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

Mag. J. Beth W. Jantz

Pursuant to 28 U.S.C. § 2284(a)

PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO COMPEL LEGISLATIVE DEFENDANTS TO RESPOND TO PLAINTIFFS' DISCOVERY REQUESTS

INTRODUCTION & BACKGROUND

On August 11, 2021, Plaintiffs moved to compel Legislative Defendants to provide full, substantive responses to Plaintiffs' discovery requests. Plaintiffs' Motion to Compel came on the heels of over two weeks of negotiations with Legislative Defendants about their deficient responses and objections to Plaintiffs' discovery requests. The next day, the Court entered an order taking Plaintiffs' Motion under advisement and set a briefing schedule. *See* ECF 47, Aug. 12, 2021 Order and Statement at 1. The Court advised Legislative Defendants that, to the extent it orders further production or supplementation of their discovery responses (including the creation of a privilege log), such material will be due within two days of its ruling on the Motion. *Id.* at 1–2. The Court also directed Plaintiffs, in the instant brief, to report on the status of Legislative Defendants' discovery efforts. *Id.* at 2.

The same day that the Court issued its Order, the U.S. Census Bureau released the population and demographic data from the 2020 Census.

Despite this development, Defendants still have not fulfilled Plaintiffs' discovery requests. On August 13, after Plaintiffs filed their Motion to Compel, Legislative Defendants finally produced some information and documents that they had been sitting for weeks. Among the documents that Legislative Defendants produced were the disaggregated American Community Survey (ACS) data, the State Board of Elections voter registration data, and certain contracts with Kimball Brace and Allan Lichtman. *See* ECF 48-4, Opp. Ex. 3. In addition, Legislative Defendants provided hyperlinks to publicly available information that they believe is responsive to Plaintiffs' discovery requests. *Id.*

But Legislative Defendants continue to withhold responsive information and documents. The requested discovery that remains outstanding includes, but is not limited to, the following:

- **Information and documents concerning all data that Legislative Defendants used or considered during the redistricting process.** *See, e.g.*, House Interrog. No. 2 ("What datasets did you use[] to draw, develop, or evaluate the enacted plans?"); House RFP No. 11 (requesting "[a]ll documents relating to datasets used, considered, evaluated or consulted in the creation, development, negotiation, or evaluation of the enacted plans"). **After Plaintiffs moved to compel, Legislative Defendants produced the disaggregated ACS data and State Board of Elections voter registration data but did not confirm that these were the only datasets used or considered.** *See* ECF 48-3, Opp. Ex. 2; ECF 48-4, Opp. Ex. 3.

- **Information and documents concerning Legislative Defendants' methodology for calculating total population of each district from the data they used.** *See* 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, including any disaggregation methodology"); House RFP No. 15 (requesting "[a]ll documents relating to the methodology used to derive the total population of each of the Illinois House districts under the enacted plans"). **After Plaintiffs moved to compel, Legislative Defendants produced the disaggregated ACS data but did not explain how they pushed this data down to the Census block level or otherwise describe their methodology.** *See* ECF 48-3, Opp. Ex. 2; ECF 48-4, Opp. Ex. 3.

- **Information and documents about all individuals who participated in the redistricting process and the nature of their involvement.** *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."). **After Plaintiffs moved to compel, Legislative Defendants produced the House and Senate contracts with Kimball Brace and with Allan Lichtman but did not describe the actual nature of Messrs. Brace and Lichtman's involvement nor confirm the identities of other individuals involved.** *See* ECF 48-3, Opp. Ex. 2; ECF 48-4, Opp. Ex. 3.

- **Information and documents concerning Legislative Defendants' own analysis of the apportionment among the redrawn districts.** *See* House Interrog. No. 11 ("What is the overall range of the enacted plans?"); 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."); House Interrog. No. 16 (requesting "[a]ll documents relating to the margin of error of the total population of each Illinois House district"). *See* ECF 48-3, Opp. Ex. 2; ECF 48-4, Opp. Ex. 3.

- **Communications between the key players involved in the redistricting process.** *See, e.g.*, House RFP No. 25 (requesting "[a]ll documents relating to communications between you and Kimball Brace concerning the use of 2015-19 ACS data for General Assembly redistricting plans"); House RFP (requesting "[d]ocuments relating to communications between you and Senate redistricting chair Omar Aquino"). *See* ECF 48-3, Opp. Ex. 2; ECF 48-4, Opp. Ex. 3.

