

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Friday, May 13, 2022 at 10:34:54 AM Eastern Daylight Time
From: David Fox
To: Jack DiSorbo, Courtney Corbello
CC: Patrick Sweeten, Will Thompson, Ari Herbert, 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, 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)
Attachments: 2022-05-13 TX Redistricting Private Plaintiffs Combined Search Terms FINAL.docx

Exhibit K

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

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

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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 <abranh@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

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

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 <abranche@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
Elias Law Group LLP
(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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

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

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067

Cell: (713) 628-7407

Jack.DiSorbo@oag.texas.gov

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

David R. Fox

Elias Law Group LLP

(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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

Jack DiSorbo

Assistant Attorney General, Special Litigation Unit

Office of the Attorney General

Work: (512) 936-1067

Cell: (713) 628-7407

Jack.DiSorbo@oag.texas.gov

Private Plaintiffs' Combined Proposed Search Terms

The search terms below are proposed to identify and isolate documents for production that are responsive to the Requests for Production in each of the private plaintiffs' consolidated cases (lead case no. 3:21-CV-00259-DCG-JES-JVB) (W.D. Tex.) (2021). Use of search terms supplements and does not replace the requirement to produce any responsive documents of which Defendants are aware or become aware, regardless of whether the search terms proposed below would return such a document.

Instructions:

1. As used in this document, "AND" and "OR" refer to the Boolean operators AND and OR. "OR" should return documents containing either term or both.
2. As used in this document, "*" refers to a wildcard character that captures any suffix or ending that follows the identified portion of the word. For example, "reapportion*" captures "reapportion," "reapportions," "reapportioned," "reapportioning," and "reapportionment."
3. As used in this document, "w/" refers to a search limitation that returns results where the word or phrase preceding the limitation appears within the stated number of words or the word or phrase following the limitation. For example, "District w/3 voter" returns results where the word "District" appears within three words of the word "voter." If a "w/" or equivalent operator is not functional on the system used to run these terms, an "and" operator should be substituted for the "w/" operator.
4. As used in this document, quotation marks around a search term refers to a limitation that returns results only if the full phrase in quotes appears within the document.
5. Terms should be run without regard to letter case. For example, the term "reapportion" should capture "reapportion," "Reapportion," "reapportionN," and "reApportion," etc.
6. Each bulleted search proposal is designed to be run as a single search string. However, if a string cannot be run as written, a string or strings that can be run using the same search terms and functional limitations should be substituted.
7. For the purposes of these search proposals, "Defendants" mean Gregory Abbott, in his capacity as the Texas Governor, and John Scott, in his capacity as the Texas Secretary of State, along with any of their predecessors in office; past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, or agents; and any other persons or entities acting or purporting to act on their behalf or subject to their control. As such, please search any and all email ending in the domain "@gov.texas.gov" or the domain "@sos.texas.gov" – including but not limited to:
 - a. Luis Saenz, Chief of Staff, Office of the Governor
 - b. Jordan Hale, Deputy Chief of Staff, Office of the Governor
 - c. Gardner Pate, Deputy Chief of Staff, Office of the Governor
 - d. Sarah Hicks, Budget Director, Office of the Governor
 - e. Mark Miner, Senior Advisor & Communications, Office of the Governor
 - f. Steve Munisteri, Senior Advisor and Policy Director, Office of the Governor
 - g. Benjamin Barkley, Advisor to the Governor on Elections, the Attorney General of Texas, and the Secretary of State of Texas, Office of the Governor

- h. Tabatha Vasquez, Deputy Budget & Policy Director and Advisor on the Texas Legislature, Office of the Governor
- i. Brady Franks, Deputy Budget & Policy Director, Office of the Governor
- j. Courtney Hjaltman, Deputy Legislative Director, Office of the Governor
- k. Jose Esparza, Deputy Secretary of State, Office of the Secretary of State
- l. Keith Ingram, Elections Division Director, Office of the Secretary of State
Christina Adkins, Legal Director, Office of the Secretary of State

Proposed Search Terms:

General Redistricting (January 12, 2021 to October 19, 2021):

- Redistrict* OR gerrymander* OR reapportion*
- “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)
- “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)
- “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)
- “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)
- (Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)
- (Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)
- District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR “working group”)
- 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*)
- “majority-minority” OR “majority minority” OR “minority-majority” OR “minority majority” OR MMD
- polariz* w/10 (race OR racial* OR vot*)
- bloc* w/10 vot*
- “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
- (“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*)
- (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*)

- (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))
- Report* w/3 (RED OR PAR)
- (Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)
- Shapefile* OR shape-file* OR “shape file” OR blockfile OR block-file OR “block file”
- (Census OR ACS OR “American Community Survey”) w/10 (district* OR House OR Congress*)
- (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*)
- (Rule* OR “legislative counsel” OR procedur*) AND (“Redistricting Committee” OR “Senate Special Committee on Redistricting”)
- (“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*”)
- Foltz

Hearings and Public Comments (January 12, 2021 to October 19, 2021):

- (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”)
- Redistrict* w/20 (“Texas Public Policy Foundation” OR TPPF OR “Texas Demographic Center” OR TDC OR “True the Vote” OR TTV)
- Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)
- Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)
- Redistr* w/20 (Republican* OR “Party” OR NRRT OR RPT OR GOP)

History of Discrimination (January 1, 2010 to present)

- 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)

Other (January 1, 2019 to the present):

- (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*))
- (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)
- 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*))