

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA,  
and ROSE TORRES,

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K.  
LINNABARY, WILLIAM M. MCGUFFAGE,  
WILLIAM J. CADIGAN, KATHERINE S.  
O'BRIEN, LAURA K. DONAHUE,  
CASANDRA B. WATSON, and WILLIAM R.  
HAINE, in their official capacities as members  
of the Illinois State Board of Elections,  
EMANUEL CHRISTOPHER WELCH, in his  
official capacity as Speaker of the Illinois House  
of Representatives, the OFFICE OF SPEAKER  
OF THE ILLINOIS HOUSE OF  
REPRESENTATIVES, DON HARMON, in his  
official capacity as President of the Illinois  
Senate, and the OFFICE OF THE PRESIDENT  
OF THE ILLINOIS SENATE,

Defendants.

Case No. 1:21-cv-03139

Circuit Judge Michael B. Brennan; Chief  
Judge Jon E. DeGuilio; Judge Robert M.  
Dow, Jr.

Three-Judge Panel  
Pursuant to 28 U.S.C. § 2284(a)

**PLAINTIFFS' MOTION TO COMPEL LEGISLATIVE DEFENDANTS TO RESPOND  
TO PLAINTIFFS' DISCOVERY REQUESTS**

Plaintiffs Julie Contreras, Irvin Fuentes, Abraham Martinez, Irene Padilla, and Rose Torres (collectively, "Plaintiffs"), pursuant to Federal Rule of Civil Procedure 37(a)(3)(B) and Local Rule 37.2, respectfully move this Court for entry of an order compelling Defendants Don Harmon (in his official capacity as President of the Illinois Senate), the Office of the President of the Illinois Senate, Emanuel Christopher Welch (in his official capacity as Speaker of the Illinois House of Representatives), and the Office of the Speaker of the Illinois House of Representatives

(collectively, “Legislative Defendants”) to provide full, substantive responses to Plaintiffs’ discovery requests (as well as a privilege log, if necessary) by August 18, 2021.

### **INTRODUCTION**

“Discovery cannot be a game of hide-and-seek.” *Yahnke v. County of Kane*, 2013 U.S. Dist. LEXIS 121573, \*4 (N.D. Ill. Aug. 27, 2013) (quotation removed). Indeed, “[t]he very integrity of the civil justice system depends on compliance with the discovery rules.” *Id.* To support their malapportionment claim, Plaintiffs seek to discover information and documents from Legislative Defendants concerning the Illinois General Assembly’s redrawing of the state’s legislative districts earlier this year. The discovery sought includes but is not limited to who participated in the redistricting process, what data and programs were used, and whether the redrawn districts are, in fact, equipopulous. But instead of producing this plainly discoverable information, Legislative Defendants chose to hide behind vague, boilerplate objections, thereby forcing Plaintiffs to seek judicial intervention. Because the requested discovery is relevant and proportional to the needs of the case, this Court should call off Legislative Defendants’ game of hide-and-seek and require them to comply with the discovery rules.

### **BACKGROUND**

On July 12, 2021, Plaintiffs served Legislative Defendants with Requests for Admission (RFAs), Requests for Production (RFPs), and Interrogatories. Broadly stated, Plaintiffs sought discovery of information and documents relating to the redistricting, including but not limited to who participated in the process, what data and programs were used, and whether the redrawn districts are, in fact, equipopulous. On July 23, the Court-imposed deadline, Legislative Defendants submitted their responses and objections to Plaintiffs’ Interrogatories and RFPs. *See* Exs. A–D. Instead of responding fully and substantively to Plaintiffs’ discovery requests, Legislative Defendants repeatedly raised vague, boilerplate objections. *See id.* After receiving

Legislative Defendants’ deficient discovery responses, Plaintiffs’ counsel participated in a telephonic meet-and-confer with Legislative Defendants’ counsel on July 29, 2021. *See* Ex. E Herrera Aff. ¶ 2. To expedite discovery, Plaintiffs’ counsel agreed—without waiving any rights—to identify for Legislative Defendants the unanswered Interrogatories and Requests for Production that were the highest priority. *See id.* ¶ 4. The next day, Plaintiffs’ counsel sent Legislative Defendants’ counsel a list of high-priority discovery responses. *See id.* ¶ 5. Specifically, Plaintiffs’ counsel identified 8 out of 17 Interrogatories and 16 out of 30 RFPs as high priority. *See id.* After a week of radio silence, Plaintiffs’ counsel sent an email to Legislative Defendants’ counsel, inquiring about the status of their responses to the prioritized discovery requests. *See id.* ¶ 6. Legislative Defendants’ counsel indicated that it would submit a response by the following Monday, August 9. *See id.* August 9 came and went without a response from Legislative Defendants. Finally, on August 10, Legislative Defendants provided a two-page letter *discussing* Plaintiffs’ discovery requests but not actually *responding* to the requests with responsive information or documents. *See id.* ¶ 7. Enough is enough. Legislative Defendants’ repeated stalling and stonewalling is prejudicing Plaintiffs, exhausting the time they need to review Legislative Defendants’ responses and to schedule depositions before the discovery cutoff. Accordingly, Plaintiffs have no choice but to file the instant motion to compel.

### LEGAL STANDARD

“A party may file a motion to compel under Federal Rule of Civil Procedure 37 whenever another party fails to respond to a discovery request or when its response is insufficient.” *Sols. Team v. Oak St. Health, MSO, LLC*, 2021 U.S. Dist. LEXIS 132847, at \*6 (N.D. Ill. July 16, 2021). “In ruling on a motion to compel, the discovery standard set forth in [Federal Rule of Civil Procedure] 26(b) applies.” *Eternity Mart, Inc. v. Nature’s Sources, LLC*, 2019 U.S. Dist. LEXIS 198880, at \*4 (N.D. Ill. Nov. 15, 2019). “Rule 26(b)(1) allows ‘discovery regarding any

nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case.” *Id.* (quoting Fed. R. Civ. P. 26(b)(1)). “Once the moving party has made a preliminary showing that the discovery it seeks is relevant . . . and proportional . . . , the party opposing discovery has the burden of proving that the requested discovery should be disallowed.” *Solutions Team*, 2021 U.S. Dist. LEXIS 132847, at \*7. If that party fails to carry its burden, a court “may grant . . . the motion in whole or in part, and . . . may fashion a ruling appropriate for the circumstances of the case.” *Yahnke*, 2013 U.S. Dist. LEXIS 121573, at \*4–5 (quotation omitted).

## ARGUMENT

### I. Plaintiffs' requested discovery is relevant and proportional to the needs of the case.

Plaintiffs seek discovery of information that is relevant to their malapportionment claim and proportional to the needs of the case. In their discovery requests, Plaintiffs seek information and documents about the redistricting, including but not limited to who participated in the process, what data and programs were used, and whether the redrawn districts are, in fact, equipopulous. Specifically, Plaintiffs sought information and documents on the following topics:

- **Population data on which the redrawn districts are based.** *See, e.g.*, House Interrog. No. 2 (“What datasets did you use[] to draw, develop, or evaluate the enacted plans?”); House Interrog. No. 4 (“What datasets did you import into any programs that you used to draw, develop, or evaluate the enacted plans . . . [?]”); House Interrog. No. 5 (“What datasets did you consider using to draw the enacted plans but did not ultimately use?”).
- **Software programs used in the redistricting process.** *See, e.g.*, House Interrog. No. 3 (“What programs did you use to draw, develop, or evaluate the enacted plans?”); House RFP No. 13 (requesting “[a]ll documents relating to programs or software used for purposes of creating the enacted plans”).
- **Extent of public input in the redistricting process.** *See, e.g.*, House Interrog. No. 6 (“What public input from the Redistricting Committees' public hearings were incorporated into the enacted plans and how was that public input incorporated into the enacted plans?”); House Interrog. No. 7. (“Please identify any revisions to the draft plans based on public input from the Redistricting Committees' public hearings.”).

- **Earlier drafts of the redrawn districts and any subsequent revisions.** *See, e.g.*, House Interrog. No. 9 (“Please identify: (a) when drafts of the enacted plans were first produced; (b) how many drafts were produced in total before the final enacted plans; (c) what changes were made to which drafts and when; and (d) identify who reviewed which specific version of a draft(s) of the enacted plans and what specific changes they made.”).
- **Individuals who participated in the redistricting process and the nature of their participation.** *See, e.g.*, House Interrog. No. 10 (“Please identify any and all individuals not affiliated with you who have provided assistance in drawing the enacted plans.”); House RFP No. 12 (requesting “[a]ll documents relating to the retention of demographers or other individuals for purposes of creating the enacted plans”); House Interrog. No. 12 (“Identify each individual who proposed or determined or decided to use the 2015–2019 American Community Survey estimates and any other data used to create the enacted plans.”).
- **Apportionment of the redrawn districts.** *See, e.g.*, House Interrog. No. 11 (“What is the overall range of the enacted plans?”); RFP No. 4 (requesting “[a]ll documents relating to the overall range?”); House Interrog. No. 14 (“Do you contend that the enacted plans have an overall range of less than 10%?”); House Interrog. No. 15 (“If [so], please identify any facts, documents, or analysis supporting that contention.”).
- **Validity of the American Community Survey data.** *See, e.g.*, House Interrog. 16 (“Do you contend that all error or uncertainty in the enacted plans relating to 2015–2019 American Community Survey margins of error, confidence levels, or weighting factors is quantifiable?”); House Interrog. No. 17 (“If [so], please identify all persons, facts or documents supporting that assertion.”); House RFP No. 14 (requesting “[a]ll documents relating to the methodology used to determine or estimate or derive block level data from ACS block group data”).

