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 1 of 2 (pages 1-289)

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WRITTEN DISCOVERY RESPONSES – APPENDIX OF EXHIBITS
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E-Signature Notary: MacKenzie S. Clayton (msc)
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In The
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to**
	:	**Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

RESPONDENT GOVERNOR MICHAEL DEWINE'S
RESPONSES TO FIRST SET OF REQUESTS FOR ADMISSION

Respondent Governor Michael DeWine, in his official capacity as member of the Ohio Redistricting Commission, hereby responds to the following First Set of Requests for Admission by October 12, 2021.

INSTRUCTIONS

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and

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state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8, 9, and 13 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to

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amend these Requests to instead reference the official transcript posted on the Commission's website.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1

Admit that you are a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 2

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

Response: Admitted.

REQUEST FOR ADMISSION NO. 3

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

Response: Admitted.

REQUEST FOR ADMISSION NO. 4

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

Response: The Governor admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, the Governor can neither admit nor deny based on the information known or readily obtainable by the Governor as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposal was put to a vote.

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REQUEST FOR ADMISSION NO. 5

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

Response: The Governor admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, the Governor can neither admit nor deny based on the information known or readily obtainable by the Governor as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposed maps were put to a vote.

REQUEST FOR ADMISSION NO. 6

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

Response: The information known or readily obtainable by the Governor is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

REQUEST FOR ADMISSION NO. 7

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 8

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

Response: The information known or readily obtainable by the Governor is insufficient to enable him to admit or deny this Request because, although the Governor is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, the Governor did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission's website.

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REQUEST FOR ADMISSION NO. 9

Admit that, on page 11, Exhibit A quotes you as stating: "I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members … A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong."

Response: Admitted that the quote in Request for Admission No. 9 appears on page 11 of Exhibit A.

REQUEST FOR ADMISSION NO. 10

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members . . . A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong."

Response: The Governor admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. The Governor's words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

REQUEST FOR ADMISSION NO. 11

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 12

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

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REQUEST FOR ADMISSION NO. 13

Admit that, on page 11, Exhibit A quotes you as stating: "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. What I do, what I am sure in my heart is that this committee cou-, could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that."

Response: Admitted that the quote in Request for Admission No. 13 appears on page 11 of Exhibit A.

REQUEST FOR ADMISSION NO. 14

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "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. What I do, what I am sure in my heart is that this committee cou-, could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that."

Response: The Governor admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. The Governor's words as contained in Request for Admission No. 14 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

REQUEST FOR ADMISSION NO. 15

Admit that your statement included in Request No. 14 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 16

Admit that your statement included in Request No. 14 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 17

Admit that, to the best of your knowledge, the document attached herein as Exhibit B, is a true and accurate copy of an article by Susan Tebben of the Ohio Capital Journal, entitled "Huffman Defends His Maps, Redistricting Process Despite No Bipartisan Support" and dated September 17, 2021.

Response: The information known or readily obtainable by the Governor is insufficient to enable

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him to admit or deny this Request because the Governor is not the author or creator of this document.

REQUEST FOR ADMISSION NO. 18

Admit that, on page 4, Exhibit B quotes you as stating: "Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately…no matter what this commission did, we knew this was going to end up going into court."

Response: Admitted that the quote in Request for Admission No. 18 appears on page 4 of Exhibit B.

REQUEST FOR ADMISSION NO. 19

Admit that, on September 16, 2021, you stated "Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately…no matter what this commission did, we knew this was going to end up going into court."

Response: The Governor admits that he made the statement included in this Request, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether the statement was made on September 16, 2021 as the Governor did not keep track of the time at which he made the statement.

REQUEST FOR ADMISSION NO. 20

Admit that your statement included in Request No. 19 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 21

Admit that the document attached herein as Exhibit C is a true and accurate copy of a statement entitled "Article XI, Section 8(C)(2) Statement".

Response: Admitted that Exhibit C appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.

REQUEST FOR ADMISSION NO. 22

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit C.

Response: The Governor admits that the Ohio Redistricting Commission issued Exhibit C, but he can neither admit nor deny based on the information known or readily obtainable by him as to

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whether Exhibit C was issued on September 16, 2021 as the Governor did not keep track of what time Exhibit C was issued.

REQUEST FOR ADMISSION NO. 23

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit C pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution.

Objection: This Request calls for the Governor to speculate as to the underlying mental thoughts and decisions of other members of the Ohio Redistricting Commission.

Response: Without waiving this objection, the Governor denies that he authorized the issuance of Exhibit C. Further responding without waiving the above objection, the Governor can neither admit nor deny based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit C as he cannot enter the mind of each member to determine what they thought.

REQUEST FOR ADMISSION NO. 24

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is a true and accurate copy of that document.

Objection: The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, the Governor admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 25

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is kept in the course of regularly conducted business activity.

Objection: The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know

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what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

REQUEST FOR ADMISSION NO. 26

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is a true and correct copy of that document.

Objection: The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, the Governor admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 27

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is kept in the course of regularly conducted business activity.

Objection: The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

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VERIFICATION OF ADMISSION ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 14:54:33 -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 14:54:33 PST A9DB06E491E7

MacKenzie S. Clayton
Signed on 2021/10/12 14:54:33 -8:00

Notary Public

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon the following on October 12, 2021.

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Donald Brown*
Joshua González*
David Denuyl*
Juliana Goldrosen* (PHV 25193 - 2021)
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/s/ Julie M Pfeiffer

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E-Signature 1: David M Grodhaus (DMG)
October 12, 2021 14:08:33 -8:00 [AE2BAD09BD50] [156.63.71.253]
mgrodhaus@ohiosos.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 14:08:33 -8:00 [E6FA73522907] [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_0013

In The
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to**
	:	**Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

RESPONDENT SECRETARY OF STATE FRANK LAROSE'S
FIRST SET OF REQUESTS FOR ADMISSION

Respondent Secretary of State Frank LaRose, in his official capacity as Member of the Ohio Redistricting Commission hereby responds to the following First Set of Requests for Admission.

INSTRUCTIONS

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

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3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8, 9, 13, and 17 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to amend these Requests to instead reference the official transcript posted on the Commission's website.

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REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1

Admit that you are a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 2

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

Response: Admitted.

REQUEST FOR ADMISSION NO. 3

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

Response: Admitted.

REQUEST FOR ADMISSION NO. 4

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

Response: Secretary LaRose admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, Secretary LaRose can neither admit nor deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission because he did not keep track of what time the amendment was introduced and what time the proposal was put to a vote.

REQUEST FOR ADMISSION NO. 5

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

Response: Secretary LaRose admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, Secretary LaRose can neither admit nor deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, Secretary LaRose was focused on doing his job as a member

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of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposed maps were put to a vote.

REQUEST FOR ADMISSION NO. 6

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

Response: The information known or readily obtainable by Secretary LaRose is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, Secretary LaRose was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

REQUEST FOR ADMISSION NO. 7

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 8

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

Response: The information known or readily obtainable by Secretary LaRose is insufficient to enable him to admit or deny this Request because although Secretary LaRose is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, he did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission's website.

REQUEST FOR ADMISSION NO. 9

Admit that, on page 10, Exhibit A quotes you as stating: "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way."

Response: Admitted that the quote in Request for Admission No. 9 appears on page 10 of Exhibit A.

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REQUEST FOR ADMISSION NO. 10

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way."

Response: Secretary LaRose admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

REQUEST FOR ADMISSION NO. 11

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted in part and denied in part. In the sentence, "I fear, I fear we're going to be back in this room very soon," the Secretary was referring to the likelihood – since proven – that the General Assembly would not pass a redistricting bill for a ten-year *congressional* district plan by September 30, 2021, and thus, under Article XIX of the Ohio Constitution, the Ohio Redistricting Commission would have to take up the task of trying to reach bipartisan agreement on a ten-year congressional district plan.

REQUEST FOR ADMISSION NO. 12

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 13

Admit that, on page 17, Exhibit A quotes you as stating: "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?"

Response: Admitted that the quote in Request for Admission No. 13 appears on page 17 of Exhibit A.

REQUEST FOR ADMISSION NO. 14

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?"

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Response: Secretary LaRose admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 14 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

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REQUEST FOR ADMISSION NO. 15

Admit that your statement included in Request No. 14 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 16

Admit that your statement included in Request No. 14 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 17

Admit that, on page 17, Exhibit A quotes you as stating: "So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?"

Response: Admitted that the quote in Request for Admission No. 17 appears on page 17 of Exhibit A.

REQUEST FOR ADMISSION NO. 18

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?"

Response: Secretary LaRose admits that he made the above referenced statement at the

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Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 18 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

REQUEST FOR ADMISSION NO. 19

Admit that your statement included in Request No. 18 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 20

Admit that your statement included in Request No. 18 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 21

Admit that the document attached herein as Exhibit B is a true and accurate copy of a statement entitled "Article XI, Section 8(C)(2) Statement".

Response: Admitted that Exhibit B appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.

REQUEST FOR ADMISSION NO. 22

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit B.

Response: Secretary LaRose admits that the Ohio Redistricting Commission issued Exhibit B, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether Exhibit B was issued on September 16, 2021 as Secretary LaRose did not keep track of what time Exhibit B was issued.

REQUEST FOR ADMISSION NO. 23

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit B pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution.

Objection: This Request calls for Secretary LaRose to speculate as to the underlying mental

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thoughts and decisions of other members of the Ohio Redistricting Commission.

Response: Without waiving this objection, Secretary LaRose denies that he authorized the issuance of Exhibit B. Further responding without waiving, Secretary LaRose can neither admit or deny due to lack of knowledge based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

REQUEST FOR ADMISSION NO. 24

Admit that the document attached herein as Exhibit C is a true and accurate copy of an opinion article authored by you, entitled "Ohio's historic congressional redistricting reform: Frank LaRose (Opinion)".

Response: Admitted.

REQUEST FOR ADMISSION NO. 25

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is a true and accurate copy of that document.

Objection: Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, Secretary LaRose admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 26

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is kept in the course of regularly conducted business activity.

Objection: Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly

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conducted business activity.

REQUEST FOR ADMISSION NO. 27

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is a true and correct copy of that document.

Objection: Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, Secretary LaRose admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 28

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is kept in the course of regularly conducted business activity.

Objection: Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

VERIFICATION OFADMISSIONS ANSWERS

Notarial act performed by audio-visual communication

David M Grodhaus
Signed on 2021/10/12 14:08:33 -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 14:08:33 PST E6FA73522907

MacKenzie S. Clayton
Signed on 2021/10/12 14:08:33 -8:00

Notary Public

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Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
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Counsel for Respondent Secretary of State LaRose

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon the following on October 12, 2021.

Robert D. Fram*
Donald Brown*
Joshua González*
David Denuyl*
Juliana Goldrosen* (PHV 25193 - 2021)
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/s/ Julie M. Pfeiffer

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E-Signature Notary: MacKenzie S. Clayton (msc)
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I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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RESP_0025

In The
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

RESPONDENT AUDITOR OF STATE KEITH FABER'S RESPONES TO RELATORS' FIRST SET OF REQUESTS FOR ADMISSION

Auditor of State Keith Faber, in his official capacity as a Member of the Ohio Redistricting Commission, hereby responds to the following First Set of Requests for Admission:

INSTRUCTIONS

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

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3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8 and 9 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to amend these Requests to instead reference the official transcript posted on the Commission's website.

REQUESTS FOR ADMISSION

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REQUEST FOR ADMISSION NO. 1

Admit that you are a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 2

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

Response: Admitted.

REQUEST FOR ADMISSION NO. 3

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

Response: Admitted

REQUEST FOR ADMISSION NO. 4

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 8, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

Response: The Auditor admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, the Auditor can neither admit or deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposal was put to a vote.

REQUEST FOR ADMISSION NO. 5

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 8, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

Response: The Auditor admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, the Auditor can neither admit or deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of

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September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposed maps were put to a vote.

REQUEST FOR ADMISSION NO. 6

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

Response: The information known or readily obtainable by the Auditor is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

REQUEST FOR ADMISSION NO. 7

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

Response: Admitted.

REQUEST FOR ADMISSION NO. 8

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

Response: The information known or readily obtainable by the Auditor is insufficient to enable him to admit or deny this Request because, although the Auditor is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, the Auditor did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission's website.

REQUEST FOR ADMISSION NO. 9

Admit that, on page 14, Exhibit A quotes you as stating: "I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either."

Response: Admitted that the quote in Request for Admission No. 9 appears on page 14 of Exhibit A.

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REQUEST FOR ADMISSION NO. 10

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either."

Response: The Auditor admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. The Auditor's words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

REQUEST FOR ADMISSION NO. 11

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission just after midnight on September 16, 2021.

Response: The Auditor admits that the statement included in Request No. 10 was made in reference to the adopted legislative district maps adopted by the Ohio Redistricting Commission. However, the Auditor can neither admit nor deny based on the information known or readily obtainable by the Auditor as to whether that vote occurred at the time suggested by this Request. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

REQUEST FOR ADMISSION NO. 12

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

Response: Admitted.

REQUEST FOR ADMISSION NO. 13

Admit that the document attached herein as Exhibit B is a true and accurate copy of a statement entitled "Article XI, Section 8(C)(2) Statement".

Response: Admitted that Exhibit B appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.