Earlier today, August 15, 2021, Plaintiffs' counsel and Legislative Defendants' counsel once again conferred on the status of discovery in an attempt to comply with this Court's Order. The Parties agreed that they remained at an impasse over the scope of relevance, and that judicial intervention was required to resolve the Parties' dispute.

ARGUMENT

I. Plaintiffs have complied with Local Rule 37.2.

Plaintiffs have fulfilled their obligations under Local Rule 37.2. "To curtail undue delay and expense in the administration of justice," Local Rule 37.2 requires a party seeking to compel discovery to certify that "after consultation in person or by telephone and good faith attempts to resolve differences [the parties] are unable to reach an accord." N.D. Ill. Loc. R. 37.2. "The principle behind Local Rule 37.2 is [to] weed out disputes that can be amicably resolved without judicial intervention, thereby freeing the court's resources for disputes that truly cannot." *AIG Prop. Cas. Co. v. Fluidmaster, Inc. (In re Fluidmaster, Inc.)*, 2018 U.S. Dist. LEXIS 9848, at *8 (N.D. Ill. Jan. 22, 2018).

On July 29, 2021, Plaintiffs' counsel participated in a telephonic meet-and-confer with Legislative Defendants' counsel. *See* ECF 44-5, Mot. Ex. E, Herrera Aff. ¶ 2. The Parties were unable to come to an agreement regarding the scope of relevance. *See id.* ¶ 3 ("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." (emphasis added)).

To be sure, Plaintiffs' counsel agreed—while preserving Plaintiffs' right to the entirety of their requested discovery—to designate certain discovery requests as high priority. *See id.* ¶¶ 4–5. But this does not mean the parties had "reached an accord" on the larger relevance issue. Indeed, Legislative Defendants' belated August 10, 2021 letter indicates that the parties were nowhere near a resolution.[1] *See* ECF 48-3, Opp. Ex. 2 ("[R]equests for any other data or information used or not used in drawing the map appear to be irrelevant."). And subsequent briefing demonstrates that the parties remain at an impasse. *Compare* ECF 44, Mot. at 5 ("Such information is plainly relevant to Plaintiffs' malapportionment claim[.]"), *with* ECF 48, Opp. at 3 ("Plaintiffs' requests . . . are simply not relevant to their claim that the current Plan's districts are malapportioned . . . ."). Despite the parties' best efforts, this dispute cannot be resolved without judicial intervention.

Having participated in the parties' good-faith (but ultimately unsuccessful) conferral, and apprised the Court of the same, Plaintiffs have complied with Rule 37.2. *See Lukis v. Whitepages Inc.*, 2021 U.S. Dist. LEXIS 78453, at *39–40 (N.D. Ill. Apr. 23, 2021) ("[Plaintiff] has complied with Local Rule 37.2 . . . the parties conferred orally, but [defendants] refused to provide discovery about the data providers."); *Fid. Nat'l Title Ins. Co. v. Intercnty. Nat'l Title Ins. Co.*, 2002 U.S. Dist. LEXIS 11916, at *13–14 (N.D. Ill. Jul. 1, 2002) ("[Plaintiff's] motion to compel included a statement that the parties were unable to reach an agreement on the production of documents . . . . Accordingly, Local Rule 37.2 does not bar review of [plaintiff's] motion to compel.").

II. The requested information that Legislative Defendants have yet to produce is discoverable.

Legislative Defendants are withholding information and documents that are relevant to Plaintiffs' malapportionment claim and proportional to the needs of the case. Since this material

[1] Plaintiffs vigorously dispute that Legislative Defendants' August 10, 2021 letter, which was submitted over a week late (after Plaintiffs' repeated prodding) and contained no substantive responses or documents, "demonstrates that the parties' conferral was . . . productive." Opp. at 10.

is plainly discoverable, the Court should compel its prompt production so that Plaintiffs can adequately prepare for depositions and trial.

