in the Challenged Districts are also personally harmed by being subject to a racial classification.

Black residents living in the St. Petersburg portion of SSD16 under the Enacted Plan are *additionally* harmed because the Legislature’s racial gerrymandering

unjustifiably packed Black voters into District 16, stripping them from adjacent District 18 and reducing their influence there.

- 14. Regarding Your response to Interrogatory No. 12 above, do either of the Challenged Districts cause You harm that is not shared by any other Plaintiff? If yes, please Explain in Detail the unique harm that each Challenged District causes You.**

The Challenged Districts combine my Tampa community with St. Petersburg, which may not be the case for Plaintiffs who do not reside in Tampa.

- 15. Plaintiffs' Rule 26 Initial Disclosures, dated May 31, 2024, states that You "have . . . information relating to whether the Challenged Districts are narrowly tailored to a compelling state interest." Please Explain in Detail all information You have relating to whether each Challenged District is narrowly tailored to a compelling state interest.**

Multiple alternative configurations exist for the Challenged Districts that more narrowly tailor the use of race to avoid diminishing Black voters' ability-to-elect, without sacrificing the race-neutral principles embodied in Article III, Section 21 of the Florida Constitution. These alternative configurations are outlined in Plaintiffs' Complaint, *see* Complaint 21-29, and Dr. Cory McCartan's expert report. *See* McCartan Report at 1-21; Barreto Report at 1-11.

To the extent Plaintiff is required to provide a detailed narrative of the case, Plaintiff objects on the ground that Interrogatory No. 15 is an improper contention interrogatory that is overbroad and oppressive.

- 16. Plaintiffs' Rule 26 Initial Disclosures, dated May 31, 2024, identifies a number of current or former Florida reporters whom Plaintiffs state "may have information relating to whether the Challenged Districts are narrowly tailored to a compelling state interest." Please Explain in Detail the information You assert each identified current or former member of the media may have and Your factual basis for making that assertion.**

On November 18, 2021, Mary Ellen Klas, a journalist for the Tampa Bay Times, published an article entitled *Florida Senate Maps of Tampa Bay District Draw Complaints from Experts*, in which she surveyed a field of opinions from local redistricting experts challenging the need for "Senate District 19" to cross Tampa Bay in order to achieve a non-diminishment objective. Ms. Klas gathered a bevy of opinions from analysts, activists, and academics, which collectively suggest

that the design of Enacted District 16 was not narrowly tailored to avoid diminishment of Black voting power in the area.

On January 21, 2022, Romy Ellenbogen, a journalist for the Tampa Bay Times, published an article entitled *A Senate district is split by Tampa Bay. Black organizers ask if it's time to change.*, in which she examined the debate among local organizers concerning the propriety of maintaining a Senate District that crosses Tampa Bay, in light of the disparate interest and histories of the communities in St. Petersburg and Tampa, and recent population growth. Ms. Ellenbogen may have information, gathered through her sources, speaking to whether splitting a portion of St. Petersburg off from the remainder of the Peninsula was necessary to preserve Black voting power.

- 17. Were You involved in the creation of or advocacy for Plan 42 (as referenced in Paragraphs 64, 65, 121, and 122 of the Complaint) or any other state senate redistricting plans that were proposed to the Legislature in 2021 or 2022? If so, please Explain in Detail your involvement.**

No.

- 18. You allege in Paragraph 13 of the Complaint that “Floridians . . . called out and questioned the Legislature[]” during its consideration of the Enacted Plan. Please identify those Floridians by name and residential address and Explain in Detail all actions each Floridian took and/or statements he or she made to call out and question the Legislature, including the dates of those actions and/or statements.**

On November 17, 2021, Sen. Randolph Bracy (1310 Foltz Loop, Oakland, FL 34787), an African American senator from Orlando, asked Committee Staff Director Jay Ferrin why the Protected District crossed the Bay in the staff-drawn plans, “when it didn’t seem necessary.”

On November 29, 2021, Sen. Randolph Bracy (1310 Foltz Loop, Oakland, FL 34787) pressed Committee Staff Director Jay Ferrin on the impact of the alternative configuration on the minority functional analysis and Black voters’ share of the relevant statistics.

On February 1, 2022, Rep. Fentrice Driskell, an African American representative from Tampa, attempted to ask Rep. Leek whether certain districts in Plan 8058 had low compactness scores to achieve Tier One compliance.

On February 2, 2022, Rep. Andrew Learned, a representative of Brandon,

objected to the Challenged Districts, explaining, “It is splitting part of eastern Hillsborough County and putting it in with downtown St. Petersburg,” and commented on the lengthy amount of time it takes to drive between those two areas.

According to a news article published by the Tampa Bay Times on November 18, 2021, Matt Isbell, a redistricting analyst, observed in a tweet shared in a thread on X (at that time Twitter) that one could “easily draw a Hillsborough-only district that has a higher African-American share of the primary,” and expressed confusion as to why proposed plans had not done so, stating that there was “no reason to cross the water.”

On November 18, 2021, Nicholas Warren was quoted by the Tampa Bay Times as saying that it was statistically possible to “draw a district holding Hillsborough whole while maintaining the ability to not diminish (a minority-majority district)”

According to a news article published by the Tampa Bay Times on November 18, 2021, Michael McDonald, a redistricting expert and University of Florida political science professor, was quoted as questioning how far Senate staff had analyzed voting patterns in Enacted District 18.

On January 21, 2022, Jordan Pride, president of the Hillsborough County Democratic Black Caucus, was quoted in the Tampa Bay Times expressing concern that having a district crossing Tampa Bay would mean that a representative living in St. Petersburg may not “have a stake” in Hillsborough County.

On January 21, 2022, Robin Lockett, an organizer with Florida Rising, was quoted in the Tampa Bay Times expressing concern about “using a body of water to count a district as contiguous” as making no practical sense.

On January 21, 2022, Stanley Gray, a Hillsborough resident and president of the Urban League of Hillsborough, was quoted in the Tampa Bay Times arguing that a Tampa district that did not cross the bay would still “provide[] minority access as required by the constitution.” He went on to express that issues are “solved differently in Tampa from how they are in St. Petersburg.”

Plaintiffs do not have knowledge of the residential addresses of Rep. Fentrice Driskell, Rep. Andrew Learned, Matt Isbell, Michael McDonald, Jordan Pride, Robin Lockett, or Stanley Gray.

Nicholas Warren’s mailing address is 4343 W Flagler St. Suite 400, Miami, FL

33134.

19. If You communicated in writing or verbally with any state senator, state representative, or legislative staff during the redistricting process regarding the Legislature's consideration of state senate redistricting plans, please Explain in Detail all communications You had with each elected official or legislative staff member.

I had no such communications.

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

Executed on 11-26-2024

Kéto Nord Hodges
Kéto Nord Hodges

Dated November 25, 2024

/s/ Nicholas L. V. Warren

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