Such information is plainly relevant to Plaintiffs’ malapportionment claim. “Relevance in discovery is broader than relevance at trial; during discovery, ‘a broad range of potentially useful information should be allowed’ when it pertains to issues raised by the parties’ claims.” *Harris Davis Rebar, LLC v. Structural Iron Workers Local Union No. 1, Pension Trust Fund*, 2019 U.S. Dist. LEXIS 17794, \*3 (N.D. Ill. Feb. 5, 2019) (quoting *N.L.R.B. v. Pfizer, Inc.*, 763 F.2d 887, 889–90 (7th Cir. 1985)). Accordingly, “[d]iscovery is ordinarily allowed ‘if there is any possibility that the information sought may be relevant to the subject matter of the action.’” *Belcastro v. United Airlines, Inc.*, 2019 U.S. Dist. LEXIS 65847, \*7 (N.D. Ill. Apr. 17, 2019) (quoting *In re Aircraft Disaster Near Roselawn, Ind. Oct. 31, 1994*, 172 F.R.D. 295, 303 (N.D. Ill. 1997)).

Plaintiffs’ requested discovery goes to the very heart of their malapportionment claim.

Plaintiffs challenge the General Assembly’s redistricting plan under the Equal Protection Clause, alleging that “[t]he General Assembly has failed to comply with its constitutional obligations to enact districts that are sufficiently equipopulous . . . .” Compl. ¶ 56. As the Supreme Court has explained, “the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.” *Reynolds v. Sims*, 377 U.S. 533, 577 (1964) (emphasis added). Accordingly, information and documents concerning the redistricting process—the State’s “effort to construct districts . . . as nearly of equal population as is practicable”—is relevant to determining whether Legislative Defendants complied with their constitutional obligations. *See Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections*, 2011 U.S. Dist. LEXIS 117656, at \*5, \*16–17, n.2 (N.D. Ill. Oct. 12, 2011) (allowing discovery of “[a]ll documents . . . pertaining or relating to the planning, development, negotiation, drawing, revision or re-drawing of the 2011 Map” including “all 2010 Census data used for the purpose of planning and drawing the 2011 Map” because such “objective facts” were “highly relevant” to the plaintiffs’ claim that the redrawn map “dilut[es] the voting strength of Latino voters”); *Baldus v. Members of the Wis. Gov’t Accountability Bd.*, 2011 U.S. Dist. LEXIS 142338, \*6 (E.D. Wisc. Dec. 8, 2011) (“Thus, any documents or testimony relating to how the Legislature reached its decision on the 2011 redistricting maps are relevant to the plaintiffs’ [Equal Protection] claim[ ] . . .”).

In addition to being relevant, Plaintiffs’ requested discovery is proportional to the needs of this case. “Discovery not only must be relevant to a claim or defense but also ‘proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the

proposed discovery outweighs its likely benefit.” *Doe v. Loyola Univ. Chi.*, 2020 U.S. Dist. LEXIS 12289, \*5–6 (N.D. Ill. Jan. 24, 2020) (quoting Fed. R. Civ. P. 26(b)(1)).

On balance, these factors weigh in favor of the requested discovery for four reasons. *First*, the issues at stake in this action are critically important. “[M]alapportionment claims in redistricting cases raise serious charges about the fairness and impartiality of some of the central institutions of our state government, and thus counsel in favor of allowing discovery.” *Favors v. Cuomo*, 285 F.R.D. 187, 219 (E.D.N.Y. 2012) (quotation removed); *see also Committee for a Fair & Balanced Map*, 2011 U.S. Dist. LEXIS 117656, \*26 (“There can be little doubt that plaintiffs’ allegations are serious . . . rais[ing] profound questions about the legitimacy of the redistricting process and the viability of the 2011 Map.”).

*Second*, the requested information and documents are readily accessible by Defendants, and Plaintiffs have no other way of obtaining this material. *See id.* (“The General Assembly, through its members, aides and consultants, was primarily responsible for drafting, revising and approving the 2011 Map.”); *Favors*, 285 F.R.D. at 219 (“[W]hile [the redistricting task force] has indeed produced substantial material on its website—including maps, analyses, data, and memoranda—such evidence may provide only part of the story. To the extent that the information sought by the plaintiffs relates to . . . deliberations . . . between legislators, their staffs, and retained experts, such information likely cannot be obtained by other means,” which “militates in favor of disclosure.”).

*Third*, the requested discovery is crucial to Plaintiffs’ malapportionment claim. As explained above, Plaintiffs are challenging the redrawn districts under the Equal Protection Clause. Accordingly, information and documents concerning the redistricting, including but not limited to who participated in the process, what data and programs were used, and whether the redrawn

districts are, in fact, equipopulous, are central to Plaintiffs’ constitutional challenge. *See Committee for a Fair & Balanced Map*, 2011 U.S. Dist. LEXIS 117656, \*26 (“The General Assembly[’s] . . . actions are under scrutiny. . . . [T]he decisionmaking process itself *is* the case”) (cleaned up); *Favors*, 285 F.R.D. at 219–220 (“[I]nsofar as the central issues in this case ask whether the Senate Majority failed to make an ‘honest and good faith’ effort to create equipopulous districts, or otherwise violated the Equal Protection Clause . . . the subjective decision-making process remains at the core of the plaintiffs’ claims.”).

*Fourth*, the likely benefit of having the requested discovery far outweighs the burden on Legislative Defendants. The information and documents that Plaintiffs seek are necessary to determine whether the districts are malapportioned—a determination that must be made far enough ahead of the 2022 elections to allow, if necessary, for the districts to be redrawn. *See Nat’l Urban League v. Ross*, 2020 U.S. Dist. LEXIS 233600, \*12 (N.D. Cal. Dec. 10, 2020) (concluding that “[t]he likely benefit of the proposed discovery significantly outweighs the expense” because “[w]ithout the proposed discovery, the parties and the Court would lack the information needed to timely resolve this case before the Secretary transmits redistricting data to the states, and the states redistrict pursuant to their statutory or constitutional deadlines”).

**II. Legislative Defendants have failed to meaningfully respond to Plaintiffs’ discovery requests.**

Instead of responding to Plaintiffs’ discovery requests (or at least providing substantive explanations for why no response is required), Legislative Defendants have refused to answer virtually all of Plaintiffs’ discovery requests, hiding behind vague, boilerplate objections. Such stalling and stonewalling is against the letter and the spirit of the discovery rules, and the Court should therefore order Legislative Defendants to provide full, substantive responses to Plaintiffs’ discovery requests, as well as a privilege log.



**A. Legislative Defendants have failed to provide fulsome responses to Plaintiffs' discovery requests.**

By ducking Plaintiffs' discovery requests, Legislative Defendants have failed to satisfy their discovery obligations. "When discovery requests are made by a party, the party to whom the request is made has an obligation to respond accurately and fully." *Yahnke*, 2013 U.S. Dist. LEXIS 121573, \*4 (quotation omitted). Specifically, Federal Rule of Civil Procedure 33 provides that "[e]ach interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath." Fed. R. Civ. P. 33(b)(3) (emphasis added). And if the responding party objects to an interrogatory, "the ground for objecting must be stated with specificity." Fed. R. Civ. P. 33(b)(4) (emphasis added). The obligation is substantially the same for responses to Requests for Production. *See* Fed. R. Civ. P. 34 (b)(2). "[G]eneral objections that recite boilerplate language without explanation of how they apply to specific discovery requests do not meet this burden." *Fralish v. Deliver Tech., LLC*, 2021 U.S. Dist. LEXIS 143822, \*11 (N.D. Ind. Aug. 2, 2021).

Legislative Defendants have not fulfilled their discovery obligations. Legislative Defendants did not submit a single, substantive response to any of Plaintiffs' Interrogatories;<sup>1</sup> instead, they asserted boilerplate objections on a variety of grounds, including relevance, vagueness, and privilege. The following example illustrates Legislative Defendants' rebuffing of Plaintiffs' reasonable discovery requests:

INTERROGATORY NO. 2: What datasets did you used to draw, develop, or evaluate the enacted plans?

RESPONSE TO INTERROGATORY NO. 2: Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided

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<sup>1</sup> Furthermore, the only substantive responses that Legislative Defendants made to Plaintiffs' RFPs were to indicate that they did not possess responsive documents to RFPs Nos. 29 and 30.

by law. Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “draw,” “develop”, and “evaluate.”

House Defs.’ Resp. to Pls.’ Interrog. No. 5.

But Legislative Defendants did not explain how these objections apply to the specific discovery requests, and the objections are therefore inadequate. *See Novelty, Inc. v. Mt. View Mktg.*, 265 F.R.D. 370, 375 (S.D. Ind. 2009) (“General objections made without elaboration, whether placed in a separate section or repeated by rote in response to each requested category, are not ‘objections’ at all—and will not be considered”); *Burkybile v. Mitsubishi Motors Corp.*, 2006 U.S. Dist. LEXIS 57892, \*20 (N.D. Ill. Aug. 2, 2006) (“Th[e] burden cannot be met by a reflexive invocation of the same baseless, often abused litany that the requested discovery is ‘vague, ambiguous, overly broad, unduly burdensome’ or that it is ‘neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.’”). Accordingly, Legislative Defendants have not met their discovery obligations.

