UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA,
CARLENE BECHEN, RONALD BIENDSEIL,
RON BOONE, VERA BOONE, ELVIRA BUMPUS,
EVANJELINA CLEEREMAN, SHEILA COCHRAN,
LESLIE W. DAVIS III, BRETT ECKSTEIN,
MAXINE HOUGH, CLARENCE JOHNSON,
RICHARD KRESBACH, RICHARD LANGE,
GLADYS MANZANET, ROCHELLE MOORE,
AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS,
JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP,
and TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,
and RONALD KIND,

Intervenor-Plaintiffs,

v.

Civil Action
File No. 11-CV-562

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,

[Caption Continued]

VIDEOTAPE DEPOSITION

ADAM R. FOLTZ

Madison, Wisconsin
April 30, 2013

Susan C. Milleville, Court Reporter

and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR.,
THOMAS E. PETRI, PAUL D. RYAN, JR.,
REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA WARA,
JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v. Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,
and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants.

I N D E X

Witness	Pages
ADAM R. FOLTZ	
Examination by Mr. Earle	6
Examination by Mr. Poland	18

E X H I B I T S

No.	Description	Identified
1	Subpoena	6
2	Declaration	8
3	Supplement to Declaration	11

(The original exhibits were attached to the original transcript and copies were provided to counsel)

(The original deposition transcript was filed with Attorney Peter G. Earle)

VIDEOTAPE DEPOSITION of ADAM R. FOLTZ, called as a witness of lawful age, taken on behalf of the Plaintiffs, wherein Alvin Baldus, et al., are Plaintiffs, and Members of the Wisconsin Government Accountability Board, et al., are Defendants, pending in the United States District Court for the Eastern District of Wisconsin, pursuant to subpoena, before Susan C. Milleville, a Court Reporter and Notary Public in and for the State of Wisconsin, at the offices of Godfrey & Kahn, S.C., Attorneys at Law, One East Main Street, in the City of Madison, County of Dane, and State of Wisconsin, on the 30th day of April 2013, commencing at 7:55 in the evening.

A P P E A R A N C E S

DOUGLAS M. POLAND, Attorney,
for GODFREY & KAHN, S.C., Attorneys at Law,
One East Main Street, Suite 500, Madison, Wisconsin 53703, appearing on behalf of Plaintiffs Alvin Baldus, et al.

PETER G. EARLE, Attorney,
for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,
839 North Jefferson Street, Suite 300, Milwaukee, Wisconsin 53202, appearing by telephone on behalf of Plaintiffs Voces De La Frontera, Inc., et al.

A P P E A R A N C E S (Continued)

MARIA S. LAZAR, Assistant Attorney General,
for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,
17 West Main Street, Madison, Wisconsin 53703,
appearing on behalf of Defendant Members of
the Wisconsin Government Accountability Board.

AYAD P. JACOB, Attorney,
for SCHIFF HARDIN LLP, Attorneys at Law,
6600 Willis Tower, Chicago, Illinois 60606,
appearing on behalf of Michael Best &
Friedrich LLP.

CYNTHIA L. BUCHKO, Attorney,
for WHYTE HIRSCHBOECK DUDEK S.C., Attorneys at Law,
33 East Main Street, Suite 300, Madison,
Wisconsin 53701-1379, appearing on behalf of
the Wisconsin Senate, Wisconsin Assembly,
Wisconsin Senate Chief Clerk Jeff Renk,
Wisconsin Assembly Chief Clerk Patrick E.
Fuller and the Wisconsin Legislative Technology
Services Bureau.

JAMES T. MURRAY, JR., Attorney,
for PETERSON, JOHNSON & MURRAY, S.C.,
Attorneys at Law, 788 North Jefferson Street,
Suite 500, Milwaukee, Wisconsin 53202,
appearing on behalf of the witness.

MICHAEL J. FITZGERALD, Attorney,
for FITZGERALD LAW FIRM, S.C., Attorneys at Law,
526 East Wisconsin Avenue, Milwaukee,
Wisconsin 53202, also appearing on behalf of
the witness.

Also present: Todd S. Campbell, CLVS
Campbell Legal Video Company
417 Heather Lane, Suite B
Fredonia, WI 53021
(262) 447-2199

(Exhibit Nos. 1 through 3 marked for identification)

ADAM R. FOLTZ,

called as a witness, being first duly sworn, testified on oath as follows:

EXAMINATION

By Mr. Earle:

Q Mr. Foltz, I'm showing you what's been marked as Exhibit No. 1.

07:55PM A Uh-huh.

Q Have you seen this document before?

A I have.

Q Would you identify it, please.

A It's a subpoena compelling my attendance at

07:56PM today's deposition.

