

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

VESILIND, *et al.*,

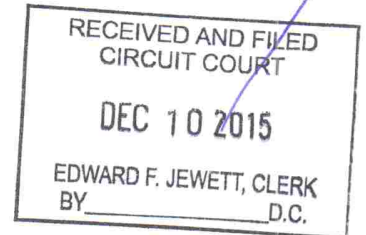
Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00



MOTION TO QUASH

Defendant-Intervenors, the House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell, (the “Defendant-Intervenors”), and Robert H. Brink, Kathy J. Byron, Mark L. Cole, S. Chris Jones, Robert G. Marshall, James P. Massie III, Christopher Marston and John Morgan, and the Division of Legislative Services (together the “Legislative Non-Parties”), through counsel, pursuant to Va. Sup. Ct. Rs. 4:9 and 4:9A, and for the reasons identified in the attached Memorandum of Law, hereby move this Court to quash the discovery requests and subpoenas issued to them by Plaintiffs in the above captioned case to the extent those requests and subpoenas seek the production of materials protected by the legislative privilege.

Pursuant to Va. Super. Ct. R. 4:15(b), Counsel for Defendant-Intervenors and the Legislative Non-Parties conferred with Counsel for the Plaintiffs in an attempt to avoid the filing of this Motion. Counsel for the Plaintiffs did not agree to the relief requested herein but did agree that this Motion presents issues common to the Motion to Quash Subpoena Duces Tecum Issued to Non-Party Legislative Respondents filed with this Court on November 18, 2015 and

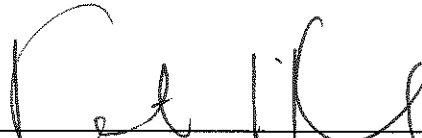
that it is in the interest of judicial economy that these motions be heard together.

Dated: December 10, 2015

Respectfully submitted,

VIRGINIA HOUSE OF DELEGATES, VIRGINIA  
HOUSE OF DELEGATES SPEAKER WILLIAM J.  
HOWELL, ROBERT H. BRINK, KATHY J.  
BYRON, MARK L. COLE, S. CHRIS JONES,  
ROBERT G. MARSHALL, JAMES P. MASSIE III,  
CHRISTOPHER MARSTON, JOHN MORGAN,  
AND THE DIVISION OF LEGISLATIVE  
SERVICES

By Counsel



---

Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*Of Counsel*)

BAKER HOSTETLER LLP

1050 Connecticut Avenue, NW Suite 1100

Washington, DC 20036

Telephone: 202.861.1500

Facsimile: 202.861.1783

mbraden@bakerlaw.com

kmcknight@bakerlaw.com

*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
the Division Of Legislative Services*

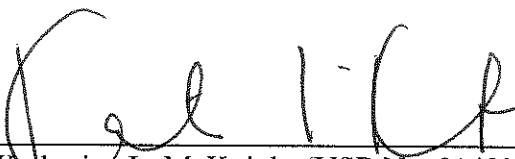
**CERTIFICATE OF SERVICE**

I hereby certify that this 10th day of December, 2015, copies of the foregoing were sent via e-mail and first class mail to the following:

Wyatt B. Durette, Jr.  
Christine A. Williams  
Nicholas H. Mueller, Esq.  
DURRETTECRUMP PLC  
1111 East Main Street  
16th Floor  
Richmond, VA 23219  
*Counsel to Plaintiffs*

Joshua Heslinga  
OFFICE OF ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
*Counsel to Defendants*

Jason Torchinsky, Esq.  
HOLTZMAN VOGEL JOSEFIK TORCHINSKY PLLC  
45 North Hill Drive, Suite 1100  
Warrenton, VA 20186  
*Counsel to Non-Party Legislative Respondents*



Katherine L. McKnight (VSB No. 81482)  
E. Mark Braden (*Of Counsel*)  
BAKER HOSTETLER LLP  
1050 Connecticut Avenue, NW Suite 1100  
Washington, DC 20036  
Telephone: 202.861.1500  
Facsimile: 202.861.1783  
mbraden@bakerlaw.com  
kmcknight@bakerlaw.com

*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
the Division Of Legislative Services*

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO QUASH**

Plaintiffs issued document requests and subpoenas *duces tecum* to Defendant-Intervenors, the House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell, (the “Defendant-Intervenors”), and Robert H. Brink, Kathy J. Byron, Mark L. Cole, S. Chris Jones, Robert G. Marshall, James P. Massie III, Christopher Marston, John Morgan, and the Division of Legislative Services (together the “Legislative Non-Parties”). These document requests (the “Requests,” attached as Exhibit 1) and subpoenas *duces tecum* (the “Subpoenas,” attached as Exhibit 2) seek information protected by the legislative privilege. On November 20, 2015, the Legislative Non-Parties objected to the Subpoenas (Exhibit 3), asserting, among other things, legislative privilege over some of the materials sought, and on November 30, 2015, Defendant-Intervenors objected to the Requests (Exhibit 4) asserting, among other things, legislative privilege over some of the materials sought.