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REQUEST FOR ADMISSION NO. 14

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit B.

Response: The Auditor admits that the Ohio Redistricting Commission issued Exhibit B, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether Exhibit B was issued on September 16, 2021 as the Auditor did not keep track of what time Exhibit B was issued.

REQUEST FOR ADMISSION NO. 15

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit B pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution.

Objection: This Request calls for the Auditor to speculate as to the underlying mental thoughts and decisions of other members of the Ohio Redistricting Commission.

Response: Without waiving this objection, the Auditor denies that he authorized the issuance of Exhibit B. Further responding without waiving, the Auditor can neither admit nor deny based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

REQUEST FOR ADMISSION NO. 16

Admit that the document attached herein as Exhibit C is a true and accurate copy of a document entitled "Vote YES on Issue 1."

Response: Admitted.

REQUEST FOR ADMISSION NO. 17

Admit that you were one of four Ohio elected officials who prepared Exhibit C.

Response: Admitted.

REQUEST FOR ADMISSION NO. 18

Admit that Exhibit C was prepared to support the passage of the 2018 Ohio ballot measure to enact redistricting reforms.

Objection: This Request calls for the Auditor to speculate as to the underlying mental thoughts and decisions of the other legislators responsible for the preparation of Exhibit C.

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Response: The Auditor admits this Request to the extent it asks for his position as to Exhibit C. To the extent this Request asks the Auditor to answer for the other three legislators that participated in the preparation of Exhibit C, the Auditor can neither admit nor deny based on information known or readily obtainable by him as it would require the Auditor to speculate as to the intent of those other three legislators.

REQUEST FOR ADMISSION NO. 19

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is a true and accurate copy if that document.

Objection: The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, the Auditor admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 20

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is kept in the course of regularly conducted business activity.

Objection: The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

REQUEST FOR ADMISSION NO. 21

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is a true and correct copy of that document.

Objection: The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the

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Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

Response: Without waiving this objection, the Auditor admits that he has not altered any documents that have been produced.

REQUEST FOR ADMISSION NO. 22

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is kept in the course of regularly conducted business activity.

Objection: The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

VERIFICATION OF ADMISSION ANSWERS

872F803FD90
Sloan T Spalding
Signed on 2021/10/12 16:46:16 -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
Notary Stamp 2021/10/12 16:46:16 PST 860C28EE7720

860C28EE7720
MacKenzie S. Clayton
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Notary Public

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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Counsel for Relators
** o Hac Vice Motion Forthcoming*

/s/ Julie M. Pfeiffer

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RESP_0035

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E-Signature 1: Matthew J. Donahue (MJD)
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E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 14:58:55 -8:00 [E9ECB85B481D] [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_0036

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** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT GOVERNOR DEWINE'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Governor DeWine, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the gubernatorial privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

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ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

5. All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

6. All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

7. 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,

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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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

8. All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

9. All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

10. 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 that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

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11. All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

12. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

13. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in

Respondent's possession, custody, or control have been produced.

14. 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.

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ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

15. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

16. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 14:58:55 -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.

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 14:58:55 PST E9ECB85B481D

MacKenzie S. Clayton
Signed on 2021/10/12 14:58:55 -8:00

Notary Public

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Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

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Counsel for Respondents DeWine, LaRose, Faber

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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New York, NY 10004
(212) 519-7866
athomas@aclu.org

Counsel for Relators

_/s/ Julie M. Pfeiffer___
Julie M. Pfeiffer

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E-Signature Summary

E-Signature 1: David M. Grodhaus (DMG)
October 12, 2021 14:02:32 -8:00 [7FA33F1C9646] [174.207.5.157]
mgrodhaus@ohiosos.gov (Principal) (ID Verified)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 14:02:32 -8:00 [DDCACDF722B0] [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

League of Women Voters of Ohio, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1193** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT SECRETARY OF STATE FRANK LAROSE'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Secretary of State Frank LaRose, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the deliberative process privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

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ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

5. All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

6. All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

7. 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,

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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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

8. All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

9. All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

10. 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 that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

11. All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

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Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

12. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

13. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

14. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

15. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein.

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Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

16. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:02:32 -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 14:02:32 PST DDCACDF722B0

MacKenzie S. Clayton
Signed on 2021/10/12 14:02:32 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
MICHAEL A. WALTON (0092201)
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Bridget.Coontz@OhioAGO.gov
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Counsel for Respondents DeWine, LaRose, Faber

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

Robert D. Fram
Donald Brown
Joshua González
Juliana Goldrosen (PHV 25193 - 2021)
Salesforce Tower
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Megan C. Keenan
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Counsel for Relators

/s/ Julie M. Pfeiffer
Julie M. Pfeiffer

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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

RESPONDENT HUFFMAN'S OBJECTIONS AND RESPONSES TO RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT SENATE PRESIDENT MATTHEW HUFFMAN

Respondent Senate President Matthew Huffman ("Senate President Huffman"), by and through undersigned counsel serves his objections and responses to Relators' First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

Senate President Huffman makes the following answers, responses, and objections to Relators' First Set of Requests for Production of Documents ("Requests"). 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 Requests. These responses are subject to amendment and supplementation as Senate President Huffman acquires additional information. Senate President Huffman states that

his responses to the Requests 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 Requests should not be taken as an admission that Senate President Huffman accepts or admits the existence of any facts assumed by such Requests 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 Requests 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 Requests. 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 further objects to providing documents with .TIFF imaging or other similar methods, and accompanying metadata. With such a short time for discovery, this request is neither practical, nor is the cost an economically appropriate burden for the taxpayers of Ohio.

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.

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

RESPONSE: Senate President Huffman objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Redistricting Commission's public website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 2

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

RESPONSE: Senate President Huffman objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 3

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

RESPONSE: Senate President Huffman objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Senate President Huffman further objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 4

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

RESPONSE: Senate President Huffman objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Senate President Huffman also objects on the

ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 5

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 6

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

RESPONSE: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 7

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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman also objects on the grounds that this Request is overly broad and unduly burdensome as much of this information is publicly available on the Ohio Redistricting Commission Website. Senate President Huffman further objects to the extent this seeks information regarding drawing of congressional districts which are not at issue in this case. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, documents produced contemporaneously with these responses, and Article XI of the Ohio Constitution. Senate President Huffman is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 8

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 9

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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Senate President Huffman is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 10

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 that were considered or adopted by the Commission.

RESPONSE: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges or other applicable law. Senate President Huffman further objects to the extent Request seeks information that is not within his personal knowledge. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Senate President Huffman is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 11

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

RESPONSE: Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 12

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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Senate President Huffman also objects that this request is not relevant, as Senate President Huffman's communications with current or former members of the general assembly, their staff, or their PACs have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 13

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: Senate President Huffman objects to the extent this Request calls for information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Senate President Huffman also objects that this request is not relevant, as Senate President Huffman's communications with current or former members of the US House of Representatives, the US Senate, their staff, or their PACs have no bearing on whether or not the Commission's final adopted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 14

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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Senate President Huffman also objects that this request is not relevant, as Senate President Huffman's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 15

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: Senate President Huffman objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman

further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Senate President Huffman also objects that this request is not relevant, as Senate President Huffman's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 16

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: Senate President Huffman refers Realtors to documents produced in response to the League of Women Voters of Ohio's Public Records Requests and documents produced contemporaneously with these responses.

Submitted this the 12th day of October, 2021

By:
/s/ Phillip J. Strach

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Counsel for Respondents Senate President Matt Huffman and House Speaker Robert Cupp

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

4814-5673-1390 v.1

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E-Signature Summary

E-Signature 1: Sloan T Spalding (STS)
October 12, 2021 16:51:11 -8:00 [39A641EB1D29] [66.145.220.28]
stspalding@ohioauditor.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 16:51:11 -8:00 [4C34C488F601] [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_0065

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** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT AUDITOR OF STATE FABER'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Auditor of State Faber, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the deliberative process privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert

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Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

5. All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

6. All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

7. 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

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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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

8. All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

9. All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

10. 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 that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

11. All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district

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maps for Ohio that were considered or adopted by the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

12. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

13. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

14. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

15. All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Democratic

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National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

16. 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.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

Sloan T Spalding
Signed on 2021/10/12 16:51:11 -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
Notary Stamp 2021/10/12 16:51:11 PST 4C34C488F601

MacKenzie S. Clayton
Signed on 2021/10/12 16:51:11 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
MICHAEL A. WALTON (0092201)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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/s/ Julie M. Pfeiffer

Julie M. Pfeiffer

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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

RESPONDENT CUPP'S OBJECTIONS AND RESPONSES TO RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT HOUSE SPEAKER ROBERT R. CUPP

Respondent Speaker Robert R. Cupp ("Speaker Cupp"), by and through undersigned counsel serves his objections and responses to Relators' First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

Speaker Cupp makes the following answers, responses, and objections to Relators' First Set of Requests for Production of Documents ("Requests"). 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 Requests. These responses are subject to amendment and supplementation as Speaker Cupp acquires additional information. Speaker Cupp states that his responses to the Requests 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 Requests should not be taken as an admission that Speaker Cupp accepts or admits the existence of any facts assumed by such Requests 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 Requests is not intended to be, and shall not be construed as a waiver by Speaker Cupp of any part of any objection to any Requests. 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 further objects to providing documents with .TIFF imaging or other similar methods, and accompanying metadata. With such a short time for discovery, this request is neither practical, nor is the cost an economically appropriate burden for the taxpayers of Ohio.

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.

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

RESPONSE: Speaker Cupp objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Redistricting Commission's public website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 2

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

RESPONSE: Speaker Cupp objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 3

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

RESPONSE: Speaker Cupp objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Speaker Cupp further objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 4

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

RESPONSE: Speaker Cupp objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Speaker Cupp also objects on the ground of relevance, as

the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 5

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 6

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

RESPONSE: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 7

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects on the grounds that this Request is overly broad and unduly burdensome as much of this information is publicly available on the Ohio Redistricting Commission Website. Speaker Cupp further objects to the extent this seeks information regarding drawing of congressional districts which are not at issue in this case. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, documents produced contemporaneously with these responses, and Article XI of the Ohio Constitution. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 8

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 9

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 10

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 that were considered or adopted by the Commission.

RESPONSE: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges or other applicable law. Speaker Cupp further objects to the extent Request seeks information that is not within his personal knowledge. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 11

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

RESPONSE: Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 12

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with current or former members of the general assembly, their staff, or their PACs have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 13

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: Speaker Cupp objects to the extent this Request calls for information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with current or former members of the US House of Representatives, the US Senate, their staff, or their PACs have no bearing on whether or not the Commission's final adopted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 14

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 15

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving

these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 16

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:. Speaker Cupp refers Realtors to documents produced in response to the League of Women Voters of Ohio's Public Records Requests and documents produced contemporaneously with these responses.

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
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4851-0370-8926 V.1

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,	:	
	:	**Case No. 2021-1193**
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 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 League of Women Voters of Ohio; A. Philip Randolph Institute of Ohio; Tom Harry; Tracey Beavers; Valerie Lee; Iris Meltzer; Sherry Rose; and Bonnie Bishop ("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 or any other hearing. 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, and/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, but without limitation:

a) Leader Sykes objects to Definition No. 3 which contradicts subsequent definitions contained in the Discovery Requests.

b) Leader Sykes objects to Definition No. 9 which purports 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' "employees, staff, officers, agents, or representatives," Leader Sykes states that discovery requests are more appropriately directed to those individuals or entities.

c) Leader Sykes objects to Definition No. 10 which purports to impose rules of construction that contradict or change the meaning of words, the rules of grammar, and the Ohio Rules of Civil Procedure.

d) Leader Sykes objects to the definition of the "Proposed Plan" because there was no plan introduced by the Commission.

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 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, and/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, 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 all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

ANSWER: Leader Sykes, despite being a member of the Commission, was prevented from participating in the map-drawing process, as it related to the Challenged Plan, by the Republican members of the Commission. Leader Sykes repeatedly asked that the Commission 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 Challenged Plan was 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, she cannot identify persons who were involved in the drawing of the Challenged Plan.

INTERROGATORY NO. 2

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

ANSWER: Objection. This Interrogatory is vague and ambiguous because the terms "role" and "played" are undefined. Subject to and without waiving any objection, see response to Interrogatory No. 1.

INTERROGATORY NO. 3

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan,

including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

ANSWER: Because Leader Sykes was prevented from participating in the map-drawing process map-drawing process, as it related to the Challenged Plan, she cannot identify or describe instructions as requested by Interrogatory No. 3.

INTERROGATORY NO. 4

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

ANSWER: Objection. This Interrogatory is overly broad in that it asks to describe "any and all factors, constraints, influences, or considerations…that were considered, adopted, or otherwise reflected in the creation of any redistricting plans…." Leader Sykes further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, legislative privilege, and/or the any other privilege.

Subject to and without waiving any objection, Leader Sykes responds as follows: As stated above, Leader Sykes was prevented from participating in the map-drawing process with respect to the maps that eventually culminated in the adoption of the Challenged Plan. Therefore, she is without information or knowledge as to what factors,

constraints, influences, or considerations were reflected in the maps that ultimately became the Challenged Plan. However, Senator Sykes, Co-Chair of the Ohio Redistricting Commission, introduced legislative district maps that did, in fact, follow the requirements of Article XI of the Ohio Constitution. Leader Sykes joined Senator Sykes on two of the three maps proposed by Senator Sykes. In addition, the Democratic legislative district maps introduced to the Commission considered a multitude of factors, including fairness, bipartisanship, and the compactness requirements of Article XI of the Ohio Constitution.