Q And that's why you're here today?

A Yes, sir.

Q I see that you're here accompanied by Mr. Murray, private counsel, and Mr. Fitzgerald, private

07:56PM counsel.

A Uh-huh.

Q Is there a reason that you retained a criminal lawyer in this matter?

MR. MURRAY: I want to object to

07:56PM that question. You know that's an improper

question. I'm not going to instruct the witness not to answer, but you're getting very close to attorney-client privileged communications.

07:56PM MR. EARLE: I'm not asking for any communications with the attorney.

MR. MURRAY: I understand that. You know that question is improper, I know it's improper, and the judge will know it's

07:56PM improper. I'm going to allow him to answer the question, but you're perilously close.

A I'm sorry. The question again was?

(Question read)

A Not knowing with too much detail the scope of the

07:56PM practice of the two gentlemen here on my behalf, I retained counsel as an individual after the motion was filed, whenever the latest motion was filed, seeking $100,000 in fees for forensic examination. I was not listed by name, but the employee, which

07:57PM would be me in this case, was listed.

Q So it was out of concern for potential liability related to the forensic costs of this matter? Is that what you're saying?

A It's in response to the motion that was filed or

07:57PM the -- I don't know if it was a motion but the

filing with the Court seeking $100,000 in fees. It was in response to that.

Q I'm showing you what's been marked as Exhibit No. 2.

07:57PM A Okay.

Q Would you identify that, please.

A This is a declaration of me on 4/25/13.

Q Did you draft Exhibit No. 2?

A I did not.

07:57PM Q Did you edit Exhibit No. 2 in any fashion?

A I gave feedback on it.

Q What parts did you give feedback to?

A I don't know specifically which areas, but on the document in general.

07:58PM Q Would you identify those parts of Exhibit No. 2 that you gave feedback on.

A I really can't specifically pick out the areas that I gave feedback on, but I gave feedback on the document as a whole I would say.

07:58PM Q I'm not asking you whether you gave feedback. You testified and you made it clear, so we don't have to revisit that, that you gave feedback on the document as a whole. I'm asking you to identify those parts of the document that you in fact --

07:58PM the specific parts of the document that you gave

feedback.

MR. MURRAY: And he told you he can't do that. He's told you that twice.

Q Is it your testimony you don't remember what parts of this document you gave feedback on?

A My testimony is my testimony. I gave feedback on the document as a whole. Yeah.

Q My question is whether you can remember which specific parts of the document you gave feedback on. So I'm asking you -- strike that. I'm asking you whether your testimony is that you cannot remember which parts of this document you gave feedback on.

A My testimony is that I gave feedback on the document as a whole.

Q That's not the question I'm asking. We're not going to move on until you answer the question.

MR. MURRAY: He has answered your question.

MR. EARLE: The question is whether he can remember or not those parts of the document, specific parts of the document, that he gave feedback on.

MR. MURRAY: He told you the whole document.

You may answer the question again.
A Yeah. I don't recall specific areas where I focused in on, but, again, I gave feedback on the document as a whole.
07:59PM Q Did you ask that any part of the document be edited?
A I'm sure I did at some point.
Q Would you identify those parts of the document that you asked to be edited.
07:59PM A Again, are you referring to the supplemental declaration here or are you talking about in the drafting of this original? If that's where we're going, yes, there was a supplemental declaration to clarify one aspect of the declaration.
07:59PM Q I understand that. I'm asking you about Exhibit No. 2. Which parts of it were the result of an editing request by you?
A I don't know.
Q Can you identify those, please.
08:00PM A No. Same answer as before. I gave feedback on the document as a whole.
Q Did you ask that any part of the document be taken out?
MR. MURRAY: Just a minute. Let me
08:00PM advise you that if any of these questions

implicate conversations you had with your attorneys, you should invoke the attorney-client privilege and not respond.

A Well, all of these conversations involving the editing of this would have involved legal counsel.

Q Was there any part of the draft of this document that was given to you that was removed?

A Not that I can recall.

Q So the entire first generation of this document, Exhibit No. 2, that was given to you remains in Exhibit No. 2? Is that what your testimony is?

A No. I testified that there were edits.

Q What?

A I testified that there were edits.

Q Did you ask that any part of the original draft that you saw be removed?

A Possibly. Part of the editing process. I don't recall specifically.

Q What parts did you want removed?

A I didn't say that I wanted parts removed. I said that there was an editing process and changes were made.

Q Showing you what's been marked as Exhibit No. 3. Can you identify that, please.

A It's a supplemental declaration to the declaration

filed on the 25th, this being -- the supplemental being filed on the 26th it appears.