**B. Legislative Defendants have failed to produce a privilege log.**

Legislative Defendants have also fallen short of fulfilling their discovery obligations by failing to produce a privilege log or even properly assert privilege. Rule 26(b)(5)(A) requires a party asserting a privilege as the basis for withholding responsive documents to produce a privilege log identifying those documents. *See Fed. R. Civ. P. 26(b)(5)(A)* (“When a party withholds information otherwise discoverable by claiming that the information is privileged,” the party must “expressly make the claim” and “describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.”). “Compliance with Rule 26(b)(5)(A) is not optional.” *Rossmann v. EN Engineering, LLC*, 335 F.R.D. 171, 172–73 (N.D. Ill. 2020). And courts have consistently ordered parties to produce

privilege logs in redistricting cases. *See, e.g., Committee for a Fair & Balanced Map*, 2011 U.S. Dist. LEXIS 117656, \*38 (“All documents withheld as privileged under this order shall be identified in a privilege log that contains (1) the name and capacity of each individual from whom or to whom a document was communicated; (2) the date of the document and attachments; (3) the type of document; (4) Bates number identification; and (5) a description of the subject matter in sufficient detail to allow the receiving parties to determine whether the privilege claim should be challenged.”); *Raleigh Wake Citizens Ass’n v. Wake Cnty. Bd. of Elections*, 2015 U.S. Dist. LEXIS 162301, \*4 (E.D.N.C. Dec. 3, 2015) (“[T]he court denies the motion to quash to the extent it seeks to bar the production of a privilege log and orders the legislative movants to file a privilege log,” which “will enable the court to determine whether legislative privilege or state law protects the legislative movants from producing the requested documents.”).

Legislative Defendants object to nearly all of Plaintiffs’ discovery requests on privilege grounds. *See, e.g.,* Defs.’ Resps. to Pls.’ First Set of RFPs (repeatedly asserting that “Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.”). However, Legislative Defendants have failed to identify which privilege they are asserting—let alone produce a privilege log that would allow the Court to determine whether the withheld documents are, in fact, privileged. Accordingly, Legislative Defendants have failed to comply with Rule 26(b)(5)(A), and the Court should order Defendants to produce a privilege log.

### **CONCLUSION**

For the reasons above, Plaintiffs respectfully request that this Court enter an order compelling Legislative Defendants to provide fulsome, substantive responses to all of Plaintiffs’ discovery requests by August 18, 2021. And to the extent Legislative Defendants still wish to

withhold or redact documents, materials, or information on privilege grounds, Plaintiffs ask that the Court direct Legislative Defendants to produce a privilege log on that date identifying (1) the name and capacity of each individual from whom or to whom a document was communicated; (2) the date of the document and attachments; (3) the type of document; (4) Bates number identification; and (5) a description of the subject matter in sufficient detail to allow the receiving parties to determine whether the privilege claim should be challenged.

Dated: August 11, 2021

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 11, 2021, a copy of the above Plaintiffs' Motion to Compel Legislative Defendants to Respond to Plaintiffs' Discovery Requests was filed electronically in compliance with Local Rule 5.9. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing.

/s/ Griselda Vega Samuel  
*Attorney for Plaintiffs*

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA,  
and ROSE TORRES,

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K.  
LINNABARY, WILLIAM J. CADIGAN,  
LAURA K. DONAHUE, WILLIAM R. HAINE,  
WILLIAM M. MCGUFFAGE, KATHERINE S.  
O'BRIEN, and CASANDRA B. WATSON in  
their official capacities as members of the  
Illinois State Board of Elections, DON  
HARMON, in his official capacity as President  
of the Illinois Senate, and THE OFFICE OF  
THE PRESIDENT OF THE ILLINOIS  
SENATE, EMANUEL CHRISTOPHER  
WELCH, in his official capacity as Speaker of  
the Illinois House of Representatives, and the  
OFFICE OF THE SPEAKER OF THE  
ILLINOIS HOUSE OF REPRESENTATIVES,

Defendants.

Case No. 1:21-CV-03139

Circuit Judge Michael B. Brennan  
Chief Judge Jon E. DeGuilio  
Judge Robert M. Dow, Jr.,  
Three-Judge Court  
Pursuant to 28 U.S.C. § 2284(a)

**DEFENDANTS WELCH AND  
OFFICE OF THE SPEAKER OF THE  
ILLINOIS HOUSE OF  
REPRESENTATIVES' OBJECTIONS  
AND RESPONSES TO PLAINTIFFS'  
FIRST SET OF INTERROGATORIES**

**PROPOUNDING PARTY:** Julie Contreras, Irvin Fuentes, Abraham Martinez, Irene Padilla, and Rose Torres

**RESPONDING PARTY:** Emanuel Christopher Welch and Office of the Speaker of the Illinois House of Representatives

**SET NUMBER:** One (Nos. 1-17)

**PRELIMINARY STATEMENT**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants Emanuel Christopher Welch, in his official capacity as Speaker of the Illinois House of Representatives, and the Office of the Speaker of the Illinois House of Representatives

(“Defendants”), hereby submit their responses and objections to Plaintiffs’ Julie Contreras, Irvin Fuentes, Abraham Martinez, Irene Padilla, and Rose Torres (“Plaintiffs”) First Set of Interrogatories dated July 12, 2021 (the “Interrogatories”).

The responses to these Interrogatories are prepared based on information known to the Defendants as of the date of these responses. Defendants reserve the right to make use of or introduce into evidence at the trial of this matter any information disclosed or developed through investigation or discovery subsequent to the date of these responses. Defendants reserve the right to correct, amend, or supplement these responses should it become aware of any inadvertent omission, error, or additional information that they may subsequently discover and determine to be relevant.

Defendants will make reasonable efforts to respond to every Interrogatory to the extent that it has not been objected to and to the extent that Defendants understand the Interrogatory. If Plaintiffs subsequently assert an interpretation of an Interrogatory which differs from that given to it by Defendants, then Defendants reserve the right to correct, amend or supplement their objections and responses, as necessary.

The fact that Defendants have responded to any specific Interrogatory does not indicate that information responsive to that Interrogatory actually exists or ever existed. Defendants may provide information they believe may be responsive to a particular Interrogatory and reserve the right to assert subsequently that such information is not of the type called for by any particular Interrogatory.

Any responses Defendants provide to these Interrogatories are subject to the Parties’ agreement to be bound by the terms of a negotiated stipulated protective order approved by the Court. Defendants hereby designate any responses to these Interrogatories as CONFIDENTIAL,



and reserve the right to designate them as HIGHLY CONFIDENTIAL, under the terms of such protective order. Defendants reserve all of their rights and applicable objections with respect to their private, confidential, or other similarly protected materials.

In responding to the Interrogatories, Defendants do not concede that any of the information requested or provided is relevant, material, or admissible in evidence. Defendants reserve the right to challenge on evidentiary grounds any information provided in response to the Interrogatories.

### **GENERAL OBJECTIONS**

The following General Objections are hereby incorporated by reference with the same force and effect as if fully set forth in the specific response and objections to each Interrogatory.

1. Defendants object to the Interrogatories to the extent they impose any requirement or discovery obligation other than or beyond that set forth in the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Northern District of Illinois, or any other applicable rules.

2. Defendants object to the Interrogatories to the extent they purport to call for production of information protected from disclosure by the attorney-client privilege, the work product doctrine, the right to privacy, or any other legally-cognizable privilege or immunity. Defendants hereby claim such privileges, immunities, and protections to the extent implicated by the Interrogatories. Defendants will exclude privileged and protected information when responding to the Interrogatories. Nothing contained in Defendants' responses are intended to be, or in any way shall be deemed to be, a waiver of any such applicable privilege, immunity, or protection. Any disclosure of such protected or privileged information is inadvertent and is not intended to waive those privileges, immunities, or protections or any other ground for objection

to discovery or use of any such document.

3. Defendants object to the Interrogatories on the ground that they seek information of a confidential nature. Defendants reserve the right to redact any confidential information that is not relevant to the subject matter of this action or not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendants object to the Interrogatories to the extent that they seek information or material that is not relevant to the subject matter of this action, not admissible at trial, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense.

5. Defendants object to the Interrogatories to the extent that they are overly broad, unduly burdensome, or seek information not reasonably limited in time or scope.

6. Defendants object to the Interrogatories to the extent they seek information subsequent to the **date of the enactment of Public Act 102-0010**. Such information is not relevant to the claims at issue, and to the extent any such information may be relevant, it is protected from disclosure by the attorney-client privilege, the work product doctrine, legislative privilege, or other legally-cognizable privilege or immunity. Defendants decline to provide any responses regarding or reflecting knowledge acquired by Defendants after June 4, 2021.

7. Defendants object to the Interrogatories to the extent that they may be construed as calling for information and/or the identification of information subject to Defendants' or third parties' rights of privacy and/or confidentiality.

8. Defendants object to the Interrogatories to the extent they seek information not within their possession, custody, or control.

9. Defendants object to the Interrogatories to the extent that they call for, or can be

interpreted as calling for, legal conclusions.

10. Defendants object to the Interrogatories to the extent they are premature.

11. Defendants object to the Interrogatories to the extent they should count as separate interrogatories pursuant to Federal Rules of Civil Procedure. Defendants reserve the right to object to further interrogatories from Plaintiffs in excess of the number provided for by Federal Rule of Civil Procedure 33(a)(1) or by the Court in any order.

