

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGIA STATE CONFERENCE OF NAACP, ET AL.)	
)	
PLAINTIFFS,)	CIVIL ACTION NO.
)	1:21-CV-5338
V.)	ELB-SCJ-SDG
)	
STATE OF GEORGIA, ET AL.)	THREE-JUDGE COURT
)	
DEFENDANTS.)	

**CONSENT ORDER REGARDING MOTION FOR
PROTECTIVE ORDER AS TO NON-PARTY SUBPOENAS**

This matter comes before the Court on the Motion for Protective Order As to Non-Party Subpoenas [Doc. 82] filed on behalf of John Kennedy; Bonnie Rich; the Senate Reapportionment and Redistricting Committee; the House Reapportionment and Redistricting Committee; Gina Wright; Executive Director of the Legislative and Congressional Reapportionment Office, and the Legislative and Congressional Reapportionment Office (collectively, “Movants”).

Plaintiffs issued subpoenas for the production of documents and sought to depose the Movants (the “Subpoenas”). The Subpoenas were attached to the Motion for Protective Order and made a part thereof as Exhibits A-M.

In response thereto, Movants objected to the Subpoenas, but despite their objection, Movants produced a number of non-objectionable records. Plaintiffs

disagreed with Movants' contention that the records sought were protected from disclosure on various grounds. After unsuccessful attempts by Plaintiffs and Movants to resolve their discovery dispute, the Court directed the Movants to file their Motion for Protective Order to allow the parties to fully brief the issues to this Court.

On November 1, 2022, and after consideration of the Motion and accompanying Briefs, the Court entered an Order directing the Movants to produce to the Court, for in-camera inspection, certain records over which Movants had asserted objections [Doc 96]. After review of those records, the Court issued its Preliminary Ruling regarding such records.

In light of the Court's Preliminary Ruling, and in order to avoid the time, expense, and uncertainty of further litigation, the parties have reached an agreement as to such discovery dispute. The Movants and Plaintiffs having consented hereto, it is ORDERED as follows:

1. Movants shall produce (and as of February 6, 2023, have produced) to Plaintiffs the following records: LEGIS00010348; LEGIS00010349; LEGIS00010350; LEGIS00010381; LEGIS00010382; LEGIS00010827; LEGIS00010830; LEGIS00010904; LEGIS00010989; LEGIS00010404; LEGIS00010358; LEGIS00010517; LEGIS00010518; LEGIS00010522; LEGIS00010523; LEGIS00010528; LEGIS00010531; LEGIS00010548;

LEGIS00010552; LEGIS00010556; LEGIS00010560; LEGIS00010568; and LEGIS00010569.

2. Movants shall produce (and as of February 15, 2023, have produced) to Plaintiffs the record LEGIS00019244 despite their initial objections on various grounds.
3. The records identified in Exhibit “A” shall be produced (and as of February 6, 2023, have been produced) to Plaintiffs as “Highly Confidential” under the July 29, 2022, Protective Order [DOC 76]. The Court reserves any ruling as to whether the Movants’ legislative privilege should be pierced as to these records until after the close of discovery, and Movants retain the right to object to the use of such records in support of a dispositive motion or their introduction at trial.
4. Included with the records listed in Exhibit “A” are a number of records that can be accessed and viewed only with appropriate GIS (Geographic Information Systems) mapping software. Those records are identified separately in Exhibit “B.” To the extent Plaintiffs are unable to access and view these records in their native format, Movants shall produce (and as of February 6, 2023, have produced) such records to Plaintiff in PDF format. These records shall be treated as “Highly Confidential” under the July 29, 2022, Protective Order [DOC 76]. The Court reserves any ruling as to whether Movants’ legislative privilege should be pierced as to these records

until after the close of discovery, and Movants retain the right to object to the use of such records in support of a dispositive motion or their introduction at trial.

5. Plaintiffs may seek leave from the court for additional discovery and seek additional depositions necessitated by information gleaned from the documents produced pursuant to this Consent Order, including the depositions of Brian Knight, Dan O’Conner, and Rob Strangia, employees of the Legislative and Congressional Reapportionment Office, provided that such additional discovery related to information gleaned from the documents produced pursuant to this Consent Order is commenced within seven (7) days following the date of this Order. Movants may object to any such additional non-party discovery to the extent it involves any members or staff of the General Assembly. The court will resolve any disputes as to such additional discovery.

The parties having consented thereto, the agreements of the parties as referenced above are hereby made the Order of this Court. Accordingly, the Motion for Protective Order [Doc. 82] is **GRANTED in part** and **DENIED in part**.

It is so **ORDERED**, this 6th day of March, 2023.



STEVEN D. GRIMBERG Judge,
United States District Court For the Court

Exhibit A

LEGIS00010340	LEGIS00010363	LEGIS00010385	LEGIS00010406
LEGIS00010341	LEGIS00010364	LEGIS00010386	LEGIS00010407
LEGIS00010342	LEGIS00010365	LEGIS00010387	LEGIS00010408
LEGIS00010343	LEGIS00010366	LEGIS00010388	LEGIS00010409
LEGIS00010344	LEGIS00010367	LEGIS00010389	LEGIS00010410
LEGIS00010345	LEGIS00010368	LEGIS00010390	LEGIS00010411
LEGIS00010346	LEGIS00010369	LEGIS00010391	LEGIS00010412
LEGIS00010347	LEGIS00010370	LEGIS00010392	LEGIS00010413
LEGIS00010351	LEGIS00010371	LEGIS00010393	LEGIS00010414
LEGIS00010352	LEGIS00010372	LEGIS00010394	LEGIS00010415
LEGIS00010353	LEGIS00010373	LEGIS00010395	LEGIS00010416
LEGIS00010354	LEGIS00010374	LEGIS00010396	LEGIS00010417
LEGIS00010355	LEGIS00010375	LEGIS00010397	LEGIS00010418
LEGIS00010356	LEGIS00010376	LEGIS00010398	LEGIS00010419
LEGIS00010357	LEGIS00010377	LEGIS00010399	LEGIS00010420
LEGIS00010358	LEGIS00010378	LEGIS00010400	LEGIS00010421
LEGIS00010359	LEGIS00010379	LEGIS00010401	LEGIS00010422
LEGIS00010360	LEGIS00010380	LEGIS00010402	LEGIS00010423
LEGIS00010361	LEGIS00010383	LEGIS00010403	LEGIS00010424
LEGIS00010362	LEGIS00010384	LEGIS00010405	LEGIS00010425

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Exhibit B

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