In order to consolidate this issue for the Court’s review, Defendant-Intervenors and the Legislative Non-Parties seek to quash these Requests and Subpoenas on the same grounds as detailed in the Motion to Quash Subpoena Duces Tecum Issued to Non-Party Legislative

Respondents filed with this Court on November 18, 2015, by Senator John S. Edwards, Senator Ralph K. Smith, Senator Richard H. Stuart, Senator Richard L. Saslaw, Senator Charles J. Colgan, Senator David W. Marsden, Senator George L. Barker, and Ms. Susan Schaar, Clerk of the Virginia Senate (“Senate’s Motion to Quash”). The subpoenas at issue in the Senate’s Motion to Quash seek the same documents as do the Requests and Subpoenas at issue in this Motion, indeed, the document requests are identical. The targets of the Requests and Subpoenas, Defendant-Intervenors and the Legislative Non-Parties, are similarly situated as those who filed the Senate’s Motion to Quash. Specifically, they include the legislature, legislators, consultants, counsel and legislative agencies. Defendant-Intervenors and the Legislative Non-Parties adopt the Memorandum in support of the Senate’s Motion to Quash.

### **CONCLUSION**

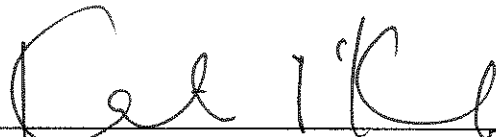
Therefore, for the reasons stated herein, as well as those articulated in, and incorporated here by reference, the Senate’s Motion to Quash, Defendant-Intervenors and the Legislative Non-Parties Court quash the Subpoenas served upon the Legislative Non-Parties.

Dated: December 10, 2015

Respectfully submitted,

VIRGINIA HOUSE OF DELEGATES, VIRGINIA  
HOUSE OF DELEGATES SPEAKER WILLIAM J.  
HOWELL, ROBERT H. BRINK, KATHY J.  
BYRON, MARK L. COLE, S. CHRIS JONES,  
ROBERT G. MARSHALL, JAMES P. MASSIE III,  
CHRISTOPHER MARSTON, JOHN MORGAN,  
AND THE DIVISION OF LEGISLATIVE  
SERVICES

By Counsel



Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*Of Counsel*)

BAKER HOSTETLER LLP

1050 Connecticut Avenue, NW Suite 1100

Washington, DC 20036

Telephone: 202.861.1500

Facsimile: 202.861.1783

mbraden@bakerlaw.com

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*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
the Division Of Legislative Services*

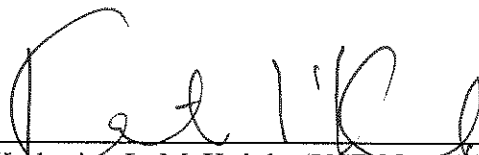
**CERTIFICATE OF SERVICE**

I hereby certify that this 10th day of December, 2015, copies of the foregoing were sent via e-mail and first class mail to the following:

Wyatt B. Durette, Jr.  
Christine A. Williams  
Nicholas H. Mueller, Esq.  
DURRETECRUMP PLC  
1111 East Main Street  
16th Floor  
Richmond, VA 23219  
*Counsel to Plaintiffs*

Joshua Heslinga  
OFFICE OF ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
*Counsel to Defendants*

Jason Torchinsky, Esq.  
HOLTZMAN VOGEL JOSEFIK TORCHINSKY PLLC  
45 North Hill Drive, Suite 1100  
Warrenton, VA 20186  
*Counsel to Non-Party Legislative Respondents*



---

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BAKER HOSTETLER LLP  
1050 Connecticut Avenue, NW Suite 1100  
Washington, DC 20036  
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mbraden@bakerlaw.com  
kmcknight@bakerlaw.com

*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
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**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00

**[PROPOSED] ORDER**

Considering the Motion to Quash filed by Defendant-Intervenors, the House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell, and by Non-Party Movants, Robert H. Brink, Kathy J. Byron, Mark L. Cole, S. Chris Jones, Robert G. Marshall, James P. Massie III, Christopher Marston and John Morgan, and the Division of Legislative Services, in the above captioned case pursuant to Va. Supr. Ct. Rs. 4:9 and 4:9A, it is hereby

ORDERED that the Motion to Quash is GRANTED; and it is further

ORDERED that the discovery requests served on Defendant-Intervenors and the subpoenas served on the Non-Party Movants to the extent they seek documents covered by legislative privilege are quashed.

Richmond, Virginia, this \_\_\_ day of January 2016.

