Supreme Court of Ohio Clerk of Court - Filed October 22, 2021 - Case No. 2021-1193

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1193
BRIA BENNETT, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1198
THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1210

WRITTEN DISCOVERY RESPONSES - APPENDIX OF EXHIBITS
Volume 2 of 2 (pages 290 - 426)

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WRITTEN DISCOVERY RESPONSES – APPENDIX OF EXHIBITS
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IN THE SUPREME COURT OF OHIO

The Ohio Organizing Collaborative, *et al.*,	:	
	:	**Case No. 2021-1210**
Relators,	:	
v.	:	**Original Action Filed Pursuant to Ohio**
	:	**Constitution, Article XI, Section 9(A)**
Ohio Redistricting	:	
Commission, *et al.*,	:	**[Apportionment Case Pursuant to S. Ct.**
	:	**Prac. R. 14.03]**
Respondents.	:	
	:	
	:	

RESPONDENT SENATOR VERNON SYKES' RESPONSE TO RELATORS' FIRST SET OF INTERROGATORIES

Pursuant to Rule 26 and 33 of the Ohio Rules of Civil Procedure, Senator Vernon Sykes ("Senator Sykes"), through counsel, hereby responds to The Ohio Organizing Collaborative; Council on American-Islamic Relations, Ohio; Ohio Environmental Counsel; Pierrette Talley; Samuel Gresham Jr.; Ahmad Aboukar; Mikayla Lee; Prentiss Haney; and Crystal Bryant ("Relators"), First Set of Discovery Requests (the "Discovery Requests") as follows.

These responses are made for the sole purpose of discovery in this action, and Senator Sykes does not concede the admissibility of this information at trial. Senator Sykes reserves every objection regarding the subsequent use of any document or discovery material herein.

GENERAL OBJECTIONS

1. Senator Sykes objects to the Discovery Requests to the extent they are inconsistent with or attempt to expand the duties and obligations under the Ohio Rules of Civil Procedure or the Ohio Supreme Court Rules of Practice. Senator Sykes will only respond to the Discovery Requests pursuant to his obligations under the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Supreme Court Order.

2. Senator Sykes objects to, and has disregarded, the "Definitions" and "Instructions" preceding the Discovery Requests to the extent that they are inaccurate, inconsistent, incoherent, and/or impose any additional duties or requirements on Senator Sykes beyond those imposed by the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, and/or any Supreme Court Order. Specifically, Senator Sykes objects to the definition of the "Proposed Plan" because there was no plan introduced by the Commission, it was introduced by the Republican Commission members.

3. Senator Sykes has responded based on the information gathered from his diligent search to date. However, discovery is ongoing. Senator Sykes objects that the time frame allowed for these responses was insufficient to conduct the burdensome search for documents and information requested by Relators. Senator Sykes will amend, revise, clarify, or supplement his responses as necessary in accordance with the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Ohio Supreme Court Order. Senator Sykes reserves his right to raise appropriate objections if any additional documents or discovery material is subsequently located.

4. The Ohio Rules of Civil Procedure prohibit the discovery of privileged matters. Senator Sykes has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, the legislative privilege, or any other privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

5. Senator Sykes objects that none of these discovery requests are limited to a relevant time frame in this action. Since Senator Sykes is sued in his official capacity as a member of the

Ohio Redistricting Commission, he will respond to these discovery requests for the time period limited to the 2021 legislative redistricting cycle.

6. Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

ANSWER: Senator Sykes, despite being Co-Chair of the Commission, was prevented from participating in the map-drawing process in any way by the Republican members of the Commission, and as such, he cannot identify persons who drafted or created the Proposed Plan or dates on which they were created. Article XI of the Ohio Constitution, Section 1 (C), states, "The Commission shall draft the proposed plan in the manner prescribed in this article." Instead, the Proposed Plan was apparently drafted in secret by the staff of the Republican caucuses of the General Assembly and presented to the other Commissioners at the last minute. Accordingly, he cannot identify persons who were involved in the drawing of the Proposed Plan.

INTERROGATORY NO. 2

Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: See response to Interrogatory No. 1.

INTERROGATORY NO. 3

Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: Because Senator Sykes was excluded from the entire map-drawing process, he cannot identify persons as requested by Interrogatory No. 3.

INTERROGATORY NO. 4

Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

ANSWER: See response to Interrogatory No. 3.

INTERROGATORY NO. 5

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Responding further, Senator Sykes started with Article XI and determined the Proposed Plan did not comply with the provisions of Article XI, Section 6; and thus, he did not make further

considerations as to whether there were other reasons the Proposed Plan could have been unconstitutional.

INTERROGATORY NO. 6

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Responding further, Senator Sykes started with Article XI and determined the Proposed Plan did not comply with the provisions of Article XI, Section 6; and thus, he did not make further considerations as to whether there were other reasons the Proposed Plan could have been unconstitutional.

INTERROGATORY NO. 7

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Responding further, Senator Sykes started with Article XI and determined the Proposed Plan did

not comply with the provisions of Article XI, Section 6; and thus, he did not make further considerations as to whether there were other reasons the Proposed Plan could have been unconstitutional.

INTERROGATORY NO. 8

State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Responding further, this Interrogatory calls for a narrative response that is better suited for a deposition. Subject to and without waiving any objection, Senator Sykes responds as follows: the Enacted Plan unfairly and disproportionately favors the Republican Party and does not reflect the statewide political preferences of Ohio voters because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio.

INTERROGATORY NO. 9

Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

ANSWER: Subject to and without waiving any objection, Senator Sykes responds as follows: the maps he proposed complied with the constitutional requirements of Article XI. However, the Enacted Plan did not comply in any way with the provisions of Section 6, nor did the Republican commissioners ever attempt in any way to comply with the

proportional fairness goal of Sections 6 but wanted merely to engage in negotiations about the number of safe Republican seats (well below the proportional fairness goal) that the Leader Sykes and Senator Sykes would allow in order to secure their votes for a ten year plan.

VERIFICATION

I, Vernon Sykes, state that I read Relators' Interrogatories and my answers to those Interrogatories are true based on my personal knowledge or information and belief.

Date: 10-16-2021

Senator Vernon Sykes, Respondent

STATE OF OHIO

COUNTY OF Summit :

Before me, a notary public, came Vernon Sykes on this 16th day of October, 2021, and affirmed that the foregoing Answers to Interrogatories are true and correct to the best of his knowledge and belief.

Rebecca K Evans
notary public

REBECCA K EVANS
Notary Public, State of Ohio
My Comm. Expires May 18, 2022
Recorded in Stark County

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2021, a copy of the foregoing Respondent Senator Vernon Sykes' Response to Relators' First Set of Interrogatories was sent via email to the following:

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IN THE
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THE OHIO ORGANIZING COLLABORATIVE, *et al.*, Relators, v. OHIO REDISTRICTING COMMISSION, *et al.*, Respondents.	Case No. 2021-1210 Original Action Pursuant to Ohio Const., Art. XI Apportionment Case

RESPONDENT THE OHIO REDISTRICTING COMMISSION'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION TO THE OHIO REDISTRICTING COMMISSION

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RESPONDENT THE OHIO REDISTRICTING COMMISSION'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION TO THE OHIO REDISTRICTING COMMISSION

Respondent the Ohio Redistricting Commission (the "Commission") hereby submits its responses and objections to Relators' First Set of Interrogatories and First Set of Requests for Production to the Commission itself ("Discovery Requests").

PRELIMINARY STATEMENT

The responses and objections to these Discovery Requests (the "Discovery Responses") are made solely for the purpose of this litigation. They represent the Commission's diligent and best efforts to respond to written discovery based on his understanding of the Discovery Requests and the investigation that the Commission has thus far been able to carry out in connection with the facts relevant to this litigation. There may exist further information responsive to these requests that is not within the Commission's present knowledge or reasonably available to it. There may exist documents relating to the subject matter of the Discovery Requests that the Commission has not yet located, identified, or reviewed, despite its best efforts to do so. Persons may also exist with knowledge relating the subject matter of these Discovery Requests of whom the Commission is not presently aware or whom the Commission has not interviewed. Accordingly, these Discovery Responses are based upon the facts and information now known to the Commission as well as its present analysis of this litigation, and do not constitute an admission or representation that additional facts, documents, or witnesses having knowledge relevant to the subject matter of discovery do not exist.

As this litigation proceeds, the Commission may discover or identify other facts, documents, or witnesses. As such, the Commission reserves the right to alter, supplement, amend, or otherwise modify these responses in any way and at any time.

Except for the explicit facts stated herein, no incidental admissions or admissions by omission are intended. The fact that the Commission responded to any of the Discovery Requests is not an admission that it accepts or admits the existence of facts set forth or assumed by the Discovery Requests, or that such Discovery Responses constitute admissible evidence. The fact that the Commission answered all or part of any Discovery Request is not intended and shall not be construed to be a waiver of all or any part of any objection to the Discovery Request.

GENERAL RESPONSES AND OBJECTIONS

1. The Commission objects to the Discovery Requests to the extent they seek the disclosure of information which is protected by the attorney-client privilege, the deliberative process privilege, the work-product doctrine, or any other privilege available under statutory, constitutional, or common law.

2. The Commission objects to these Discovery Requests to the extent they are overbroad, unduly burdensome, or seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence as to any claim or defense.

3. The Commission objects to these Discovery Requests to the extent they attempt or purport to impose obligations greater than those authorized or required by any applicable rules and/or any order of the Ohio Supreme Court. To that end, all responses and answers will be in compliance with the Commission's obligations under that authority.

4. The Commission objects to the Discovery Requests to the extent they fail to set forth an applicable timeframe.

5. The Commission objects to the Discovery Requests to the extent they call for the disclosure of documents not in the possession, custody, or control of the Commission and/or to

the extent the requests attempt or purport to expand the Commission's obligation to supplement its responses under any applicable rule and/or any order of the Ohio Supreme Court.

6. The Commission objects to the Discovery Requests as unduly burdensome and oppressive insofar as they seek information or documents already in Relators' possession, equally available to Relators or individual Respondents (including information and documents available on the Commission's website), or exclusively in the possession of Relators or individual Respondents.

7. The Commission objects to these Discovery Requests to the extent they contain inaccurate or misleading statements, assume facts inaccurately, or reach inaccurate conclusions.

8. The Commission objects to these Discovery Requests as overbroad and unduly burdensome to the extent they seek "any" or "all" documents of a particular description or designation.

9. The Commission objects to these Discovery Requests to the extent they utilize undefined, incorrectly defined, improperly defined, vague, and/or ambiguous words or phrases.

10. The Commission objects to these Discovery Requests' "Definitions" to the extent they are legally or factually incorrect, inaccurate, ambiguous, or inconsistent with the Commission's understanding and common usage of such words or phrases.

11. The Commission objects to these Discovery Requests' definition of the terms "You" and "Your," which is defined as "the Ohio Redistricting Commission, its co-chairs, members, and any employees, staff, officers, or agents of the Commission." In this litigation and/or related litigation on the same discovery, evidence, and briefing schedule, Relators have served each individual member of the Commission with discovery request that are duplicative of the Discovery Requests directed to the Commission itself. All individual members of the

Commission are represented by separate counsel, and individual members will respond to discovery request through their own separate counsel. Thus, the Commission itself must respond to these Discovery Request by reference to the individual members' duplicative discovery requests in this or related litigation.

12. The Commission objects to these Discovery Requests to the extent they seek confidential information, documents, communications, or other things, and will only produce such information, documents, communications, or other things upon the Court's entry of an appropriate protective order.