INTERROGATORY NO. 5

IDENTIFY and DESCRIBE any and all attempts that were made by YOU (1) and/or the Ohio Redistricting Commission (2) to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution (3) in any redistricting plans or amendments to redistricting plans that YOU (4), or any member of the Ohio Redistricting Commission or their representative, (5) introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

ANSWER: Objection. This Interrogatory is compound, convoluted, ambiguous, and confusing. Subject to and without waiving any objection, Leader Sykes responds by doing her best to sort through various questions posed by this Interrogatory: (1) Leader Sykes repeatedly requested that the Commission draw the maps, not the partisan political caucuses. She repeatedly tried to engage the other members of the Commission in discussions to finalize a plan that met all of the constitutional and statutory requirements. She was unable to get the majority members of the Commission to focus on how they were going to comply with Section 6(A) and (B). (2) Leader Sykes did not witness any effort by the majority Commissioners, in word or deed, to attempt to meet the political fairness

or proportionality provisions of Article XI of the Ohio Constitution. (3) Leader Sykes did not offer any plan or maps on her own because she believed that Article XI requires the Redistricting Commission to draw the maps, not the partisan political caucuses of the General Assembly. (3) Senator Sykes, Co-Chair of the Ohio Redistricting Commission, produced three separate map plans that did not disproportionately favor either party, that did represent the will of voters demonstrated over the previous decade of statewide partisan elections, and met the compactness requirements of Article XI of the Ohio Constitution. Leader Sykes joined Senator Sykes on two of the three maps that he proposed. Senator Sykes and Leader Sykes were unable to get the majority Commissioners to meaningfully work with or modify the Sykes maps. The majority Commissioners gave no indication that they were attempting in any way to comply with the proportionality or political fairness provisions incorporated in Article XI.

INTERROGATORY NO. 6

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

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 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: Sections 6(A) and 6(B) of Article XI of the Ohio Constitution address proportional fairness, namely, to eliminate as much as possible the partisan gerrymandering that has plagued the drawing of Ohio's state legislative maps. Section 6(A) prohibits a legislative district plan that is drawn primarily to favor or disfavor a political party. Section 6(B) provides that the legislative district plan reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections, which was 54% Republican and 46% Democratic. Unfortunately, the Challenged Plan conforms to neither requirement.

INTERROGATORY NO. 7

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

ANSWER: Objection. This Interrogatory is unnecessarily convoluted and ambiguous. Leader Sykes will respond to a more clearly drafted interrogatory.

Subject to and without waiving any objection, Leader Sykes responds as follows: The maps proposed by Senator Sykes, two of which Leader Sykes joined, did conform with the constitutional requirements of Article XI. However, the Challenged Plan did not comply in any way with the requirements of Section 6, nor did the Republican commissioners ever attempt in any way to comply with the proportional fairness provisions

of Section 6, but they wanted merely to talk about the number of safe Republican seats (well above the proportional fairness goal) that the Sykeses would allow in order to secure their votes for a ten year plan.

REQUEST FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 1

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database…." 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. Moreover, these documents may be requested from and produced by other parties or third parties. Subject to and without waiving any objection, Leader Sykes directs Relators 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.

DOCUMENT REQUEST NO. 2

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD." 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 Relators 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.

DOCUMENT REQUEST NO. 3

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS with GVS employees...." 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 Relators 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.

DOCUMENT REQUEST NO. 4

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD." 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.

DOCUMENT REQUEST NO. 5

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO meetings...and any other business of the Ohio Redistricting Commission...." Leader Sykes further objects because this Request seeks information that is not within her possession, custody, or control. Subject to and without waiving any objection, Leader Sykes directs Relators to the Commission's public website and relevant, non-privileged documents produced with these responses. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 6

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS regarding redistricting in Ohio...." Leader Sykes further objects because the timeframe is unlimited, and this Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged communications between her and her staff regarding the 2021 redistricting process. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 7

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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio ...." Leader Sykes further objects because 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. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 8

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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: Leader Sykes states that she was excluded from participating in the map-drawing process that culminated in the enactment of the General Assembly maps. As such, she does not possess documents responsive to this request. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 9

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: Leader Sykes states that she was prevented from participating in the map-drawing process that culminated in the enactment of the General Assembly maps. As such, she does not possess documents responsive to this request. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 10

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 that were considered or adopted by the Commission.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO consultants, firms, vendors, or other third parties consulted…RELATING TO the General Assembly district maps…." Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents responsive to this Request. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 11

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

RESPONSE: Objection. Leader Sykes objects to this Request to the extent that it seeks information protected by the attorney-client privilege, legislative privilege, work product doctrine, and/or any other privilege. Subject to and without waiving any objection, Leader Sykes will produce relevant, non-privileged documents that are responsive and in her possession. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 12

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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission…." Leader Sykes further objects to this Request to the extent that it seeks information protected by the attorney-client privilege, legislative privilege, work product doctrine, and/or any other privilege. As such, she does not possess documents responsive to this request. Notwithstanding the above, Leader Sykes possesses and will produce non-privileged, responsive emails relating to scheduling between her office and other Commissioners'

offices. Leader Sykes also possesses and will produce non-privileged, responsive emails relating to scheduling between her office and offices of members of the General Assembly. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 13

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: Leader Sykes states that she is not in possession of documents responsive to this Request. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 14

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: Leader Sykes states that she is not in possession of documents responsive to this Request. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 15

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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS RELATING TO drawing the General Assembly district maps…." Leader Sykes possesses and will produce the limited amount of non-privileged, responsive emails in her possession between her office and the Ohio Democratic Party. Leader Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 15

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: Objection. This Request is overly broad and unduly burdensome in that it seeks documents "RELATING TO any of YOUR responses to any Interrogatory…." Subject to and without waiving any objection, Leader Sykes will produce non-privileged, responsive documents in her possession.

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.

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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Diane Menashe (0070305)

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,	:	
	:	**Case No. 2021-1193**
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' RESPONSES TO RELATORS' 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 League of Women Voters of Ohio; A. Philip Randolph Institute of Ohio; Tom Harry; Tracey Beavers; Valerie Lee; Iris Meltzer; Sherry Rose; and Bonnie Bishop ("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 or any other hearing. 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, but without limitation:

a) Senator Sykes objects to Definition No. 3 which contradicts subsequent definitions contained in the Discovery Requests.

b) Senator Sykes objects to Definition No. 9 which purports to extend the scope of his responses beyond that which she 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' "employees, staff, officers, agents, or representatives," Senator Sykes states that discovery requests are more appropriately directed to those individuals or entities

c) Senator Sykes objects to Definition No. 10 which purports to impose rules of construction that contradict or change the meaning of words, the rules of grammar, and the Ohio Rules of Civil Procedure.

d) Senator Sykes objects to the definition of the "Proposed Plan" because there was no plan introduced by the Commission.

3. Senator Sykes has responded based on the information gathered from his diligent search to date. However, discovery is ongoing. 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. 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, she will respond to these discovery requests for the time period limited to the 2021 legislative redistricting cycle.

5. 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.

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 individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

ANSWER: Senator Sykes, despite being a member of the Commission, was prevented from participating in the map-drawing process, as it related to the Challenged Plan, by the

Republican members of the Commission. Accordingly, he cannot identify persons who involved in the drawing of the Challenged Plan.

INTERROGATORY NO. 2

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

ANSWER: Objection. This Interrogatory is vague and ambiguous because the terms "role" and "played" are undefined. Subject to and without waiving any objection, see response to Interrogatory No. 1.

INTERROGATORY NO. 3

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

ANSWER: Because Senator Sykes was prevented from participating in the map-drawing process, as it related to the Challenged Plan, he cannot identify or describe instructions as requested by Interrogatory No. 3.

INTERROGATORY NO. 4

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their

representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

ANSWER: Objection. This Interrogatory is overly broad in that it asks to describe "any and all factors, constraints, influences, or considerations…that were considered, adopted, or otherwise reflected in the creation of any redistricting plans…." Senator Sykes further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, legislative privileges, and/or the work product doctrine.

Subject to and without waiving any objection, Senator Sykes responds as follows: As stated above, Senator Sykes was prevented from participating in the map-drawing process with respect to the maps that eventually culminated in the adoption of the Challenged Plan. Therefore, he is without information or knowledge as to what factors, constraints, influences, or considerations were reflected in the maps that ultimately became the Challenged Plan. However, Senator Sykes, as Co-Chair of the Ohio Redistricting Commission, introduced legislative district maps that attempted to comply with the requirements of Article XI of the Ohio Constitution. In addition, the Democratic legislative district maps introduced to the Ohio Redistricting Commission considered a multitude of factors, including, but not limited to, fairness, bipartisanship, and the compactness requirements of Article XI of the Ohio Constitution.

INTERROGATORY NO. 5

IDENTIFY and DESCRIBE any and all attempts that were made by YOU (1) and/or the Ohio Redistricting Commission (2) to comply with sections 6(A) and 6(B) of Article XI of the Ohio

Constitution (3) in any redistricting plans or amendments to redistricting plans that YOU (4), or any member of the Ohio Redistricting Commission or their representative, (5) introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

ANSWER: Objection. This Interrogatory is compound, convoluted, ambiguous, and confusing. Subject to and without waiving any objection, Senator Sykes responds by doing his best to sort through various questions posed by this Interrogatory: (1) Senator Sykes and House Minority Leader Emilia Sykes repeatedly requested that the Commission draw the maps, not the partisan political caucuses. They repeatedly tried to engage the other members of the Commission in discussions to finalize a plan that met all of the constitutional and statutory requirements. (2) Senator Sykes did not witness any effort by the majority Commissioners, in word or deed, to attempt to meet the political fairness or proportionality requirements of Article XI of the Ohio Constitution. (3) Senator Sykes, as Co-Chair of the Ohio Redistricting Commission, produced three separate map plans that did not disproportionately favor either party, that did represent the will of voters demonstrated over the previous decade of statewide partisan elections, and met the compactness requirements of Article XI of the Ohio Constitution. Senator Sykes and Leader Sykes were unable to get the majority Commissioners to work with or modify the Sykes maps to account for proportional representation. The Sykes maps incorporated input from Auditor Faber and Secretary LaRose, but their offered suggestions did not address proportionality. The majority Commissioners gave no indication that they were attempting in any way to comply with the requirements of proportionality or political fairness incorporated in Article XI.

INTERROGATORY NO. 6

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

ANSWER: Objection. This Interrogatory is overly broad and ambiguous in that it asks for an interpretation of provisions of the Ohio Constitution. Senator Sykes further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, legislative privileges, and/or the work product doctrine.

Subject to and without waiving any objection, Senator Sykes responds as follows: Sections 6(A) and 6(B) of Article XI of the Ohio Constitution address the proportional fairness goal of Article XI, namely to eliminate as much as possible the partisan gerrymandering that has plagued the drawing of Ohio's state legislative maps. This concept of proportional fairness was the heart of the constitutional reform that voters overwhelmingly approved in 2015. Section 6(A) prohibits a legislative district plan that is drawn primarily to favor or disfavor a political party. Section 6(B) ensures that there is no favoring or disfavoring of political party by requiring that the legislative district plan reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections, which was 54% Republican and 46% Democratic in the ten-year average of the partisan leaning of the districts. In other words, neither party can draw districts that do not correspond to the preferences of Ohio voters. In fact, Section 6 was so critical to the 2015 reform that if the final adopted plan did not gain the requisite votes of

the minority party, the Commission members who voted for it are required to explain how they addressed representational fairness. Unfortunately, the Challenged Plan conforms to neither of the requirements of Section 6.

INTERROGATORY NO. 7

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

ANSWER: Objection. This Interrogatory is unnecessarily convoluted and ambiguous. Senator Sykes will respond to a more clearly drafted interrogatory.

Subject to and without waiving any objection, Senator Sykes responds as follows: The maps proposed by Senator Sykes did conform with the constitutional requirements of Article XI. However, the Challenged Plan did not comply in any way with the requirements of Section 6, nor did the Republican commissioners ever attempt in any way to comply with the proportional fairness goal of Sections 6.