12. Defendants are willing to meet and confer regarding the proper scope and timing of discovery.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to each paragraph of the “Definitions” section to the extent the definitions purportedly set forth therein would: (a) expand the definition of a term beyond its ordinary use in the English language; (b) create an undue burden for Defendants when propounding their responses and objections to the Interrogatories; and/or (c) impose obligations on Defendants that exceed, or are inconsistent with, the obligations imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of Illinois, or other applicable law.

2. Defendants object to the definition of “You” and “Your” as overly broad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense, and outside the scope of a permissible inquiry. Defendants further object to the extent that this definition would cause any Interrogatory to require the production of documents or information from entities or individuals other than Defendants.

3. Defendants object to the definition of “AMERICAN COMMUNITY SURVEY” as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at

issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

4. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

5. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY ONE-YEAR ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

6. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY FIVE-YEAR ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

7. Defendants object to the definition of "DATASET" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

**SPECIFIC RESPONSES AND OBJECTIONS**

**INTERROGATORY NO. 1:**

Please identify any and all persons who assisted or participated in answering these interrogatories, or who participated in any way in preparing responses to or responding to all of Plaintiffs' requests to admit and requests for document production.

**RESPONSE TO INTERROGATORY NO. 1:**

Defendants object to the extent this Interrogatory is protected by attorney-client privilege or work product protection. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1).

**INTERROGATORY NO. 2:**

What datasets did you used to draw, develop, or evaluate the enacted plans?

**RESPONSE TO INTERROGATORY NO. 2:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "draw," "develop", and "evaluate."

**INTERROGATORY NO. 3:**

What programs did you use to draw, develop, or evaluate the enacted plans?

**RESPONSE TO INTERROGATORY NO. 3:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "programs," "draw," "develop", and "evaluate."

**INTERROGATORY NO. 4:**

What datasets did you import into any programs that you used to draw, develop, or evaluate the enacted plans, including but not limited to datasets imported into programs before, during, or after the creation of the enacted plans and datasets in any way related to the enacted plans.

**RESPONSE TO INTERROGATORY NO. 4:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2, among others. Defendants also object to this Interrogatory on the

grounds that it is vague, ambiguous, and undefined, including as to the terms “programs,” “draw,” “develop”, and “evaluate.”

**INTERROGATORY NO. 5:**

What datasets did you consider using to draw the enacted plans but did not ultimately use?

**RESPONSE TO INTERROGATORY NO. 5:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2 and Interrogatory No. 4, among others. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “consider” and “draw.”

**INTERROGATORY NO. 6:**

What public input from the Redistricting Committees’ public hearings were incorporated into the enacted plans and how was that public input incorporated into the enacted plans?

**RESPONSE TO INTERROGATORY NO. 6:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal

Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to this Interrogatory to the extent it seeks information protected by legislative privilege or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "public input," and "incorporated." Defendants also object to this Interrogatory to the extent it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 7:**

Please identify any revisions to the draft plans based on public input from the Redistricting Committees' public hearings.

**RESPONSE TO INTERROGATORY NO. 7:**

Defendants object to this Interrogatory to the extent it seeks information protected by legislative privilege or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "draft plans" and "public input."

**INTERROGATORY NO. 8:**

What do you consider to be traditional redistricting principles for drawing and enacting legislative plans in the State of Illinois?

**RESPONSE TO INTERROGATORY NO. 8:**

Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and



undefined, including as to the terms and phrases “traditional redistricting principles” and “legislative plans.” Defendants object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 9:**

Please identify:

- (a) when drafts of the enacted plans were first produced;
- (b) how many drafts were produced in total before the final enacted plans;
- (c) what changes were made to which drafts and when; and
- (d) identify who reviewed which specific version of a draft(s) of the enacted plans and what specific changes they made.

**RESPONSE TO INTERROGATORY NO. 9:**

Defendants object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal Rules’ prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants object to this Interrogatory to the extent it seeks information protected by legislative privilege or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “drafts,” “produced,” “changes,” and “reviewed.”

**INTERROGATORY NO. 10:**

Please identify any and all individuals not affiliated with you who have provided assistance in drawing the enacted plans.

**RESPONSE TO INTERROGATORY NO. 10:**

Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants further object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “affiliated” and “assistance.” Defendants object to this Interrogatory on the grounds that it is unduly burdensome and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense.

**INTERROGATORY NO. 11:**

What is the overall range of the enacted plans?

**RESPONSE TO INTERROGATORY NO. 11:**

Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants object to this Interrogatory on the grounds that it is vague and ambiguous, including as to the terms “enacted plans.” Defendants also object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 12:**

Identify each individual who proposed or determined or decided to use the 2015-2019

American Community Survey estimates and any other data used to create the enacted plans.

**RESPONSE TO INTERROGATORY NO. 12:**

Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "proposed," "determined," "decided," and "data."

**INTERROGATORY NO. 13:**

What criteria or other datasets did the individuals who decided to use 2015-2019 American Community Survey data consider before deciding to use 2015-2019 American Community Survey estimates?

**RESPONSE TO INTERROGATORY NO. 13:**

Defendants object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2 and Interrogatory No. 5, among others. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it assumes an unsubstantiated premise. Defendants further object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "criteria," "consider," and "deciding." Defendants also object to this Interrogatory to the extent it seeks information that is

publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 14:**

Do you contend that the enacted plans have an overall range of less than 10%?

**RESPONSE TO INTERROGATORY NO. 14:**

Defendants object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 11, among others. Defendants object to this Interrogatory on the grounds that it is vague and ambiguous. Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses.

**INTERROGATORY NO. 15:**

If you contend that the enacted plans have an absolute range of less than 10%, please identify any facts, documents, or analysis supporting that contention.

**RESPONSE TO INTERROGATORY NO. 15:**

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms and phrase "absolute range." Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories

for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to the extent that this Interrogatory is overbroad as to subject matter and time, and unduly burdensome. Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 16:**

Do you contend that all error or uncertainty in the enacted plans relating to 2015-2019 American Community Survey margins of error, confidence levels, or weighting factors is quantifiable?

**RESPONSE TO INTERROGATORY NO. 16:**

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "error" and "uncertainty." Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to the extent that this Interrogatory is overbroad as to subject matter and time and unduly burdensome. Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its

answers as discovery progresses. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 17:**

If you contend that all error or uncertainty in the enacted plans relating to 2015-2019 American Community Survey margins of error, confidence levels, or weighting factors is quantifiable, please identify all persons, facts or documents supporting that assertion.

**RESPONSE TO INTERROGATORY NO. 17:**

Defendants object to this Interrogatory on the grounds that it is vague and ambiguous. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to the extent that this Interrogatory is overbroad as to subject matter and time, and unduly burdensome. Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law.

Dated: July 23, 2021

Michael J. Kasper  
151 N. Franklin Street  
Suite 2500

Respectfully submitted,  
/s/ Adam R. Vaught

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# **EXHIBIT B**



**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA, and  
ROSE TORRES

Plaintiffs,

v.

Case No. 1:21-cv-3139

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K. LINNABARY,  
WILLIAM J. CADIGAN, LAURA K. DONAHUE,  
WILLIAM R. HAINE, WILLIAM M.  
MCGUFFAGE, KATHERINE S. O'BRIEN, and  
CASANDRA B. WATSON in their official  
capacities as members of the Illinois State Board of  
Elections, DON HARMON, in his official capacity  
as President of the Illinois Senate, and THE OFFICE  
OF THE PRESIDENT OF THE ILLINOIS  
SENATE, EMANUEL CHRISTOPHER  
WELCH, in his official capacity as Speaker of the  
Illinois House of Representatives, and the OFFICE  
OF THE SPEAKER OF THE ILLINOIS HOUSE  
OF REPRESENTATIVES,

Defendants.

**DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF  
REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants Emanuel Christopher Welch, in his official capacity as Speaker of the Illinois House of Representatives, and the Office of the Speaker of the Illinois House of Representatives by and through their counsel Michael J. Kasper, Power Rogers, LLP, Hinshaw & Culbertson, LLP, Heather Wier Vaught, P.C., and Sean Berkowitz, Latham & Watkins, LLP, hereby submit their objections and responses to Plaintiffs First Set of Requests for Production, dated July 12, 2021:

### **PRELIMINARY STATEMENT**

The responses set forth below are based upon a reasonable and diligent search of the information and documents presently in the possession of Defendants, and except for explicit acts stated herein, no incidental or implied admissions are intended. These responses are provided without prejudice to Defendants' right to modify, amend or supplement these responses if additional facts or information come to its attention in the course of Defendants' continuing investigation. This reservation, however, is not to be construed as an undertaking by Defendants of an affirmative duty to change or supplement these responses, except as otherwise required by law or the Federal Rules of Civil Procedure. The fact that Defendants have responded to one or more of the Requests is not intended and shall not be construed as a waiver of all or any part of any objection to any such Request. By making these responses, Defendants do not concede that the information sought is relevant or reasonably calculated to lead to the discovery of admissible evidence.

### **GENERAL OBJECTIONS**

1. Defendants object to the definitions and instructions set forth in the Requests on the grounds that those definitions and instructions call for a legal conclusion or purport to impose obligations on Defendants that exceed the obligations imposed upon a responding party under the Federal Rules of Civil Procedure and/or other applicable law.
2. Defendants further object to the Requests on the grounds that they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, the common interest privilege, the protections afforded by Federal Rule of Civil Procedure 26(b)(4)(B) and/or any other applicable privilege, doctrine or protection.
3. Defendants further object to the Requests on the grounds that they are unduly burdensome, vague, ambiguous and/or incapable of reasonable ascertainment.