---

Honorable William R. Marchant  
Circuit Court Judge  
City of Richmond Circuit Court



Copies to:

Wyatt B. Durette, Jr.  
Christine A. Williams  
Nicholas H. Mueller, Esq.  
DURRETECRUMP PLC  
1111 East Main Street  
16th Floor  
Richmond, VA 23219  
*Counsel to Plaintiffs*

Joshua Heslinga  
OFFICE OF ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
*Counsel to Defendants*

Jason Torchinsky  
HOLTZMAN VOGEL JOSEFIK TORCHINSKY PLLC  
45 North Hill Drive, Suite 1100  
Warrenton, VA 20186  
*Counsel to Non-Party Legislative Respondents*

Katherine L. McKnight  
E. Mark Braden  
BAKER HOSTETLER LLP  
1050 Connecticut Avenue, NW Suite 1100  
Washington, DC 20036  
*Counsel to Defendant-Intervenors and Non-Party Movants Robert H. Brink, Kathy J. Byron,  
Mark L. Cole, S. Chris Jones, Robert G. Marshall, James P. Massie III, Christopher Marston,  
John Morgan, and the Division Of Legislative Services*

# Exhibit 1

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

RIMA FORD VESILIND, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>Case No. CL15003886-00</b>
	)	
VIRGINIA STATE BOARD OF ELECTIONS, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	

**PLAINTIFFS' FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED  
INFORMATION AND THINGS TO THE DEFENDANT-INTERVENORS**

Plaintiffs, by counsel, propound the following Requests for Production of Documents, Electronically Stored Information and Things from the Defendant-Intervenors, The House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell. Documents responsive to the Requests are to be produced for inspection pursuant to Virginia Supreme Court Rule 4:9 at the offices of DuretteCrump, PLC, 1111 East Main St 16<sup>th</sup> Floor Richmond, Virginia 23219, within 21 days or at such other time and place as is mutually agreed upon.

**DEFINITIONS**

1. The term "document" shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34,

35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## **INSTRUCTIONS**

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.

## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of

compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including



but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

Dated November 12, 2015

RIMA FORD VESILIND, et al,

By Counsel



Wyatt B. Durette, Jr., Esquire (VSB #04719)

Debbie G. Seidel, Esquire (VSB #23124)

Christine A. Williams, Esquire (VSB #47074)

J. Buckley Warden IV, Esquire (VSB #79183)

Nicholas H. Mueller, Esquire (VSB #84250)

DuretteCrump PLC

1111 East Main Street, 16th Floor

Richmond, Virginia 23219

Telephone: (804) 775-6900

Facsimile: (804) 775-6911

wdurette@durettecrump.com

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of November, 2015, a copy of the foregoing Plaintiffs' first set of requests for documents, electronically stored information and things to the Defendant-Intervenors was served on the following counsel of record by mail with a courtesy copy sent by email:

Mark Herring  
Cynthia E. Hudson  
John W. Daniel II  
Heather H. Lockerman (VSB # 65535)  
Joshua D. Heslinga (VSB # 73036)  
Anna T. Birkenheier (VSB # 86035)  
VIRGINIA ATTORNEY GENERAL'S OFFICE  
900 East Main Street  
Richmond, Virginia 23219  
hlockerman@oag.state.va.us  
jheslinga@oag.state.va.us  
abirkenheier@oag.state.va.us  
*Counsel for Defendants*

Katherine L. McKnight (VSB # 81482)  
E. Mark Braden  
BAKER & HOSTETLER LLP  
1050 Connecticut Avenue, N.W., Suite 1100  
Washington, D.C. 20036  
Telephone: 202.861.1500  
Facsimile: 202.861.1783  
mbraden@bakerlaw.com  
kmcknight@bakerlaw.com  
*Counsel for Defendant-Intervenors*



---

Nicholas H. Mueller, Esquire

## Exhibit 2

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA CODE §§ 8.01-413, 16.1-89, 16.1-265,  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00

11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219  
COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate Robert H. Brink

NAME

4201 Lee Hwy Apt 601

STREET ADDRESS

Arlington Virginia 22207

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.  
PARTY NAME

Nicholas H. Mueller, Esquire  
NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor  
OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219  
OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015  
DATE ISSUED

  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
DATE	by ..... Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al., on the 2nd day of November, 2015.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE ROBERT H. BRINK**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00

11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219  
COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate Kathy J. Byron

NAME  
800 Lake Vista Dr.

STREET ADDRESS

Forest

Virginia

24551

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.  
PARTY NAME

Nicholas H. Mueller, Esquire  
NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor  
OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219  
OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015  
DATE ISSUED



SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	
....., Sheriff	
..... by ....., Deputy Sheriff	
DATE	

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al., on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE KATHY J. BYRON**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

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## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00  
11/30/2015  
HEARING DATE AND TIME

Richmond Circuit

Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219

COURT ADDRESS

Rima Ford Vesilind, et al.

v./In re:

Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate Mark L. Cole

NAME

3800 Wilburn Dr.

STREET ADDRESS

Fredericksburg

Virginia

22407

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.