Q Mr. Foltz, you testified during the 30(b)(6) portion of this deposition that the Autobound text files were produced to the plaintiffs, correct?

08:02PM

A Yes. I believe so. Yes.

Q And you testified that prior iterations of the maps reflected in Act 43 could be derived from the text files that were provided to the plaintiffs; is that correct?

08:02PM

MS. BUCHKO: Objection, mischaracterizes his previous testimony in the 30(b)(6) deposition.

A I want to take issue with the word iterations. Doug and I had gone back and forth a little bit on that. You have the saved maps that I had. If there was a process in the creation of -- in the production of one of those maps -- iterations I take issue with because there were portions of

08:02PM

time where you moved five districts forward and you rolled those five back and you started over again.

Q Would the plaintiffs have gotten any data from you that would have allowed them to see the process by which you went from one configuration for a

08:03PM

district to another configuration that you ended up with in Act 43?
A I don't know if there's any way to do that.
Q And the reason the plaintiffs would not be able to understand what the prior configurations that had been considered during the process of remapping -- why they wouldn't be able to understand those or see those is because you did not provide any historical data that would allow them to see that; isn't that correct?
MS. BUCHKO: Object to form.
A I'm not sure what you're looking for there. There's nothing to my knowledge that creates a click-by-click assignment-by-assignment progress of a map.
Q Okay. So when you create a map -- let's take hypothetically Racine and Kenosha.
A Uh-huh.
Q Okay. What Senate district is that?
A That would be -- well, 21 and 22 are the two districts in question there.
Q You considered various configurations of Senate Districts 20 and 21, correct?
A Yes.
Q And you analyzed them across multiple dimensions,

correct?
A I would say that's a fair statement.
Q And when you create a potential configuration of Senate Districts 20 and 21, you would save that
08:04PM for a period of time, correct?
A Not necessarily. Again, that's getting kind of into the weeds about how the software actually works.
Q We got to get there.
08:04PM A Well, again, it seems that you're driving towards a point-by-point -- in an individual map file a point-by-point click-by-click process. I'm not aware of anything that would reflect that. You have the maps as they were saved at the date of
08:05PM production. Now, there were various clicks and various iterations within that given map file where something would have gone -- going five districts through, something didn't work out for whatever reason, you roll that back and you start
08:05PM over again. That's just the nature of the process.
Q There were concerns about disenfranchisement of voters as between those two Senate districts, correct?
08:05PM A I would say the concerns about disenfranchisement

may have been over that specifically, but there was more of the top line number of the disenfranchisement.

Q And you and the rest of the team sought to understand the impact on the degree of disenfranchisement that was occurring as between those two districts as you considered the alternatives, correct?

A It would have been part of the report that you can then look at to determine disenfranchisement.

Q So at various points in time you arrived at potential configurations for those two districts using the Autobound program, correct?

A Correct.

Q And you considered, the team considered, its options as between those alternative configurations, correct?

A Uh-huh.

Q And you ultimately produced to us in response to discovery the text files associated with the Autobound file, the Autobound program, but we would not be able to reconstruct that evaluative process that you went through. Isn't that true?

MS. BUCHKO: Object to form.

A The evaluative process. So the changes that

happened within a given file?
Q Yes.
A I don't believe there's any way to produce that.
Q So you did not produce to the plaintiffs in this case the maps that you considered as options for Senate Districts 20 and 21. Isn't that true?
MR. MURRAY: Objection; argumentative and asked and answered.
Q I'm sorry. 21 and 22.
A No. They were produced.
Q The earlier versions of Senate Districts 21 and 22 that were not reflected in Act 43 were not produced. Isn't that true?
A No. They were produced.
Q When were they produced?
A Supplemental document production.
Q It's your testimony that you did not delete any map configuration and all map configurations were produced to the plaintiffs?
A Well, I want to be clear again because there is no way to produce the ongoing process within a given file. You have all of the map files. You have what I can produce. To the best of my knowledge, there is no way to produce a click-by-click tracking of how a map went from zero districts

assigned to 99 districts assigned. To the best of my knowledge, there is no way of doing that. The only way to share these files, again going back to what Mr. Poland and I were discussing, is that working between proprietary platforms there are only two ways to share these, and that's text assignment files and shape files neither one of which is perfect. They both have their shortcomings.

08:08PM

08:08PM

08:08PM

08:09PM

08:09PM

Q For example, in the Latino community of Milwaukee the Voces de la Frontera organization got involved in the city aldermanic redistricting process. There were various points in time where different map configurations were considered. They were printed out, they were compared, and they were analyzed, and they were debated. People who participated in the process were able to understand the differences between the various configurations and ultimately the common council in Milwaukee adopted one of those maps.