A. The outstanding information is relevant.

The information and documents withheld by Legislative Defendants are relevant. Legislative Defendants argue that the information sought is not relevant because Plaintiffs do not ultimately need information about Legislative Defendants' "process, conduct, or intent" to prevail on their malapportionment claim. ECF 48, Opp. at 10–11 (arguing that "*nothing more is required*" than the "recently-released decennial census data" for Plaintiffs to prevail on their malapportionment claim). But Legislative Defendants misunderstand the scope of relevance in discovery and how evidence of process, conduct, or intent—the who, what, when, how, and why of the redistricting—is relevant to, and potentially dispositive of, a malapportionment claim.

Relevance in discovery is a broad and permissive standard. Legislative Defendants apparently believe that unless Plaintiffs need the requested information and documents to prevail on their malapportionment claim, the material is not relevant. But such a restrictive definition of relevance is not the law. As this Court has explained, "[b]ecause the purpose of discovery is to help 'define and clarify the issues,' relevance is to be construed broadly." *Doe v. Loyola Univ. Chi.*, 2020 U.S. Dist. LEXIS 12289, at *5 (N.D. Ill. Jan. 24, 2020) (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978)); *see also Martinez v. Cook Cnty.*, 2012 U.S. Dist. LEXIS 175793, at *6 (N.D. Ill. 2012) ("Because discovery is concerned with 'relevant information' not 'relevant evidence' the scope of relevance for discovery purposes is necessarily broader than it is for trial evidence under Federal Rule of Evidence 401."); *Sailsbery v. Vill. of Sauk Vill.*, 2020 U.S. Dist. LEXIS 170439, at *4 (N.D. Ill. Sept. 17, 2020) ("Relevance for purposes of Rule 26(b)(1) is very broad, and the Court should be permissive when considering relevance objections."). As a practical matter, "[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, at *7 (N.D. Ill. Apr. 17, 2019) (quoting *In re Aircrash Disaster Near Roselawn, Ind. Oct. 31, 1994*, 172 F.R.D. 295, 303 (N.D. Ill. 1997)).

In addition to constricting the scope of discovery, Legislative Defendants ignore how process-related discovery will come into play in this litigation. As Plaintiffs pointed out in their motion, "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). Legislative Defendants fixate on the "honest and good faith" aspect of this holding, arguing that "[d]iscovery related to whether a state made 'an honest and good faith effort' in their redistricting is only relevant, of course, if dishonesty, a bad faith effort, or other misconduct *is alleged*." ECF 48, Opp. at 11 (emphasis in original). But Legislative Defendants provide no support for this assertion, and they are incorrect as a matter of law.

Even absent allegations about Legislative Defendants' "dishonesty, [] bad faith, or other misconduct" (*id.*), the General Assembly's process—i.e., its "effort to construct districts . . . as nearly of equal population as is practicable" (*Reynolds*, 377 U.S. at 577)—is relevant, and potentially dispositive, in this case. As Legislative Defendants are well aware, the Supreme Court has established a pair of statistical presumptions for determining whether an apportionment plan violates the Equal Protection Clause. If the plan's maximum population deviation is under 10%, the plan is presumptively *constitutional*, and the burden is on the *plaintiff* to show that the plan is based on illegitimate considerations. *See Brown v. Thomson*, 462 U.S. 835, 842 (1983) (holding that "an apportionment plan with a maximum population deviation under 10%" is "insufficient to make a prima facie case of invidious discrimination . . . so as to require justification by the State");

Harris v. Ariz. Indep. Redistricting Comm'n, 136 S. Ct. 1301, 1307 (2016) ("[T]hose attacking a state-approved plan must show that it is more probable than not that a deviation of less than 10% reflects the predominance of illegitimate reapportionment factors.").

If the maximum population deviation is over 10%, however, the redistricting plan is presumptively unconstitutional, and the burden is on the Defendants to establish that the deviation is justified by a rational governmental objective. *See Brown*, 462 U.S. at 842–43 ("A plan with larger disparities in population, however, creates a prima facie case of discrimination and therefore must be justified by the State[.]"); *Hulme v. Madison Cnty.*, 188 F. Supp. 2d 1041, 1047 (S.D. Ill. 2001) ("If shown, the burden then shifts to the legislative body to show that the plan's population disparity is justified by a rational state (governmental) policy.").[2]

