



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

KÉTO NORD HODGES, et al.,

Plaintiffs,

v.

Case No: 8:24-cv-879

BEN ALBRITTON, et al.,

Defendants.

**PRESIDENT ALBRITTON RESPONSES AND OBJECTIONS
TO PLAINTIFFS' SECOND SET OF INTERROGATORIES**

Senate President Ben Albritton, in his official capacity, hereby responds to Plaintiffs' Second Set of Interrogatories as follows:

GENERAL OBJECTIONS

A. President Albritton objects to the Interrogatories to the extent they call for information protected by the attorney-client privilege, the attorney work-product doctrine, legislative privilege, joint defense privilege, or any other privilege or doctrine available under federal or state law, either statutory, regulatory, constitutional, or common law.

B. President Albritton objects to the Interrogatories to the extent they impose on him obligations that exceed those imposed by the Federal Rules of Civil Procedure and relevant orders issued in this case.

C. President Albritton objects to the Interrogatories to the extent they are overly broad or seek information that is neither relevant to the claim or defense of any party in this action nor proportional to the needs of the case.

D. President Albritton objects to the Interrogatories to the extent they are duplicative and cumulative.

E. President Albritton objects to the Interrogatories to the extent they necessarily call for a legal conclusion.

F. President Albritton's failure to object on a particular ground or grounds shall not be construed as a waiver of his rights to object on any additional grounds. In making these objections, President Albritton does not in any way waive or intend to waive any additional objections, but rather intends to preserve and does preserve any additional objections should they become appropriate.

G. President Albritton responds to the Interrogatories to the best of his present knowledge, information, and belief. President Albritton

continues to investigate the matters that are the subject of this litigation. The responses set forth herein are at all times subject to additional or different information that discovery or further investigation may disclose.

Subject to and without waiving these General Objections, President Albritton sets forth his responses and objections to the Interrogatories as follows:

INTERROGATORIES

INTERROGATORY NO. 1: Explain in detail how the development of the 2022 enacted Senate plan was influenced by Nicholas Warren.

RESPONSE:

In November 2021, Nicholas Warren drew and submitted a proposed state Senate redistricting map (“Plan 42”) for consideration by the Florida Senate. Mr. Warren also testified before a Senate committee to advocate the adoption of his Plan 42 as an alternative to the staff-drawn proposals that would ultimately become the 2022 Enacted Plan. Unlike the 2022 Enacted Plan, Mr. Warren’s Plan 42 did not include a Senate District in the Tampa Bay region connecting portions of Hillsborough and Pinellas Counties.

In neither his written submission nor his committee testimony did Mr. Warren disclose his affiliation with the ACLU of Florida—an organization that regularly advocates and litigates on redistricting-related matters. Senate Reapportionment Committee Chair Ray Rodrigues sent a memorandum to his colleagues advising them of Mr. Warren’s undisclosed affiliation as they considered whether or not to incorporate his suggestions or maps into any future directives to staff. Chair Rodrigues’s memorandum also noted that Florida courts had invalidated legislative produced maps in the prior redistricting cycle where those maps were submitted by outside parties

acting with the unlawful intent to favor or disfavor a political party or incumbent in violation of the Florida Constitution.

Discovery in this litigation has revealed that, both before and after his submission of Plan 42, Mr. Warren was in regular communication with Matthew Isbell—a political operative working for the Florida Democratic Party, its candidates, and affiliated committees on topics including redistricting. Mr. Isbell regularly communicated with Democratic legislators and other political operatives regarding redistricting, including the anticipated political implications of various proposals pending before the Florida Legislature. Mr. Isbell, like Mr. Warren, favored the adoption of a Senate map that did not include a district in the Tampa Bay region connecting portions of Hillsborough and Pinellas Counties. Mr. Warren successfully prevailed on Mr. Isbell to “launder” some of Mr. Warren’s redistricting-related observations under Mr. Isbell’s name during the legislative process. According to correspondence obtained in discovery in this case, Mr. Warren provided “coaching” on redistricting to Joseph Dye, a legislative staffer working for the House Minority (Democratic) Office. Mr. Dye was thereafter employed by the ACLU of Florida. Discovery has also revealed that Mr. Warren held private and undisclosed meetings with Democratic legislators and legislative staff regarding redistricting.

Ultimately, Mr. Warren’s efforts to influence the Florida Senate’s redistricting process were unsuccessful as no Senator proposed a bill amendment incorporating the configuration advocated by Mr. Warren and Mr. Isbell.

INTERROGATORY NO. 2: Explain in detail how the development of the 2022 enacted Senate plan was influenced by Matthew Isbell.