A Okay.

Q But everybody was able to see what was considered before the map was adopted.

A Uh-huh.

MR. MURRAY: I know there's going

to be a question coming along here.

MR. EARLE: We're there.

Q In deference to Mr. Murray's interest in the question, it's coming. The question is we have not been able to understand the comparative process that you and the rest of the team went through in creating these maps; isn't that correct?

MS. BUCHKO: Objection to form.

MR. MURRAY: Go ahead.

A With regard to the Hispanic districts in particular, there were three versions. There was the map as introduced in SB 148 and then there were the two amendments. I guess that parallels the process you described with the aldermanic.

MR. EARLE: I'm done. I told you I was going to be short. Maybe you will believe me next time.

THE WITNESS: How much did Doug's 20 minutes get eaten into?

MR. MURRAY: Doug yielded part of his time to Peter.

EXAMINATION

By Mr. Poland:

Q Mr. Foltz, would you take a look at Exhibit No. 2,

please, that's in front of you. That's your declaration.
A That's right.
Q I would like you to take a look, please, at Paragraph Number Two on the top of page 3.
08:11PM
A Uh-huh.
Q It's actually at the bottom of 2 and continues on to 3. Here you're talking about your review of documents and production of documents. Specifically you're referencing documents that post dated the enactment of Acts 43 and 44 and those that relate to SB 150. Do you see that?
08:11PM
A I do.
Q You say, "That was the advice and direction I had received at the time from the Assembly attorney." Do you see that?
08:11PM
A I do.
Q We talked about that a little bit in your 30(b)(6) deposition, correct?
08:11PM
A Yes, sir.
Q You have used generically Assembly's attorney. That was Michael Best & Friedrich, correct?
A Yes.
Q Any specific attorneys at Michael Best?
08:11PM
A Again, it would have probably been either

Joe Olson or Eric McLeod not recalling specifically which one.

Q In the sentence that follows you say, "I simply followed the attorney's direction." Again, is that the same attorneys?

08:11PM

A Yes.

Q You state, "I did not withhold any documents based on their content." Do you see that?

A I do.

Q Was there any other reason that you withheld documents other than SB 150 or the date restriction after the enactment of Acts 43 and 44?

08:12PM

A No.

Q Paragraph Three on page 3, about the middle of the page, you say, "I was directed by the Assembly's attorney to continue to retain files based on the preservation notice" and then that sentence continues on. Do you see that?

08:12PM

A I do.

Q By Assembly's attorney again there you mean Michael Best & Friedrich?

08:12PM

A And specifically with this one it goes back to what I believe was the E-mail I received from Eric McLeod. So a little bit more specific on that.

Q And that was in April 2012?
A The notice of preservation was April. Yes.
Q And the direction that you received was approximately April of 2012?
08:12PM A Roughly around there.
Q I would like to turn your attention to Paragraph Number Six.
A Okay.
Q This involves a topic we were discussing a short
08:13PM while ago in your 30(b)(6) deposition, Mr. Lanterman's declaration and specifically the discussion of documents that Mr. Lanterman or I should say files Mr. Lanterman saw had been deleted.
08:13PM A Uh-huh.
Q I would like to look at the last sentence of that paragraph. You state, "While Mr. Lanterman's description is accurate, with the exception that I do not believe the Draft Plans for Printing and
08:13PM Hispanic Amendments sub file were created and deleted one minute apart."
A Yes.
Q I want to ask you why do you not believe that they were created and deleted one minute apart?
08:13PM A Practicality would be the first. I don't see what

function it would serve to create and delete that or I should say copy over since the files remained in the Projects folder. Practicality and then what I had been told via analysis done.

08:14PM Q And by analysis done, was that done by PLA?

A I believe so.

Q What did PLA tell you about the creation and deletion of those folders?

A I can't remember if it was PLA that told me or if 08:14PM it was -- or if it passed along by legal counsel. I just want to be clear on that one.

MR. MURRAY: Of course if it was legal counsel, then you shouldn't answer the question because you would be waiving the 08:14PM attorney-client privilege.

Q I can't ask you about the communication, but I can ask you about the fact that was communicated.

A Okay.

Q What do you understand about when the Draft Plans 08:14PM for Printing and Hispanic Amendment sub file were created and deleted?

A I believe it was four days apart.

Q I would like to turn your attention to Paragraph Seven --

08:14PM A Uh-huh.

