Subject: RE: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |
Date: Friday, August 26, 2022 at 10:35:30 AM Eastern Daylight Time
From: Canter, Jacob
To: Patrick Jaugstetter
CC: Lisa Fallon, Alex Khoury, Shawn Marie Story, Karen Pachuta, GA-Redistricting, Jack Genberg, Poy Winichakul, Matletha Bennette, Steiner, Neil, West, Hartley, kurt@kastorflaw.com, Julie Houk, Ezra Rosenberg

Patrick,

Thank you for the email. We cannot accept your proposal regarding the categories of questions that can be raised at the depositions. We understand your proposal to foreclose Plaintiffs from seeking any information during depositions on the motives or intent of the deponents in drawing, sponsoring, presenting, supporting, or opposing any proposed or final map. We believe this goes to the heart of the constitutional claims and makes it impossible for Plaintiffs to discover materials that are highly relevant to those claims. Also, your proposal does not address how the 30(b)(6) depositions will proceed.

We do not believe there is any way for the parties to reach a negotiated agreement, as we believe Plaintiffs are entitled to all documents related to motive and intent to prove up the claims. Accordingly, we believe the court's briefing schedule—as discussed at the August 9, 2022, teleconference, and as memorialized in the Court's order at docket no. 81—should proceed.

Kind regards,

Jacob Canter
Pronouns: he/him/his
Crowell & Moring LLP
jcanter@crowell.com
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From: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Sent: Tuesday, August 23, 2022 2:55 PM
To: Canter, Jacob <JCanter@crowell.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>; GA-Redistricting <GA_Redistricting@crowell.com>; Jack Genberg <Jack.Genberg@splcenter.org>; Poy Winichakul <poy.Winichakul@splcenter.org>; Matletha Bennette <matletha.bennette@splcenter.org>; Steiner, Neil <neil.steiner@dechert.com>; West, Hartley <Hartley.West@dechert.com>; kurt@kastorflaw.com
Subject: Re: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

External Email

Jacob:

I am in receipt of your email enclosing proposed topics for inquiry at the depositions of the proposed deposition witnesses. For the sake of discussion, and in the interest of working toward a reasonable resolution regarding these depositions, we would propose the following:

Representative Rich, Senator Kennedy, and Gina Wright will waive legislative privilege, sit for

deposition, and answer questions falling into the limited categories as shown on the attached (for ease of reference, I have highlighted in red those areas of inquiry to which the witnesses will **not** waive legislative privilege). In addition and in exchange, we request that the Plaintiffs' refrain from asking (and if asked, the witness will object and refuse to answer) any questions seeking to solicit from them any of the following:

(i) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;

(ii) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly and staff of the General Assembly, including employees of the Office of Legislative and Congressional Reapportionment, as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;

(iii) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly and any constituent as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;

(iv) testimony regarding the subjective motivation or intent of any member in drawing, sponsoring, presenting, supporting or opposing any proposed map;

(v) testimony regarding any legislation introduced, presented to, or considered by the Georgia General Assembly other than the following: HB 189; HR 55; SB 186; SR 20; SB 1 EX/AP, HB 1EX LC 47 1163S/AP, and SB 2 EX/AP.

Of course, each of the witnesses will retain the right to assert such other objections as may be appropriate and necessary throughout any deposition – those objections would be resolved in the normal course. If this is acceptable to you, then I would propose that we draft and submit to the Court a Consent Protective Order reflecting the areas of questioning and the limitations.

If you disagree with any portion of our proposal, please let me know. Some of our objections may be able to be resolved by further discussion as to the meaning and scope of the categories of questions you offered.

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From: Canter, Jacob <JCanter@crowell.com>

Date: Friday, August 19, 2022 at 3:30 PM
To: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>, Alex Khoury <akhoury@sgrlaw.com>, Shawn Marie Story <shawn.story@legis.ga.gov>, Karen Pachuta <kpachuta@jarrard-davis.com>, GA-Redistricting <GA_Redistricting@crowell.com>, Jack Genberg <Jack.Genberg@splcenter.org>, Poy Winichakul <poy.Winichakul@splcenter.org>, Matletha Bennette <matletha.bennette@splcenter.org>, Steiner, Neil <neil.steiner@dechert.com>, West, Hartley <Hartley.West@dechert.com>, kurt@kastorflaw.com <kurt@kastorflaw.com>
Subject: RE: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

Hi Patrick,

Please see the attached. I hope you have a nice weekend. Kind regards,

Jacob Canter
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From: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Sent: Tuesday, August 16, 2022 2:07 PM
To: Canter, Jacob <JCanter@crowell.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>
Subject: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

External Email

Jacob:

We are anticipating another rolling production of documents to you by the end of this week. We have identified these additional records as responsive and non-privileged and expect them to be produced no later than the end of the day Friday. Meanwhile, I wanted to check on the status of your list of proposed topics for each of the proposed deposition witnesses - you will recall that, at our conference last week, the Judge suggested, and you agreed to provide such list. We are hopeful that your list of proposed topics will allow us to narrow our dispute regarding legislative privilege.

Patrick D. Jaugstetter
Partner

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