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

REQUEST FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 1

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database(CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database…." Responding further, these documents may be requested from and produced by other parties or third parties. Subject to and without waiving any objection, Senator Sykes will produce responsive, non-privileged emails in his possession relating to his work with Ohio University and the CURD. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 2

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD." Subject to and without waiving any objection, Senator Sykes will produce non-privileged, responsive emails in his possession relating to his work with Ohio University and the CURD. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 3

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

RESPONSE: Subject to and without waiving any objection, Senator Sykes will produce non-privileged, responsive emails in his possession relating to his work with Ohio University and the CURD. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 4

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD." Subject to and without waiving any objection, Senator Sykes will produce non-privileged, responsive emails in his possession relating to his work with Ohio University and the CURD. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 5

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO meetings…and any other business of the Ohio Redistricting Commission…." Subject to and without waiving any objection, Senator Sykes will produce meeting minutes, notes, and transcripts of the August 6, 2021, August 31, 2021, September 9, 2021, and September 15, 2021 meetings of the Ohio Redistricting Commission. Senator Sykes will produce the legislative district maps that he submitted to the Commission. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 6

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

RESPONSE: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll COMMUNICATIONS regarding redistricting in Ohio…." Subject to and without waiving any objection, Senator Sykes will produce non-privileged, responsive emails between him and his staff regarding redistricting in Ohio. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 7

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: Objection. This Request is overly broad and unduly burdensome in that it requests "[a]ll DOCUMENTS RELATING TO information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio …." Subject to and without waiving any objection, Senator Sykes will produce non-privileged, relevant documents relating to Randall Routt and Chris Glassburn of Project Govern, including the contract with Project Govern, invoices, and emails with Chris Glasburn. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 8

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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: Senator Sykes states that he was shut-out of the map-drawing process that culminated in the enactment of the General Assembly maps on September 16, 2021. As such, he does not possess documents responsive to this Request. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 9

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: Senator Sykes states that he was shut-out of the map-drawing process that culminated in the enactment of the General Assembly maps on September 16, 2021. As such, he does not possess documents responsive to this Request. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 10

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 that were considered or adopted by the Commission.

RESPONSE: See response to Request No. 7. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 11

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

RESPONSE: Objection. This Request seeks information that is protected by the Legislative Privilege. Subject to and without waiving any objection, Senator Sykes will produce

the limited number of non-privileged, responsive, and relevant emails in his possession. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 12

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: Senator Sykes states that he was shut-out of the map-drawing process that culminated in the enactment of the General Assembly maps on September 16, 2021. As such, he does not possess documents responsive to this request. Notwithstanding the above, Senator Sykes possesses and will produce non-privileged, responsive emails relating to scheduling between his office and other Commissioners' offices. Senator Sykes also possesses and will produce non-privileged, responsive emails relating to scheduling between his office and offices of members of the General Assembly. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 13

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: Senator Sykes states that he will produce documents responsive to this request.

DOCUMENT REQUEST NO. 14

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: Senator Sykes states that he is not in possession of documents responsive to this Request. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 15

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: Senator Sykes possesses and will produce the limited amount of non-privileged, responsive emails in his possession between his office and the Ohio Democratic Party. Senator Sykes reserves the right to supplement this response.

DOCUMENT REQUEST NO. 15

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: Objection. This Request is overly broad, unduly burdensome, and improper in that it seeks documents "RELATING TO any of YOUR responses to any Interrogatory…." Subject to and without waiving any objection, Senator Sykes will produce non-privileged, relevant documents that are responsive to this Request and in his possession.

Respectfully submitted as to objections only,

ICE MILLER LLP

/s/ Diane Menashe
Counsel to the Ohio Attorney General

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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 and Request for Production of Documents was served via email on the following:

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I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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In The
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
	:	
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

Respondent Ohio Governor DeWine's
Response to Relators' First Set of Interrogatories

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Respondent Ohio Governor DeWine, in his official capacity, responds to each of the following interrogatories:

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 lower case or upper case letters.

4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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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 "DOCUMENT" means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. 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,

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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.

8. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

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

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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.

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 over-breadth, 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.

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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.

INTERROGATORIES

INTERROGATORY NO. 1 IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "Challenged Plan" or the term "involved both formally and informally" 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, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Governor does not possess information responsive to Interrogatory No. 1. By way of further answer, the Governor was not involved in the "drawing" of the Commission approved general assembly district maps. The Governor believes, based upon representation of various individuals including public testimony, that Ray Dirossi was the primary map drawer of the plan including amendments submitted by legislative Republicans and Chris Glassburn was the primary map drawer of the plan submitted by legislative Democrats

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INTERROGATORY NO. 2 DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

OBJECTIONS: The Governor restates his objections to Interrogatory No. 1 herein.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Governor restates his answer to Interrogatory No. 1 . Again, the Governor believes, based upon representation by various individuals including public testimony that Ray Dirossi was the primary map drawer of the plan including amendments submitted by legislative Republicans and Chris Glassburn was the primary map drawer of the plan submitted by legislative Democrats.

INTERROGATORY NO. 3 IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

OBJECTION: Interrogatory No. 3 does not describe with reasonable particularity the meaning of "Challenged Plan" and/or "were in any way involved in the creation" 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, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Governor does not possess information responsive to Interrogatory No. 3. By way of further answer, the Governor did not direct Mr. Dirossi in the creation of the Commission-approved general assembly district maps.

INTERROGATORY NO. 4 IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio

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Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

OBJECTION: Interrogatory No. 4 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. Further, Interrogatory No. 4 does not define with reasonable particularity several critical terms including but not limited to "Challenged Plan," "factors, constraints, influences or considerations" and "otherwise reflected in the creation." Finally, Interrogatory No. 4 seeks information not in the Governor's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps. By way of further answer, the Governor did not direct the creation of any redistricting plans or amendments to the Commission-approved general assembly district maps.

INTERROGATORY NO. 5 IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

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. The Governor further objects to the extent that Interrogatory No. 5 pre-supposes a legal requirement of specific, extra-Commission actions that is separate and apart from all other constitutional standards as set forth

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in the Ohio Constitution. Interrogatory No. 5 does not identify or define with reasonable particularity several critical terms including but not limited to "Challenged Plan," "redistricting plans or amendments to redistricting plans" and "introduced to the Ohio Redistricting Commission," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 5 seeks information not in the Governor's possession, custody, or control.

ANSWER: Without waiving the above referenced privileges and objections, the Governor did not create or introduce any redistricting plans or amendments to redistricting plans that were introduced to the Ohio Redistricting Commission. By way of further answer, the Commission-approved general assembly district maps comply with the legal standards set forth in the Ohio Constitution. By way of further answer, the Governor's focus was to come to a bipartisan agreement on the general assembly district maps so that the Commission could approve a ten year plan. Finally, the Governor clearly expressed his desire for a bipartisan ten-year plan just prior to adoption of the map when he stated, " 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."

INTERROGATORY NO. 6 IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

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OBJECTION: The Governor objects to the extent that Interrogatory No. 6 presupposes a legal requirement of specific, extra-Commission actions that is separate and apart from all other constitutional standards as set forth in the Ohio Constitution. Interrogatory No. 6 seeks information not in the Governor's possession, custody, or control, seeks confidential, privileged information that was made during the deliberative process and/or is protected by the attorney client privilege and/or executive privilege. Finally, Interrogatory No. 6 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.

INTERROGATORY NO. 7 IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to 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, Interrogatory No. 7 does not identify with any particularity the "redistricting plan(s)" referenced therein and it does not define "Challenged Plan," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 7 seeks information not in the Governor's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Governor held the belief that

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the Commission approved general assembly district maps complied with the standards set forth in the Ohio Constitution. However, this is a matter of first impression and the Governor has clearly stated just before the commission adopted the map. "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."

VERIFICATION OF INTERROGATORY ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 14:37:30 -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.

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 14:37:30 PST C171D8CB6667

MacKenzie S. Clayton
Signed on 2021/10/12 14:37:30 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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October 12, 2021 15:14:45 -8:00 [8F9870B52A0C] [66.145.60.20]
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E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 15:14:45 -8:00 [528DBF51B473] [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
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to**
	:	**Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

RESPONDENT GOVERNOR MICHAEL DEWINE'S RESPONSES TO SECOND SET OF INTERROGATORIES

Respondent Governor Michael DeWine, in his official capacity as member of the Ohio Redistricting Commission, hereby responds to the following Second Set of Interrogatories by October 12, 2021.

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 lower case or upper case letters.

4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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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 "DOCUMENT" means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

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8. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. 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.

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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.

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 over-breadth, 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.

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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.

INTERROGATORIES

INTERROGATORY NO. 8

If any of YOUR response to Relators' Request for Admission No. 10 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Governor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Governor to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, the Governor was required to qualify his answer because Request for Admission No. 10 highlighted only a portion of the Governor's entire statement. Governor DeWine merely provided a fuller answer.

INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 14 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Governor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Governor to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, the Governor was required to qualify his answer because Request for Admission No. 14 highlighted only a portion of the Governor's entire statement. Governor DeWine merely provided a fuller answer.

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INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 19 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Governor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Governor to provide the reasoning behind qualifying his response to a request for admission. The Governor has already explained why he had to qualify his response to Request for Admission No. 19 and any response to this interrogatory is duplicative.

Answer: Without waiving the above-mentioned objections, the Governor did not note the time of day when he made the statement included in Request for Admission No. 19.

INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 23 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Governor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Governor to provide the reasoning behind qualifying his response to a request for admission. The Governor has already explained why he had to qualify his response to Request for Admission No. 23 and any response to this interrogatory is merely duplicative.

Answer: Without waiving the above-mentioned objections, the Governor denies that he authorized the issuance of Exhibit C. Further responding without waiving, the Governor denies due to lack of knowledge based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit C as he cannot enter the mind of each member to determine what they thought.

INTERROGATORY NO. 12

If any of YOUR responses to Relators' Request for Admissions, other than Requests No. 10, 14, 19, and 23, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Governor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Governor to provide the reasoning behind qualifying his response to a request for admission. The Governor has already provided an explanation as to every request for admission that could not admitted and any further explanation would be duplicative and unduly burdensome.

Answer: Without waiving the above-mentioned objections, the Governor directs Relators to his Responses to the Relators' Request for Admissions wherein each basis is provided.

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VERIFICATION OF INTERROGATORY ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 15:14:45 -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 S. Clayton
Signed on 2021/10/12 15:14:45 -8:00

Notary Public

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 15:14:45 PST 528DBF51B473

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
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**Counsel of Record*
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Counsel for Respondent Governor DeWine

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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** Pro Hac Vice Motion Forthcoming*

/s/ Julie Pfeiffer

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Grodhaus LWV 3.pdf

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mgrodhaus@ohiosos.gov (Principal) (Personally Known)

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October 12, 2021 14:16:21 -8:00 [48ACB1F324F7] [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
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

Respondent Ohio Secretary of State Frank LaRose's Response to Relators' First Set of Interrogatories

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Respondent Ohio Secretary of State Frank LaRose, in his official capacity as a Member of the Ohio Redistricting Commission responses to each of the following interrogatories:

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 lower case or upper case letters.

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4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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 "DOCUMENT" means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. 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

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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.

8. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Secretary of State.

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;

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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.

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 over-breadth, 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

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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.

INTERROGATORIES

INTERROGATORY NO. 1 IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "Challenged Plan" or the term "involved both formally and informally" 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, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, 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 Commission-approved district plan, the Secretary of State does not possess any other information responsive to Interrogatory No. 1. By way of further answer, the Secretary

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of State was not involved in the drawing of the Commission-approved general assembly district maps.

INTERROGATORY NO. 2 DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

OBJECTIONS: The Secretary of State restates his objections to Interrogatory No. 1 herein.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, please see the Secretary of State's Response to Interrogatory No. 1. Other than knowing that Mr. DiRossi played some role in the drawing of the Senate and House Republican district plan, which as amended on September 15, 2021 became the Commission-approved district plan, the Secretary of State does not possess information responsive to Interrogatory No. 2. By way of further answer, the Secretary of State was not involved in the drawing of the Commission-approved general assembly district maps.

INTERROGATORY NO. 3 IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

OBJECTION: Interrogatory No. 3 does not describe with reasonable particularity the meaning of "Challenged Plan", "were in any way involved in the creation" 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, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Secretary of State does not possess information responsive to Interrogatory No. 3. By way of further answer, the Secretary of State was not involved in the creation of the Commission-approved general assembly district maps.

INTERROGATORY NO. 4 IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio

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Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

OBJECTION: Interrogatory No. 4 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. Further, Interrogatory No. 4 does not define with reasonable particularity several critical terms including but not limited to "Challenged Plan," "factors, constraints, influences or considerations" and "otherwise reflected in the creation." Finally, Interrogatory No. 4 seeks information not in the Secretary of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, because the Secretary of State was not involved in the "creation of any redistricting plans or amendments to redistricting plans," the Secretary of State possesses no information responsive to Interrogatory No. 4.

INTERROGATORY NO. 5 IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

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. The Secretary of State further objects to the extent that

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Interrogatory No. 5 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. 5 does not identify or define with reasonable particularity several critical terms including but not limited to "Challenged Plan," "redistricting plans or amendments to redistricting plans" and "introduced to the Ohio Redistricting Commission," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 5 seeks information not in the Secretary of State's possession, custody, or control.

ANSWER: Without waiving the above referenced privileges and objections, the Secretary of State did not create or introduce any redistricting plans or amendments to redistricting plans that were filed with the Ohio Redistricting Commission. By way of further answer, the Secretary of State believes that the Commission-approved general assembly district maps comply with all legal standards set forth in the Ohio Constitution. The Secretary of State attempted to find a compromise between the district plan submitted by the Republican legislative leanders and the district plan submitted by Senator Sykes so that the vote required for a ten-year district plan could be reached.

INTERROGATORY NO. 6 IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

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. The Secretary of State objects to the extent that

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Interrogatory No. 6 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. 6 seeks information not in the Secretary of State's possession, custody, or control. Finally, Interrogatory No. 6 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.

INTERROGATORY NO. 7 IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

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. Further, Interrogatory No. 7 does not identify with any particularity the "redistricting plan(s)" referenced therein and it does not define "Challenged Plan," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 7 seeks information not in the Secretary of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Commission-approved general assembly district maps comply with all legal standards set forth in the Ohio Constitution.