Q -- of your declaration. You state, "When I received the subpoena, I located documents stored electronically on my computer that I believed were responsive to the subpoena that predated the passage of Act 43 and 44 as described above." Do you see that?
A Uh-huh.
Q Now, what I want to ask you about is the use of the words in there that I believed were responsive. Do you see that? Again, that's the second line in Paragraph Seven.
A Okay.
Q Did you exercise independent judgment in identifying documents for production that you believed were responsive to the subpoena versus those that were not?
A Ultimately the decision of responsiveness was made by legal counsel.
Q But did you choose not to provide to legal counsel documents that you believed were not responsive to the subpoena?
A No. I don't believe so.
Q About midway down through Paragraph Seven you have got a statement where you say, "I was able to do a bulk printing of the documents to turn over to

plaintiffs at my deposition." Do you see that?
A I do.
Q Now, that's a statement that implicates your supplemental declaration.
08:16PM A That's correct.
Q So let's pull your supplemental declaration out here.
A Okay.
Q In your supplemental declaration in Paragraph Two
08:16PM in the second sentence there you say, "It is correct that I did a bulk printing of the documents in the files and that the documents were turned over to the plaintiffs." Do you see that?
A Uh-huh.
08:16PM Q Now, you refer to documents and you refer to files, correct?
A Yes.
Q What do you mean when you say the bulk printing of the documents there?
08:16PM A Well, documents I think just refers to the fact that bulk printing of a paper format would lead to a document.
Q So when you say, "I did a bulk printing of the documents in the files," what are the documents
08:16PM specifically that you are referring to there?

A In the context of the Draft Plans for Printing folder, it would just be simply to have that plotted map of an underlying Autobound file that doesn't have that, for lack of a better term, weird appearance that Autobound would create if it were used to plot the map.
Q It's a printing of the plot of the map that's done by the Arc GIS software?
A That's correct. To get around that problem that we have discussed.
Q You say the documents in the files, and by files there do you mean the file folders?
A Yes. Yes.
Q You say the documents were turned over to the plaintiffs. Then you go on to say, "I did not mean, however, the printed paper copies were provided to the plaintiffs."
A Uh-huh.
Q "Instead, the documents I had printed were provided to the plaintiffs in an electronic format."
A Right.
Q And that format was the Autobound maps?
A Yes. The text assignment output of the Autobound maps.

08:17PM
08:17PM
08:17PM
08:17PM

Q Now let's go back to your initial declaration.
A Okay.
Q The very last sentence in Paragraph Seven.
A Okay.
08:18PM Q You state, "In addition, I turned over all of the documents to the Assembly's attorneys for use in the discovery process." Do you see that?
A I do.
Q And if you need to orient yourself by looking at
08:18PM previous sentences, go ahead and do that.
A Yes. I'm sorry. I was able to do bulk printing? Where are we again?
Q This is the very last sentence of Paragraph Seven on page 5.
08:18PM MR. MURRAY: Next page.
Q Just above Paragraph Eight.
A Yes. Okay.
Q All right. The attorneys that you're referring to there, that's Michael Best & Friedrich?
08:18PM A Yes. It would be.
Q Again, Mr. McLeod and Mr. Olson?
A Most likely. Yes.
Q Paragraph Eight. You have two references there to attorneys that I want to ask you about.
08:18PM A Uh-huh.

Q In the third line down you say, "I was told by the Assembly's attorney the subpoena did not require production of those documents." And that's where you're referring to the time limitation and SB 150, correct?
A Yes.
Q Again, that's Michael Best & Friedrich?
A Yes.
Q And is it specifically Mr. McLeod?
A No. I can't recall specifically.
Q One of the attorneys at Michael Best?
A Yes.
Q And two lines down you say, "In the course of discovery I produced large volumes of documents to the Assembly's attorneys."
A Uh-huh.
Q Again, that's Michael Best & Friedrich?
A Yes.
Q Last sentence of Paragraph Eight you state, "I never reviewed any documents and elected not produce them nor did I ever delete documents from my computer because I thought they might aid in plaintiffs' opposition to redistricting." Do you see that?
A I do.

Q The reference to my computer there, that's the Assembly redistricting computer we have been discussing?
A Yes. That's correct.
08:19PM Q Did you ever delete documents from any computer regardless of to whom it belonged to the extent those documents related to redistricting?
A No.
Q In that same sentence you say you did not ever
08:20PM delete documents because you thought they might aid in plaintiffs' opposition to redistricting. Other than the reasons we have talked about today why you didn't produce documents to the plaintiffs, did you ever delete any documents for
08:20PM any reason other than that they might aid plaintiffs' opposition to redistricting?
A Going back to what we had talked about earlier. If an E-mail popped up for a committee notice on aging and long-term care and things like that.
08:20PM Q Any other reason that you can think of?
A Not that I can think of.
Q Paragraph Ten.
A Okay.
Q This is where you talk about instructions to
08:20PM retain E-mail, electronic documents, or hard copy