13. The Commission's responses below to each Discovery Request are each subject to these General Objections and any specific objection set forth below.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 2: Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory

on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 3: Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 4: Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 5: State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the

Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 6: State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 7: State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory

on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 8: State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

INTERROGATORY NO. 9: Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

RESPONSE: The Commission itself has no information to respond to this interrogatory beyond the information that its individual members possess. Relators have served the same interrogatory on each of the Commission's individual members. Accordingly, the Commission refers Relators to the individual members' responses and objections to the interrogatory.

RESPONSES TO DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1: All Documents relating to meetings and any other official business of the Ohio Redistricting Commission, including, without limitation, testimony, data sets, maps, and plans submitted to, created by, or otherwise considered by You, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting

Commission or its staff; notes, minutes, agendas, or presentations from Ohio Redistricting Commission hearings and meetings; and any related Communications, including but not limited to those between any Ohio Redistricting Commission member and any representative participating in Ohio Redistricting Commission meetings on behalf of a member.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 5). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 2: All Communications regarding redistricting in Ohio, including but not limited to Communications between and/or among Your employees, staff, officers, agents, or representatives.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 6). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 3: All Documents relating to information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio, including, without limitation: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes, population

shifts, voter registration, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 7). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 4: All Documents that You considered, used, could have used, or otherwise relied on to create the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 8). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 5: All Documents relating to the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the

Commission's individual members. (*See* Case No. 2021-1193, Request No. 9). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 6: All Documents relating to consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by You, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, relating to the General Assembly district maps for Ohio.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 10). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 7: All Communications with the Ohio Legislative Service Commission or any of its staff or directors relating to drawing the General Assembly district maps for Ohio.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 11). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 8: All Communications relating to drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission, with (1) any current or former member of Ohio's General Assembly, (2) any political action committees affiliated with any current or former member of Ohio's General Assembly, and (3) any current or former staff of any current or former member of Ohio's General Assembly.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 12). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 9: All Communications relating to drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with (1) any current or former U.S Representative or U.S. Senator elected from Ohio, (2) any political action committees affiliated with any current or former U.S. Representative or U.S. Senator elected from Ohio, and (3) any current or former staff of any current or former U.S. Representative or U.S. Senator elected from Ohio.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 13). Accordingly,

the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 10: All Communications relating to drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 14). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 11: All Communications relating to drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 15). Accordingly,

the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 12: All Documents cited in, discussed in, or relating to any of Your responses to any Interrogatory served on You by any party in this action.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 16). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

DOCUMENT REQUEST NO. 13: All Documents relating to analysis conducted by You, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff regarding whether any plan considered or drafted by the Commission complied with the Ohio Constitution.

RESPONSE: The Commission itself has no documents responsive to this request beyond the documents that its individual members possess. This request seeks documents already responsive to Request No. 2 above, and Relators in related litigation on the same discovery, evidence, and briefing schedule have served the same request as Request No. 2 above on each of the Commission's individual members. (*See* Case No. 2021-1193, Request No. 6). Accordingly, the Commission refers Relators to the individual members' responses and objections to the request.

Dated: October 12, 2021

As to objections,

Dave Yost
Ohio Attorney General

/s Erik J. Clark

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 12, 2021, a copy of the foregoing was served by electronic mail upon the following:

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(pending certain PHV motions)

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E-Signature 1: Matthew J. Donahue (MJD)
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matthew.donahue@governor.ohio.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 15:10:25 -8:00 [827BDE6762C9] [98.102.110.129]
MacKenzie.Clayton@OhioAGO.gov
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents.*	: : : : : : : : : : : : :	**APPORTIONMENT CASE** Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

RESPONDENT GOVERNOR DEWINE'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES

Respondent Ohio Governor DeWine, in his official capacity as a Member of the Ohio Redistricting Commission, hereby responds to the interrogatories below.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lowercase or uppercase letters.

4. The term "relating to" means referring to, related to, relating to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way

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logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Interrogatory.

5. The term "Describe" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.

6. The term "Identify" (a) when used in reference to a natural person, means that person's full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person's full name, a description of the nature of the person, and the person's last known address, telephone number, and principal place of business; and (c) when used in reference to a document, requires you either (1) to state (i) the date of the document; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the document; (v) Bates numbers (if any); (vi) type of document (*e.g.*, letter, memorandum, or chart); and (vii) general subject matter, (2) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the respective Interrogatory.

7. The terms "You" and "Your" mean Governor DeWine.

8. The term "Proposed Plan" means the proposed general assembly district plan that the Commission introduced pursuant to Article XI, Section 8(A)(1) of the Ohio Constitution.

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9. The term "Enacted Plan" means the general assembly district plan adopted by the Ohio Redistricting Commission on or about September 16, 2021.

10. The following rules of construction apply to all Interrogatories:

a. The terms "all" and "any" shall each be construed as encompassing any and all;

b. All uses of the word "each" include "every" (and *vice versa*);

c. The connective terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;

d. Use of the singular form of any word includes the plural (and *vice versa*);

e. The term "including" shall be construed without limitation;

f. The use of a verb in any tense encompasses the use of the verb in all tenses;

g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and

h. References to any entity include all of that entity's employees, staff, members, officers, directors, agents, or representatives.

INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the Interrogatory, the information or document is responsive.

2. If You object to any part of an Interrogatory and refuse to answer that part, identify that portion to which You object and answer the remaining portion of the Interrogatory.

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3. If You object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state Your objection and answer the request for the scope or time period You believe is appropriate.

4. If You object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.

5. If You object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.

6. If You withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.

7. These Interrogatories are continuing in nature, and You shall revise or supplement Your responses whenever you obtain different or additional relevant knowledge, information, or belief, from the time of your initial response through to the end of trial.

8. If You are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of Your knowledge and Your inability to answer the remainder, and setting forth whatever information or knowledge You may have concerning the unanswered portions thereof and efforts You made to obtain the requested information. If You have no information responsive to an Interrogatory, then You shall so state.

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INTERROGATORIES

INTERROGATORY NO. 1 Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of the Proposed Plan" and the meaning of the word "it" as used in the phrase "which he or she drafted it," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, the Governor does not possess information responsive to Interrogatory No. 1. By way of further answer, the Governor had no involvement in "drafting" or creating the Proposed Plan. The Governor believes, based upon representation of others including public testimony, that Ray Dirossi was the primary map drawer of the Proposed Plan including amendments submitted by legislative Republicans and Chris Glassburn was the primary map drawer of the plan submitted by legislative Democrats

INTERROGATORY NO. 2 Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

OBJECTIONS: Interrogatory No. 2 does not describe with reasonable particularity the meaning of "data, or plans" and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, the Governor had no involvement in the "drafting" of the Proposed Plan. way of further answer, the Governor had no involvement in the "drafting" of the Proposed Plan.

INTERROGATORY NO. 3 Identify all persons who evaluated, reviewed, analyzed, were

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shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

OBJECTIONS: Interrogatory No. 3 is overly broad, unduly burdensome, vague, duplicative, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.

ANSWER: Without waiving the above referenced objections, the Proposed Plan became public prior to being amended into the adopted plan. The Proposed Plan was subject to multiple public hearings and many people commented and analyzed it including but not limited to media outlets and witnesses at the hearings. By way of further answer, the Governor had no involvement in the "drafting" of the Proposed Plan. The Governor was shown part of the Proposed Plan after it was completed as a courtesy prior to its introduction, and he understands that all members of the Commission Republican and Democrat were given that same courtesy.

INTERROGATORY NO. 4 Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

OBJECTIONS: Interrogatory No. 4 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of … the Enacted Plan" and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, the Governor does not possess information responsive to Interrogatory No. 4. By way of further answer, the Governor had no involvement in the drafting or creation of the state legislative maps enacted under the Enacted Plan.

INTERROGATORY NO. 5 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then

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Identify and Describe Your reasons for making that determination.

OBJECTION: The Governor objects to the extent that Interrogatory No. 5 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege and/or executive privilege. Further this seeks a legal interpretation which is wholly unrelated to the discovery of admissible evidence, and therefore, it is not reasonably calculated to lead to the discovery of admissible evidence. And finally Article I, Section 2 of the Ohio Constitution contains multiple clauses and this vague question does not specify which clause or clause it is referring to.

ANSWER: Without waiving the above referenced privileges, the Governor clearly stated just prior to adoption of the map …" I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement (for a 10-year map). And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day…"I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do." By way of further answer, the Governor's focus was to achieve a bipartisan, ten-year plan.

INTERROGATORY NO. 6 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Governor objects to the extent that Interrogatory No. 6 seeks confidential, privileged information that was made during the deliberative process and/or is

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protected by the attorney client privilege and/or executive privilege. Further this seeks a legal interpretation which is wholly unrelated to the discovery of admissible evidence, and therefore, it is not reasonably calculated to lead to the discovery of admissible evidence. And finally Article I, Section 3 of the Ohio Constitution contains multiple clauses and this vague question does not specify which clause or clause it is referring to.

ANSWER: Without waiving the above referenced privileges, the Governor clearly stated just prior to adoption of the map …" I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement (for a 10-year map). And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day…"I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do." By way of further answer, the Governor's focus was to achieve a bipartisan, ten-year plan.

INTERROGATORY NO. 7 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Governor objects to the extent that Interrogatory No. 7 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege and/or executive privilege. Further this seeks a legal interpretation which is wholly unrelated to the discovery of admissible evidence, and therefore, it is not reasonably calculated to lead to the discovery of admissible evidence. And finally Article I,

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Section 11 of the Ohio Constitution contains multiple clauses and this vague question does not specify which clause or clause it is referring to.

ANSWER: Without waiving the above referenced privileges, the Commission approved general assembly district maps comply with all legal requirements under the Ohio Constitution including but not limited to Article I, Section 11. By way of further answer the Governor clearly stated just prior to adoption of the map …" I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement (for a 10-year map). And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day…"I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do." By way of further answer, the Governor's focus was to achieve a bipartisan, ten-year plan.

INTERROGATORY NO. 8 State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

OBJECTION: The Governor objects to the extent that Interrogatory No. 8 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege and/or executive privilege.

ANSWER: Without waiving the above referenced privileges, the Governor has learned that there are multiple factors that go into predicting the overall likely generic political outcome of a political race and/or whether a district map would favor or disfavor a political party. Throughout the process, the Governor listened to testimony and statements where individuals

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noted their views on the overall likely generic political outcomes of the proposed general assembly maps and their amendments. The Governor believes that no agreed upon set of metrics for scoring exists. Instead, the Governor's focus was to achieve a bipartisan, ten-year plan.

INTERROGATORY NO. 9 Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

OBJECTION: The Governor objects to the extent that Interrogatory No. 9 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege and/or executive privilege. The Governor further objects to the extent that Interrogatory No. 9 pre-supposes a legal requirement of specific, extra-Commission actions that are separate and apart from all other constitutional standards as set forth in the Ohio Constitution. And, finally the Ohio Constitution contains multiple clauses and this vague question does not specify which clause or clause it is referring to.

ANSWER: Without waiving the above referenced privileges and objections, the Governor clearly stated just prior to adoption of the map, " I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement (for a 10-year map). And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day…"I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do."

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VERIFICATION OF INTERROGATORY ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 15:10:25 -8:00

Matthew Donahue
On behalf of Respondent Governor DeWine

Sworn to before me and subscribed in my presence this 12th day of October, 2021.