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VERIFICATION OF INTERROGATORY ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:16:21 -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.

MacKenzie Storm Clayton
Commission # 2018-RE-707238
Electronic Notary Public
State of Ohio
My Comm Exp. Feb 22, 2023
Notary Stamp 2021/10/12 14:16:21 PST 48ACB1F324F7

MacKenzie S. Clayton
Signed on 2021/10/12 14:16:21 -8:00

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Respectfully submitted,

Below signature as to Objections.

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

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Counsel for Respondent Secretary of State LaRose

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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mgrodhaus@ohiosos.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 14:20:16 -8:00 [7278A4EA7B20] [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
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

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

Respondent Secretary of State Frank LaRose, in his official capacity as a Member of the Ohio Redistricting Commission, hereby answers the following interrogatories.

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 lower case or upper case letters.

4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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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 "DOCUMENT" means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

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8. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. 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 over-breadth, 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. 8

If any of YOUR response to Relators' Request for Admission No. 10 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, Secretary LaRose was required to qualify his answer because Request for Admission No. 10 highlighted only a portion of Secretary LaRose's entire statement. Secretary LaRose merely provided a fuller answer.

INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 14 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, Secretary LaRose was required to qualify his answer because Request for Admission No. 14 highlighted only a portion of Secretary LaRose's entire statement. Secretary LaRose merely provided a fuller answer.

INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 18 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, Secretary

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LaRose was required to qualify his answer because Request for Admission No. 18 highlighted only a portion of Secretary LaRose's entire statement. Secretary LaRose merely provided a fuller answer.

INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 23 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission. Secretary LaRose has already explained why he had to qualify his response to Request for Admission No. 23 and any response to this interrogatory is merely duplicative.

Answer: Without waiving the above-mentioned objections, Secretary LaRose denies that he authorized the issuance of Exhibit B. Further responding without waiving, Secretary LaRose denies due to lack of knowledge based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 24 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, Secretary LaRose admitted to Relators' Request for Admission No. 24.

INTERROGATORY NO. 12

If any of YOUR responses to Relators' Request for Admissions, other than Requests Nos. 10, 14, 18, 23, and 24, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: Secretary LaRose objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel Secretary LaRose to provide the reasoning behind qualifying his response to a request for admission. Secretary LaRose has already provided an explanation as to every request for admission that could not admitted and any further explanation would be duplicative and unduly

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burdensome.

Answer: Without waiving the above-mentioned objections, Secretary LaRose directs Relators to his Responses to the Relators' Request for Admissions wherein each basis is provided.

VERIFICATION OF INTERROGATORY ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:20:16 -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 14:20:16 PST 7278A4EA7B20

MacKenzie S. Clayton
Signed on 2021/10/12 14:20:16 -8:00

Notary Public

Respectfully submitted,

Below signature as to Objections.

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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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

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 serves 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 Interrogatories 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 Interrogatory 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 Interrogatories 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 Interrogatories as written, call for Senate President Huffman to review records pertaining to

all redistricting for his office going back decades. Because of this, all Interrogatories, 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 Interrogatories 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 Interrogatories 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 individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

RESPONSE: Senate President Huffman objects that the term "Challenged Plan" and the terms "formally and informally" are vague and ambiguous and to the extent it seeks information not within the personal knowledge of Senate President Huffman. 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 plan adopted by the Ohio Redistricting Commission. Senate President Huffman further identifies any employee of Ohio University that participated in creating the Common Unified Redistricting Database (otherwise known as the CURD).

INTERROGATORY NO. 2

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

RESPONSE: Senate President Huffman objects to this Interrogatory on the grounds that "formally and informally" and "role" is vague and ambiguous and to the extent it seeks information not within the personal knowledge of Senate President Huffman. Senate President Huffman states that Mr. DiRossi and Mr. Springhetti assisted in drawing the general assembly districts, with input from himself and Speaker Cupp, and public input. Senate President Huffman further states that Mr. DiRossi and Mr. Springhetti incorporated some suggestions from House Minority Leader

Sykes and Senator Sykes in an effort to reach a consensus plan. When House Minority Leader Sykes and Senator Sykes refused any further negotiation over a consensus plan, some of their original suggestions were retained in the plan adopted by the Ohio Redistricting Commission. Employees of Ohio University produced data in a usable format for all parties involved in redistricting, including the general public who were able to access the data on the Commission's website.

INTERROGATORY NO. 3

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

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 further objects to this Interrogatory on the grounds that the term "Challenged Plan" is vague and undefined. Subject to and without waiving these objections, Senate President Huffman states that individuals involved in the creation of the plan adopted by the Ohio Redistricting Commission were instructed to comply with state and federal law including the requirements of the Ohio Constitution.

INTERROGATORY NO. 4

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

RESPONSE: Senate President Huffman objects to this Interrogatory on the grounds that the terms "Challenged Plan", "factors, constraints, influences, or considerations" are vague and ambiguous and potentially overlapping or duplicative. Senate President Huffman also 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 for the plans he has knowledge of, including the plan adopted by the Ohio Redistricting Commission., these plans were constrained by compliance with all state and federal laws, including Article XI of the Ohio Constitution.

INTERROGATORY NO. 5

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

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 members of the Commission, including Democratic members of the Commission, 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 plan adopted by the Ohio Redistricting Commission moved towards the plans proposed by the Democratic members of the Commission.

INTERROGATORY NO. 6

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

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 provisions of the Ohio Constitution speak for themselves.

INTERROGATORY NO. 7

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to 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 the foregoing objections, Senate President Huffman states that the Ohio Redistricting Commission by a super-majority vote adopted the final general assembly district plan, and that no Relators assert that the plan violates any of the mandatory requirements of the Ohio Constitution, and the Commission adopted a statement regarding Section 6(B) of Article XI of the Ohio Constitution which speaks for itself.

Submitted this the 12th day of October, 2021

By: /s/ Phillip J. Strach

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Counsel for Respondents Senate President Matt Huffman and House Speaker Robert Cupp

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
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stspalding@ohioauditor.gov (Principal) (ID Verified)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 16:40:29 -8:00 [A0FC89D487A0] [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
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

RESPONDENT AUDITOR OF STATE KEITH FABER'S RESPONSES TO RELATORS' SECOND SET OF INTERROGATORIES

-

Auditor of State Keith Faber, in his official capacity as Member of the Ohio Redistricting Commission, hereby responds to each of the following interrogatories:

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 lower case or upper case letters.

4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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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 "DOCUMENT" means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

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8. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. 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.

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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.

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 over-breadth, 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.

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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. 8

If any of YOUR response to Relators' Request for Admission No. 10 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Auditor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Auditor to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, the Auditor was required to qualify his answer because Request for Admission No. 10 highlighted only a portion of Auditor Faber's entire statement. Auditor Faber merely provided a fuller answer.

INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 15 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Auditor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Auditor to provide the reasoning behind qualifying his response to a request for admission. The Auditor has already explained why he had to qualify his response to Request for Admission No. 15 and any response to this interrogatory is merely duplicative.

Answer: Without waiving the above-mentioned objections, the Auditor denies that he authorized the issuance of Exhibit B. Further responding without waiving, the Auditor denies due to lack of knowledge based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 17 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Auditor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Auditor to provide the reasoning behind qualifying his response to a request for admission, which would have already been provided in the responses to the requests for admissions.

Answer: Without waiving any objection that this request is duplicative in nature, the Auditor

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admitted to Relators' Request for Admission No. 17.

INTERROGATORY NO. 11

If any of YOUR responses to Relators' Request for Admissions, other than Requests Nos. 10, 15, and 17, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Objection: The Auditor objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege. Further, this interrogatory is duplicative as it seeks to compel the Auditor to provide the reasoning behind qualifying his response to a request for admission. The Auditor has already provided an explanation as to every request for admission that could not admitted and any further explanation would be duplicative and unduly burdensome.

Answer: Without waiving the above-mentioned objections, the Auditor directs Relators to his Responses to the Relators' Request for Admissions wherein each basis is provided.

VERIFICATION OF INTERROGATORY ANSWERS

Sloan T Spalding
Signed on 2021/10/12 16:40:29 -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
Notary Stamp 2021/10/12 16:40:29 PST A0FC89D487A0

MacKenzie S. Clayton
Signed on 2021/10/12 16:40:29 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
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Counsel for Respondent Auditor Faber

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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Counsel for Relators
** Pro Hac Vice Motion Forthcoming*

/s/ Julie M. Pfeiffer

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October 12, 2021 16:55:25 -8:00 [FCB1DF7703DF] [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_0183

In The
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
Relators,	:	**Case No. 2021-1193**
	:	
v.	:	**Original Action Pursuant to Ohio Const., Art. XI**
	:	
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
***Respondents*.**	:	

Respondent Ohio Auditor of State Keith Faber's Response to Relators' First Set of Interrogatories

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Respondent Ohio Auditor of State Keith Faber responds to each of the following interrogatories, in writing and under oath.

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 lower case or upper case letters.

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4. The term “COMMUNICATION” means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.

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 “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. 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

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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.

8. The term "PERSON" includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms "YOU" and "YOUR" mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Auditor of State.

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;

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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.

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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.

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 over-breadth, 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.

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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 individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

OBJECTIONS: Interrogatory No. 1 does not describe with reasonable particularity the meaning of "Challenged Plan" or the term "involved both formally and informally" 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, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Auditor of State does not possess information responsive to Interrogatory No. 1. By way of further answer, the Auditor of State was not involved in the drawing of the Commission approved general assembly district maps.

INTERROGATORY NO. 2 DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

OBJECTIONS: The Auditor of State restates his objections to Interrogatory No. 1 herein.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Auditor of State does not possess information responsive to Interrogatory No. 2. By way of further answer, the Auditor of State was not involved in the drawing of the Commission-approved general assembly district maps.

INTERROGATORY NO. 3 IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

OBJECTION: Interrogatory No. 3 does not describe with reasonable particularity the meaning of "Challenged Plan" and/or "were in any way involved in the creation" and therefore it is overbroad, vague

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and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Auditor of State does not possess information responsive to Interrogatory No. 3. By way of further answer, the Auditor of State was not involved in the creation of the Commission-approved general assembly district maps.

INTERROGATORY NO. 4 IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

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OBJECTION: Interrogatory No. 4 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. Further, Interrogatory No. 4 does not define with reasonable particularity several critical terms including but not limited to "Challenged Plan," "factors, constraints, influences or considerations," "introduced" and "otherwise reflected in the creation." Finally, Interrogatory No. 4 seeks information not in the Auditor of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, and assuming that "Challenged Plan" means the Commission-approved general assembly district maps, the Auditor of State possesses no information responsive to Interrogatory No. 4. By way of further answer, the Auditor of State was not involved in the creation of any redistricting plans or amendments to the Commission-approved general assembly district maps. The Auditor had several conversations with Senator Sykes and Representative Sykes in an attempt to understand their needs in hopes of creating a bipartisan, ten-year map.

INTERROGATORY NO. 5 IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

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. The Auditor of State further objects to the extent that Interrogatory No. 5 pre-supposes a legal requirement of specific, extra-Commission actions that is separate and apart from all other constitutional standards as set forth in the Ohio Constitution. Interrogatory No. 5 does not identify or define with reasonable particularity several critical terms including

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but not limited to "Challenged Plan," "redistricting plans or amendments to redistricting plans" and "introduced to the Ohio Redistricting Commission," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 5 seeks information not in the Auditor of State's possession, custody, or control.

ANSWER: Without waiving the above referenced privileges and objections, the Auditor of State did not create or introduce any redistricting plans or amendments to redistricting plans that were introduced to the Ohio Redistricting Commission.

INTERROGATORY NO. 6 IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

OBJECTION: The Auditor of State objects to the extent that Interrogatory No. 6 pre-supposes a legal requirement of specific, extra-Commission actions that is separate and apart from all other constitutional standards as set forth in the Ohio Constitution. Interrogatory No. 6 seeks information not in the Auditor of State's possession, custody, or control. Finally, Interrogatory No. 6 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.

INTERROGATORY NO. 7 IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or

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before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to 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. Further, Interrogatory No. 7 does not identify with any particularity the "redistricting plan(s)" referenced therein and it does not define "Challenged Plan," and therefore, it is overbroad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory No. 7 seeks information not in the Auditor of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Auditor did attempt to evaluate many of the maps submitted by the public and by Commission members. But without access to the Commission's mapping software, he was unable to determine precise compliance with constitutional requirements.

Notarial act performed by audio-visual communication

VERIFICATION OF INTERROGATORY ANSWERS

Sloan T Spalding
Signed on 2021/10/12 16:55:25 -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.

MacKenzie S. Clayton
Signed on 2021/10/12 16:55:25 -8:00

Notary Public

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 16:55:25 PST FCB1DF7703DF

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Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 12, 2021.