documents, correct?
A Uh-huh.
Q You state in the second sentence of that paragraph, "I recall receiving that instruction," that's to retain these materials, "some time after the initiation of this lawsuit," correct?
A Uh-huh.
Q And we talked about that --
MR. MURRAY: You have to say yes.
08:21PM A Yes.
Q We talked about that in your 30(b)(6) deposition, correct?
A Uh-huh.
Q The first time you received that instruction was
08:21PM in conjunction with the preservation notice that Mr. Earle sent, correct?
A I believe so. Yes.
Q You say, "I did delete some E-mail and documents relating to redistricting."
08:21PM A Uh-huh.
Q What was included within the documents, E-mail documents, related to redistricting that you did delete?
A It would probably be things like setting up
08:21PM meetings with the various members. If an E-mail

correspondence happened back and forth just setting up a meeting and that meeting ended up on the calendar, that may have just been deleted in the normal course of business.

08:21PM Q Anything else that you recall deleting relating to redistricting?

A No. Not specifically that I can recall.

Q In the next sentence you state, "To the best of my recollection, however, any deleted E-mail or

08:22PM documents were non-substantive." What do you mean by non-substantive there?

A Going back to setting up a meeting with a member of the legislature. Something like that.

Q In parens you then say, "E.G., containing no

08:22PM meaningful information." Do you see that?

A Uh-huh.

Q What did you mean by no meaningful information?

A Going back to the example of an E-mail back and forth between myself and a legislative staffer to

08:22PM set up a meeting with a given representative. Something along those lines.

Q Was the language there, the references to non-substantive and no meaningful information -- is that language that you chose to put in there?

08:22PM A I don't recall who chose that specific language.

Q I just noticed it's the same language that was in Mr. Ottman's declaration that he submitted on the same date.
A Fair enough.
08:23PM Q Did you have a discussion with anyone -- I'm asking did you have a discussion with anyone in preparing this declaration about the meaning of non-substantive or no meaningful information?
A Not that I can recall.
08:23PM MR. POLAND: I don't have any further questions.
MR. MURRAY: Anybody else?
MS. LAZAR: I have no questions for Mr. Foltz.
08:23PM MR. MURRAY: I think we're done.
MR. POLAND: We're done.
THE VIDEOGRAPHER: Going off the record concluding the video deposition in the capacity of an individual of Mr. Adam Foltz. The time is 8:22 p.m.
08:23PM (Adjourning at 8:23 p.m.)

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, SUSAN C. MILLEVILLE, a Court Reporter and Notary Public duly commissioned and qualified in and for the State of Wisconsin, do hereby certify that pursuant to subpoena, there came before me on the 30th day of April 2013, at 7:55 in the evening, at the offices of Godfrey & Kahn, S.C., Attorneys at Law, One East Main Street, the City of Madison, County of Dane, and State of Wisconsin, the following named person, to wit: ADAM R. FOLTZ, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his examination reduced to typewriting with computer-aided transcription; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 4th day of May 2013.

_____
Notary Public, State of Wisconsin

My commission expires
June 23, 2013

$

$100,000 [2] - 7:18, 8:1

1

1 [3] - 3:12, 6:1, 6:9
11 [1] - 3:14
11-CV-1011 [1] - 2:11
11-CV-562 [1] - 1:12
148 [1] - 18:13
150 [3] - 19:12, 20:11, 27:5
17 [1] - 5:4
18 [1] - 3:5

2

2 [10] - 3:13, 8:4, 8:8, 8:10, 8:15, 10:16, 11:10, 11:11, 18:25, 19:7
20 [4] - 13:23, 14:4, 16:6, 18:20
2012 [2] - 21:1, 21:4
2013 [5] - 1:20, 4:13, 32:7, 33:3, 33:7
21 [6] - 13:20, 13:23, 14:4, 16:6, 16:9, 16:11
22 [3] - 13:20, 16:9, 16:11
23 [1] - 33:7
25th [1] - 12:1
262 [1] - 5:24
26th [1] - 12:2

3

3 [6] - 3:14, 6:1, 11:23, 19:5, 19:8, 20:14
30 [1] - 1:20
30(b)(6 [5] - 12:3, 12:13, 19:18, 21:10, 29:11
300 [2] - 4:22, 5:11
30th [2] - 4:12, 32:7
33 [1] - 5:11

4

4/25/13 [1] - 8:7
417 [1] - 5:23
43 [6] - 12:8, 13:2, 16:12, 19:11, 20:12, 23:5
44 [3] - 19:11, 20:12, 23:5
447-2199 [1] - 5:24
4th [1] - 33:2

