

Exhibit P

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Date: Wednesday, June 22, 2022 at 8:07:34 PM Eastern Daylight Time

From: David Fox

To: Jack DiSorbo

CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

Jack, in the interest of bringing search terms for the SOS documents to a close, we'll agree to sharply reduce the "other" category to the following single search string:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo)

We expect that is a much narrower search.

If you have objections to any of the other search terms and counts, please let us know promptly which specific terms you object to. Meanwhile, please begin to review documents that hit on any terms you do not object to—there is absolutely no reason for further delay at this point.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>

Date: Tuesday, June 14, 2022 at 11:38 AM

To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@texttrial.com <SMcCaffity@texttrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@texttrial.com <Quesada@texttrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson

<fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits: 147,693
Total Hits + F: 231,708

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR	1,886	4,385

Randolph) w/4 Stevenson))		
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796

(Fair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Family
((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6
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CUSTODIANS**OVERALL HIT COUNT:**

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335
Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
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Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
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Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964

Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were “getting closer” to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo

Sent: Friday, June 10, 2022 7:55 AM

To: David Fox <dfox@elias.law>

Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@texttrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@texttrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the “other” category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>

Sent: Thursday, June 9, 2022 8:55 PM

To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@texttrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@texttrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noon@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the “other” section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the “other” section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR “employ*” or consult* OR represent* OR retention OR retain*) AND (“Michael Best” OR Barton OR Foltz OR “National Republican Redistricting Trust” OR NRRT OR “Republican Party” OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR “critical race theory” OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@texttrial.com <SMcCaffity@texttrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@texttrial.com <Quesada@texttrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different

than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>

Sent: Tuesday, May 17, 2022 4:21 PM

To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@texttrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@texttrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noon@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Date: Tuesday, May 17, 2022 at 5:09 PM

To: David Fox <dfox@elias.law>

Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@texttrial.com <SMcCaffity@texttrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@texttrial.com <Quesada@texttrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellet@usdoj.gov <Timothy.F.Mellet@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam
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(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
ChangeFile* OR change file* OR "change file" OR		

Snape-me* OR snape-me* OR "snape me" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family
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(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134
(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS**OVERALL HIT COUNT:**

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879

Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215

Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
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Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711
Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

- i. Limit date ranges;
- ii. Establish priority custodians;
- iii. Establish priority topics;
- iv. Alter strings within the topics; and/or
- v. Limit family member entries.

One specific note, the “Other” category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both (“Lawyer” OR “Attorney”) AND (“Map” OR “District”). I suspect these and other similar combinations are catching a lot of entries that aren’t narrowly tailored to the information you’re looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the

other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also be agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

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From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@texttrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@texttrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noon@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed

to get back to us. Please let me know when we can expect a response.

Thanks,

David

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(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abbranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

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From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;
Aria Branch <abbranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton
<KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson
<Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria
Branch <abbranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton
<KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna
<akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abbranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

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From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;

Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abbranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abbranch@perkinscoie.com <abbranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have received a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

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