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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

RESPONDENT CUPP'S OBJECTIONS AND RESPONSES TO RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO RESPONDENT HOUSE SPEAKER ROBERT R. CUPP

Respondent Speaker Robert R. Cupp ("Speaker Cupp"), by and through undersigned counsel serves his objections and responses to Relators' First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

Speaker Cupp makes the following answers, responses, and objections to Relators' First Set of Requests for Production of Documents ("Requests"). 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 Requests. These responses are subject to amendment and supplementation as Speaker Cupp acquires additional information. Speaker Cupp states that his responses to the Requests 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 Requests should not be taken as an admission that Speaker Cupp accepts or admits the existence of any facts assumed by such Requests 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 Requests is not intended to be, and shall not be construed as a waiver by Speaker Cupp of any part of any objection to any Requests. 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 further objects to providing documents with .TIFF imaging or other similar methods, and accompanying metadata. With such a short time for discovery, this request is neither practical, nor is the cost an economically appropriate burden for the taxpayers of Ohio.

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.

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

RESPONSE: Speaker Cupp objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Redistricting Commission's public website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 2

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

RESPONSE: Speaker Cupp objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 3

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

RESPONSE: Speaker Cupp objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Speaker Cupp further objects on the ground of relevance, as the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 4

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

RESPONSE: Speaker Cupp objects that this Request is duplicative of Requests 1-3 and is therefore unduly burdensome to answer. Speaker Cupp also objects on the ground of relevance, as

the development of the CURD by Ohio University has no bearing on this suit and whether the Enacted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 5

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, 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; 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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 6

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

RESPONSE: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 7

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp also objects on the grounds that this Request is overly broad and unduly burdensome as much of this information is publicly available on the Ohio Redistricting Commission Website. Speaker Cupp further objects to the extent this seeks information regarding drawing of congressional districts which are not at issue in this case. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, documents produced contemporaneously with these responses, and Article XI of the Ohio Constitution. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 8

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff 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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Senate President Huffman further objects to this Request to the extent that it seeks documents not in his possession, custody, or control. Senate President Huffman also objects on the grounds that this request is overly broad and unduly burdensome, especially since much of this information is publicly available on the Ohio Redistricting Commission Website. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, the Ohio Redistricting Website, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 9

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 10

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 that were considered or adopted by the Commission.

RESPONSE: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges or other applicable law. Speaker Cupp further objects to the extent Request seeks information that is not within his personal knowledge. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses. Speaker Cupp is also producing an electronic copy of the shape files and related data sets from the Commission's proposed general assembly district plan and the plan ultimately adopted by the Commission.

DOCUMENT REQUEST NO. 11

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

RESPONSE: Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 12

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with current or former members of the general assembly, their staff, or their PACs have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 13

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: Speaker Cupp objects to the extent this Request calls for information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with current or former members of the US House of Representatives, the US Senate, their staff, or their PACs have no bearing on whether or not the Commission's final adopted Plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 14

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 15

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: Speaker Cupp objects to the extent this Request seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to the extent that this Request seeks information not within his personal knowledge, or outside of his possession, custody, or control. Speaker Cupp also objects that this request is not relevant, as Speaker Cupp's communications with various political organizations have no bearing on whether or not the Commission's final adopted plan violates the Ohio Constitution. Subject to and without waiving

these objections, Speaker Cupp refers Relators to documents produced in response to the American Civil Liberties Union's Public Records Requests, and documents produced contemporaneously with these responses.

DOCUMENT REQUEST NO. 16

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:. Speaker Cupp refers Realtors to documents produced in response to the League of Women Voters of Ohio's Public Records Requests and documents produced contemporaneously with these responses.

Submitted this the 12th day of October, 2021

By:
/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

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/s/Alyssa M. Riggins
Alyssa M. Riggins

4851-0370-8926 V.1

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

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 serves 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 Interrogatories 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 Interrogatory 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 Interrogatories 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 Interrogatories as written, call for Speaker Cupp to review records pertaining to all redistricting for his office going back decades. Because of this, all Interrogatories, 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 Interrogatories 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 Interrogatories 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 individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

RESPONSE: Speaker Cupp objects that the term "Challenged Plan" and the terms "formally and informally" are vague and ambiguous and to the extent it seeks information not within the personal knowledge of Speaker Cupp. 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 plan adopted by the Ohio Redistricting Commission. Speaker Cupp further identifies any employee of Ohio University that participated in creating the Common Unified Redistricting Database (otherwise known as the CURD).

INTERROGATORY NO. 2

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

RESPONSE: Speaker Cupp objects to this Interrogatory on the grounds that "formally and informally" and "role" is vague and ambiguous and to the extent it seeks information not within the personal knowledge of Speaker Cupp. Speaker Cupp states that Mr. DiRossi and Mr. Springhetti assisted in drawing the general assembly districts, with input from himself and Senate President Huffman, and public input. Speaker Cupp further states that Mr. DiRossi and Mr. Springhetti incorporated some suggestions from House Minority Leader Sykes and Senator Sykes in an effort to reach a consensus plan. When House Minority Leader Sykes and Senator Sykes refused any further negotiation over a consensus plan, some of their original suggestions were retained in the plan adopted by the Ohio Redistricting Commission. Employees of Ohio University produced data in a usable format for all parties involved in redistricting, including the general public who were able to access the data on the Commission's website.

INTERROGATORY NO. 3

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

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 further objects to this Interrogatory on the grounds that the term "Challenged Plan" is vague and undefined. Subject to and without waiving these objections, Speaker Cupp states that individuals involved in the creation of the plan adopted by the Ohio Redistricting Commission were instructed to comply with state and federal law including the requirements of the Ohio Constitution.

INTERROGATORY NO. 4

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

RESPONSE: Speaker Cupp objects to this Interrogatory on the grounds that the terms "Challenged Plan", "factors, constraints, influences, or considerations" are vague and ambiguous and potentially overlapping or duplicative. Speaker Cupp also 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 for the plans he has knowledge of, including the plan adopted by the Ohio Redistricting Commission., these plans were constrained by compliance with all state and federal laws, including Article XI of the Ohio Constitution.

INTERROGATORY NO. 5

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

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 members of the Commission, including Democratic members of the Commission, 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 plan adopted by the Ohio Redistricting Commission moved towards the plans proposed by the Democratic members of the Commission.

INTERROGATORY NO. 6

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

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 provisions of the Ohio Constitution speak for themselves.

INTERROGATORY NO. 7

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to 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 the foregoing objections, Speaker Cupp states that the Ohio Redistricting Commission by a super-majority vote adopted the final general assembly district plan, and that no Relators assert that the plan violates any of the mandatory requirements of the Ohio Constitution, and the Commission adopted a statement regarding Section 6(B) of Article XI of the Ohio Constitution which speaks for itself.

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
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IN THE SUPREME COURT OF OHIO

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT GOVERNOR DEWINE'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Governor DeWine, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the gubernatorial privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All documents and communications containing or relating to instructions given to the map drawer(s) with respect to creating the 9/9 and 9/16 plans.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.

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ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All documents and communications concerning information or data viewed by the map drawer(s) regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

16A94466EC5DD
Matthew J. Donahue
Signed on 2021/10/12 15:06:51 -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.

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 15:06:51 PST
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0648540295DB
MacKenzie S. Clayton
Signed on 2021/10/12 15:06:51 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
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/s/ Julie M. Pfeiffer

Julie M. Pfeiffer

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October 12, 2021 16:59:08 -8:00 [A6117ABEBAC1] [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

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT AUDITOR OF STATE FABER'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Auditor of State Faber, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the deliberative process privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All documents and communications containing or relating to instructions given to the map drawer(s) with respect to creating the 9/9 and 9/16 plans.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.

   ANSWER: Respondent incorporates all General Objections as if set forth herein.

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Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All documents and communications concerning information or data viewed by the map drawer(s) regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

Sloan T Spalding
Signed on 2021/10/12 16:59:08 -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
Notary Stamp 2021/10/12 16:59:08 PST A6117ABEBAC1

MacKenzie S. Clayton
Signed on 2021/10/12 16:59:08 -8:00

Notary Public

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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/s/ Julie M. Pfeiffer

Julie M. Pfeiffer

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mgrodhaus@ohiosos.gov (Principal) (Personally Known)

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I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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IN THE SUPREME COURT OF OHIO

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT SECRETARY OF STATE FRANK LAROSE'S RESPONSES TO RELATORS' REQUESTS FOR PRODUCTION OF DOCUMENTS.

Respondent Secretary of State Frank LaRose, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' requests for production.

GENERAL OBJECTIONS

1. Respondent objects to the Requests to the extent they do not describe with reasonable particularity each item or category of items to be inspected as required by Rule 34 of the Ohio Rules of Civil Procedure.

2. Respondent objects to the Requests to the extent they are 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.

3. Respondent objects to the Requests to the extent they seek information protected by the attorney-client privilege or work-product doctrine.

4. Respondent objects to the Requests to the extent they seek information protected by the deliberative process privilege.

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5. Respondent objects to these Requests to the extent that they seek information not in Respondent's possession, custody, or control.

6. Respondent objects to the Requests to the extent that they seek information that is publicly available, already in Relators' possession, or in the possession or control of third parties.

7. Respondent objects to the Requests as confusing, ambiguous, or vague.

8. Respondent expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery Requests.

9. Respondent expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

2. All documents and communications containing or relating to instructions given to the map drawer(s) with respect to creating the 9/9 and 9/16 plans.

   ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

3. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.

   ANSWER: Respondent incorporates all General Objections as if set forth herein.

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Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

4. All documents and communications concerning information or data viewed by the map drawer(s) regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.

ANSWER: Respondent incorporates all General Objections as if set forth herein. Subject to the foregoing objections, responsive, non-privileged documents, if any, in Respondent's possession, custody, or control have been produced.

VERIFICATION OF PRODUCTION ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:24:36 -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.

MacKenzie S. Clayton
Signed on 2021/10/12 14:24:36 -8:00

Notary Public

MacKenzie S. Clayton
Signed on 2021/10/12 14:24:36 -8:00

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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/s/ Julie M. Pfeiffer

Julie M. Pfeiffer

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E-Signature 1: Matthew J. Donahue (MJD)
October 12, 2021 15:03:15 -8:00 [021FB523D042] [66.145.60.20]
matthew.donahue@governor.ohio.gov (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)
October 12, 2021 15:03:15 -8:00 [1C4C4C8CD837] [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

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

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

Pursuant to Rules 26, 33, and 34 of the Ohio Rules of Civil Procedure, Respondent Governor DeWine, in his official capacity as a Member of the Ohio Redistricting Commission, responds to Relators' interrogatories.

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

(1) The terms "Respondents," "you," and "your" shall mean: House Speaker Bob Cupp, Governor Mike DeWine, Secretary of State Frank LaRose, Auditor Keith Faber, and Senate President Matt Huffman individually, as a member of the Ohio Redistricting Commission, and in your capacities as House Speaker, Governor, Secretary of State, Auditor, and Senate President, respectively, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on your behalf.

(2) The term "Commission" shall mean the Ohio Redistricting Commission.

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(3) The term "9/9 plan" shall mean the General Assembly maps presented by Senate President Matt Huffman to the Ohio Redistricting Commission on September 9, 2021, or any drafts thereof.

(4) The term "9/16 plan" shall mean the General Assembly maps proposed by Senate President Matt Huffman to the Ohio Redistricting Commission on September 15, 2021, and approved on September 16, 2021, or any drafts thereof.

(5) The term "map drawer" shall mean anyone who assisted in the creation of the 9/9 or 9/16 plans, regardless of whether or not they were compensated for their services.

(6) The term "Section 8(C)(2) statement" shall mean the statement, disseminated to the public by the Commission on September 16, 2021, purporting to explain (as required under Article XI Section 8(C)(2) of the Ohio Constitution for maps approved by a simple majority) "what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of [Article XI]."

(7) The term "Describe" shall mean 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.

(8) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.

(9) The term "identify" shall mean, with respect to any natural person, to state his or her full name, present or last known residential address, present or last known business address, and telephone number(s).

(10) The term "identify" shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.

(11) The term "identify" shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram,

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chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.

(12) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.

(13) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.

(14) The terms "relating to" and "concerning" shall mean referring to, related 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 Request.

B. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondents' attorneys, agents, and representatives.

C. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an

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interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.

D. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.

E. These interrogatories are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

(1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material, including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

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(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the paragraph of this request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.

H. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

I. These requests shall be deemed to be continuing so as to require further and supplemental production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

J. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data

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file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format ("TIFF"), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition ("OCR") text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR'd after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

K. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; "to" name(s) and address(es); "from" name and address; "cc" name(s) and address(es); "bcc" name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

L. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.

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M. Produce any password-protected documents with any applicable passwords.

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INTERROGATORIES

INTERROGATORY #1 Identify and describe any persons who received compensation for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

OBJECTION: Interrogatory #1 does not describe with reasonable particularity the meaning of "for services rendered." Further, Interrogatory #1 is vague and not reasonably calculated to lead to the discovery of admissible evidence. The Governor objects to this interrogatory on the grounds that it seeks information in the possession of, known to, or otherwise equally available to the plaintiff. See https://www.cleveland.com/open/2021/09/records-detail-spending-by-ohio-lawmakers-on-consultants-computers-hotels-and-other-redistricting-costs.html. Finally, Interrogatory #1 seeks information not in the Governor's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Governor did not provide any compensation to non-Governor employees "for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted." To the best of the Governors' knowledge Chris Glassburn was paid to create the Democratic Senate Map as well as amendments submitted to Commission Members and Ray DiRossi was compensated to create the map adopted by the commission as well as amendments to the map.