5

5 [1] - 26:14
500 [2] - 4:19, 5:17
526 [1] - 5:20
53021 [1] - 5:23
53202 [3] - 4:23, 5:17, 5:20
53701-1379 [1] - 5:11
53703 [2] - 4:19, 5:4

6

6 [2] - 3:4, 3:12
60606 [1] - 5:7
6600 [1] - 5:7

7

788 [1] - 5:16
7:55 [2] - 4:13, 32:7

8

8 [1] - 3:13
839 [1] - 4:22
8:22 [1] - 31:20
8:23 [1] - 31:21

9

99 [1] - 17:1

A

able [8] - 13:4, 13:7, 15:22, 17:17, 17:22, 18:5, 23:24, 26:11
accompanied [1] - 6:18
Accountability [6] - 1:14, 2:2, 2:13, 2:16, 4:5, 5:5
accurate [1] - 21:18
Act [4] - 12:8, 13:2, 16:12, 23:5
Action [1] - 1:12
action [2] - 32:21, 32:25
Acts [2] - 19:11, 20:12
Adam [1] - 31:19
ADAM [5] - 1:19, 3:3, 4:1, 6:3, 32:11
addition [1] - 26:5
Adjourning [1] - 31:21
adopted [2] - 17:20, 17:23
advice [1] - 19:14
advise [1] - 10:25
affixed [1] - 33:2
age [1] - 4:2
aging [1] - 28:19
ago [1] - 21:10
ahead [2] - 18:10, 26:10
aid [3] - 27:22, 28:11, 28:15
aided [1] - 32:17
al [4] - 4:3, 4:5, 4:20, 4:24
aldermanic [2] - 17:12, 18:15
allow [2] - 7:10, 13:9
allowed [1] - 12:24
alternative [1] - 15:16
alternatives [1] - 15:8
Alvin [2] - 4:3, 4:20
ALVIN [1] - 1:3
Amendment [1] - 22:20
amendments [1] - 18:14
Amendments [1] - 21:20
AMY [1] - 1:7
analysis [2] - 22:4, 22:5
analyzed [2] - 13:25, 17:16
answer [6] - 7:2, 7:10, 9:17, 10:1, 10:20, 22:13
answered [2] - 9:18, 16:8
apart [3] - 21:21, 21:24, 22:22
appearance [1] - 25:5
appearing [7] - 4:19, 4:23, 5:4, 5:8, 5:11, 5:17, 5:20
April [6] - 1:20, 4:13, 21:1, 21:2, 21:4, 32:7
Arc [1] - 25:8
areas [3] - 8:13, 8:17, 10:2
argumentative [1] - 16:8
arrived [1] - 15:11
aspect [1] - 10:14
Assembly [4] - 5:12, 5:13, 19:15, 28:2
Assembly's [6] - 19:21, 20:15, 20:20, 26:6, 27:2, 27:15
assigned [2] - 17:1
assignment [4] - 13:14, 17:7, 25:24
assignment-by-assignment [1] - 13:14
Assistant [1] - 5:3
associated [1] - 15:20
attached [1] - 3:16
attendance [1] - 6:14
attention [2] - 21:6, 22:23
attorney [11] - 7:3, 7:6, 11:3, 19:15, 19:21, 20:16, 20:20, 22:15, 27:2, 32:20, 32:23
Attorney [8] - 3:24, 4:18, 4:21, 5:3, 5:6, 5:10, 5:15, 5:19
attorney's [1] - 20:4
attorney-client [3] - 7:3, 11:3, 22:15
Attorneys [8] - 4:10, 4:18, 4:22, 5:7, 5:10, 5:16, 5:19, 32:8
attorneys [8] - 11:2, 19:24, 20:5, 26:6, 26:18, 26:24, 27:11, 27:15
Autobound [8] - 12:4, 15:13, 15:21, 25:3, 25:5, 25:23, 25:24
Avenue [1] - 5:20
aware [1] - 14:13
AYAD [1] - 5:6