4. Defendants further object to the Requests on the grounds that they are overly broad, seek information not reasonably limited in time or scope and/or would require undue expense to answer.

5. Defendants further object to the Requests on the grounds that they seek information that is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

6. Defendants further object to the Requests on the grounds that they assume facts not in evidence and/or facts that do not exist or are otherwise incorrect.

7. Defendants further object to the Requests on the grounds that they seek information which is equally available to Plaintiffs in the public domain or available from sources other than Defendants, or that is equally available to or already in the possession, custody or control of Plaintiffs or their attorneys and for which the burden on Plaintiffs to obtain the information is no greater than the burden on Defendants.

8. Defendants further object to the Requests on the grounds that they are cumulative and/or duplicative.

9. Defendants further object to the Requests on the grounds that they seek information and identification of facts not in the possession, custody or control of Defendants and/or in the possession, custody or control of non-parties.

10. Defendants further object to the Requests on the grounds that they seek the confidential information of third parties that Defendants is under an obligation to not disclose.

11. Defendants further object to the Requests on the grounds that they purport to require production of “all” documents under circumstances in which a subset of all documents would be sufficient to show the relevant information, on the grounds that such requests for

production of “all” documents are overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants cannot, and do not, represent that they will or can locate and produce “all” requested documents following a reasonable search for responsive documents in their possession, custody or control.

12. Defendants interpret each Request as intending to exclude from its scope correspondence between Defendants’ personnel or representatives and their counsel. If this interpretation is not correct, Defendants object to identifying and/or producing such correspondence on the grounds of the attorney-client privilege, attorney work product, and that such identification or production is not reasonably likely to lead to the discovery of admissible evidence and poses undue burden and expense.

13. Defendants further object to the Requests on the grounds that they seek confidential information. Such information, to the extent it is not privileged or otherwise objectionable, will be provided pursuant to protective order.

14. No response to these Requests by Defendants shall be deemed to constitute any agreement or concession that the subject matter thereof is relevant to this action, and any information provided by Defendants shall be made without in any way waiving or intending to waive any objection thereto, including but not limited to relevance, privilege or admissibility.

15. Any response stating that Defendants will produce responsive documents does not indicate that such documents in fact exist but only that Defendants will produce—subject to and without waiving its other objections—such non-privileged, non-work product documents in their possession, custody, and/or control as may be located after a reasonable, good faith search, without undue burden, and in accordance with the response.

16. Defendants expressly reserves the right to modify, amend or supplement their responses to the Requests.

17. Each of the foregoing General Objections shall be deemed to apply to Defendants' specific objections and responses set forth below, notwithstanding the fact that Defendants have responded to all or part of any Request.

### **DOCUMENT REQUESTS**

#### **REQUEST NO. 1:**

All documents relating to the development, creation, revision, or purpose of the enacted plans.

#### **RESPONSE TO REQUEST NO. 1:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to the extent that this Request is overbroad as to subject matter and time, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

#### **REQUEST NO. 2:**

All documents relating to the development, creation, revision, or purpose of previous drafts of the enacted plans.

#### **RESPONSE TO REQUEST NO. 2:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not

reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 3:**

All documents relating to the potential or actual use of 2015-19 AMERICAN COMMUNITY SURVEY ESTIMATES in the enacted plans.

**RESPONSE TO REQUEST NO. 3:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 4:**

All documents relating to the overall range of the enacted plans.

**RESPONSE TO REQUEST NO. 4:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 5:**

All documents relating to the calculation of ideal population for Illinois House districts under the enacted plans.

**RESPONSE TO REQUEST NO. 5:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 6:**

All documents relating to the calculation of total population of each Illinois House district under the enacted plans.

**RESPONSE TO REQUEST NO. 6:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this

Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 7:**

All documents relating to the total population of Illinois and its use in the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 7:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 8:**

All documents relating to the demographic composition of each House district.

**RESPONSE TO REQUEST NO. 8:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this



Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 9:**

All documents relating to the partisan composition of each House district.

**RESPONSE TO REQUEST NO. 9:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 10:**

All documents relating to the use of all data other than 2015-2019 American Community Survey estimates in the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 10:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 11:**

All documents relating to datasets used, considered, evaluated or consulted in the creation, development, negotiation, or evaluation of the enacted plans, previous versions of the enacted plans, or other legislative redistricting plans not ultimately enacted, including but not

limited to documents relating to 2015-19 American Community Survey data, P.L. 94-171 data, election data, or data relating to partisan affiliation or voting history.

**RESPONSE TO REQUEST NO. 11:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 12:**

All documents relating to the retention of demographers or other individuals for purposes of creating the enacted plans.

**RESPONSE TO REQUEST NO. 12:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 13:**

All documents relating to programs or software used for purposes of creating the enacted plans.

**RESPONSE TO REQUEST NO. 13:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to

the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 14:**

All documents relating to the methodology used to determine or estimate or derive block level data from ACS block group data, including any disaggregation methodology.

**RESPONSE TO REQUEST NO. 14:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 15:**

All documents relating to the methodology used to derive the total population of each of the Illinois House districts under the enacted plans.

**RESPONSE TO REQUEST NO. 15:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 16:**

All documents relating to the specific programs used to derive the total population of each of the Illinois House districts under the enacted plans.

**RESPONSE TO REQUEST NO. 16:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 16:**

All documents relating to the margin of error of the total populations of each Illinois House district.

**RESPONSE TO REQUEST NO. 16:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 17:**

All documents relating to weighting factors and potential errors or uncertainty in the enacted plans caused by weighting factors.

**RESPONSE TO REQUEST NO. 17:**

Defendants object to this Request on the ground that it is vague and ambiguous and undefined as to phrase “potential errors or uncertainty”. Defendants also object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 18:**

All documents relating to the U.S. Census Bureau’s Population Estimates Program.

**RESPONSE TO REQUEST NO. 18:**

Defendants also object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 19:**

All documents relating to confidence levels and potential errors or uncertainty in the enacted plans caused by confidence levels.

**RESPONSE TO REQUEST NO. 19:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited

in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 20:**

All documents relating to margins of error and potential errors or uncertainty in the enacted plans caused by margins of error.

**RESPONSE TO REQUEST NO. 20:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 21:**

All documents relating to the potential or actual criteria, including but not limited to traditional redistricting criteria, used, or considered to guide the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 21:**

Defendants object to the Request on the grounds that they seek information or material that is overly broad, seek information not reasonably limited in time or scope, and are not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants also object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**REQUEST NO. 22:**

All documents relating to the potential or actual use of all community feedback from House Redistricting Committee public hearings in the enacted plans.

**RESPONSE TO REQUEST NO. 22:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 23:**

All documents relating to any and all standards, practices, or protocols used to draw the enacted plans.

**RESPONSE TO REQUEST NO. 23:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 24:**

All documents relating to the person(s) responsible for developing and implementing redistricting standards, practices, or protocols for drawing the enacted plans.

**RESPONSE TO REQUEST NO. 24:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 25:**

All documents relating to communications between you and Kimball Brace concerning the use of 2015-19 ACS data for General Assembly redistricting plans.

**RESPONSE TO REQUEST NO. 25:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.



**REQUEST NO. 27:**

All documents relating to communications between officers and staff of the Office of the Speaker of the Illinois House of Representatives and Kimball Brace concerning the use of 2015-19 ACS data for General Assembly redistricting plans.

**RESPONSE TO REQUEST NO. 27:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 28:**

All documents relating to communications between you and the Illinois House Democratic Caucus concerning the drafting of the enacted plans.

**RESPONSE TO REQUEST NO. 28:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 29:**

Documents relating to communications between you and Senate redistricting chair Omar Aquino.

**RESPONSE TO REQUEST NO. 29:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 30:**

Documents relating to communications between officers and staff of the Office of the President of the Illinois Senate and House redistricting chair Elizabeth Hernandez.

**RESPONSE TO REQUEST NO. 30:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

Dated: July 23, 2021

Respectfully submitted,  
/s/ Adam R. Vaught

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# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA,  
and ROSE TORRES,

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K.  
LINNABARY, WILLIAM J. CADIGAN,  
LAURA K. DONAHUE, WILLIAM R. HAINE,  
WILLIAM M. MCGUFFAGE, KATHERINE S.  
O'BRIEN, and CASANDRA B. WATSON in  
their official capacities as members of the  
Illinois State Board of Elections, DON  
HARMON, in his official capacity as President  
of the Illinois Senate, and THE OFFICE OF  
THE PRESIDENT OF THE ILLINOIS  
SENATE, EMANUEL CHRISTOPHER  
WELCH, in his official capacity as Speaker of  
the Illinois House of Representatives, and the  
OFFICE OF THE SPEAKER OF THE  
ILLINOIS HOUSE OF REPRESENTATIVES,

Defendants.