INTERROGATORY #2 Identify all individuals with whom you and/or the Commission communicated about the 9/9 or 9/16 plan.

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OBJECTION: Interrogatory #2 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. Further, Interrogatory #2 seeks information not in the Governor's possession, custody, or control. Interrogatory #2 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 objections, the Governor has openly and consistently communicated with innumerable individuals including constituents, voters, and advocacy groups throughout the process for the creation of general assembly district maps. The Governor cannot possibly identify every individual that he has communicated with about the 9/9 or 9/16 plan. The Governor communicated with all members of the Commission, the First Lady, the Lt. Governor, members of the Governor's staff including but not limited to members of his legal staff. The Governor also has communicated with Mr. DiRossi and Mr. Glassburn via testimony and one personal meeting each at the request of their employers. By way of further answer, information related to communications by the Ohio Redistricting Commission are in the possession of the Ohio Redistricting Commission.

INTERROGATORY #3 Identify all data and information about potential or actual Ohio General Assembly districts to which the map drawer(s) had access during the process of drawing the Commission's proposed or adopted maps, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER: The Governor was not involved in the process of drawing the Commission's proposed or adopted maps.

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INTERROGATORY #4 Identify all measures through which the map drawer(s) filtered data while drawing the Commission's proposed or adopted maps, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER: The Governor possesses no information responsive to Interrogatory #4. By way of further answer, the Governor was not involved in the process of drawing the Commission's proposed or adopted maps.

INTERROGATORY #5 Identify and describe all dates, times, places, and attendees of any meeting at which state legislative redistricting was discussed with the knowledge of at least one Commission member.

OBJECTION: Interrogatory #5 is overly broad, vague, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. In particular, the use of the term "meeting" in Interrogatory #5 is vague without further definition. Interrogatory #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, Interrogatory #5 seeks information not in the Governor's possession, custody, or control. Finally, the Governor objects to the extent that an answer requires the Governor to speculate as to the knowledge of other Commission members.

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ANSWER: Without waiving the above referenced objections, the Governor and/or a representative attended the meetings of the Ohio Redistricting Commission where state legislative redistricting was discussed. By way of further answer, the Governor spoke with multiple individuals and had numerous conversations in person and over the telephone in attempting to achieve a bipartisan, ten-year plan. The Governor cannot endeavor to list every one of those events.

INTERROGATORY #6 Identify and describe any persons whom you consulted in drafting the Section 8(C)(2) statement.

ANSWER: The Governor possesses no information responsive to Interrogatory #6. By way of further answer, the Governor was not involved in the drafting of the Section 8(C)(2) statement.

INTERROGATORY #7 Identify and describe the timeline by which you drafted the Section 8(C)(2) statement, including (without limitation), when the first draft of the statement was started and when a draft of the statement was circulated to other members on the Commission. If you did not participate in drafting the Section 8(C)(2) statement, please identify the date and time at which you first reviewed the statement.

ANSWER: The Governor possesses no information responsive to Interrogatory #6. By way of further answer, the Governor was not involved in the drafting of the Section 8(C)(2) statement. The Governor received the "Section 8(C)(2) statement" on the evening of September 15, 2021.

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VERIFICATION OF INTERROGATORY ANSWERS

Matthew J. Donahue
Signed on 2021/10/12 15:03:15 -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.

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 15:03:15 PST 1C4C4C8CD837

MacKenzie S. Clayton
Signed on 2021/10/12 15:03:15 -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 hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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Julie M. Pfeiffer

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I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.

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RESP_0246

IN THE SUPREME COURT OF OHIO

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

RESPONDENT AUDITOR OF STATE KEITH FABER'S RESPONSES TO RELATORS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION.

Pursuant to Rules 26, 33, and 34 of the Ohio Rules of Civil Procedure, Respondent Auditor of State Keith Faber responds to Relators' interrogatories and requests for production.

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

(1) The terms "Respondents," "you," and "your" shall mean: House Speaker Bob Cupp, Governor Mike DeWine, Secretary of State Frank LaRose, Auditor Keith Faber, and Senate President Matt Huffman individually, as a member of the Ohio Redistricting Commission, and in your capacities as House Speaker, Governor, Secretary of State, Auditor, and Senate President, respectively, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on your behalf.

(2) The term "Commission" shall mean the Ohio Redistricting Commission.

(3) The term "9/9 plan" shall mean the General Assembly maps presented by Senate President Matt Huffman to the Ohio Redistricting Commission on September 9, 2021, or any drafts thereof.

(4) The term "9/16 plan" shall mean the General Assembly maps proposed by Senate President Matt Huffman to the Ohio Redistricting Commission on September 15, 2021, and approved on September 16, 2021, or any drafts thereof.

(5) The term "map drawer" shall mean anyone who assisted in the creation of the 9/9 or

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9/16 plans, regardless of whether or not they were compensated for their services.

(6) The term "Section 8(C)(2) statement" shall mean the statement, disseminated to the public by the Commission on September 16, 2021, purporting to explain (as required under Article XI Section 8(C)(2) of the Ohio Constitution for maps approved by a simple majority) "what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of [Article XI]."

(7) The term "Describe" shall mean 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.

(8) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.

(9) The term "identify" shall mean, with respect to any natural person, to state his or her full name, present or last known residential address, present or last known business address, and telephone number(s).

(10) The term "identify" shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.

(11) The term "identify" shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.

(12) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and

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recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.

(13) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.

(14) The terms "relating to" and "concerning" shall mean referring to, related 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 Request.

B. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondents' attorneys, agents, and representatives.

C. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.

D. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.

E. These interrogatories are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

(1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

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(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material, including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the paragraph of this request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.

H. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

I. These requests shall be deemed to be continuing so as to require further and supplemental production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

J. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format

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("TIFF"), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition ("OCR") text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR'd after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

K. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; "to" name(s) and address(es); "from" name and address; "cc" name(s) and address(es); "bcc" name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

L. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.

M. Produce any password-protected documents with any applicable passwords.

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INTERROGATORIES

INTERROGATORY #1 Identify and describe any persons who received compensation for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

OBJECTION: Interrogatory #1 does not describe with reasonable particularity the meaning of "for services rendered." Further, Interrogatory #1 is vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory #1 seeks information not in the Auditor of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Auditor of State did not provide any compensation to non-Auditor of State employees "for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted." By way of further answer, the Auditor of State was not involved in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

INTERROGATORY #2 Identify all individuals with whom you and/or the Commission communicated about the 9/9 or 9/16 plan.

OBJECTION: Interrogatory #2 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. Further, Interrogatory #2 seeks information not in the Auditor of State's possession, custody, or control.

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ANSWER: Without waiving the above referenced objections, the Auditor of State has openly and consistently communicated with innumerable individuals including constituents, voters, and advocacy groups throughout the process for the creation of general assembly district maps. The Auditor of State cannot possibly identify every individual that he has communicated with about the 9/9 or 9/16 plan. By way of further answer, information related to communications by the Ohio Redistricting Commission are in the possession of the Ohio Redistricting Commission.

INTERROGATORY #3 Identify all data and information about potential or actual Ohio General Assembly districts to which the map drawer(s) had access during the process of drawing the Commission's proposed or adopted maps, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER: The Auditor of State possesses no information responsive to Interrogatory #3. By way of further answer, the Auditor of State was not involved in the process of drawing the Commission's proposed or adopted maps.

INTERROGATORY #4 Identify all measures through which the map drawer(s) filtered data while drawing the Commission's proposed or adopted maps, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER: The Auditor of State possesses no information responsive to Interrogatory #4. By way of further answer, the Auditor of State was not involved in the process of drawing the Commission's proposed or adopted maps.

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INTERROGATORY #5 Identify and describe all dates, times, places, and attendees of any meeting at which state legislative redistricting was discussed with the knowledge of at least one Commission member.

OBJECTION: Interrogatory #5 is overly broad, vague, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. In particular, the use of the term "meeting" in Interrogatory #5 is vague without further definition. Further, Interrogatory #5 seeks information not in the Auditor of State's possession, custody, or control. Finally, the Auditor of State objects to the extent that an answer requires the Auditor of State to speculate as to the knowledge of other Commission members.

ANSWER: Without waiving the above referenced objections, the Auditor of State or a designee attended all of the meetings of the Ohio Redistricting Commission where state legislative redistricting was discussed. By way of further answer, the Auditor engaged in numerous conversations with various individuals including other Commission members where he attempted to achieve a bipartisan, ten-year plan.

INTERROGATORY #6 Identify and describe any persons whom you consulted in drafting the Section 8(C)(2) statement.

ANSWER: The Auditor of State possesses no information responsive to Interrogatory #6. By way of further answer, the Auditor of State was not involved in the drafting of the Section 8(C)(2) statement.

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INTERROGATORY #7 Identify and describe the timeline by which you drafted the Section 8(C)(2) statement, including (without limitation), when the first draft of the statement was started and when a draft of the statement was circulated to other members on the Commission. If you did not participate in drafting the Section 8(C)(2) statement, please identify the date and time at which you first reviewed the statement.

ANSWER: The Auditor of State possesses no information responsive to Interrogatory #6. By way of further answer, the Auditor of State was not involved in the drafting of the Section 8(C)(2) statement. The Auditor of State received the "Section 8(C)(2) statement" during the Commission meeting on the evening of September 15, 2021.

VERIFICATION OF INTERROGATORY ANSWERS

Sloan T Spalding
Signed on 2021/10/12 17:03:11 -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.

MacKenzie S. Clayton
Signed on 2021/10/12 17:03:11 -8:00

Notary Public

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 17:03:11 PST
AB448B27270B

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

/s/ Julie M. Pfeiffer
BRIDGET C. COONTZ (0072919)*
**Counsel of Record*
JULIE M. PFEIFFER (0069762)
MICHAEL A. WALTON (0092201)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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/s/ Julie M. Pfeiffer

Julie M. Pfeiffer

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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

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

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

Pursuant to Rules 26, 33, and 34 of the Ohio Rules of Civil Procedure, Respondent Secretary of State Frank LaRose, in his official capacity as a Member of the Ohio Redistricting Commission responds to Relators' interrogatories:

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

(1) The terms "Respondents," "you," and "your" shall mean: House Speaker Bob Cupp, Governor Mike DeWine, Secretary of State Frank LaRose, Auditor Keith Faber, and Senate President Matt Huffman individually, as a member of the Ohio Redistricting Commission, and in your capacities as House Speaker, Governor, Secretary of State, Auditor, and Senate President, respectively, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on your behalf.

(2) The term "Commission" shall mean the Ohio Redistricting Commission.

(3) The term "9/9 plan" shall mean the General Assembly maps presented by Senate President Matt Huffman to the Ohio Redistricting Commission on September 9, 2021, or any drafts thereof.

(4) The term "9/16 plan" shall mean the General Assembly maps proposed by Senate President Matt Huffman to the Ohio Redistricting Commission on September 15, 2021, and approved on September 16, 2021, or any drafts thereof.

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(5) The term "map drawer" shall mean anyone who assisted in the creation of the 9/9 or 9/16 plans, regardless of whether or not they were compensated for their services.

(6) The term "Section 8(C)(2) statement" shall mean the statement, disseminated to the public by the Commission on September 16, 2021, purporting to explain (as required under Article XI Section 8(C)(2) of the Ohio Constitution for maps approved by a simple majority) "what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of [Article XI]."

(7) The term "Describe" shall mean 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.

(8) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.

(9) The term "identify" shall mean, with respect to any natural person, to state his or her full name, present or last known residential address, present or last known business address, and telephone number(s).

(10) The term "identify" shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.

(11) The term "identify" shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.

(12) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda,

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notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.

(13) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.

(14) The terms "relating to" and "concerning" shall mean referring to, related 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 Request.

B. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondents' attorneys, agents, and representatives.

C. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.

D. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.

E. These interrogatories are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

(1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

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(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material, including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the paragraph of this request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.

H. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

I. These requests shall be deemed to be continuing so as to require further and supplemental production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

J. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format ("TIFF"),

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together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition ("OCR") text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR'd after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

K. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; "to" name(s) and address(es); "from" name and address; "cc" name(s) and address(es); "bcc" name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

L. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.

M. Produce any password-protected documents with any applicable passwords.

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INTERROGATORIES

INTERROGATORY #1 Identify and describe any persons who received compensation for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

OBJECTION: Interrogatory #1 does not describe with reasonable particularity the meaning of "for services rendered." Further, Interrogatory #1 is vague and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Interrogatory #1 seeks information not in the Secretary of State's possession, custody, or control.

ANSWER: Without waiving the above referenced objections, the Secretary of State did not provide any compensation to non-Secretary of State employees "for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted." The Secretary of State does not possess any information responsive to Interrogatory No. 1. By way of further answer, the Secretary of State was not involved in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

INTERROGATORY #2 Identify all individuals with whom you and/or the Commission communicated about the 9/9 or 9/16 plan.

OBJECTION: Interrogatory #2 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. Further, Interrogatory #2 seeks information not in the Secretary of State's possession, custody, or control.

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ANSWER: Without waiving the above referenced objections, the Secretary of State communicated with the other Commission members and certain members of his own staff throughout the process in the week leading up to September 15, 2021, that led to the Commission's adoption on the night of September 15, 2021 of the Commission-approved general assembly district plan. The Secretary of State cannot possibly identify every individual that he has communicated with about the 9/9 or 9/16 plan. By way of further answer, information related to communications by the Ohio Redistricting Commission are in the possession of the Ohio Redistricting Commission.