MacKenzie Storm Clayton
Commission # 2018-RE-707238
Electronic Notary Public
State of Ohio
My Comm Exp. Feb 22, 2023
Notary Stamp 2021/10/12 15:10:25 PST 827BDE8762C9

MacKenzie S. Clayton
Signed on 2021/10/12 15:10:25 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

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CERTIFICATE OF SERVICE

I, Julie M. Pfeiffer, hereby certify that on October 12, 2021, I caused a true and correct copy of the foregoing Respondent DeWine's Responses to Relators' First Set of Interrogatories to be served by email upon the following:

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Yurij Rudensky (PHV 25422-2021)*
Michael Li (PHV 25430-2021)*
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By: *_/s/ Julie M. Pfeiffer*

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E-Signature 1: David M. Grodhaus (DMG)
October 12, 2021 14:48:30 -8:00 [789FF4C90350] [156.63.71.253]
mgrodhaus@ohiosos.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 14:48:30 -8:00 [4656A414BC15] [98.102.110.129]
MacKenzie.Clayton@OhioAGO.gov
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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RESP_0336

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents.*	: : : : : : : : : : : : :	**APPORTIONMENT CASE** Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

RESPONDENT OHIO SECRETARY OF STATE FRANK LAROSE'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES

Pursuant to Rule 26 and 33 of the Ohio Rules of Civil Procedure, Respondent Ohio Secretary of State Frank LaRose, in his official capacity as Member of the Ohio Redistricting Commission, hereby responds to each of the interrogatories below.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lowercase or uppercase letters.

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4. The term "relating to" means referring to, related to, relating to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Interrogatory.

5. The term "Describe" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.

6. The term "Identify" (a) when used in reference to a natural person, means that person's full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person's full name, a description of the nature of the person, and the person's last known address, telephone number, and principal place of business; and (c) when used in reference to a document, requires you either (1) to state (i) the date of the document; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the document; (v) Bates numbers (if any); (vi) type of document (*e.g.*, letter, memorandum, or chart); and (vii) general subject matter, (2) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the respective Interrogatory.

7. The terms "You" and "Your" mean Secretary of State Frank LaRose.

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8. The term "Proposed Plan" means the proposed general assembly district plan that the Commission introduced pursuant to Article XI, Section 8(A)(1) of the Ohio Constitution.

9. The term "Enacted Plan" means the general assembly district plan adopted by the Ohio Redistricting Commission on or about September 16, 2021.

10. The following rules of construction apply to all Interrogatories:

a. The terms "all" and "any" shall each be construed as encompassing any and all;

b. All uses of the word "each" include "every" (and *vice versa*);

c. The connective terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;

d. Use of the singular form of any word includes the plural (and *vice versa*);

e. The term "including" shall be construed without limitation;

f. The use of a verb in any tense encompasses the use of the verb in all tenses;

g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and

h. References to any entity include all of that entity's employees, staff, members, officers, directors, agents, or representatives.

INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the Interrogatory, the information or document is responsive.

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2. If You object to any part of an Interrogatory and refuse to answer that part, identify that portion to which You object and answer the remaining portion of the Interrogatory.

3. If You object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state Your objection and answer the request for the scope or time period You believe is appropriate.

4. If You object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.

5. If You object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.

6. If You withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.

7. These Interrogatories are continuing in nature, and You shall revise or supplement Your responses whenever you obtain different or additional relevant knowledge, information, or belief, from the time of your initial response through to the end of trial.

8. If You are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of Your knowledge and Your inability to answer the remainder, and setting forth whatever information or knowledge You may have concerning the unanswered portions thereof and efforts

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You made to obtain the requested information. If You have no information responsive to an Interrogatory, then You shall so state.

INTERROGATORIES

INTERROGATORY NO. 1 Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of the Proposed Plan" and the meaning of the word "it" as used in the phrase "which he or she drafted it" and therefore it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, other than Mr. Ray DiRossi's public presentation to the Commission of the Senate and House Republican district plan, which became the Proposed Plan, the Secretary of State does not possess any other information responsive to Interrogatory No. 1. By way of further answer, the Secretary of State had no involvement in drafting or creating the Proposed Plan.

INTERROGATORY NO. 2 Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: The Secretary of State does not possess information responsive to Interrogatory No. 2. By way of further answer, the Secretary of State had no involvement in the drafting the Proposed Plan.

INTERROGATORY NO. 3 Identify all persons who evaluated, reviewed, analyzed, were

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shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: The Ohio Redistricting Commission possesses the information requested in Interrogatory No. 3. Other than persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan during the Commission's hearings, who can be identified through the Commission's website, the Secretary of State does not possess information responsive to Interrogatory No. 3. By way of further answer, the Secretary of State had no involvement in the drafting of the Proposed Plan.

INTERROGATORY NO. 4 Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

OBJECTIONS: Interrogatory No. 4 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of … the Enacted Plan" and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, other than Mr. Ray DiRossi's public presentation to the Commission of the Senate and House Republican district plan, which as amended on September 15, 2021 became the Enacted Plan, the Secretary of State does not possess information responsive to Interrogatory No. 4. By way of further answer, the Secretary of State had no involvement in the drafting or creation of the state legislative maps enacted under the Enacted Plan.

INTERROGATORY NO. 5 State whether You determined if the Proposed Plan or Enacted Plan

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complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Secretary of State objects to the extent that Interrogatory No. 5 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege.

ANSWER: Without waiving the above referenced privileges, the Commission approved general assembly district maps comply with all legal requirements under the Ohio Constitution including but not limited to Article I, Section 2.

INTERROGATORY NO. 6 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Secretary of State objects to the extent that Interrogatory No. 6 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege.

ANSWER: Without waiving the above referenced privileges, the Commission approved general assembly district maps comply with all legal requirements under the Ohio Constitution including but not limited to Article I, Section 3.

INTERROGATORY NO. 7 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

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OBJECTION: The Secretary of State objects to the extent that Interrogatory No. 7 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege.

ANSWER: Without waiving the above referenced privileges, the Commission approved general assembly district maps comply with all legal requirements under the Ohio Constitution including but not limited to Article I, Section 11.

INTERROGATORY NO. 8 State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

OBJECTION: The Secretary of State objects to the extent that Interrogatory No. 8 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege.

ANSWER: Without waiving the above referenced privileges, the Commission approved general assembly district maps comply with all legal requirements for drawing the maps under the Ohio Constitution including but not limited to Article XI, Sections 2, 3, 4, 5, and 7.

INTERROGATORY NO. 9 Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

OBJECTION: The Secretary of State objects to the extent that Interrogatory No. 9 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. The Secretary of State further objects to the extent that Interrogatory No. 9 pre-supposes a legal requirement of specific, extra-Commission actions that are separate and apart from all other constitutional standards as set forth in the Ohio Constitution.

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ANSWER: Without waiving the above referenced privileges and objections, the Commission approved general assembly district maps comply with all legal requirements under the Ohio Constitution including but not limited to Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution. The Secretary of State attempted to find a compromise between the district plan submitted by the Republican legislative leaders and the district plan submitted by Senator Sykes so that the vote required for a ten-year district plan could be reached.

VERIFICATION OF INTERROGAORY ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:48:30 -8:00

Michael Grodhaus
On behalf of Respondent Secretary of State LaRose

Sworn to before me and subscribed in my presence this 12th day of October, 2021.

NOTARY PUBLIC STATE OF OHIO
MacKenzie Storm Clayton
Commission # 2018-RE-707238
Electronic Notary Public
State of Ohio
My Comm Exp. Feb 22, 2023
Notary Stamp 2021/10/12 14:48:30 PST 4656A414BC15

MacKenzie S. Clayton
Signed on 2021/10/12 14:48:30 -8:00

Notary Public

DAVE YOST
OHIO ATTORNEY GENERAL

AS TO OBJECTIONS

/s/ Julie M. Pfeiffer

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Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Faber

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CERTIFICATE OF SERVICE

I, Julie M. Pfeiffer, hereby certify that on October 12, 2021, I caused a true and correct copy of the foregoing Respondent Ohio Secretary of State Frank LaRose's Responses to Relators' First Set of Interrogatories to be served by email upon the following:

Alicia L. Bannon (PHV 25409-2021)*
Yurij Rudensky (PHV 25422-2021)*
Michael Li (PHV 25430-2021)*
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By: *<u>/s/ Julie M. Pfeiffer</u>*

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E-Signature Summary

E-Signature 1: Sloan T Spalding (STS)
October 12, 2021 17:08:09 -8:00 [72A819BBF31E] [66.145.220.28]
stspalding@ohioauditor.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 17:08:09 -8:00 [231C7EE6A178] [98.102.110.129]
MacKenzie.Clayton@OhioAGO.gov
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents.*	: : : : : : : : : : : :	**APPORTIONMENT CASE** Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

RESPONDENT FABER'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES

Respondent Ohio Auditor of State Keith Faber, in his official capacity as Member of the Ohio Redistricting Commission, hereby responds to the interrogatories below.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lowercase or uppercase letters.

4. The term "relating to" means referring to, related to, relating to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way

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logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Interrogatory.

5. The term "Describe" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.

6. The term "Identify" (a) when used in reference to a natural person, means that person's full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person's full name, a description of the nature of the person, and the person's last known address, telephone number, and principal place of business; and (c) when used in reference to a document, requires you either (1) to state (i) the date of the document; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the document; (v) Bates numbers (if any); (vi) type of document (*e.g.*, letter, memorandum, or chart); and (vii) general subject matter, (2) or to attach an accurate copy of the document to your answer, appropriately labeled to correspond to the respective Interrogatory.

7. The terms "You" and "Your" mean Auditor Keith Faber.

8. The term "Proposed Plan" means the proposed general assembly district plan that the Commission introduced pursuant to Article XI, Section 8(A)(1) of the Ohio Constitution.

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9. The term "Enacted Plan" means the general assembly district plan adopted by the Ohio Redistricting Commission on or about September 16, 2021.

10. The following rules of construction apply to all Interrogatories:

a. The terms "all" and "any" shall each be construed as encompassing any and all;

b. All uses of the word "each" include "every" (and *vice versa*);

c. The connective terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;

d. Use of the singular form of any word includes the plural (and *vice versa*);

e. The term "including" shall be construed without limitation;

f. The use of a verb in any tense encompasses the use of the verb in all tenses;

g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and

h. References to any entity include all of that entity's employees, staff, members, officers, directors, agents, or representatives.

INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the Interrogatory, the information or document is responsive.

2. If You object to any part of an Interrogatory and refuse to answer that part, identify that portion to which You object and answer the remaining portion of the Interrogatory.

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3. If You object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state Your objection and answer the request for the scope or time period You believe is appropriate.

4. If You object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.

5. If You object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.

6. If You withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.

7. These Interrogatories are continuing in nature, and You shall revise or supplement Your responses whenever you obtain different or additional relevant knowledge, information, or belief, from the time of your initial response through to the end of trial.

8. If You are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of Your knowledge and Your inability to answer the remainder, and setting forth whatever information or knowledge You may have concerning the unanswered portions thereof and efforts You made to obtain the requested information. If You have no information responsive to an Interrogatory, then You shall so state.

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INTERROGATORIES

INTERROGATORY NO. 1 Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of the Proposed Plan" and the meaning of the word "it" as used in the phrase "which he or she drafted it," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, the Auditor of State does not possess information responsive to Interrogatory No. 1. By way of further answer, the Auditor of State had no involvement in drafting or creating the Proposed Plan.

INTERROGATORY NO. 2 Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: The Auditor of State does not possess information responsive to Interrogatory No. 2. By way of further answer, the Auditor of State had no involvement in the drafting the Proposed Plan.