Either way, the state's redistricting *process*—not just the result—is relevant. For plans with *under* a 10% maximum population deviation, information about the legislature's process, conduct, and intent may be probative of whether the apportionment plan is based on illegitimate considerations. *See Harris*, 136 S. Ct. at 1305 ("Because the maximum population deviation between the largest and the smallest district is less than 10%, appellants cannot simply rely upon the numbers to show that the plan violates the Constitution." (emphasis added)). For plans with *over* a 10% deviation, information about the legislature's process, conduct, and intent may be probative of whether the legislature constructed districts to further a rational governmental policy. *Harper v. City of Chi. Heights*, 2006 U.S. Dist. LEXIS 5025, at *15–16 (N.D. Ill. Feb. 8, 2006) ("The party defending a plan that exceeds the 10% threshold can argue that the deviations were the result of applying 'rational state policies' that justify the deviations." (quoting *Brown*, 462 U.S. at 843)). The Court will have to determine whether the apportionment map was based on

[2] The Court is aware of this too. *See also* Opp. Ex. 1, July 14 Hr'g Tr. 8:8:9–23 (counsel for the *McConchie* plaintiffs explaining the applicable presumptions to the panel).

legitimate considerations—such as "preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness" (*Evenwel v. Abbott*, 136 S. Ct. 1120, 1124 (2016))—or illegitimate ones, such as invidious discrimination.

As mentioned above, Plaintiffs allege that the maximum population deviation under the current plans exceeds 10% (i.e., that the districts are malapportioned). Accepting the well-pleaded allegations of the Complaint as true, Legislative Defendants will need to show that they acted in furtherance of a rational governmental policy in order to rebut the presumption. Accordingly, discovery concerning the redistricting process—whether Defendants in fact acted on the basis of a rational policy—is relevant. This analysis may change if Legislative Defendants choose not to rebut the presumption, and instead go back to the drawing board. But that is not the issue before this Court. Plaintiffs cannot simply assume Legislative Defendants are going to stand down when the infirmities of the enacted plans are confirmed. Plaintiffs must prepare their case, since "trial looms six weeks away" (ECF 48, Opp. at 10).

Under the "broad" and "permissive" standard of relevance in discovery, therefore, Plaintiffs have plainly carried their burden to show that their requested discovery is relevant to the claims and defenses in this case.

B. The outstanding information is proportional to the needs of this case.

This case requires Legislative Defendants to produce the information and documents they are withholding. Legislative Defendants deride Plaintiffs' "strategy of methodically addressing the 'proportionality factors.'" *Id.* at 14. But Plaintiffs are simply following the instructions of Rule 26(b)(1) to weigh proportionality in light of "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." Fed. R. Civ. P. 26(b)(1).

It is easy to see why Legislative Defendants want to play down the "proportionality factors"—none of them weigh in their favor. As to the "importance of the issues at stake," Legislative Defendants "do not dispute" (nor can they) the monumental importance of this case. Plaintiffs allege that Legislative Defendants have drawn a malapportioned map that dilutes the votes of not only Plaintiffs, but thousands of Illinoisans. The gravity of the issues involved weighs heavily in favor of discovery. *See Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections*, 2011 U.S. Dist. LEXIS 117656, at *26 (N.D. Ill. Oct. 12, 2011) ("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."); *Favors v. Cuomo*, 285 F.R.D. 187, 219 (E.D.N.Y. 2012) ("[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." (quotation removed)).

The burden of the requested discovery in light of the parties' relative resources and relative access to the information also weighs in Plaintiffs' favor. In their Motion, Plaintiffs point out that because Legislative Defendants had drawn the map, information about the redistricting process should be "readily accessible" by Legislative Defendants. Plaintiffs cited several cases in support of this commonsense conclusion. *See Committee for a Fair & Balanced Map*, 2011 U.S. Dist. LEXIS 117656 at *26 ("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."). In response, Legislative Defendants assert that this argument is "flatly unfounded." ECF 48, Opp. 14. But Legislative Defendants offer no legal support for this assertion, nor do they affirmatively assert that Plaintiffs' requested discovery in fact "represents a significant burden." *Id.* In fact, the information about the process by which they drew the districts is at their fingertips; Legislative Defendants simply do not want to produce it.