Case No. 1:21-CV-03139

Circuit Judge Michael B. Brennan  
Chief Judge Jon E. DeGuilio  
Judge Robert M. Dow, Jr.,  
Three-Judge Court  
Pursuant to 28 U.S.C. § 2284(a)

**DEFENDANTS HARMON AND  
OFFICE OF THE PRESIDENT OF  
THE ILLINOIS SENATES'  
OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' FIRST SET OF  
INTERROGATORIES**

**PROPOUNDING PARTY:** Julie Contreras, Irvin Fuentes, Abraham Martinez, Irene Padilla, and Rose Torres

**RESPONDING PARTY:** Don Harmon and the Office of the President of the Illinois Senate

**SET NUMBER:** One (Nos. 1-17)

**PRELIMINARY STATEMENT**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants Don Harm, in his official capacity as President of the Illinois Senate, and the Office of the President of the Illinois Senate ("Defendants"), hereby submit their responses and objections to Plaintiffs'

Julie Contreras, Irvin Fuentes, Abraham Martinez, Irene Padilla, and Rose Torres (“Plaintiffs”) First Set of Interrogatories dated July 12, 2021 (the “Interrogatories”).

The responses to these Interrogatories are prepared based on information known to the Defendants as of the date of these responses. Defendants reserve the right to make use of or introduce into evidence at the trial of this matter any information disclosed or developed through investigation or discovery subsequent to the date of these responses. Defendants reserve the right to correct, amend, or supplement these responses should it become aware of any inadvertent omission, error, or additional information that they may subsequently discover and determine to be relevant.

Defendants will make reasonable efforts to respond to every Interrogatory to the extent that it has not been objected to and to the extent that Defendants understand the Interrogatory. If Plaintiffs subsequently assert an interpretation of an Interrogatory which differs from that given to it by Defendants, then Defendants reserve the right to correct, amend or supplement their objections and responses, as necessary.

The fact that Defendants have responded to any specific Interrogatory does not indicate that information responsive to that Interrogatory actually exists or ever existed. Defendants may provide information they believe may be responsive to a particular Interrogatory and reserve the right to assert subsequently that such information is not of the type called for by any particular Interrogatory.

Any responses Defendants provide to these Interrogatories are subject to the Parties’ agreement to be bound by the terms of a negotiated stipulated protective order approved by the Court. Defendants hereby designate any responses to these Interrogatories as CONFIDENTIAL, and reserves the right to designate them as HIGHLY CONFIDENTIAL, under the terms of such

protective order. Defendants reserve all of their rights and applicable objections with respect to its private, confidential, or other similarly protected materials.

In responding to the Interrogatories, Defendants do not concede that any of the information requested or provided is relevant, material, or admissible in evidence. Defendants reserve the right to challenge on evidentiary grounds any information provided in response to the Interrogatories.

### **GENERAL OBJECTIONS**

The following General Objections are hereby incorporated by reference with the same force and effect as if fully set forth in the specific response and objections to each Interrogatory.

1. Defendants object to the Interrogatories to the extent they impose any requirement or discovery obligation other than or beyond that set forth in the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Northern District of Illinois, or any other applicable rules.

2. Defendants object to the Interrogatories to the extent they purport to call for production of information protected from disclosure by the attorney-client privilege, the work product doctrine, the right to privacy, or any other legally-cognizable privilege or immunity. Defendants hereby claim such privileges, immunities, and protections to the extent implicated by the Interrogatories. Defendants will exclude privileged and protected materials when responding to the Interrogatories. Nothing contained in Defendants' response is intended to be, or in any way shall be deemed to be, a waiver of any such applicable privilege, immunity, or protection. Any disclosure of such protected or privileged information is inadvertent and is not intended to waive those privileges, immunities, or protections or any other ground for objection to discovery

or use of any such document.

3. Defendants object to the Interrogatories on the ground that they seek information of a confidential nature. Defendants reserve the right to redact any confidential information that is not relevant to the subject matter of this action or not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendants object to the Interrogatories to the extent that they seek information or material that is not relevant to the subject matter of this action, not admissible at trial, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense.

5. Defendants object to the Interrogatories to the extent that they are overly broad, unduly burdensome, or seek information not reasonably limited in time or scope.

6. Defendants object to the Interrogatories to the extent they seek information subsequent to the date of the enactment of Public Act 102-0010. Such information is not relevant to the claims at issue, and to the extent any such information may be relevant, it is protected from disclosure by the attorney-client privilege, the work product doctrine, legislative privilege, or other legally-cognizable privilege or immunity. Defendants decline to provide any responses regarding or reflecting knowledge acquired by Defendants after June 4, 2021.

7. Defendants object to the Interrogatories to the extent that they may be construed as calling for information and/or the identification of information subject to Defendants' or third parties' rights of privacy and/or confidentiality.

8. Defendants object to the Interrogatories to the extent they seek information not within their possession, custody, or control.

9. Defendants object to the Interrogatories to the extent that they call for, or can be



interpreted as calling for, legal conclusions.

10. Defendants object to the Interrogatories to the extent they are premature.

11. Defendants object to the Interrogatories to the extent they should count as separate interrogatories pursuant to Federal Rule of Civil Procedure. Defendants reserve the right to object to further interrogatories from Plaintiffs in excess of the number provided for by Federal Rule of Civil Procedure 33(a)(1) or by the Court in any order.

12. Defendants are willing to meet and confer regarding the proper scope and timing of discovery.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to each paragraph of the “Definitions” section to the extent the definitions purportedly set forth therein would: (a) expand the definition of a term beyond its ordinary use in the English language; (b) create an undue burden for Defendants when propounding their responses and objections to the Interrogatories; and/or (c) impose obligations on Defendants that exceed, or are inconsistent with, the obligations imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of Illinois, or other applicable law.

2. Defendants object to the definition of “You” and “Your” as overly broad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense, and outside the scope of a permissible inquiry. Defendants further object to the extent that this definition would cause any Interrogatory to require the production of documents or information from entities or individuals other than Defendants.

3. Defendants object to the definition of “AMERICAN COMMUNITY SURVEY” as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at

issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

4. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

5. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY ONE-YEAR ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

6. Defendants object to the definition of "AMERICAN COMMUNITY SURVEY FIVE-YEAR ESTIMATES" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

7. Defendants object to the definition of "DATASET" as overbroad, unduly burdensome, seeking information that is irrelevant to the subject matter at issue in this case, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense, including because it is not limited to certain years or types of information.

**SPECIFIC RESPONSES AND OBJECTIONS**

**INTERROGATORY NO. 1:**

Please identify any and all persons who assisted or participated in answering these interrogatories, or who participated in any way in preparing responses to or responding to all of Plaintiffs' requests to admit and requests for document production.

**RESPONSE TO INTERROGATORY NO. 1:**

Defendants object to the extent this Interrogatory is protected by attorney-client privilege or work product protection. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1).

**INTERROGATORY NO. 2:**

What datasets did you used to draw, develop, or evaluate the enacted plans?

**RESPONSE TO INTERROGATORY NO. 2:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "draw," "develop", and "evaluate."

**INTERROGATORY NO. 3:**

What programs did you use to draw, develop, or evaluate the enacted plans?

**RESPONSE TO INTERROGATORY NO. 3:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "programs," "draw," "develop", and "evaluate."

**INTERROGATORY NO. 4:**

What datasets did you import into any programs that you used to draw, develop, or evaluate the enacted plans, including but not limited to datasets imported into programs before, during, or after the creation of the enacted plans and datasets in any way related to the enacted plans.

**RESPONSE TO INTERROGATORY NO. 4:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2, among others. Defendants also object to this Interrogatory on the

grounds that it is vague, ambiguous, and undefined, including as to the terms “programs,” “draw,” “develop”, and “evaluate.”

**INTERROGATORY NO. 5:**

What datasets did you consider using to draw the enacted plans but did not ultimately use?

**RESPONSE TO INTERROGATORY NO. 5:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2 and Interrogatory No. 4, among others. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “consider” and “draw.”

**INTERROGATORY NO. 6:**

What public input from the Redistricting Committees’ public hearings were incorporated into the enacted plans and how was that public input incorporated into the enacted plans?

**RESPONSE TO INTERROGATORY NO. 6:**

Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal

Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to this Interrogatory to the extent it seeks information protected by legislative privilege or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "public input," and "incorporated." Defendants also object to this Interrogatory to the extent it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 7:**

Please identify any revisions to the draft plans based on public input from the Redistricting Committees' public hearings.

**RESPONSE TO INTERROGATORY NO. 7:**

Defendants object to this Interrogatory to the extent it seeks information protected by legislative privilege or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "draft plans" and "public input."

**INTERROGATORY NO. 8:**

What do you consider to be traditional redistricting principles for drawing and enacting legislative plans in the State of Illinois?

**RESPONSE TO INTERROGATORY NO. 8:**

Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and

undefined, including as to the terms and phrases “traditional redistricting principles” and “legislative plans.” Defendants object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 9:**

Please identify:

- (a) when drafts of the enacted plans were first produced;
- (b) how many drafts were produced in total before the final enacted plans;
- (c) what changes were made to which drafts and when; and
- (d) identify who reviewed which specific version of a draft(s) of the enacted plans and what specific changes they made.

**RESPONSE TO INTERROGATORY NO. 9:**

Defendants object to this Interrogatory on the ground that it is compound and therefore counts as multiple interrogatories for the purpose of the Federal Rules’ prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms “drafts,” “produced,” “changes,” and “reviewed.”

**INTERROGATORY NO. 10:**

Please identify any and all individuals not affiliated with the Office of the President of the Illinois Senate who have provided assistance in drawing the enacted plans.

**RESPONSE TO INTERROGATORY NO. 10:**

Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the term "affiliated" and "assistance." Defendants object to this Interrogatory on the grounds that it is unduly burdensome and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense.