INTERROGATORY NO. 3 Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: The Auditor of State does not possess information responsive to Interrogatory No. 3. By way of further answer, the Auditor of State had no involvement in the drafting of the Proposed Plan.

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INTERROGATORY NO. 4 Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

OBJECTIONS: Interrogatory No. 4 does not describe with reasonable particularity the meaning of "in any way involved in the drafting or creation of … the Enacted Plan" and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, the Auditor of State does not possess information responsive to Interrogatory No. 4. By way of further answer, the Auditor of State had no involvement in the drafting or creation of the state legislative maps enacted under the Enacted Plan.

INTERROGATORY NO. 5 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Auditor of State objects to the extent that Interrogatory No. 5 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. Interrogatory No. 5 also seeks a legal conclusion which will not lead to discoverable information.

ANSWER: Without waiving the above referenced privileges, the Auditor stands by his statement at the September 15, 2021 Commission meeting which can be found at Minute 38:40 of the Commission's transcript of the September 15, 2021 meeting.

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INTERROGATORY NO. 6 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Auditor of State objects to the extent that Interrogatory No. 6 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. Interrogatory No. 6 also seeks a legal conclusion which will not lead to discoverable information.

ANSWER: Without waiving the above referenced privileges, the Auditor stands by his statement at the September 15, 2021 Commission meeting which can be found at Minute 38:40 of the Commission's transcript of the September 15, 2021 meeting.

INTERROGATORY NO. 7 State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

OBJECTION: The Auditor of State objects to the extent that Interrogatory No. 7 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. Interrogatory No. 7 also seeks a legal conclusion which will not lead to discoverable information.

ANSWER: Without waiving the above referenced privileges, the Auditor stands by his statement at the September 15, 2021 Commission meeting which can be found at Minute 38:40 of the Commission's transcript of the September 15, 2021 meeting.

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INTERROGATORY NO. 8 State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

OBJECTION: The Auditor of State objects to the extent that Interrogatory No. 8 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. Interrogatory No. 8 also seeks a legal conclusion which will not lead to discoverable information.

ANSWER: Without waiving the above referenced privileges, the Auditor stands by his statement at the September 15, 2021 Commission meeting which can be found at Minute 38:40 of the Commission's transcript of the September 15, 2021 meeting.

INTERROGATORY NO. 9 Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

OBJECTION: The Auditor objects to the extent that Interrogatory No. 9 seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege. The Auditor of State further objects to the extent that Interrogatory No. 9 pre-supposes a legal requirement of specific, extra-Commission actions that are separate and apart from all other constitutional standards as set forth in the Ohio Constitution. Interrogatory No. 9 also seeks a legal conclusion which will not lead to discoverable information.

ANSWER: Without waiving the above referenced privileges, the Auditor stands by his statement at the September 15, 2021 Commission meeting which can be found at Minute 38:40 of the Commission's transcript of the September 15, 2021 meeting. By way of further answer, the Auditor had several conversations with various individuals including Commission

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members in an attempt to achieve a bipartisan, ten-year plan.

VERIFICATION OF INTERROGATORY ANSWERS

Sloan T Spalding
Signed on 2021/10/12 17:08:09 -8:00

Sloan Spalding
On behalf of Respondent Auditor Faber

Sworn to before me and subscribed in my presence this 12th day of October, 2021.

NOTARY PUBLIC STATE OF OHIO

MacKenzie Storm Clayton
Commission # 2018-RE-707238
Electronic Notary Public
State of Ohio
My Comm Exp. Feb 22, 2023

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MacKenzie S. Clayton
Signed on 2021/10/12 17:08:09 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

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CERTIFICATE OF SERVICE

I, Julie M. Pfeiffer, hereby certify that on October 12, 2021, I caused a true and correct copy of the foregoing Respondent DeWine's Responses to Relators' First Set of Interrogatories to be served by email upon the following:

Alicia L. Bannon (PHV 25409-2021)*
Yurij Rudensky (PHV 25422-2021)*
Michael Li (PHV 25430-2021)*
Ethan Herenstein*
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By: *_/s/ Julie M. Pfeiffer*

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IN THE SUPREME COURT OF OHIO

The Ohio Organizing Collaborative, *et al.*,	:	**Case No. 2021-1210**
Relators,	:	
v.	:	**Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A)**
Ohio Redistricting Commission, *et al.*,	:	**[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]**
Respondents.	:	

RESPONDENT HOUSE MINORITY LEADER EMILIA SYKES' RESPONSE TO RELATORS' FIRST SET OF INTERROGATORIES

Pursuant to Rule 26 and 33 of the Ohio Rules of Civil Procedure, House Minority Leader Emilia Sykes ("Leader Sykes"), through counsel, hereby responds to The Ohio Organizing Collaborative; Council on American-Islamic Relations, Ohio; Ohio Environmental Counsel; Pierrette Talley; Samuel Gresham Jr.; Ahmad Aboukar; Mikayla Lee; Prentiss Haney; and Crystal Bryant ("Relators"), First Set of Discovery Requests (the "Discovery Requests") as follows.

These responses are made for the sole purpose of discovery in this action, and Leader Sykes does not concede the admissibility of this information at trial. Leader Sykes reserves every objection regarding the subsequent use of any document or discovery material herein.

GENERAL OBJECTIONS

1. Leader Sykes objects to the Discovery Requests to the extent they are inconsistent with or attempt to expand the duties and obligations under the Ohio Rules of Civil Procedure or the Ohio Supreme Court Rules of Practice. Leader Sykes will only respond to the Discovery Requests pursuant to her obligations under the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Supreme Court Order.

2. Leader Sykes objects to, and has disregarded, the "Definitions" and "Instructions" preceding the Discovery Requests to the extent that they are inaccurate, inconsistent, incoherent, and/or impose any additional duties or requirements on Leader Sykes beyond those imposed by the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, and/or any Supreme Court Order. Specifically, but without limitation, Leader Sykes objects to the definition of the "Proposed Plan" because there was no plan introduced by the Commission; it was introduced by the Republican Commission members.

3. Leader Sykes has responded based on the information gathered from her diligent search to date. However, discovery is ongoing. Leader Sykes objects that the time frame allowed for these responses was insufficient to conduct the burdensome search for documents and information requested by Relators. Leader Sykes will amend, revise, clarify, or supplement her responses as necessary in accordance with the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Ohio Supreme Court Order. Leader Sykes reserves her right to raise appropriate objections if any additional documents or discovery material is subsequently located.

4. The Ohio Rules of Civil Procedure prohibit the discovery of privileged matters. Leader Sykes has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, the legislative privilege, or any other privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

5. Leader Sykes objects that none of these discovery requests are limited to a relevant time frame in this action. Since Leader Sykes is sued in her official capacity as a member of the

Ohio Redistricting Commission, she will respond to these discovery requests for the time period limited to the 2021 legislative redistricting cycle.

6. Each of the following responses is made subject to every objection as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

ANSWER: Leader Sykes, despite being a member of the Commission, was prevented from participating in the map-drawing process, as it related to the Proposed Plan, by the Republican members of the Commission. Leader Sykes repeatedly asked that the Commission to follow the requirement of Article XI of the Ohio Constitution, Section 1(C), that states, "The Commission shall draft the proposed plan in the manner prescribed in this article." Instead, the Proposed Plan was apparently drafted in secret by the staff of the Republican caucuses of the General Assembly and presented to the other Commissioners at the last minute. Accordingly, Leader Sykes cannot identify persons who were involved in the drafting or creation of the Proposed Plan.

INTERROGATORY NO. 2

Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: See response to Interrogatory No. 1.

INTERROGATORY NO. 3

Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER: Because Leader Sykes was prevented from participating in the map-drawing process, she cannot identify persons as requested by Interrogatory No. 3.

INTERROGATORY NO. 4

Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

ANSWER: See response to Interrogatory No. 3.

INTERROGATORY NO. 5

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Leader Sykes further objects to this Interrogatory to the extent that it seeks information that is protected by the

attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes states that she took an oath to uphold the Ohio Constitution and that she conducted herself accordingly. Leader Sykes approaches public service always keeping in mind that all political power is inherent in the people.

INTERROGATORY NO. 6

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Leader Sykes further objects to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes states that the Enacted Plan disfavors voters who tend to vote for Democratic candidates by interfering with these voters' abilities to gather with like-minded individuals.

INTERROGATORY NO. 7

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

ANSWER: Objection. This Interrogatory is overly broad, ambiguous, and improper in that it asks for an interpretation of provisions of the Ohio Constitution. Leader Sykes further objects to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes states that the Enacted Plan disfavors voters who tend to vote for Democratic candidates by discriminating based on their political viewpoints, thereby infringing on these voters' abilities to freely speak on political issues.

INTERROGATORY NO. 8

State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

ANSWER: Objection. Leader Sykes objects to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, the legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes states that the Enacted Plan unfairly and disproportionately favors the Republican Party and does not reflect the statewide political preferences of Ohio voters because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio.

INTERROGATORY NO. 9

Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

ANSWER: Subject to and without waiving any objection, Leader Sykes responds as follows: the maps proposed by Senator Sykes and Leader Sykes conformed with the constitutional provisions of Article XI. However, the Enacted Plan did not comply with the proportional fairness provisions of Section 6(A) and 6(B), nor did the Republican commissioners ever attempt in any way to comply with the proportional fairness provisions of Section 6 but wanted merely to engage in negotiations about the number of safe Republican seats (well above the proportional fairness provisions) that the Sykeses would accept in order to secure their votes for a ten year plan.

Respectfully submitted as to objections only,

ICE MILLER LLP

/s/ Diane Menashe
Counsel to the Ohio Attorney General

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Counsel for Respondents Senator Vernon Sykes and House Minority Leader Emilia Sykes

VERIFICATION

STATE OF OHIO

COUNTY OF FRANKLIN:

I, Emilia Sykes, state that I have read Relators' Interrogatories, and my answers to those Interrogatories are true based on my personal knowledge or information and belief.

Date: October 19, 2021

House Minority Leader Emilia Sykes, Respondent

Before me, a notary public, came Emilia Sykes, on this 19th day of October, 2021, and affirmed that the foregoing Answers to Interrogatories are true and correct to the best of her knowledge and belief.

Lydia M. Barger

Notary Public

NOTARIAL SEAL STATE OF OHIO

LYDIA M. BARGER
Notary Public, State of Ohio
My Commission Expires 5-28-2022

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2021, I have served the foregoing document by email on the following:

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IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents.*	:	**APPORTIONMENT CASE** Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

RESPONDENT HUFFMAN'S OBJECTIONS AND RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES TO RESPONDENT SENATE PRESIDENT MATTHEW HUFFMAN

Respondent Senate President Matthew Huffman ("Senate President Huffman"), by and through undersigned counsel serve his objections and responses to Relators' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

Senate President Huffman makes the following answers, responses, and objections to Relators' First Set of Interrogatories ("Interrogatories"). Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court. Any and all such objections and grounds are expressly reserved.

The responses are based on Senate President Huffman's present knowledge, information, and belief, as derived from: (a) the knowledge and information of present employees or agents of Senate President Huffman gained in their capacity as such, and (b) a review of the documents and materials maintained by Senate President Huffman that would be likely to contain the information

called for by the Interrogatories. These responses are subject to amendment and supplementation as Senate President Huffman acquires additional information. Senate President Huffman states that his responses to the Interrogatories were prepared in consultation with his attorneys and may not exactly match the words or phrases that may be used by individuals in the course of this litigation to describe events, policies, and practices discussed herein.