PARTY NAME

Nicholas H. Mueller, Esquire

NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor

OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219

OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015

DATE ISSUED

  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
DATE	by ..... Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al. on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE MARK L. COLE**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

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## INSTRUCTIONS

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3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

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2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

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9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

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**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00

11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219

COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate S. Chris Jones

NAME

9380 Dixon Dr.

STREET ADDRESS

Suffolk

Virginia

23433

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.

PARTY NAME

Nicholas H. Mueller, Esquire

NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor

OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219

OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015

DATE ISSUED

  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

**This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

**PERSONAL SERVICE** Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

**NOT FOUND** ....., Sheriff

by ....., Deputy Sheriff

DATE

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify

that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail  
DELIVERY METHOD

to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al.,

on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE S. CHRIS JONES**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## **REQUESTS**

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00  
11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court  
John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219  
COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate Robert G. Marshall  
NAME  
7930 Willow Pond Ct.  
STREET ADDRESS  
Manassas Virginia 20111  
CITY STATE ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.  
PARTY NAME

Nicholas H. Mueller, Esquire 84250  
NAME OF ATTORNEY VIRGINIA STATE BAR NUMBER  
DuretteCrump PLC, 1111 East Main Street, 16th Floor 804-775-6900  
OFFICE ADDRESS TELEPHONE NUMBER OF ATTORNEY  
Richmond, VA 23219 804-775-6911  
OFFICE ADDRESS FACSIMILE NUMBER OF ATTORNEY

November 2, 2015   
DATE ISSUED SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	
....., Sheriff	
..... by ..... Deputy Sheriff	
DATE	

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al., on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE ROBERT G. MARSHALL**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8 01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00  
11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court  
John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219  
COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Delegate James P. Massie, III  
NAME  
9011 Norwick Rd.  
STREET ADDRESS  
Henrico Virginia 23229  
CITY STATE ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.  
PARTY NAME

Nicholas H. Mueller, Esquire 84250  
NAME OF ATTORNEY VIRGINIA STATE BAR NUMBER  
DuretteCrump PLC, 1111 East Main Street, 16th Floor 804-775-6900  
OFFICE ADDRESS TELEPHONE NUMBER OF ATTORNEY  
Richmond, VA 23219 804-775-6911  
OFFICE ADDRESS FACSIMILE NUMBER OF ATTORNEY

November 2, 2015   
DATE ISSUED SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
DATE	by ..... Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al., on the 2nd day of November, 2015.



  
 SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO DELEGATE JAMES P. MASSIE, III**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## **REQUESTS**

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00

11/30/2015

HEARING DATE AND TIME

Richmond Circuit

Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219

COURT ADDRESS

Rima Ford Vesilind, et al.

v./In re:

Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Christopher Marston

NAME

110 Shooters Ct

STREET ADDRESS

Alexandria

Virginia

22314

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015

LOCATION

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.

PARTY NAME

Nicholas H. Mueller, Esquire

NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor

OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219

OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015

DATE ISSUED

  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

PERSONAL SERVICE

Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

NOT FOUND

....., Sheriff

by ..... Deputy Sheriff

DATE

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify

that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail  
DELIVERY METHOD

to Joshua D. Heslinga, Esq, counsel of record for Virginia State Board of Elections, et al.,

on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO CHRISTOPHER MARSTON**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## **REQUESTS**

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00

11/30/2015

HEARING DATE AND TIME

Richmond Circuit

Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219

COURT ADDRESS

Rima Ford Vesilind, et al.

**v./In re:**

Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

John Morgan

NAME

10514 Providence Way

STREET ADDRESS

Fairfax

Virginia

22030

CITY

STATE

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015

LOCATION

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.

PARTY NAME

Nicholas H. Mueller, Esquire

NAME OF ATTORNEY

84250

VIRGINIA STATE BAR NUMBER

DuretteCrump PLC, 1111 East Main Street, 16th Floor

OFFICE ADDRESS

804-775-6900

TELEPHONE NUMBER OF ATTORNEY

Richmond, VA 23219

OFFICE ADDRESS

804-775-6911

FACSIMILE NUMBER OF ATTORNEY

November 2, 2015

DATE ISSUED



SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....	
ADDRESS: .....	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. ....
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:	
.....	
<input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> NOT FOUND	....., Sheriff
DATE	by ..... Deputy Sheriff

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail DELIVERY METHOD to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al., on the 2nd day of November, 2015.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO JOHN MORGAN**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

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7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

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9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: CL15003886-00  
11/30/2015  
HEARING DATE AND TIME

Richmond Circuit Court

John Marshall Courts Building, 400 North 8th Street, Richmond, VA 23219  
COURT ADDRESS

Rima Ford Vesilind, et al. v./In re: Virginia State Board of Elections, et al.