**INTERROGATORY NO. 11:**

What is the overall range of the enacted plans?

**RESPONSE TO INTERROGATORY NO. 11:**

Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants object to this Interrogatory on the grounds that it is vague and ambiguous, including as to the terms "enacted plans." Defendants also object to the extent that this Interrogatory is not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.



**INTERROGATORY NO. 12:**

Identify each individual who proposed or determined or decided to use the 2015-2019 American Community Survey estimates and any other data used to create the enacted plans.

**RESPONSE TO INTERROGATORY NO. 12:**

Defendants object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the extent that this Interrogatory is overbroad as to subject matter and time, unduly burdensome, and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "proposed," "determined," "decided," and "data."

**INTERROGATORY NO. 13:**

What criteria or other datasets did the individuals who decided to use 2015-2019 American Community Survey data consider before deciding to use 2015-2019 American Community Survey estimates?

**RESPONSE TO INTERROGATORY NO. 13:**

Defendants object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 2 and Interrogatory No. 5, among others. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory on the grounds that it is vague and ambiguous. Defendants further object to this Interrogatory on the grounds that it is vague,

ambiguous, and undefined, including as to the terms “criteria,” “consider,” and “deciding.” Defendants also object to this Interrogatory to the extent it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 14:**

Do you contend that the enacted plans have an overall range of less than 10%?

**RESPONSE TO INTERROGATORY NO. 14:**

Defendants object to this Interrogatory to the extent it is duplicative and cumulative of Interrogatory No. 11, among others. Defendants object to this Interrogatory on the grounds that it is vague and ambiguous. Defendants object to this Interrogatory to the extent it calls for legal conclusions. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 15:**

If you contend that the enacted plans have an absolute range of less than 10%, please identify any facts, documents, or analysis supporting that contention.

**RESPONSE TO INTERROGATORY NO. 15:**

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms and phrase “absolute range.” Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party’s claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories

for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to this Interrogatory to the extent it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**INTERROGATORY NO. 16:**

Do you contend that all error or uncertainty in the enacted plans relating to 2015-2019 American Community Survey margins of error, confidence levels, or weighting factors is quantifiable?

**RESPONSE TO INTERROGATORY NO. 16:**

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, and undefined, including as to the terms "error" and "uncertainty." Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants also object to the extent that this Interrogatory is overbroad as to subject matter and time and unduly burdensome. Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses. Defendants also object to this Interrogatory to the extent it

seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law.

**INTERROGATORY NO. 17:**

If you contend that all error or uncertainty in the enacted plans relating to 2015-2019 American Community Survey margins of error, confidence levels, or weighting factors is quantifiable, please identify all persons, facts or documents supporting that assertion.

**RESPONSE TO INTERROGATORY NO. 17:**

Defendants object to this Interrogatory on the grounds that it is vague and ambiguous. Defendants also object to the extent that this Interrogatory is irrelevant and not reasonably calculated to lead to discovery of matter that is relevant to any party's claim or defense. Defendants further object to this Interrogatory on the ground that it is compound, and therefore counts as multiple interrogatories for the purpose of the Federal Rules' prescribed interrogatory limits. *See* Fed. R. Civ. P. 33(a)(1). Defendants further observe that this Interrogatory is a contention interrogatory, and as such, Defendants reserve the right to supplement and amend its answers as discovery progresses. Defendants also object to this Interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, the legislative privilege, or any other privilege or protection from disclosure provided by law.

Dated: July 23, 2021

Respectfully submitted,

/s/ Adam R. Vaught

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# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA, and  
ROSE TORRES

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K. LINNABARY,  
WILLIAM J. CADIGAN, LAURA K. DONAHUE,  
WILLIAM R. HAINE, WILLIAM M.  
MCGUFFAGE, KATHERINE S. O'BRIEN, and  
CASANDRA B. WATSON in their official  
capacities as members of the Illinois State Board of  
Elections, DON HARMON, in his official capacity  
as President of the Illinois Senate, and THE OFFICE  
OF THE PRESIDENT OF THE ILLINOIS  
SENATE, EMANUEL CHRISTOPHER  
WELCH, in his official capacity as Speaker of the  
Illinois House of Representatives, and the OFFICE  
OF THE SPEAKER OF THE ILLINOIS HOUSE  
OF REPRESENTATIVES,

Defendants.

Case No. 1:21-cv-3139

**DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF  
REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants Don Harmon, in his official capacity as President of the Illinois Senate, and the Office of the President of the Illinois Senate, by and through their counsel Michael J. Kasper, Power Rogers, LLP, Hinshaw & Culbertson, LLP, Heather Wier Vaught, P.C., and Sean Berkowitz, Latham & Watkins, LLP, hereby submit their objections and responses to Plaintiffs First Set of Requests for Production, dated July 12, 2021:

### **PRELIMINARY STATEMENT**

The responses set forth below are based upon a reasonable and diligent search of the information and documents presently in the possession of Defendants, and except for explicit acts stated herein, no incidental or implied admissions are intended. These responses are provided without prejudice to Defendants' right to modify, amend or supplement these responses if additional facts or information come to its attention in the course of Defendants' continuing investigation. This reservation, however, is not to be construed as an undertaking by Defendants of an affirmative duty to change or supplement these responses, except as otherwise required by law or the Federal Rules of Civil Procedure. The fact that Defendants have responded to one or more of the Requests is not intended and shall not be construed as a waiver of all or any part of any objection to any such Request. By making these responses, Defendants do not concede that the information sought is relevant or reasonably calculated to lead to the discovery of admissible evidence.

### **GENERAL OBJECTIONS**

1. Defendants object to the definitions and instructions set forth in the Requests on the grounds that those definitions and instructions call for a legal conclusion or purport to impose obligations on Defendants that exceed the obligations imposed upon a responding party under the Federal Rules of Civil Procedure and/or other applicable law.
2. Defendants further object to the Requests on the grounds that they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, the common interest privilege, the protections afforded by Federal Rule of Civil Procedure 26(b)(4)(B) and/or any other applicable privilege, doctrine or protection.
3. Defendants further object to the Requests on the grounds that they are unduly burdensome, vague, ambiguous and/or incapable of reasonable ascertainment.



4. Defendants further object to the Requests on the grounds that they are overly broad, seek information not reasonably limited in time or scope and/or would require undue expense to answer.

5. Defendants further object to the Requests on the grounds that they seek information that is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

6. Defendants further object to the Requests on the grounds that they assume facts not in evidence and/or facts that do not exist or are otherwise incorrect.

7. Defendants further object to the Requests on the grounds that they seek information which is equally available to Plaintiffs in the public domain or available from sources other than Defendants, or that is equally available to or already in the possession, custody or control of Plaintiffs or their attorneys and for which the burden on Plaintiffs to obtain the information is no greater than the burden on Defendants.

8. Defendants further object to the Requests on the grounds that they are cumulative and/or duplicative.

9. Defendants further object to the Requests on the grounds that they seek information and identification of facts not in the possession, custody or control of Defendants and/or in the possession, custody or control of non-parties.

10. Defendants further object to the Requests on the grounds that they seek the confidential information of third parties that Defendants is under an obligation to not disclose.

11. Defendants further object to the Requests on the grounds that they purport to require production of “all” documents under circumstances in which a subset of all documents would be sufficient to show the relevant information, on the grounds that such requests for

production of “all” documents are overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants cannot, and do not, represent that they will or can locate and produce “all” requested documents following a reasonable search for responsive documents in their possession, custody or control.

12. Defendants interpret each Request as intending to exclude from its scope correspondence between Defendants’ personnel or representatives and their counsel. If this interpretation is not correct, Defendants object to identifying and/or producing such correspondence on the grounds of the attorney-client privilege, attorney work product, and that such identification or production is not reasonably likely to lead to the discovery of admissible evidence and poses undue burden and expense.

13. Defendants further object to the Requests on the grounds that they seek confidential information. Such information, to the extent it is not privileged or otherwise objectionable, will be provided pursuant to protective order.

14. No response to these Requests by Defendants shall be deemed to constitute any agreement or concession that the subject matter thereof is relevant to this action, and any information provided by Defendants shall be made without in any way waiving or intending to waive any objection thereto, including but not limited to relevance, privilege or admissibility.

15. Any response stating that Defendants will produce responsive documents does not indicate that such documents in fact exist but only that Defendants will produce—subject to and without waiving its other objections—such non-privileged, non-work product documents in their possession, custody, and/or control as may be located after a reasonable, good faith search, without undue burden, and in accordance with the response.

16. Defendants expressly reserves the right to modify, amend or supplement their responses to the Requests.

17. Each of the foregoing General Objections shall be deemed to apply to Defendants' specific objections and responses set forth below, notwithstanding the fact that Defendants have responded to all or part of any Request.

### **DOCUMENT REQUESTS**

#### **REQUEST NO. 1:**

All documents relating to the development, creation, revision, or purpose of the enacted plans.

#### **RESPONSE TO REQUEST NO. 1:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants also object to the extent that this Request is overbroad as to subject matter and time, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

#### **REQUEST NO. 2:**

All documents relating to the development, creation, revision, or purpose of previous drafts of the enacted plans.

#### **RESPONSE TO REQUEST NO. 2:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not

reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 3:**

All documents relating to the potential or actual use of 2015-19 AMERICAN COMMUNITY SURVEY ESTIMATES in the enacted plans.