No incidental or implied admissions are intended by these responses. The fact that Senate President Huffman responds or objects to any Interrogatory should not be taken as an admission that Senate President Huffman accepts or admits the existence of any facts assumed by such Interrogatory or that such Response or objection constitutes admissible evidence as to any such assumed facts. The fact that Senate President Huffman responds to part of or all of any Interrogatory is not intended to be, and shall not be construed as a waiver by Senate President Huffman of any part of any objection to any Interrogatory. Senate President Huffman will respond to Relators requests in accordance with Rules 26, 33, and 34 of the Ohio Rules of Civil Procedure and will not provide responses or documents to the extent such responses or production would exceed the requirements of those Rules.

Since the Ohio Rules of Civil Procedure prohibit discovery of privileged matters, Senate President Huffman has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, or the legislative privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

Senate President Huffman also objects that none of these requests are limited to the relevant time frame in this action. Particularly, as Senate President Huffman is sued in his official capacity

as President of the Ohio Senate and a member of the Ohio Redistricting Commission, these requests as written, call for Senate President Huffman to review records pertaining to all redistricting for his office going back decades. Because of this, all requests, as written, are unduly burdensome, and unlikely to lead to the discovery of relevant admissible evidence. As such, in his responses, Senate President Huffman has interpreted these requests to only seek information pertaining to the 2021 legislative redistricting cycle.

Senate President Huffman also objects on the grounds that the time frame allowed for his response was insufficient to conduct the burdensome document search requested by Relators given the requests are overly broad, request information that is entirely irrelevant, and are not reasonably limited in either time or scope.

These responses are provided solely for the purpose of and in relation to this action.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information not within the personal knowledge of Senate President Huffman and information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving the foregoing objections, Senate President Huffman identifies: himself, Speaker Cupp, Mr. Ray DiRossi, Mr. Blake Springhetti, Governor DeWine, Secretary of State LaRose, and Auditor Faber. Senate President Huffman further states that some suggestions by Senator Sykes and House Minority Leader Sykes, were incorporated into the Enacted Plan. Senate President Huffman further identifies any employee of Ohio University that participated in creating the Common Unified Redistricting Database (otherwise known as the CURD) for the State of Ohio.

INTERROGATORY NO. 2

Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: Senate President Huffman objects that this Interrogatory is duplicative of

Interrogatory No. 1 and seeks the same information. Senate President Huffman refers Relators to his objections and responses to Interrogatory No. 1, and incorporates these as if they were set out fully herein. Moreover, Senate President Huffman refers Relators to the website of the Ohio Redistricting Commission.

INTERROGATORY NO. 3

Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: Senate President Huffman objects that this Interrogatory is duplicative of Interrogatory No. 1 and seeks the same information. Senate President Huffman refers Relators to his objections and responses to Interrogatory No. 1, and incorporates these as if they were set out fully herein. Moreover, Senate President Huffman refers Relators to the website of the Ohio Redistricting Commission.

INTERROGATORY NO. 4

Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Senate President Huffman states that individuals involved in the creation of the Enacted Plan were instructed to comply with state and federal law including the requirements of the Ohio Constitution.

INTERROGATORY NO. 5

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Senate President Huffman also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Senate President Huffman states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 6

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Senate President Huffman also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Senate President Huffman states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 7

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Senate President Huffman also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Senate President Huffman states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 8

State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Senate President Huffman also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Senate President Huffman states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 9

Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

RESPONSE: Senate President Huffman objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Senate President Huffman also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Senate President Huffman states that he and others negotiated with all the members of the Commission, including the Democratic members, in order to reach a compromise 10-year plan but those negotiations did not produce a compromise 10-year plan because the Democratic members would not modify their proposals to move towards the plan introduced by the Commission even though the Enacted Plan moved towards the plans proposed by the Democratic members of the Commission.

Respectfully submitted this the 12th day of October, 2021

By:
/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2021, I have served the foregoing document by email:

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4846-7533-5422 v.1

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents.*	: : : : : : : : : : : :	**APPORTIONMENT CASE** Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

RESPONDENT CUPP'S OBJECTIONS AND RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES TO RESPONDENT HOUSE SPEAKER ROBERT R. CUPP

Respondent Speaker Robert R. Cupp ("Speaker Cupp"), by and through undersigned counsel serve his objections and responses to Relators' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

Speaker Cupp makes the following answers, responses, and objections to Relators' First Set of Interrogatories ("Interrogatories"). Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court. Any and all such objections and grounds are expressly reserved.

The responses are based on Speaker Cupp's present knowledge, information, and belief, as derived from: (a) the knowledge and information of present employees or agents of Speaker Cupp gained in their capacity as such, and (b) a review of the documents and materials maintained by Speaker Cupp that would be likely to contain the information called for by the Interrogatories. These responses are subject to amendment and supplementation as Speaker Cupp acquires

additional information. Speaker Cupp states that his responses to the Interrogatories were prepared in consultation with his attorneys and may not exactly match the words or phrases that may be used by individuals in the course of this litigation to describe events, policies, and practices discussed herein.

No incidental or implied admissions are intended by these responses. The fact that Speaker Cupp responds or objects to any Interrogatory should not be taken as an admission that Speaker Cupp accepts or admits the existence of any facts assumed by such Interrogatory or that such Response or objection constitutes admissible evidence as to any such assumed facts. The fact that Speaker Cupp responds to part of or all of any Interrogatory is not intended to be, and shall not be construed as a waiver by Speaker Cupp of any part of any objection to any Interrogatory. Speaker Cupp will respond to Relators requests in accordance with Rules 26, 33, and 34 of the Ohio Rules of Civil Procedure and will not provide responses or documents to the extent such responses or production would exceed the requirements of those Rules.

Since the Ohio Rules of Civil Procedure prohibit discovery of privileged matters, Speaker Cupp has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, or the legislative privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

Speaker Cupp also objects that none of these requests are limited to the relevant time frame in this action. Particularly, as Speaker Cupp is sued in his official capacity as Speaker of the Ohio House and a member of the Ohio Redistricting Commission, these requests as written, call for Speaker Cupp to review records pertaining to all redistricting for his office going back decades.

Because of this, all requests, as written, are unduly burdensome, and unlikely to lead to the discovery of relevant admissible evidence. As such, in his responses, Speaker Cupp has interpreted these requests to only seek information pertaining to the 2021 legislative redistricting cycle.

Speaker Cupp also objects on the grounds that the time frame allowed for his response was insufficient to conduct the burdensome document search requested by Relators given the requests are overly broad, request information that is entirely irrelevant, and are not reasonably limited in either time or scope.

These responses are provided solely for the purpose of and in relation to this action.

INTERROGATORIES

INTERROGATORY NO. 1

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plan and, for each identified person, the date or dates on which he or she drafted it.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information not within the personal knowledge of Speaker Cupp and information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving the foregoing objections, Speaker Cupp identifies: himself, Senate President Huffman, Mr. Ray DiRossi, Ms. Christine Morrison, Mr. Blake Springhetti, Governor DeWine, Secretary of State LaRose, and Auditor Faber. Speaker Cupp further states that some suggestions by Senator Sykes and House Minority Leader Sykes, were incorporated into the Enacted Plan. Speaker Cupp further identifies any employee of Ohio University that participated in creating the Common Unified Redistricting Database (otherwise known as the CURD) for the State of Ohio.

INTERROGATORY NO. 2

Identify all persons who submitted maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: Speaker Cupp objects that this Interrogatory is duplicative of Interrogatory No. 1 and seeks the same information. Speaker Cupp refers Relators to his objections and responses to Interrogatory No. 1, and incorporates these as if they were set out fully herein. Moreover, Speaker Cupp refers Relators to the website of the Ohio Redistricting Commission.

INTERROGATORY NO. 3

Identify all persons who evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that You used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

RESPONSE: Speaker Cupp objects that this Interrogatory is duplicative of Interrogatory No. 1 and seeks the same information. Speaker Cupp refers Relators to his objections and responses to Interrogatory No. 1, and incorporates these as if they were set out fully herein. Moreover, Speaker Cupp refers Relators to the website of the Ohio Redistricting Commission.

INTERROGATORY NO. 4

Identify and Describe all instructions provided to individuals who drafted or created, or were in any way involved in the drafting or creation of, the state legislative maps enacted under the Enacted Plan, including but not limited to the map drawers and their staff.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Speaker Cupp states that individuals involved in the creation of the Enacted Plan were instructed to comply with state and federal law including the requirements of the Ohio Constitution.

INTERROGATORY NO. 5

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 2 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Speaker Cupp also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Speaker Cupp states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 6

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 3 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Speaker

Cupp also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Speaker Cupp states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 7

State whether You determined if the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution and, if You determined that the Proposed Plan or Enacted Plan complies with Article I, Section 11 of the Ohio Constitution, then Identify and Describe Your reasons for making that determination.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Speaker Cupp also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Speaker Cupp states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 8

State whether You considered or determined if the Proposed Plan or Enacted Plan would favor or disfavor a political party and, if so, what Your determination was, and Describe Your reasons for making that determination.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Speaker Cupp also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Speaker Cupp states that the Proposed and Enacted Plans complied with all of the mandatory requirements of the Ohio Constitution and none of the Relators in these matters have contended otherwise.

INTERROGATORY NO. 9

Identify and Describe any and all attempts that You made to comply with Section 6(A) and Section 6(B) of Article XI of the Ohio Constitution.

RESPONSE: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects to this Interrogatory to the extent that it seeks information beyond his personal knowledge. Speaker Cupp also objects to this Interrogatory to the extent it seeks a legal opinion or improper lay witness testimony. Subject to and without waiving these objections, Speaker Cupp states that he and others negotiated with all the members of the Commission, including the Democratic members, in order to reach a compromise 10-year plan but those negotiations did not produce a compromise 10-year

plan because the Democratic members would not modify their proposals to move towards the plan introduced by the Commission even though the Enacted Plan moved towards the plans proposed by the Democratic members of the Commission.

Respectfully submitted this the 12th day of October, 2021

By:
/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2021, I have served the foregoing document by email:

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/s/Alyssa M. Riggins

Alyssa M. Riggins

4841-9397-3502 v.1

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,	:	
	:	
Bria Bennett, *et al.*,	:	
	:	**Case Nos. 2021-1193, 2021-1198,**
Ohio Organizing Collaborative, *et al.*,	:	**2021-1210**
	:	
	:	
Relators,	:	
v.	:	**Original Action Filed Pursuant to Ohio**
	:	**Constitution, Article XI, Section 9(A)**
Ohio Redistricting	:	
Commission, *et al.*,	:	**[Apportionment Case Pursuant to S. Ct.**
	:	**Prac. R. 14.03]**
Respondents.	:	
	:	

RESPONDENT HOUSE MINORITY LEADER EMILIA SYKES' RESPONSES TO RESPONDENTS MATT HUFFMAN AND ROBERT CUPP'S FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 26, 33, and 34 of the Ohio Rules of Civil Procedure, House Minority Leader Emilia Sykes ("Leader Sykes"), through counsel, hereby responds to Respondents Matt Huffman and Respondent Robert Cupp's ("Respondents") First Set of Discovery Requests (the "Discovery Requests") as follows:

These responses are made for the sole purpose of discovery in this action, and Leader Sykes does not concede the admissibility of this information at trial. Leader Sykes reserves every objection regarding the subsequent use of any document or discovery material herein.

GENERAL OBJECTIONS

1. Leader Sykes objects to the Discovery Requests to the extent they are inconsistent with or attempt to expand the duties and obligations under the Ohio Rules of Civil Procedure or the Ohio Supreme Court Rules of Practice. Leader Sykes will only respond to the Discovery

Requests pursuant to her obligations under the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Supreme Court Order.