Lastly, the importance of discovery in resolving the issues weighs in Plaintiffs' favor. As explained above, the onus may eventually be on Plaintiffs to prove that Legislative Defendants did not rely on legitimate considerations in drawing the map or (more likely) on Legislative Defendants to prove that they drew the map to further a rational state policy. At that point, the process—the "effort" referenced in *Reynolds*—will be the entire case. *See Committee for a Fair & Balanced Map*, 2011 U.S. Dist. LEXIS 117656, at *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 219–20 ("[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."). Since trial is only weeks away, Plaintiffs require the information now so that they can prepare their case.[3]

[3] Defendants' out-of-context citations to the Panel's July 14, 2021 status conference transcript (ECF 48-2, Opp. Ex. 1) betray the same fundamental misunderstanding of discovery that is apparent throughout their briefing. While Plaintiffs agree much of the record may be stipulated to *at trial*, that has no bearing on the scope of relevant, discoverable evidence. *See* Section II(A) above. Indeed, the Panel's statements—made before any substantive briefing on the legal issues—at most reflect a belief that census data may be "more important" than the process by which the map was drawn. *Id.* at 11:2–11. Less important evidence is not irrelevant evidence. And Plaintiffs cannot stipulate to a factual record on an uneven playing filed and without the evidence underlying those stipulations.

III. Legislative Defendants' responses to the outstanding discovery requests are patently insufficient.

Under the discovery rules, Legislative Defendants have an obligation to respond fully to discovery requests or at least to provide substantive, particularized objections for why no response should be required. 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). Furthermore, 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).

Even a cursory review of Legislative Defendants' discovery responses and objections reveals that Legislative Defendants have not complied with these obligations. In their initial responses to Plaintiffs' discovery requests, Legislative Defendants did not submit a single substantive response to any of Plaintiffs' Interrogatories (and virtually all of Plaintiffs' Requests for Production). And instead of providing detailed objections for why no response was required, Legislative Defendants repeatedly wheeled out vague, boilerplate objections of relevance, privilege, and vagueness. These submissions are not sufficient under the discovery rules. *See Fralish v. Deliver Tech., LLC*, 2021 U.S. Dist. LEXIS 143822, at *11 (N.D. Ind. Aug. 2, 2021) ("[G]eneral objections that recite boilerplate language without explanation of how they apply to specific discovery requests do not meet this burden."); *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, at *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.'").

Furthermore, although they claim unspecified privileges over virtually all the requested information, Legislative Defendants have yet to produce a privilege log. This failure to comply with Rule 26(b)(5)(A) prevents the Court from determining whether the withheld documents are actually privileged, and the Court should direct Legislative Defendants to produce a privilege log as soon as possible.

CONCLUSION

For the reasons above, Plaintiffs respectfully request that this Court grant their Motion to Compel.[4]

[4] One of Plaintiffs' experts and the taking and defending attorneys of experts' deposition confirm their availability for the week of September 2, 2021. Plaintiffs' counsel has attempted to confirm the availability of their remaining expert but have not yet received that confirmation. Plaintiffs' counsel will provide an oral update to the Court at the August 17, 2021 motion hearing, if possible.

Dated: August 16, 2021

Respectfully submitted,

/s/ Julie Bauer
Julie A. Bauer (no. 6191271)
Nathan R. Gilbert (no. 6326946)
WINSTON & STRAWN LLP
35 W. Wacker Dr.
Chicago, IL 60601
Tel: (312) 558-8907
Email: JBauer@winston.com
Email: NRGilbert@winston.com

*/s/ Griselda Vega Samuel_*
Griselda Vega Samuel (no. 6284538)
Francisco Fernandez del Castillo
(no. 6337137)
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND
11 E. Adams, Suite 700
Chicago, IL 60603
Telephone: (312) 427-0701
Facsimile: (312) 588-0782
Email: gvegasamuel@maldef.org
Email: ffernandez-delcastillo@maldef.org

Thomas A. Saenz (*pro hac vice*)
CA State Bar No. 24005046
Ernest Herrera (*pro hac vice*)
CA State Bar. No. 335032
Denise Hulett
CA State Bar No. 121553
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND
643 S. Spring St., 11th Fl.
Los Angeles, CA 90014
Telephone: (213) 629-2512
Email: tsaenz@maldef.org
Email: eherrera@maldef.org
Email: dhulett@MALDEF.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2021, a copy of the above Plaintiffs' Reply in Support of Their 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