**RESPONSE TO REQUEST NO. 3:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 4:**

All documents relating to the overall range of the enacted plans.

**RESPONSE TO REQUEST NO. 4:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 5:**

All documents relating to the calculation of ideal population for Illinois Senate districts under the enacted plans.

**RESPONSE TO REQUEST NO. 5:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 6:**

All documents relating to the calculation of total population of each Illinois Senate district under the enacted plans.

**RESPONSE TO REQUEST NO. 6:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 7:**

All documents relating to the total population of Illinois and its use in the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 7:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 8:**

All documents relating to the demographic composition of each Senate district.

**RESPONSE TO REQUEST NO. 8:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 9:**

All documents relating to the partisan composition of each Senate district.

**RESPONSE TO REQUEST NO. 9:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited

in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 10:**

All documents relating to the use of all data other than 2015-2019 American Community Survey estimates in the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 10:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 11:**

All documents relating to datasets used, considered, evaluated or consulted in the creation, development, negotiation, or evaluation of the enacted plans, previous versions of the enacted plans, or other legislative redistricting plans not ultimately enacted, including but not limited to documents relating to 2015-19 American Community Survey data, P.L. 94-171 data, election data, or data relating to partisan affiliation or voting history.

**RESPONSE TO REQUEST NO. 11:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 12:**

All documents relating to the retention of demographers or other individuals for purposes of creating the enacted plans.

**RESPONSE TO REQUEST NO. 12:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 13:**

All documents relating to programs or software used for purposes of creating the enacted plans.

**RESPONSE TO REQUEST NO. 13:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 14:**

All documents relating to the methodology used to determine or estimate or derive block level data from ACS block group data, including any disaggregation methodology.

**RESPONSE TO REQUEST NO. 14:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds



that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 15:**

All documents relating to the methodology used to derive the total population of each of the Illinois Senate districts under the enacted plans.

**RESPONSE TO REQUEST NO. 15:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 16:**

All documents relating to the specific programs used to derive the total population of each of the Illinois Senate districts under the enacted plans.

**RESPONSE TO REQUEST NO. 16:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 16:**

All documents relating to the margin of error of the total populations of each Illinois Senate district.

**RESPONSE TO REQUEST NO. 16:**

Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 17:**

All documents relating to weighting factors and potential errors or uncertainty in the enacted plans caused by weighting factors.

**RESPONSE TO REQUEST NO. 17:**

Defendants object to this Request on the ground that it is vague and ambiguous and undefined as to phrase “potential errors or uncertainty.” Defendants also object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 18:**

All documents relating to the U.S. Census Bureau’s Population Estimates Program.

**RESPONSE TO REQUEST NO. 18:**

Defendants object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not

reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

Defendants object to this Request on the grounds that it seeks information that is publicly available and therefore equally accessible to Plaintiffs.

**REQUEST NO. 19:**

All documents relating to confidence levels and potential errors or uncertainty in the enacted plans caused by confidence levels.

**RESPONSE TO REQUEST NO. 19:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 20:**

All documents relating to margins of error and potential errors or uncertainty in the enacted plans caused by margins of error.

**RESPONSE TO REQUEST NO. 20:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited

in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 21:**

All documents relating to the potential or actual criteria, including but not limited to traditional redistricting criteria, used, or considered to guide the creation of the enacted plans.

**RESPONSE TO REQUEST NO. 21:**

Defendants object to the Request on the grounds that they seek information or material that is overly broad, seek information not reasonably limited in time or scope, and are not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants also object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law.

**REQUEST NO. 22:**

All documents relating to the potential or actual use of all community feedback from Senate Redistricting Committee public hearings in the enacted plans.

**RESPONSE TO REQUEST NO. 22:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 23:**

All documents relating to any and all standards, practices, or protocols used to draw the enacted plans.

**RESPONSE TO REQUEST NO. 23:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 24:**

All documents relating to the person(s) responsible for developing and implementing redistricting standards, practices, or protocols for drawing the enacted plans.

**RESPONSE TO REQUEST NO. 24:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 25:**

All documents relating to communications between you and Kimball Brace concerning the use of 2015-19 ACS data for General Assembly redistricting plans.

**RESPONSE TO REQUEST NO. 25:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 27:**

All documents relating to communications between you and Kimball Brace concerning the use of 2015-19 ACS data for General Assembly redistricting plans.

**RESPONSE TO REQUEST NO. 27:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this Request on the grounds that it is duplicative of Request No. 25.

**REQUEST NO. 28:**

All documents relating to communications between you and the Illinois Senate Democratic Caucus concerning the drafting of the enacted plans.

**RESPONSE TO REQUEST NO. 28:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 29:**

Documents relating to communications between you and Senate redistricting chair Omar Aquino.

**RESPONSE TO REQUEST NO. 29:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the foregoing General and Specific Objection, Defendants respond as follows: Defendants do not possess documents responsive to this Request.

**REQUEST NO. 30:**

Documents relating to communications between you and House redistricting chair Elizabeth Hernandez.

**RESPONSE TO REQUEST NO. 30:**

Defendants object to the Request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine, legislative privilege, or any other privilege or protection from disclosure provided by law. Defendants object to the Request on the grounds that it seeks information or material that is overly broad, seeks information not reasonably limited in time or scope, and is not relevant to the claim or defense of any party and/or that is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the foregoing General and Specific Objections, Defendants respond as follows: Defendants do not possess documents responsive to this Request.

Dated: July 23, 2021

Respectfully submitted,

/s/ Adam R. Vaught

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# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JULIE CONTRERAS, IRVIN FUENTES,  
ABRAHAM MARTINEZ, IRENE PADILLA, and  
ROSE TORRES

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,  
CHARLES W. SCHOLZ, IAN K. LINNABARY,  
WILLIAM J. CADIGAN, LAURA K. DONAHUE,  
WILLIAM R. HAINE, WILLIAM M.  
MCGUFFAGE, KATHERINE S. O'BRIEN, and  
CASANDRA B. WATSON in their official  
capacities as members of the Illinois State Board of  
Elections, DON HARMON, in his official capacity  
as President of the Illinois Senate, and THE  
OFFICE OF THE PRESIDENT OF THE  
ILLINOIS SENATE, EMANUEL CHRISTOPHER  
WELCH, in his official capacity as Speaker of the  
Illinois House of Representatives, and the OFFICE  
OF THE SPEAKER OF THE ILLINOIS HOUSE  
OF REPRESENTATIVES,

Defendants.

Case No. 1:21-cv-3139

Circuit Judge Michael B.  
Brennan; Chief Judge Jon E.  
DeGuilio; Judge Robert M.  
Dow, Jr.

Three-Judge Panel  
Pursuant to 28 U.S.C. §  
2284(a)

**AFFIDAVIT OF ERNEST I. HERRERA IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL LEGISLATIVE DEFENDANTS TO RESPOND  
TO PLAINTIFFS' DISCOVERY REQUESTS**

I, Ernest I. Herrera, declare:

1. I am a staff attorney at the Mexican American Legal Defense and Educational Fund and represent Plaintiffs in the above-captioned matter. I submit this declaration in support of Plaintiffs' Motion to Compel Legislative Defendants to Respond to Plaintiffs' Discovery Requests.

2. After receiving deficient discovery responses from counsel for Defendants Don Harmon (in his official capacity as President of the Illinois Senate), the Office of the President of the Illinois Senate, Emanuel Christopher Welch (in his official capacity as Speaker of the Illinois House of Representatives), and the Office of the Speaker of the Illinois House of Representatives (collectively, “Legislative Defendants”), I participated in a telephonic meet-and-confer with Legislative Defendants’ counsel and counsel for the McConchie Plaintiffs on July 29, 2021.
3. During the July 29 meet-and-confer, Counsel for Legislative Defendants explained that they would not produce any information or responsive documents in response to the bulk of Plaintiffs’ discovery requests because of their relevance objection. I expressed Plaintiffs’ position that Legislative Defendants’ relevance objection did not allow them to refuse to produce responsive documents or provide substantive responses to Plaintiffs’ discovery requests. Despite Plaintiffs’ good-faith efforts to narrow the discovery issues in dispute, the Parties were unable to come to an agreement on the scope of relevance.
4. In a further attempt to expedite resolution of the dispute, I agreed—without waiving any of Plaintiffs’ remaining discovery request or otherwise admitting to the validity of Defendants’ objections—to identify for Legislative Defendants the unanswered Interrogatories and Requests for Production that were the highest priority. Legislative Defendants agreed to provide a response by Monday, August 2.
5. The next day—July 30, 2021—I sent Legislative Defendants’ counsel a list of high-priority discovery responses by electronic mail. Specifically, I identified 8 out of 17 Interrogatories and 16 out of 30 Requests for Production as high priority.

6. After hearing no response or update from counsel for Legislative Defendants, I sent an email to Legislative Defendants' counsel on Thursday, August 5, inquiring about the status of their responses to the prioritized discovery requests. Legislative Defendants' counsel indicated that they would submit a response by Monday, August 9.
7. August 9 came and went without a response from Legislative Defendants. Finally, on August 10, counsel for Legislative Defendants provided a two-page letter by electronic mail *discussing* Plaintiffs' discovery requests but not actually *responding* to the requests with responsive information or documents.
8. Legislative Defendants did not otherwise provide supplementary discovery responses or responsive documents along with their August 10 letter.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 11, 2021, in Los Angeles, California.

/s/ Ernest I. Herrera  
Ernest I. Herrera