2. Leader Sykes objects to, and has disregarded, the "Definitions" and "Instructions" preceding the Discovery Requests to the extent that they are inaccurate, inconsistent, incoherent, and/or impose any additional duties or requirements on Leader Sykes beyond those imposed by the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, and/or any Supreme Court Order. More specifically, and without limitation, Leader Sykes objects to the definition of the terms "you" and "your," which purport to extend the scope of her responses beyond that which she has personal knowledge. Leader Sykes is responding to these Discovery Requests in her individual capacity. Leader Sykes cannot answer for anyone other than herself. To the extent that these Discovery Requests seek information from Leader Sykes' "agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on [her] behalf," Leader Sykes states that discovery requests are more appropriately directed to those individuals or entities.

3. Leader Sykes has responded based on the information gathered from her diligent search to date. However, discovery is ongoing. Leader Sykes objects on the basis that the time frame allowed for these responses was insufficient to conduct the burdensome search for documents and information requested by Respondents. Leader Sykes will amend, revise, clarify, or supplement her responses as necessary in accordance with the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, and/or any Supreme Court Order. Leader Sykes reserves her right to raise appropriate objections if any additional documents or discovery material is subsequently located.

4. The Ohio Rules of Civil Procedure prohibit the discovery of privileged matters. Leader Sykes has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, the legislative privilege, or any other privilege, no waiver is intended; nor is any waiver intended as to any other matters that are, or may be subject to, such protection or otherwise privileged.

5. Leader Sykes objects that none of these Discovery Requests are limited to a relevant time frame in this action. Since Leader Sykes is sued in her official capacity as a member of the Ohio Redistricting Commission, she will respond to these Discovery Requests for the time period limited to the 2021 legislative redistricting cycle.

6. Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court.

INTERROGATORIES

INTERROGATORY NO. 1 Identify the individual or organization responsible for giving Bill Cooper the raw data referenced in footnote 2 of Exhibit A to the Warshaw Affidavit.

ANSWER: Objection. This Interrogatory is more properly directed to other parties or third parties. Subject to and without waiving any objection, Leader Sykes states that she does not know Bill Cooper. Nor does she know who was responsible for giving Bill Cooper the raw data referenced in footnote 2 of Exhibit A to the Warshaw Affidavit.

INTERROGATORY NO. 2 Identify all reasons You did not vote in favor of the Ohio House and Senate Districts that were ultimately passed by the Ohio Redistricting Commission.

ANSWER: Objection. Leader Sykes objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes states that she did not vote in favor of the legislative district plan that was ultimately enacted by the Ohio Redistricting Commission for several reasons, including the following:

1. The enacted plan's statewide proportions of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party do not correspond closely to the statewide preferences of the voters of Ohio.
2. Even after the Republican members of the Commission presented their draft map on September 9, 2021, and their final map on September 15, 2021, they did not provide an explanation as to how their proposed maps conformed to the proportional fairness provisions of Article XI, Section 6.
3. The plan enacted by the Commission violates the clear mandates of Article XI of the Ohio Constitution. Namely, the enacted plan was drawn to favor the Republican Party out of proportion to Ohio voter preferences, and the Republican members of the Commission did not demonstrate any attempt to enact a fairly drawn plan.
4. The enacted plan violates the will of Ohio voters as expressed by the redistricting reforms that were approved and adopted in 2015 and 2018.
5. Leader Sykes was prevented from participating in the map-drawing process and did not have the opportunity to provide input into the legislative district plan that was ultimately enacted by the Commission. For example, the Republican members of

the Commission did not make any of their map drawers, including Ray DiRossi, available to Leader Sykes or her staff or map drawers at any time.

6. Leader Sykes repeatedly asked that the Commission follow the requirement of Article XI, Section 1(C) of the Ohio Constitution that states, "The Commission shall draft the proposed plan in the manner prescribed in this article." Instead, the legislative district plan enacted by the Commission was apparently drafted in secret by the staff of the Republican caucuses of the General Assembly and presented to the full Commission at the last minute. Leader Sykes did not have the opportunity to provide input on the map that was ultimately enacted by the Commission.
7. The Republican members of the Commission failed to adhere to deadlines relating to legislative district plans to be considered by or voted on by the Commission. Specifically, the Republican members of the Commission did not produce or reveal a map until September 9, 2021, after the deadline had expired. They did not produce or reveal a final map until close to midnight on September 15, 2021.
8. The Republican members of the Commission did not attempt to meet all of the requirements of Article XI of the Ohio Constitution.
9. The Republican Commissioners' constitutionally required statement, purportedly explaining how the enacted plan met all constitutional requirements, was not provided until the final minutes of September 15, 2021, after the majority members of the Commission voted to adopt their plan. Thus, the Republican Commissioners did not explain how the enacted plan met the requirements of Article XI of the Ohio Constitution until it was too late.

INTERROGATORY NO. 3 Describe in detail all job duties you have as a member of the Ohio Redistricting Commission, and how you performed those jobs as they relate to the Ohio House and Senate Maps passed by the Ohio Redistricting Commission.

ANSWER: Objection. This Interrogatory is vague and ambiguous because the term "job duties" is not defined. Leader Sykes further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes responds as follows:

The Ohio Redistricting Commission is generally tasked with drawing each of Ohio's ninety-nine House districts and thirty-three Senate districts based on the results of the most recent Census. Article XI of the Ohio Constitution provides that no legislative district map be drawn to favor one political party, and that the enacted legislative district map correspond closely to the statewide voter preferences as measured by the statewide partisan general election results over the past ten years. Accordingly, as a member of the Ohio Redistricting Commission, Leader Sykes has a duty to ensure that the enacted legislative plan (1) does not favor one political party, and (2) corresponds to the statewide preferences of the Ohio voters.

Leader Sykes also has a duty as a Commission member to participate in all voting and debates to make sure that the 2021 redistricting complied with all applicable provisions of the Ohio Constitution, federal law, and state law.

Article XI, Section 1(C) of the Ohio Constitution that states, "The Commission shall draft the proposed plan in the manner prescribed in this article." Thus, the *Commission*, not any one political party caucus, has a duty to propose maps for

consideration. As a member of the Commission, Leader Sykes had a duty to participate in the process of drawing legislative district boundaries so that the *Commission* can draw the maps. Unfortunately, that is not what happened—the enacted plan was drawn in secret by Republican caucus staff without any input from Leader Sykes.

Leader Sykes also has a duty as a Commission member to hold and attend hearings, ask questions about the map-drawing process, engage with the public, listen to feedback, and incorporate feedback into her decision on a final map to be adopted by the Commission.

To achieve the requirements of the Ohio Constitution, Leader Sykes served as Co-Chair of the Legislative Taskforce on Redistricting, Reapportionment, and Demographic Research (the "Taskforce"). The Taskforce retained researchers from Ohio University to produce the Ohio Common Unified Redistricting Database ("CURD"). The Taskforce prepared CURD data for the Commission, which, among other things, showed that, over the past decade, the Republican Party won 54% of the statewide partisan general election votes, while Democrats won 46%.

Senator Vernon Sykes produced three maps that actually met the Article XI requirements. Leader Sykes joined two of the three draft maps produced by Senator Sykes. Unfortunately, these proposed maps were not considered for adoption by the Republican members of the Commission. These maps produced, respectively, fourteen likely Democratic Senate seats and forty-four likely Democratic House seats, thirteen likely Democratic Senate seats and forty-two likely Democratic House seats, and thirteen likely Democratic Senate seats and forty-two likely Democratic House seats. The latter two maps were offered in response to feedback from Republican members of the Commission and their staff, specifically Secretary of State LaRose and Auditor of State Faber.

Finally, Leader Sykes worked tirelessly to meet the requirements of her oath of office taken on August 6, 2021 to uphold the Ohio Constitution, participate in the map-drawing process, and produce constitutional state legislative district maps.

INTERROGATORY NO. 4 Identify all elected officials, individuals, and organizations You received data, information, communications, or draft maps from pertaining to the drawing of Ohio's House or Senate Districts that were submitted to the Ohio Redistricting Commission's website on behalf of the House and Senate Democratic Caucus.

ANSWER: Objection. This Interrogatory is overly broad and unduly burdensome because it is more properly directed to other parties or third parties. Leader Sykes further objects to this Interrogatory to the extent that it seeks information not within Leader Sykes' personal knowledge and information that is protected by the attorney-client privilege, legislative privilege, and/or any other privilege.

Subject to and without waiving any objection, Leader Sykes states that she received data and information from the following individuals and organizations: Ohio University, Randall Routt, Mike Rowe, George Boas, Scott Stockman, Kristin Rothey, Senate Minority Leader Kenny Yuko, Senator Vernon Sykes, Project Govern, Chris Glassburn, Samantha Herd, Andy Di Palma, Sarah Cherry, Haystaq DNA, Anh Volmer, Ken Strasma, Commissioner/Auditor of State Keith Faber, Emily Redman, Allison Dumski, Alex Bilchak, Commissioner/Secretary of State Frank LaRose, Michael Grodhaus, Merle Madrid, Chris Oliveti, Frank Strigari, Paul DiSantis, Commissioner/Governor Mike DeWine, Matthew Donahue, and all members of the House Democratic Caucus then in office.

INTERROGATORY NO. 5 Identify all elected officials, individuals, and organizations involved in drafting the Ohio House or Senate Districts submitted to the Committee by You and/or Vernon Sykes.

ANSWER: Objection. This Interrogatory is vague and ambiguous because the term "involved" is not defined. Leader Sykes further objects to this Interrogatory to the extent it seeks information not within Leader Sykes' personal knowledge and information that is protected by the attorney-client privilege, legislative privilege, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes identifies each individual and entity identified in Interrogatory No. 4, except for elected officials because no elected officials were involved in actually drafting or drawing legislative maps.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1 All documents and communications produced pursuant to the Public Record Requests regarding 2021 general assembly redistricting to You.

RESPONSE: Objection. This Request is overly broad and unduly burdensome because it requests information that is not within Leader Sykes' possession, custody, or control. Leader Sykes also objects on the basis that the time period is not specified. Subject to and without waiving any objection, Leader Sykes will produce non-privileged documents responsive to this Request and in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 2 All documents and communications relating to the Ohio Common and Unified Redistricting Database (CURD) by the Ohio University Voinovich School Leadership and Public Affairs (GVS).