RESPONSE:

During the Florida Legislature’s consideration of redistricting plans in 2021-22, Matthew Isbell was a political operative working for the Florida Democratic Party, its candidates, and affiliated committees on topics including redistricting. Discovery in this litigation has revealed that Mr. Isbell regularly communicated with Democratic legislators and other

political operatives regarding redistricting, including the anticipated political implications of various proposals pending before the Florida Legislature. Mr. Isbell, like Mr. Warren, favored the adoption of a Senate map that did not include a district in the Tampa Bay region connecting portions of Hillsborough and Pinellas Counties. At Mr. Warren's request, Mr. Isbell "laundered" some of the redistricting-related observations of Mr. Warren and published them under Mr. Isbell's name during the legislative process.

Ultimately, Mr. Isbell's efforts to influence the Florida Senate's redistricting process were unsuccessful as no Senator proposed a bill amendment incorporating the configuration advocated by Mr. Warren and Mr. Isbell.

INTERROGATORY NO. 3: Explain in detail how "there was a significant number of potential voters who would be disenfranchised under not crossing the Bay," as Senator Burgess stated as quoted in Paragraph 74 of the Complaint.

OBJECTION: To the extent this interrogatory seeks to require the Florida Senate to obtain sworn testimony from Senator Burgess regarding comments made in the course of his legislative duties, President Albritton objects on the grounds that the request exceeds the scope of discovery permitted by the legislative privilege. *See, e.g., Pernell v. Fla. Bd. of Govs. of State Univ.*, 84 F.4th 1339 (11th Cir. 2023). The Response below is provided subject to this Objection and is based on materials in the public legislative record.

RESPONSE:

Senator Burgess's comments, in context, are most reasonably read to refer to the potential for litigation seeking to enforce the Florida Constitution's non-diminishment provision brought by voters in Pinellas County to challenge a hypothetical Senate map that did not maintain a district encompassing portions of Pinellas and Hillsborough Counties.

INTERROGATORY NO. 4: Explain in detail how the district configuration referenced by Jay Ferrin beginning at 11:13 in the video recording of the

January 10, 2022 Select Subcommittee on Legislative Reapportionment available at <https://thefloridachannel.org/videos/1-10-22-senate-select-subcommittee-on-legislative-reapportionment/> would “potentially disenfranchise[] the [] Black voters in Pinellas County.”

RESPONSE:

Mr. Ferrin’s comments refer to the potential for litigation seeking to enforce the Florida Constitution’s non-diminishment provision brought by voters in Pinellas County to challenge a hypothetical Senate map that did not maintain a district encompassing portions of Pinellas and Hillsborough Counties.

INTERROGATORY NO. 5: Explain in detail why the Senate did not assert that legislative privilege protects SEN-CP002177 and SEN-CP002184 from disclosure.

OBJECTION: President Albritton objects to this interrogatory on the grounds that it requests the disclosure of information necessarily implicating the attorney-client and attorney work-product privileges.

Dated: December 2, 2024

Respectfully submitted,

CARLOS REY (FBN 11648)
FLORIDA SENATE
404 South Monroe Street
Tallahassee, Florida 32399
(850) 487-5855
Rey.Carlos@flsenate.gov

/s/ Daniel Nordby
RICKY L. POLSTON (FBN 648906)
DANIEL E. NORDBY (FBN 14588)
TARA R. PRICE (FBN 98073)
ALYSSA L. CORY (FBN 118150)
KASSANDRA S. REARDON (FBN 1033220)
SHUTTS & BOWEN LLP
215 South Monroe Street, Suite 804
Tallahassee, Florida 32301
(850) 241-1717
RPolston@shutts.com
DNordby@shutts.com
TPrice@shutts.com
ACory@shutts.com
KReardon@shutts.com

*Counsel for Ben Albritton,
in his official capacity as President of the Florida Senate*

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024, I served this document by
email on all counsel of record.

/s/ Daniel Nordby
Attorney

VERIFICATION

The Florida Senate

By (sign):

[Print Name]

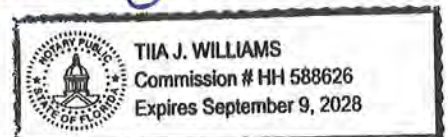
Jay Ferrin
JAY FERRIN

STATE OF FLORIDA)

COUNTY OF Leon)

Before me, the undersigned authority, personally came and appeared Jay Ferrin, who first duly sworn did depose and say that he/she did execute the foregoing answers to Plaintiffs' Second Set Interrogatories, and that the same are true, accurate, and correct to the best of his/her knowledge, information, and belief. The foregoing instrument was acknowledged before me this 27 day of December, 2024, by Jay Ferrin, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Tiia J. Williams
NOTARY PUBLIC



Typed or Printed Name of Notary

My commission expires: _____

Commission No.: _____