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Division of Legislative Services  
NAME  
Serve: Robert L. Tavenner, 2nd Floor General Assembly Building, 201 N. 9th Street  
STREET ADDRESS  
Richmond Virginia 23219  
CITY STATE ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

"SEE ATTACHED EXHIBIT A"

at DuretteCrump PLC, 1111 E. Main St., 16th Fl., Richmond, VA 23219 at 11/30/2015  
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Rima Ford Vesilind, et al.  
PARTY NAME

Nicholas H. Mueller, Esquire  
NAME OF ATTORNEY  
DuretteCrump PLC, 1111 East Main Street, 16th Floor  
OFFICE ADDRESS  
Richmond, VA 23219  
OFFICE ADDRESS

84250  
VIRGINIA STATE BAR NUMBER  
804-775-6900  
TELEPHONE NUMBER OF ATTORNEY  
804-775-6911  
FACSIMILE NUMBER OF ATTORNEY

November 2, 2015  
DATE ISSUED

  
SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: .....

PERSONAL SERVICE

Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

NOT FOUND

....., Sheriff

by ..... Deputy Sheriff

DATE

**CERTIFICATE OF COUNSEL**

I, Nicholas H. Mueller, Esq., counsel for Rima Ford Vesilind, et al., hereby certify

that a copy of the foregoing subpoena duces tecum was sent via email and U.S. Mail

DELIVERY METHOD

to Joshua D. Heslinga, Esq., counsel of record for Virginia State Board of Elections, et al.,

on the 2nd day of November, 2015.



SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM TO VIRGINIA DIVISION OF LEGISLATIVE**  
**SERVICES**

**DEFINITIONS**

1. The term “document” shall mean and include any and all letters, correspondence, memoranda, emails, notes, maps, working papers, tapes, charts, reports, books, computer discs or records, ledgers, drawings, sketches, photographs, telegrams, sound recordings, and written statements of witnesses or other persons having knowledge of the pertinent facts, whether or not such documents are claimed to be privileged against discovery on any ground.

2. “Communication” means any written, typed, recorded, printed, photocopied, electronic or graphic matter however produced or reproduced, or any other tangible record without limitation, including, but not limited to, any paper, letter, email, text message, instant message, Facebook message, telex, telecopy, telegram, correspondence, records of conferences, meetings and conversations, memoranda, handwritten notes, summaries, telephone logs, messages and records, interoffice communications, together with any attachments and annotations.

3. The term “person” shall include natural persons, firms, associations, partnerships, corporations, non-profit organizations, political parties, political party committees, government entities, or other legal entities.

4. “You” or “your” shall mean the name of the party or parties to whom this discovery request is directed and is defined to include agents, representatives, employees, attorneys, experts, consultants, or anyone acting on behalf of the foregoing.

5. “General Assembly” means the Virginia House of Delegates and the Senate of Virginia in 2010 and 2011, including the Virginia Department of Legislative Services, all current

and former members, staff, and employees who were members, staff, or employees in 2010 or 2011.

6. “Plan” or “plans” means any final or draft redistricting plan for the Virginia General Assembly in 2011.

7. “Challenged districts” means Virginia House of Delegates districts 13, 22, 48, 72, 88 and Senate districts 19, 21, 28, 29, 30, 37.

8. “Districts bordering the challenged districts” means districts that share a border with the challenged districts, specifically: House districts 2, 9, 16, 17, 18, 19, 23, 28, 30, 31, 34, 35, 40, 45, 47, 49, 50, 51, 53, 54, 55, 56, 59, 68, 71, 73, 74, and 87 and Senate districts 4, 13, 15, 17, 20, 23, 24, 27, 31, 33, 34, 35, 36, 38, and 39.

9. “Split” or “splits” mean the division of a geographic unit such as a city, county or voter tabulation district among two or more House or Senate districts.

10. “Core retention” means the degree to which a district retains the population or territory that was present in the district under the previous (2001) redistricting plan.

11. “Changes to districts” or “changes to plans” means changes from the 2001 plans or districts to a later version as well as changes from one draft or version of districts or plans to a later version of districts or plans throughout the redistricting process. These terms include changes that were temporarily or permanently adopted, as well as changes that were considered but not adopted.

12. “2011 Virginia Redistricting” means any activity related to the efforts to prepare for, create, evaluate, or adopt redistricting plans for the Virginia General Assembly in 2010 or 2011, including but not limited to activities related to the development and establishment of criteria for such plans and activities to obtain preclearance under §5 of the Voting Rights Act.