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll documents and communications…." Leader Sykes objects further on the basis that this Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to documents and communications germane to the redistricting process at issue in this litigation. Subject to and without waiving any objection, Leader Sykes directs Respondents to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Commission's public website, and relevant, non-privileged documents produced with these responses. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 3 All communications with any employees, consultants or agents of GVS for the last two years.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications…for the last two years." Leader Sykes objects further on the basis that this Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to communications germane to the redistricting process at issue in this litigation. Subject to and without waiving any objection, Leader Sykes directs Respondents to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Commission's public

website, and relevant, non-privileged documents produced with these responses. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 4 All documents relating to or communications regarding draft redistricting plans for Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll documents relating to or communications regarding draft redistricting plans…." Leader Sykes objects further on the basis that this Request is more properly directed to other parties or third parties. Leader Sykes further objects to this Request on the basis that this Request seeks information that is not within her possession, custody, or control. Leader Sykes further objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, legislative privilege, the work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 5 All data, including block files or shapefiles, used to create any draft plans for Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad, unduly burdensome, and vague in that it requests "[a]ll data…used to create any draft plans…" and that the term "data" is not defined. Leader Sykes objects further on the basis that this Request is more properly directed to other parties or third parties. Leader Sykes objects further on the basis that this Request seeks information that is not within her possession, custody, or control. Subject to

and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 6 All communications with members of the Ohio Redistricting Commission or members of the Ohio General Assembly regarding redistricting or draft plans of the Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications with members of the Ohio Redistricting Commission or members of the Ohio General Assembly…." Leader Sykes further objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, legislative privilege, the work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 7 All communications between you or your staff and Randall Routt or Chris Glassburn regarding redistricting and Ohio House and Senate Maps.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications between you or your staff and Randall Routt or Chris Glassburn…." Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 8 All communications between you, your staff, the National or Ohio Chapters of the American Civil Liberties Union, the Ohio A. Philip Randolph Institute, the League of Women Voters of Ohio, and any Local Chapters of the League of Women Voters of Ohio, Project Govern or any other organization or elected official regarding the drawing of Ohio House and Senate Districts or redistricting of the General Assembly districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications between you, your staff" and several other entities and individuals "regarding the drawing of Ohio House and Senate Districts or redistricting of the General Assembly districts." Leader Sykes receives numerous communications sent in mass mailings from these organizations. To retrieve all of those communications would be unduly burdensome and disproportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 9 All communications between you, your staff, the ACLU, APRI, Common Cause, Fair Districts or any other organization or elected official regarding population of Ohio House and Senate districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications between you, your staff" and several entities and individuals "regarding population of Ohio House and Senate districts." Leader Sykes receives numerous communications sent in mass mailings from these organizations. To

retrieve all of those communications would be unduly burdensome and disproportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 10 All communications with any staff member of the Ohio Legislative Services Commission relating to the drawing of Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications with any staff member…." Leader Sykes further objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, legislative privilege, the work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 11 All communications regarding the drawing of Ohio House or Senate Districts or the redistricting of Ohio's General Assembly districts with the following entities and their agents or employees:

- Democratic National Committee;
- the Ohio Democratic Party;
- the National Democratic Campaign Committee;
- the National Democratic Redistricting Committee;

- All On the Line;
- Fair Districts Ohio;
- Council on American-Islamic Relations-Ohio
- Fair Vote;
- Cook Political Report;
- DemCast;
- Common Cause Ohio;
- Democratic Legislative Campaign Committee

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications regarding the drawing of Ohio House or Senate Districts or the redistricting of Ohio's General Assembly districts...." Leader Sykes receives numerous communications sent in mass mailings from these organizations. To retrieve all of those communications would be unduly burdensome and disproportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 12 Any communications or data received by Bill Cooper, Chris Warshaw, or Jonathan Rodden.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ny communications or data ***received by*** Bill Cooper, Chris Warshaw, or Jonathan Rodden." Leader Sykes further states that she has no knowledge regarding what

information Mr. Cooper received or from whom he received it. Therefore, information responsive to this Request is outside Leader Sykes' possession, custody, or control.

REQUEST NO. 13 All materials including talking points or scripts distributed to or by you or relied upon by you during Ohio Redistricting Commission Meetings or Public Hearings.

RESPONSE: Objection. This Request is overly broad, vague, and unduly burdensome in that it requests "[a]ll materials…" and that the term "relied upon" is undefined. Leader Sykes further objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, legislative privilege, the work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request that are in her possession. Leader Sykes reserves the right to supplement this response.

REQUEST NO. 14 All notes you took during Ohio Redistricting Commission Meetings or Public Hearings.

RESPONSE: Objection. Leader Sykes objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, legislative privilege, the work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce documents responsive to this Request.

Respectfully submitted as to objections only,

ICE MILLER LLP

/s/ Diane Menashe
Counsel to the Ohio Attorney General

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Counsel for Respondents Senator Vernon Sykes and House Minority Leader Emilia Sykes

VERIFICATION

STATE OF OHIO

COUNTY OF FRANKLIN:

I, Emilia Sykes, state that I have read Respondents Matt Huffman and Robert Cupp's Interrogatories, and my answers to those Interrogatories are true based on my personal knowledge or information and belief.

Date: October 19, 2021

House Minority Leader Emilia Sykes, Respondent

Before me, a notary public, came Emilia Sykes, on this 19th day of October, 2021, and affirmed that the foregoing Answers to Interrogatories are true and correct to the best of her knowledge and belief.

Notary Public

NOTARIAL SEAL STATE OF OHIO

LYDIA M. BARGER
Notary Public, State of Ohio
My Commission Expires 5-28-2022

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2021, I have served the foregoing document by email on the following:

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IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,	:	
Bria Bennett, *et al.*	:	**Case Nos. 2021-1193; 2021-1198;**
Ohio Organizing Collaborative, *et. al*,	:	**2021-1210**
Relators,	:	
v.	:	**Original Action Filed Pursuant to Ohio**
	:	**Constitution, Article XI, Section 9(A)**
Ohio Redistricting	:	
Commission, *et al.*,	:	**[Apportionment Case Pursuant to S. Ct.**
	:	**Prac. R. 14.03]**
Respondents.	:	
	:	
	:	

RESPONDENT SENATOR VERNON SYKES' RESPONSE TO RESPONDENTS MATT HUFFMAN AND ROBERT CUPP'S FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 26, 33, and 34 of the Ohio Rules of Civil Procedure, Senator Vernon Sykes ("Senator Sykes"), through counsel, hereby responds to Respondent Matt Huffman and Respondent Robert Cupp's ("Respondents") First Set of Discovery Requests (the "Discovery Requests") as follows:

These responses are made for the sole purpose of discovery in this action, and Senator Sykes does not concede the admissibility of this information at trial. Senator Sykes reserves every objection regarding the subsequent use of any document or discovery material herein.

GENERAL OBJECTIONS

1. Senator Sykes objects to the Discovery Requests to the extent they are inconsistent with or attempt to expand the duties and obligations under the Ohio Rules of Civil Procedure or the Ohio Supreme Court Rules of Practice. Senator Sykes will only respond to the Discovery Requests pursuant to his obligations under the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Supreme Court Order.

2. Senator Sykes objects to, and has disregarded, the "Definitions" and "Instructions" preceding the Discovery Requests to the extent that they are inaccurate, inconsistent, incoherent, and/or impose any additional duties or requirements on Senator Sykes beyond those imposed by the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, and/or any Supreme Court Order. More specifically, and without limitation, Senator Sykes objects to the definition of the terms "you" and "your," which purport to extend the scope of his responses beyond that which he has personal knowledge. Senator Sykes is responding to these Discovery Requests in his individual capacity. Senator Sykes cannot answer for anyone other than himself. To the extent that these Discovery Requests seek information from Senator Sykes' "agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on [his] behalf," Senator Sykes states that discovery requests are more appropriately directed to those individuals or entities.

3. Senator Sykes has responded based on the information gathered from his diligent search to date. However, discovery is ongoing. Senator Sykes objects that the time frame allowed for these responses was insufficient to conduct the burdensome search for documents and information requested by Respondents. Senator Sykes will amend, revise, clarify, or supplement his responses as necessary in accordance with the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Practice, or any Ohio Supreme Court Order. Senator Sykes reserves his right to raise appropriate objections if any additional documents or discovery material is subsequently located.

4. The Ohio Rules of Civil Procedure prohibit the discovery of privileged matters. Senator Sykes has interpreted each request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery

by the work product doctrine, the attorney-client privilege, the legislative privilege, or any other privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

5. Senator Sykes objects that none of these discovery requests are limited to a relevant time frame in this action. Since Senator Sykes is sued in his official capacity as a member of the Ohio Redistricting Commission, he will respond to these discovery requests for the time period limited to the 2021 legislative redistricting cycle.

6. Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court.

INTERROGATORIES

INTERROGATORY NO. 1 Identify the individual or organization responsible for giving Bill Cooper the raw data referenced in footnote 2 of Exhibit A to the Warshaw Affidavit.

ANSWER: Senator Sykes does not have any knowledge about data provided to Bill Cooper.

INTERROGATORY NO. 2 Identify all reasons You did not vote in favor of the Ohio House and Senate Districts that were ultimately passed by the Ohio Redistricting Commission.

ANSWER: Senator Sykes objects to this interrogatory to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Senator Sykes did not vote in favor of the legislative district plan that was ultimately enacted by the Ohio Redistricting Commission for several reasons.

1. As Senator Sykes identified in his statement at the Commission's September 15, 2021 meeting, he did not vote for the Enacted Plan because it blatantly violates the Ohio Constitution and the will of Ohio voters.
2. Senator Sykes was entirely excluded from the map-drawing process and did not have the opportunity to provide input into the legislative district plan that was ultimately enacted by the Commission. Throughout the entire process the Republican members of the Commission failed to act in good faith or engage either Senator or Leader Sykes in the map-drawing process.
3. The Republican members of the Commission also failed to adhere to deadlines relating to legislative district plans to be considered by or voted on by the Commission. Specifically, the Republican members of the Commission did not produce a final draft map until 11:45 PM on the night of the September 15, 2021 deadline.
4. The Republican members of the Commission also failed to hold the requisite public hearings as required under the Ohio Constitution.
5. Even after the Republican members of the Commission presented their draft map, they did not provide an adequate explanation as to how their proposed map conformed to the technical requirements or political fairness requirements of Article XI.
6. The plan enacted by the Commission violates the clear mandates of Article XI of the Ohio Constitution. Namely, the enacted plan was drawn to favor the Republican Party, and the Republican members of the Commission did not demonstrate any attempt to enact a fairly drawn plan. Moreover, the enacted plan does not

correspond closely to the statewide voter preferences as measured by the statewide partisan general election results over the past ten years.

7. The Republican members of the Commission did not even attempt to meet the requirements of Article XI of the Ohio Constitution.

INTERROGATORY NO. 3 Describe in detail all job duties you have as a member of the Ohio Redistricting Commission, and how you performed those jobs as they relate to the Ohio House and Senate Maps passed by the Ohio Redistricting Commission.

ANSWER: Objection. This Interrogatory is vague and ambiguous because the term "job duties" is not defined. Responding further, Senator Sykes objects to this interrogatory to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Subject to and without waiving any objection, Senator Sykes responds as follows: The Ohio Redistricting Commission is generally tasked with drawing each of Ohio's ninety-nine House districts and thirty-three Senate districts based on the results of the most recent Census. Article XI of the Ohio Constitution requires that no legislative district map be drawn to favor one political party, and that the enacted legislative district map correspond closely to the statewide voter preferences as measured by the statewide partisan general election results over the past ten years. Accordingly, as a member of the Ohio Redistricting Commission, Senator Sykes has a duty to ensure that the enacted legislative plan (1) does not favor one political party, and (2) corresponds to the statewide preferences of the Ohio voters.

First and foremost, Senator Sykes' duty and responsibility as a Commission member is to participate in all voting and debates to make sure that the 2021 redistricting complied with the Ohio Constitution, federal, and state law.

Second, Senator Sykes must designate staff to maintain the Minutes of each Commission meeting.

Third, Senator Sykes is responsible for noticing and calling meetings in conjunction with Co-Chair Cupp.

Fourth, Senator Sykes is responsible for designating staff to organize public hearings around the State of Ohio to allow public comment and input on the redistricting process. As Co-Chair and member of the Commission, Senator Sykes also has a duty to preside over these public hearings and was one of the only members that attended all hearings. Senator Sykes is also required to attend three Constitutionally mandated hearings on the proposed plan. The Republican members of the Commission, however, failed to hold the requisite number of Constitutionally required hearings so Senator Sykes attended the only hearing that was held.