INTERROGATORY #3 Identify all data and information about potential or actual Ohio General Assembly districts to which the map drawer(s) had access during the process of drawing the Commission's proposed or adopted maps, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER: The Secretary of State possesses no information responsive to Interrogatory #3. By way of further answer, the Secretary of State was not involved in the process of drawing the Commission's proposed or adopted maps.

INTERROGATORY #4 Identify all measures through which the map drawer(s) filtered data while drawing the Commission's proposed or adopted maps, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER: The Secretary of State possesses no information responsive to Interrogatory #4. By way of further answer, the Secretary of State was not involved in the process of drawing the Commission's proposed or adopted maps.

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INTERROGATORY #5 Identify and describe all dates, times, places, and attendees of any meeting at which state legislative redistricting was discussed with the knowledge of at least one Commission member.

OBJECTION: Interrogatory #5 is overly broad, vague, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. In particular, the use of the term "meeting" in Interrogatory #5 is vague without further definition. Further, Interrogatory #5 seeks information not in the Secretary of State's possession, custody, or control. Finally, the Secretary of State objects to the extent that an answer requires the Secretary of State to speculate as to the knowledge of other Commission members.

ANSWER: Without waiving the above referenced objections, the Secretary of State attended several impromptu meetings with the knowledge of at least one Commission member in the first two weeks of September to discuss state legislative redistricting including attempting to obtain the votes needed for ten year general assembly district maps. The SOS did not record or otherwise take note of the specific dates, times, places and attendees of these impromptu meetings. By way of further answer, the Secretary of State attended the formal meetings held by the Commission.

INTERROGATORY #6 Identify and describe any persons whom you consulted in drafting the Section 8(C)(2) statement.

ANSWER: The Secretary of State possesses no information responsive to Interrogatory #6. By way of further answer, the Secretary of State was not involved in the drafting of the Section 8(C)(2) statement.

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INTERROGATORY #7 Identify and describe the timeline by which you drafted the Section 8(C)(2) statement, including (without limitation), when the first draft of the statement was started and when a draft of the statement was circulated to other members on the Commission. If you did not participate in drafting the Section 8(C)(2) statement, please identify the date and time at which you first reviewed the statement.

ANSWER: The Secretary of State possesses no information responsive to Interrogatory #6. By way of further answer, the Secretary of State was not involved in the drafting of the Section 8(C)(2) statement. The Secretary of State's Chief Counsel received the "Section 8(C)(2) statement" via email from the Senate Majority Caucus Counsel on September 15, 2021, at 7:57 pm. Because the Secretary of State was at the Statehouse the entire evening of September 15, 2021, the Secretary did not see the statement himself until Senator Huffman introduced the statement to the Commission after 11:30 pm.

VERIFICATION OF INTERROGATORY ANSWERS

David M. Grodhaus
Signed on 2021/10/12 14:44:32 -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.

MacKenzie S. Clayton
Signed on 2021/10/12 14:44:32 -8:00

Notary Public

MacKenzie Storm Clayton
Commission # 2018-RE-707238
Electronic Notary Public
State of Ohio
My Comm Exp. Feb 22, 2023
Notary Stamp 2021/10/12 14:44:32 PST 74313EED196C

Respectfully submitted,

AS TO OBJECTIONS

DAVE YOST
OHIO ATTORNEY GENERAL

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/s/ Julie M. Pfeiffer

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 12th day of October, 2021 to the following:

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IN THE SUPREME COURT OF OHIO

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

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

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

GENERAL OBJECTIONS

Senate President Huffman makes the following answers, responses, and objections to Relators' First Set of Interrogatories and Requests for Production of Documents ("Discovery"). 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 Interrogatory or Request. These responses are subject to amendment and supplementation as Senate President Huffman acquires additional information. Senate President Huffman states that his

responses to the Discovery 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 Request or Interrogatory should not be taken as an admission that Senate President Huffman accepts or admits the existence of any facts assumed by such Request or 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 Request or 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 Request or 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 further objects to providing documents with .TIFF imaging or other similar methods, and accompanying metadata. With such a short discovery period, this request is neither practical, nor is the cost an economically appropriate burden for the taxpayers of Ohio.

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 #1

Identify and describe any persons who received compensation for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

ANSWER: Senate President Huffman objects to this Interrogatory to the extent that it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Senate President Huffman states that he and the following individuals served on the Ohio Redistricting Commission in their official capacities: himself, Speaker Cupp, Governor DeWine, Secretary of State LaRose, House Minority Leader Sykes, Senator Sykes, and Auditor Faber. Senate President Huffman further states that Ray DiRossi, Randall Routt, and Blake Springhetti, are current State employees and received a temporary increase in their regular state salaries to account for the increased time and demand on performing their jobs during redistricting.

INTERROGATORY #2

Identify all individuals with whom you and/or the Commission communicated about the 9/9 or 9/16 plan.

ANSWER: 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 further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Senate President Huffman states that he communicated about the 9/9 or the 9/16 plan with members of his staff, members of the Commission, Mr. DiRossi, Mr. Springhetti, Governor DeWine, Secretary of State LaRose, Auditor Faber, Speaker Cupp, Senator Sykes, and House Minority Leader Sykes.

INTERROGATORY #3

Identify all data and information about potential or actual Ohio General Assembly districts to which the map drawer(s) had access during the process of drawing the Commission's proposed or adopted maps, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER: 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 directs Relators to the shape files and other data produced contemporaneously with these responses.

INTERROGATORY #4

Identify all measures through which the map drawer(s) filtered data while drawing the Commission's proposed or adopted maps, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER: 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 directs Relators to the shape files and other data produced contemporaneously with these responses.

INTERROGATORY #5

Identify and describe all dates, times, places, and attendees of any meeting at which state legislative redistricting was discussed with the knowledge of at least one Commission member.

ANSWER: 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 further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Senate President Huffman identifies the Ohio Redistricting Commission Committee meetings, including all public hearings held, all of which are available on the website of the Ohio Redistricting Commission. In addition, between mid-August and 9/16/21, Senate President Huffman met with members of his staff, Mr. DiRossi, Mr. Springhetti, and members of the House of Representatives regarding redistricting but cannot recall the details of every such meeting. Senate President Huffman further refers Relators to documents produced contemporaneously with these responses.

INTERROGATORY #6

Identify and describe any persons whom you consulted in drafting the Section 8(C)(2) statement.

ANSWER: 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 he consulted with his staff and every member of the Ohio Redistricting Commission regarding the statement.

INTERROGATORY #7

Identify and describe the timeline by which you drafted the Section 8(C)(2) statement, including (without limitation), when the first draft of the statement was started and when a draft of the statement was circulated to other members on the Commission. If you did not participate in drafting the Section 8(C)(2) statement, please identify the date and time at which you first reviewed the statement.

ANSWER: 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 this objection Senate President Huffman refers Relators to documents produced contemporaneously with these responses. Senate President Huffman further states that the Chief Legal Counsel for the Ohio Senate shared a draft of the statement with Commission members LaRose, DeWine, Faber, and Cupp on September 15, 2021.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

   ANSWER: Senate President Huffman objects to this Request to the extent it seeks information covered by the attorney-client, work product, or legislative privileges, and to the extent it seeks documents not in his possession, custody, or control. Subject to and without waiving these objections, Senate President Huffman refers Relators to documents produced contemporaneously with these responses.

2. All documents and communications containing or relating to instructions given to the map drawer(s) with respect to creating the 9/9 and 9/16 plans.

   ANSWER: Senate President Huffman objects to this Request 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 mapdrawers were instructed to comply with all state and federal laws. Senate President Huffman further refers Relators to documents produced contemporaneously with these responses.

3. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.

   ANSWER: Senate President Huffman objects to this Request 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 refers Relators to documents produced contemporaneously with these responses.

4. All documents and communications concerning information or data viewed by the map drawer(s) regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.

   ANSWER: Senate President Huffman objects to this Request 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 refers Relators to documents produced contemporaneously with these responses.

Submitted this the 12th day of October, 2021

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/s/Alyssa M. Riggins

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4829-0730-4958 v.1

IN THE SUPREME COURT OF OHIO

Bria Bennett, *et al.*, **Relators,** **v.** **Ohio Redistricting Commission, *et al.*,** **Respondents.**	**Case No. 2021-1198** Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A) *[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]*

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

Respondent Speaker Robert R. Cupp ("Speaker Cupp"), by and through undersigned counsel serves 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 and Requests for Production of Documents ("Discovery"). 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 Interrogatory or Request. These responses are subject to amendment and supplementation as Speaker Cupp acquires additional information. Speaker Cupp states that his responses to the Discovery 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 Request or Interrogatory should not be taken as an admission that Speaker Cupp accepts or admits the existence of any facts assumed by such Request or 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 Request or 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 Request or 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 further objects to providing documents with .TIFF imaging or other similar methods, and accompanying metadata. With such a short discovery period, this request is neither practical, nor is the cost an economically appropriate burden for the taxpayers of Ohio.

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 #1

Identify and describe any persons who received compensation for services rendered in the creation of any Ohio General Assembly map that the Commission considered and/or adopted.

ANSWER: Speaker Cupp objects to this Interrogatory to the extent that it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Speaker Cupp states that he and the following individuals served on the Ohio Redistricting Commission in their official capacities: himself, Senate President Huffman, Governor DeWine, Secretary of State LaRose, House Minority Leader Sykes, Senator Sykes, and Auditor Faber. Speaker Cupp further states that Ray DiRossi, Randall Routt, and Blake Springhetti, are current State employees and received a temporary increase in their regular state salaries to account for the increased time and demand on performing their jobs during redistricting.

INTERROGATORY #2

Identify all individuals with whom you and/or the Commission communicated about the 9/9 or 9/16 plan.

ANSWER: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Speaker Cupp states that he communicated about the 9/9 or the 9/16 plan with members of his staff, members of the Commission, Mr. DiRossi, Mr. Springhetti, Governor DeWine, Secretary of State LaRose, Auditor Faber, Senator Sykes, and House Minority Leader Sykes.

INTERROGATORY #3

Identify all data and information about potential or actual Ohio General Assembly districts to which the map drawer(s) had access during the process of drawing the Commission's proposed or adopted maps, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER: 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 directs Relators to the shape files and other data produced contemporaneously with these responses.

INTERROGATORY #4

Identify all measures through which the map drawer(s) filtered data while drawing the Commission's proposed or adopted maps, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER: 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 directs Relators to the shape files and other data produced contemporaneously with these responses.

INTERROGATORY #5

Identify and describe all dates, times, places, and attendees of any meeting at which state legislative redistricting was discussed with the knowledge of at least one Commission member.

ANSWER: Speaker Cupp objects to this Interrogatory to the extent it seeks information covered by the attorney-client, work product, or legislative privileges. Speaker Cupp further objects to this Interrogatory to the extent it seeks information outside of his personal knowledge. Subject to and without waiving these objections, Speaker Cupp identifies the Ohio Redistricting Commission Committee meetings, including all public hearings held, all of which are available on the website of the Ohio Redistricting Commission. In addition, between mid-August and 9/16/21, Speaker Cupp met with members of his staff, Mr. DiRossi, Mr. Springhetti, and members of the House of Representatives regarding redistricting but cannot recall the details of every such meeting. Speaker Cupp further refers Relators to documents produced contemporaneously with these responses.

INTERROGATORY #6

Identify and describe any persons whom you consulted in drafting the Section 8(C)(2) statement.

ANSWER: 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 he consulted with his staff and every member of the Ohio Redistricting Commission regarding the statement.

INTERROGATORY #7

Identify and describe the timeline by which you drafted the Section 8(C)(2) statement, including (without limitation), when the first draft of the statement was started and when a draft of the statement was circulated to other members on the Commission. If you did not participate in drafting the Section 8(C)(2) statement, please identify the date and time at which you first reviewed the statement.

ANSWER: 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 this objection Speaker Cupp refers Relators to documents produced contemporaneously with these responses. Speaker Cupp further states that the Chief Legal Counsel for the Ohio Senate shared a draft of the statement with him and Commission members DeWine, LaRose, Faber, and Huffman on September 15, 2021.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

   ANSWER: Speaker Cupp objects to this Request to the extent it seeks information covered by the attorney-client, work product, or legislative privileges, and to the extent it seeks documents not in his possession, custody, or control. Subject to and without waiving these objections, Speaker Cupp refers Relators to documents produced contemporaneously with these responses.

2. All documents and communications containing or relating to instructions given to the map drawer(s) with respect to creating the 9/9 and 9/16 plans.

   ANSWER: Speaker Cupp objects to this Request 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 mapdrawers were instructed to comply with all state and federal laws. Speaker Cupp further refers Relators to documents produced contemporaneously with these responses.

3. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.

   ANSWER: Speaker Cupp objects to this Request 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 refers Relators to documents produced contemporaneously with these responses.

4. All documents and communications concerning information or data viewed by the map drawer(s) regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.

   ANSWER: Speaker Cupp objects to this Request 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 refers Relators to documents produced contemporaneously with these responses.

Submitted this the 12th day of October, 2021

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/s/Alyssa M. Riggins

Alyssa M. Riggins

4814-7816-1406 v.1

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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