## INSTRUCTIONS

1. Each request contained herein extends to any documents or communications in your possession, custody or control, including items in the possession, custody or control of your agents, employees or attorneys. These requests are continuing and the responses must be supplemented or amended and any documents promptly produced if any additional responsive documents become known or available to you.

2. When the relevant request includes electronic map files, please include all files necessary or useful to view, evaluate, and manipulate such maps with Maptitude for redistricting software.

3. All requests for documents and communications should be presumed to relate to the 2011 Virginia Redistricting and include all documents and communications from 2010 to the present unless specifically stated otherwise.

4. Privilege. If you withhold any documents covered by these requests, under a claim of privilege, please provide a list specifying each document for which the privilege is claimed, together with the following information, where appropriate, with respect to each such document: date; author(s); recipient(s); person(s) to whom copies were furnished; basis on which the privilege is claimed; the paragraph or subparagraph of these requests to which each document responds, and a sufficient description of the subject matter of the document (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.



## REQUESTS

1. All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

2. All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

3. All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

4. All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

5. All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans as a whole.

6. All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

7. All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

8. All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

9. All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

10. All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

11. All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

12. All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

13. All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

14. All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

15. All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

16. All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, "snapshots," backup files and the underlying data used to draft or evaluate such plans.

17. All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

18. All documents consisting of electronic map files for redistricting plans which were used for any election for the House of Delegates or Senate of Virginia from 1980 to the present.

# Exhibit 3

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00

**OBJECTIONS OF NON-PARTIES TO PLAINTIFFS' SUBPOENAS DUCES TECUM**

Delegates Robert H. Brink, Kathy J. Byron, Mark L. Cole, S. Chris Jones, Robert G. Marshall, and James P. Massie III (the "Delegates"), Christopher Marston and John Morgan, and the Division of Legislative Services (all together the "Legislative Non-Parties"), through counsel, and pursuant to Va. Sup. Ct. R. 4:9A, hereby state the following objections to Plaintiffs' Subpoenas Duces Tecum (the "Subpoenas").

**OBJECTIONS**

The Legislative Non-Parties object to the Subpoenas as follows:

**Request No. 1:** All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This

request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 2:** All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 3:** All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 4:** All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General



Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 5:** All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 6:** All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 7:** All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General

Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 8:** All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 9:** All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 10:** All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which

imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 11:** All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 12:** All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This

request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 13:** All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 14:** All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

**Objections:** This request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also seeks documents which are publicly available.

**Request No. 15:** All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

**Objections:** As it pertains to documents and communications used in “determining the residences of incumbent legislators or potential candidates,” the request seeks documents which are publicly available. However, the Legislative Non-Parties will produce non-privileged, responsive documents in their possession, custody, or control. As it pertains to documents and communications used in “evaluating or planning which district they were located,” this request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative

Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 16:** All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, “snapshots,” backup files and the underlying data used to draft or evaluate such plans.

**Objections:** As it pertains to production of just “map files” and draft maps, the Legislative Non-Parties have no objection and will produce non-privileged, responsive documents in their possession, custody, or control. As it pertains to “all documents consisting of electronic map files” and “drafts, ‘snapshots,’ backup files and the underlying data used to draft or evaluate such plans,” this request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.



**Request No. 17:** All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Legislative Non-Parties to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Legislative Non-Parties, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

Plaintiffs' Subpoena Duces Tecum issued to the Division of Legislative Services included one additional Request No. 18. The Division of Legislative Services objects as follows:

**Request No. 18:** All documents consisting of electronic map files for redistricting plans which were used for any election for the House of Delegates or Senate of Virginia from 1980 to the present.

**Objections:** This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated 35 years prior to the filing of the Complaint on September 14, 2015, as well as those after the filing

of the same. The request also requires the Division of Legislative Services to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Division of Legislative Services, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence. As this request pertains to the 2010 census and related redistricting, responsive information is publicly available on the Division of Legislative Services' website.

Dated: November 20, 2015

Respectfully submitted,

VIRGINIA HOUSE OF DELEGATES  
AND VIRGINIA HOUSE OF DELEGATES  
SPEAKER WILLIAM J. HOWELL

By Counsel

/s/ Katherine L. McKnight

Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*Of Counsel*)

BAKER HOSTETLER LLP

1050 Connecticut Avenue, NW Suite 1100

Washington, DC 20036

Telephone: 202.861.1500

Facsimile: 202.861.1783

mbraden@bakerlaw.com

kmcknight@bakerlaw.com

*Attorneys for the Virginia House of Delegates and  
Virginia House of Delegates Speaker William J.  
Howell*

# Exhibit 4

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00

**DEFENDANT-INTERVENORS' OBJECTIONS  
TO PLAINTIFFS' SUBPOENAS DUCES TECUM**

The House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell, (the "Defendant-Intervenors"), through counsel, and pursuant to Va. Sup. Ct. R. 4:9, hereby state the following objections to Plaintiffs' Subpoenas Duces Tecum (the "Subpoenas").