Fifth, as Co-Chair Senator Sykes should have been responsible for expending funds and hiring specific Commission staff, but he was unable to do so because the Republican members of the Commission showed no interest in staffing the Commission.

Sixth, Senator Sykes, as Co-Chair, may offer amendments on behalf of those persons sponsoring redistricting plans who are not members of the Commission.

In addition, as a member of the Commission, Senator Sykes has a duty to ask questions about the map-drawing process, engage with the public, listen to feedback, and incorporate feedback into a final draft map for consideration by the entire Commission.

Moreover, Senator Sykes has a responsibility to offer maps that actually meet the Article XI requirements. Senator Sykes presented a map on August 31, 2021, within the constitutional deadline of September 1, 2021 and complied with Article XI, Section 6. That map was compact, kept communities of interest within the same district, minimized community splits, and closely matched the voter preferences for candidates as expressed in statewide partisan elections of the past decade. Accounting for constitutionally required parameters, Senator Sykes' August 31, 2021 proposed map would have included forty-four likely Democratic and fifty-five likely Republican seats in the House of Representatives, fourteen likely Democratic, and nineteen likely Republican seats in the Senate. Following the introduction of Senator Sykes proposed map, in an effort to address the feedback from other Commissioners of the Redistricting Commission, he revised the plan to incorporate their input.

In response to the plan presented by the Republican members of the Commission, Senator Sykes submitted revised map plans with various district line configurations in an attempt to more closely follow constitutional guidelines and to capture Secretary LaRose's and Auditor Faber's input and attempt to maintain a proportional vote share reflecting thirteen likely Democratic Senate seats and forty-two likely Democratic House seats. All maps Senator Sykes submitted had projected seat percentages for each party that showed fewer democratic leaning seats than the ten-year average of the preferences of Ohio voters, as provided under Article XI (54% Republican and 46% Democratic). But these proposed maps were ignored by the Republican members of the Commission.

INTERROGATORY NO. 4 Identify all elected officials, individuals, and organizations You received data, information, communications, or draft maps from pertaining to the drawing of

Ohio's House or Senate Districts that were submitted to the Ohio Redistricting Commission's website on behalf of the House and Senate Democratic Caucus.

ANSWER: Objection. This Interrogatory is overly broad and unduly burdensome because it is seeking information that is not in the possession, custody, or control of Senator Sykes and is better obtained from other parties or third parties. Subject to and without waiving any objection, Senator Sykes received data and information from the following individuals and organizations: Ohio University, Randall Routt, Mike Rowe, George Boas, Project Govern, Chris Glassburn, Traevon Leak, All on the Line, Heather Blessing, the Ohio Legislative Services Commission, Ohio Citizens Redistricting Commission, and House and Senate Democratic Caucus members.

INTERROGATORY NO. 5 Identify all elected officials, individuals, and organizations involved in drafting the Ohio House or Senate Districts submitted to the Committee by You and/or Leader Sykes.

ANSWER: Objection. This interrogatory is vague and ambiguous because it does not define what is meant by "involved." Senator Sykes further objects to this interrogatory to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Responding further, Senator Sykes did not draft the maps he submitted to the Commission. Subject to and without waiving any objection, Senator Sykes identifies the following individuals and organizations that were involved in drafting the Ohio House and Senate Districts that Senator Sykes submitted to the Commission: Randall Routt, Mike Rowe, George Boas, Auditor of State Keith Faber, Secretary of State Frank LaRose, Project Govern, and Chris Glassburn.

VERIFICATION

I, Vernon Sykes, state that I read Relators' Interrogatories and my answers to those Interrogatories are true based on my personal knowledge or information and belief.

Date: 10-16-2021

Senator Vernon Sykes, Respondent

STATE OF OHIO

COUNTY OF Summit:

Before me, a notary public, came Vernon Sykes, on this 16th day of October, 2021, and affirmed that the foregoing Answers to Interrogatories are true and correct to the best of his knowledge and belief.

Rebecca K Evans
notary public

NOTARY PUBLIC STATE OF OHIO

REBECCA K EVANS
Notary Public, State of Ohio
My Comm. Expires May 18, 2022
Recorded in Stark County

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1 All documents and communications produced pursuant to the Public Record Requests regarding 2021 general assembly redistricting to You.

RESPONSE: Objection. This Request is overly broad and unduly burdensome because it requests information that is not within Senator Sykes' possession, custody, or control. Subject to and without waiving any objection, Senator Sykes will produce non-privileged documents responsive to this Request and in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 2 All documents and communications relating to the Ohio Common and Unified Redistricting Database (CURD) by the Ohio University Voinovich School Leadership and Public Affairs (GVS).

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll documents and communications…." Responding further, these documents may be requested from and produced by other parties or third parties. Senator Sykes objects further on the basis that this Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to documents and communications germane to the redistricting process at issue in this litigation. Subject to and without waiving any objection, Senator Sykes will produce non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 3 All communications with any employees, consultants or agents of GVS for the last two years.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications…for the last two years." Senator Sykes objects further on the basis that this Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to communications germane to the redistricting process at issue in this litigation. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 4 All documents relating to or communications regarding draft redistricting plans for Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll documents relating to or communications regarding draft redistricting plans…." Senator Sykes objects to this request to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Senator Sykes further objects because this information may be requested from and produced by other parties or third parties. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 5 All data, including block files or shapefiles, used to create any draft plans for Ohio House or Senate Districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll data…used to create any draft plans…." Senator Sykes objects further on the basis that this Request is more properly directed to other parties or third parties. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 6 All communications with members of the Ohio Redistricting Commission or members of the Ohio General Assembly regarding redistricting or draft plans of the Ohio House or Senate Districts.

RESPONSE: Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 7 All communications between you or your staff and Randall Routt or Chris Glassburn regarding redistricting and Ohio House and Senate Maps.

RESPONSE: Senator Sykes objects to this request to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents

responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 8 All communications between you, your staff, the National or Ohio Chapters of the American Civil Liberties Union, the Ohio A. Philip Randolph Institute, the League of Women Voters of Ohio, and any Local Chapters of the League of Women Voters of Ohio, Project Govern or any other organization or elected official regarding the drawing of Ohio House and Senate Districts or redistricting of the General Assembly districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications" between "any other organization or elected official regarding the drawing" of the maps. Senator Sykes receives numerous communications sent in mass mailings from individuals and organizations. To retrieve all of those communications would be truly unduly burdensome, not proportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents of communications between him and/or his staff communicating with the named organizations or entities that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 9 All communications between you, your staff, the ACLU, APRI, Common Cause, Fair Districts or any other organization or elected official regarding population of Ohio House and Senate districts.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications" between "any other organization or elected official

regarding the population" of the maps. Senator Sykes receives numerous communications sent in mass mailings from individuals and organizations. To retrieve all of those communications would be truly unduly burdensome, not proportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents of communications between him and/or his staff communicating with the named organizations or entities that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 10 All communications with any staff member of the Ohio Legislative Services Commission relating to the drawing of Ohio House or Senate Districts.

RESPONSE: Objection. Senator Sykes objects to this request to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 11 All communications regarding the drawing of Ohio House or Senate Districts or the redistricting of Ohio's General Assembly districts with the following entities and their agents or employees:

- Democratic National Committee;
- the Ohio Democratic Party;
- the National Democratic Campaign Committee;

- the National Democratic Redistricting Committee;
- All On the Line;
- Fair Districts Ohio;
- Council on American-Islamic Relations-Ohio
- Fair Vote;
- Cook Political Report;
- DemCast;
- Common Cause Ohio;
- Democratic Legislative Campaign Committee

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll communications regarding the drawing of Ohio House or Senate Districts or the redistricting of Ohio's General Assembly districts…." Senator Sykes receives numerous communications sent in mass mailings from some or all of these organizations. To retrieve all of those communications would be truly unduly burdensome, not proportionate to the benefit of gathering those communications. Subject to and without waiving any objection, Senator Sykes will produce non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 12 Any communications or data received by Bill Cooper, Chris Warshaw, or Jonathan Rodden.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ny communications or data ***received by*** Bill Cooper, Chris Warshaw, or

Jonathan Rodden." Responding further, this Request seeks information that can be obtained by other parties or third parties and not likely within Senator Sykes' possession, custody, or control. Subject to and without waiving any objection, Senator Sykes will produce non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 13 All materials including talking points or scripts distributed to or by you or relied upon by you during Ohio Redistricting Commission Meetings or Public Hearings.

RESPONSE: Objection. Senator Sykes objects to this request to the extent it seeks information not within the personal knowledge of Senator Sykes and information covered by the attorney-client and legislative privileges, and the work product doctrine. Subject to and without waiving any objection, Senator Sykes will produce relevant, non-privileged documents responsive to this Request that are in his possession. Responding further, Senator Sykes objects on the basis that this Request is overly broad, vague, and unduly burdensome in that it requests "[a]ll materials…." Responding further, this Request seeks information that is protected by the attorney-client privilege. Subject to and without waiving any objection, Senator Sykes will produce non-privileged documents responsive to this Request that are in his possession. Senator Sykes reserves the right to supplement this response.

REQUEST NO. 14 All notes you took during Ohio Redistricting Commission Meetings or Public Hearings.

RESPONSE: Senator Sykes will produce documents responsive to this Request.

Respectfully submitted,

ICE MILLER LLP

/s/ Diane Menashe
Counsel to the Ohio Attorney General

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Counsel for Respondents Senator Vernon Sykes and House Minority Leader Emilia Sykes

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2021, I have served the foregoing Respondent Senator Vernon Sykes' Response to Respondents' Interrogatories and Request for Production by email to the following:

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Counsel for Bria Bennett Relators

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IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,

Relators,

v. **Case No. 2021-1193**

Ohio Redistricting Commission, *et al.*,

Respondents.

Bria Bennett, *et al.*,

Relators,

v. **Case No. 2021-1198**

Ohio Redistricting Commission, *et al.*,

Respondents.

Ohio Organizing Collaborative, *et al.*,

Relators,

v. **Case No. 2021-1210**

Ohio Redistricting Commission, *et al.*,

Respondents.

VERIFICATION

STATE OF OHIO :
COUNTY OF Franklin : **SS.**
:

I, Robert R. Cupp, being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.

Robert R. Cupp

Sworn to before me and subscribed in my presence this 13 day of October, 2021

NOTARIAL SEAL STATE OF OHIO

Notary Public

COMMISSION EXPIRATION: N/A Attorney at Law

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,
Relators,

v. **Case No. 2021-1193**

Ohio Redistricting Commission, *et al.*,
Respondents.

Bria Bennett, *et al.*,
Relators,

v. **Case No. 2021-1198**

Ohio Redistricting Commission, *et al.*,
Respondents.

Ohio Organizing Collaborative, *et al.*,
Relators,

v. **Case No. 2021-1210**

Ohio Redistricting Commission, *et al.*,
Respondents.

VERIFICATION

STATE OF OHIO :
: **SS.**
COUNTY OF ALLEN :

I, MATTHEW C. HUFFMAN being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.

Sworn to before me and subscribed in my presence this 13th day of October, 2021.

Notary Public

CHRISTINA D. CROFT
Notary Public, State of Ohio
My Commission Expires
May 23, 2022

COMMISSION
EXPIRATION:

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

1. **Affidavit of Freda J. Levenson – Written Discovery Responses**
2. **Written Discovery Responses, Appendix of Exhibits, Volume 1 of 2 (pages 1 - 289)**
3. **Written Discovery Responses, Appendix of Exhibits, Volume 2 of 2 (pages 290 - 426)**

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/s/ Freda J. Levenson