**OBJECTIONS**

The Defendant-Intervenors object to the Subpoenas as follows:

**Request No. 1:** All documents and communications related to the compactness of the challenged districts or the districts bordering the challenged districts, including but not limited to documents and communications relating to how changes in a district affect its compactness.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the

Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 2:** All documents and communications related to the compactness of the overall plans, including but not limited to documents and communications relating to the use of compactness as a criteria, any measurement of compactness and parameters for deviation from a given measurement, and how changes to the plans affect their compactness.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 3:** All documents and communications related to the population of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not

limited to documents and communications relating to how changes to the plans affect population or population deviations in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 4:** All documents and communications related to the contiguity of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect contiguity in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The

request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 5:** All documents and communications related to splits in political subdivisions (cities and counties) and voter tabulation districts in the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plan affect splits in the challenged districts, the districts bordering the challenged districts, or the plans.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 6:** All documents and communications related to partisan considerations affecting the shape or composition of the challenged districts, the districts bordering the challenged districts or the plans as a whole, including but not limited to documents and communications relating to how changes to the districts affect these partisan considerations.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 7:** All documents and communications related to the effect the shape or composition of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, have on incumbent legislators including but not limited to documents and communications relating to how changes to these districts affect these incumbent legislators.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which



imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 8:** All documents and communications related to the core retention of the challenged districts, the districts bordering the challenged districts, or the plans as a whole, including but not limited to documents and communications relating to how changes to the plans affect core retention in these districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 9:** All documents and communications related to communities of interests or any other criteria or factors taken into consideration when creating the challenged districts, the districts bordering the challenged districts, or the plans as a whole but not covered by any previous request.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This

request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 10:** All documents and communications related to the prioritization of criteria, factors, or other considerations taken into account when creating or modifying the challenged districts, the districts bordering the challenged districts or the plans as a whole.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 11:** All documents and communications related to the creation, consideration or adoption of official redistricting criteria, including the prioritization of such criteria during the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 12:** All documents and communications related to the establishment and implementation of the criteria used in 2001 (the prior redistricting) to create the 2001 House of Delegates or Senate of Virginia redistricting plans.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The

request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 13:** All documents, including but not limited to those reflecting communications with the Virginia Attorney General's office, concerning obtaining preclearance under §5 of the Voting Rights Act from the United States Department of Justice, for the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 14:** All documents and communications received from the public relating to compactness as it pertains to the 2011 Virginia Redistricting and responses there to, including but not limited to letters, emails and submissions sent in through the Redistricting pages on the Division of Legislative Services website.

**Objections:** This request is overly broad, unduly burdensome, and not reasonably

calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also seeks documents which are publicly available.

**Request No. 15:** All documents and communications, including but not limited to electronic map files such as .shp files, which were used in determining the residences of incumbent legislators or potential candidates and evaluating or planning which district they were located in for the 2011 Virginia Redistricting.

**Objections:** As it pertains to documents and communications used in “determining the residences of incumbent legislators or potential candidates,” the request seeks documents which are publicly available. However, the Defendant-Intervenors will produce non-privileged, responsive documents in their possession, custody, or control. As it pertains to documents and communications used in “evaluating or planning which district they were located,” this request seeks the disclosure of information and documents protected by the legislative privilege to the extent that it has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 16:** All documents consisting of electronic map files of redistricting plans proposed, considered, or adopted during the 2011 Virginia Redistricting, including but not limited to any drafts, “snapshots,” backup files and the underlying data used to draft or evaluate such plans.

**Objections:** As it pertains to production of just “map files” and draft maps, the Defendant-Intervenors have no objection and will produce non-privileged, responsive documents in their possession, custody, or control. As it pertains to “all documents consisting of electronic map files” and “drafts, ‘snapshots,’ backup files and the underlying data used to draft or evaluate such plans,” this request seeks the disclosure of information and documents protected by the legislative privilege to the extent that is has not been waived by individual members of the Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

**Request No. 17:** All documents including transcripts, tapes, and videos of any official or unofficial meetings of the Virginia General Assembly or a subset thereof, whether open to the public or not, including but not limited to sessions on the floor, as well as committee and subcommittee meetings related to the 2011 Virginia Redistricting.

**Objections:** This request seeks the disclosure of information and documents protected by the legislative privilege to the extent that is has not been waived by individual members of the

Virginia House of Delegates, the attorney-client privilege and the work product doctrine. This request also is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It seeks documents dated after the filing of the Complaint on September 14, 2015, and documents dated prior to when the Virginia General Assembly received census data from the U.S. Census Bureau on or about February 3, 2011. The request also requires the Defendant-Intervenors to undertake a burdensome and costly effort to collect, process, and review a substantial volume of electronically stored information, which imposes a disproportionate discovery burden on the Defendant-Intervenors, particularly where the request seeks electronic documents unlikely to lead to the discovery of relevant, admissible evidence.

Dated: November 30, 2015

Respectfully submitted,

VIRGINIA HOUSE OF DELEGATES  
AND VIRGINIA HOUSE OF DELEGATES  
SPEAKER WILLIAM J. HOWELL

By Counsel

/s/ Katherine L. McKnight

Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*Of Counsel*)

BAKER HOSTETLER LLP

1050 Connecticut Avenue, NW Suite 1100

Washington, DC 20036

Telephone: 202.861.1500

Facsimile: 202.861.1783

mbraden@bakerlaw.com

kmcknight@bakerlaw.com

*Attorneys for the Virginia House of Delegates and  
Virginia House of Delegates Speaker William J.  
Howell*

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

VESILIND, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Case No. CL15003886-00

**PRAECIPE**

COMES NOW, Katherine L. McKnight noting her appearance on behalf of Defendant-Intervenors, the House of Delegates and the Honorable Speaker of the House of Delegates, William J. Howell, and on behalf of Robert H. Brink, Kathy J. Byron, Mark L. Cole, S. Chris Jones, Robert G. Marshall, James P. Massie III, Christopher Marston and John Morgan, and the Division of Legislative Services, who received subpoenas *duces tecum* in the above captioned case.

Pursuant to Va. Super. Ct. R. 4:15(a)(2), Ms. McKnight will contact the chambers of Judge William R. Marchant to set the Motion to Quash for hearing on January 7, 2016, at 11:00 AM so that it may be heard at the same time as the Motion to Quash Subpoena Duces Tecum Issued to Non-Party Legislative Respondents filed with this Court on November 18, 2015.

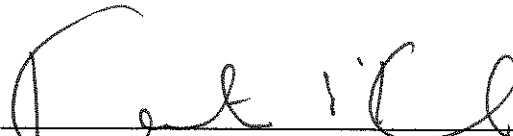


Dated: December 10, 2015

Respectfully submitted,

VIRGINIA HOUSE OF DELEGATES, VIRGINIA  
HOUSE OF DELEGATES SPEAKER WILLIAM J.  
HOWELL, ROBERT H. BRINK, KATHY J.  
BYRON, MARK L. COLE, S. CHRIS JONES,  
ROBERT G. MARSHALL, JAMES P. MASSIE III,  
CHRISTOPHER MARSTON, JOHN MORGAN,  
AND THE DIVISION OF LEGISLATIVE  
SERVICES

By Counsel



Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*Of Counsel*)

BAKER HOSTETLER LLP

1050 Connecticut Avenue, NW Suite 1100

Washington, DC 20036

Telephone: 202.861.1500

Facsimile: 202.861.1783

mbraden@bakerlaw.com

kmcknight@bakerlaw.com

*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
the Division Of Legislative Services*

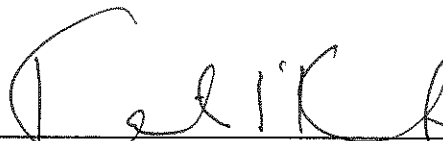
**CERTIFICATE OF SERVICE**

I hereby certify that this 10th day of December, 2015, copies of the foregoing were sent via e-mail and first class mail to the following:

Wyatt B. Durette, Jr.  
Christine A. Williams  
Nicholas H. Mueller, Esq.  
DURRETTECRUMP PLC  
1111 East Main Street  
16th Floor  
Richmond, VA 23219  
*Counsel to Plaintiffs*

Joshua Heslinga  
OFFICE OF ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
*Counsel to Defendants*

Jason Torchinsky, Esq.  
HOLTZMAN VOGEL JOSEFIK TORCHINSKY PLLC  
45 North Hill Drive, Suite 1100  
Warrenton, VA 20186  
*Counsel to Non-Party Legislative Respondents*



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Katherine L. McKnight (VSB No. 81482)  
E. Mark Braden (*Of Counsel*)  
BAKER HOSTETLER LLP  
1050 Connecticut Avenue, NW Suite 1100  
Washington, DC 20036  
Telephone: 202.861.1500  
Facsimile: 202.861.1783  
mbraden@bakerlaw.com  
kmcknight@bakerlaw.com

*Counsel to the Virginia House Of Delegates,  
Virginia House Of Delegates Speaker William J.  
Howell, Robert H. Brink, Kathy J. Byron, Mark L.  
Cole, S. Chris Jones, Robert G. Marshall, James P.  
Massie III, Christopher Marston, John Morgan, and  
the Division Of Legislative Services*