B

BALDUS [1] - 1:3
Baldus [2] - 4:3, 4:20
BALDWIN [1] - 1:10
BARBERA [1] - 1:3
BARLAND [2] - 1:16, 2:15
based [2] - 20:7, 20:16
BECHEN [1] - 1:3
behalf [9] - 4:2, 4:19, 4:23, 5:4, 5:8, 5:11, 5:17, 5:20, 7:15
BELL [1] - 1:7
belonged [1] - 28:6
Best [8] - 5:8, 19:22, 19:24, 20:21, 26:19, 27:7, 27:11, 27:17
best [3] - 16:23, 17:1, 30:8
better [1] - 25:4
between [6] - 14:23, 15:6, 15:16, 17:5, 17:18, 30:19
BIENDSEIL [1] - 1:3
bit [3] - 12:15, 19:18, 20:24
Board [6] - 1:14, 2:2, 2:13, 2:16, 4:5, 5:5
BOONE [2] - 1:4
bottom [1] - 19:7
BRENNAN [2] - 1:15, 2:14
BRETT [1] - 1:5
BUCHKO [5] - 5:10, 12:11, 13:11, 15:24, 18:9
bulk [6] - 23:25, 24:11, 24:18, 24:21, 24:23, 26:11
BUMPUS [1] - 1:4
Bureau [1] - 5:14
business [1] - 30:4

C

calendar [1] - 30:3
Campbell [2] - 5:22, 5:22
CANE [2] - 1:15, 2:14
cannot [1] - 9:11
capacity [3] - 1:14, 2:13, 31:19
Caption [1] - 1:17
care [1] - 28:19
carefully [1] - 32:15
CARLENE [1] - 1:3
case [2] - 7:20, 16:5
Case [1] - 2:11
CECELIA [1] - 1:7
certify [2] - 32:5, 32:19
changes [2] - 11:21, 15:25
Chicago [1] - 5:7
Chief [2] - 5:12, 5:13
choose [1] - 23:19

chose [2] - 30:24, 30:25
CINDY [1] - 1:3
city [1] - 17:12
City [2] - 4:11, 32:9
Civil [1] - 1:12
CLARENCE [1] - 1:5
clarify [1] - 10:14
clear [3] - 8:21, 16:20, 22:11
CLEEREMAN [1] - 1:4
Clerk [2] - 5:12, 5:13
click [6] - 13:14, 14:12, 16:24
click-by-click [3] - 13:14, 14:12, 16:24
clicks [1] - 14:15
client [3] - 7:3, 11:3, 22:15
close [2] - 7:3, 7:11
CLVS [1] - 5:22
COCHRAN [1] - 1:4
coming [2] - 18:1, 18:4
commencing [1] - 4:13
commission [1] - 33:6
commissioned [1] - 32:4
committee [1] - 28:18
common [1] - 17:19
communicated [1] - 22:17
communication [1] - 22:16
communications [2] - 7:4, 7:6
community [1] - 17:10
Company [1] - 5:22
comparative [1] - 18:5
compared [1] - 17:15
compelling [1] - 6:14
computer [6] - 23:3, 27:22, 28:1, 28:2, 28:5, 32:17
computer-aided [1] - 32:17
concern [1] - 7:21
concerning [1] - 32:13
concerns [2] - 14:22, 14:25
concluding [1] - 31:18
configuration [4] - 12:25, 13:1, 14:3, 16:18
configurations [7] - 13:5, 13:22, 15:12, 15:17, 16:18, 17:14, 17:19
conjunction [1] - 29:15
considered [8] - 13:6, 13:22, 15:7, 15:15, 16:5, 17:14, 17:22
containing [1] - 30:14
content [1] - 20:8
context [1] - 25:1
continue [1] - 20:16
Continued [2] - 1:17, 5:1
continues [2] - 19:7, 20:18
controversy [1] - 32:14
conversations [2] - 11:1, 11:4
copies [2] - 3:16, 25:16
copy [2] - 22:2, 28:25
correct [24] - 12:5, 12:10, 13:10, 13:23, 14:1, 14:5, 14:24, 15:8, 15:13, 15:14, 15:17, 18:8, 19:19, 19:22, 24:5, 24:11, 24:16, 25:9, 27:5, 28:4, 29:1, 29:6, 29:12, 29:16
correspondence [1] - 30:1
costs [1] - 7:22
council [1] - 17:19
Counsel [2] - 2:1, 2:16
counsel [11] - 3:16, 6:19, 6:20, 7:16, 11:5, 22:10, 22:13, 23:18, 23:19, 32:20, 32:23
COUNTY [1] - 32:2
County [2] - 4:12, 32:10
course [3] - 22:12, 27:13, 30:4
COURT [1] - 1:1
Court [5] - 1:21, 4:6, 4:8, 8:1, 32:3
create [4] - 13:16, 14:3, 22:1, 25:5
created [3] - 21:20, 21:24, 22:21
creates [1] - 13:13
creating [1] - 18:7
creation [2] - 12:17, 22:7
criminal [1] - 6:22
CYNTHIA [1] - 5:10

D

DANE [1] - 32:2
Dane [2] - 4:12, 32:10
data [2] - 12:23, 13:9
date [3] - 14:14, 20:11, 31:3
dated [1] - 19:11
DAVID [2] - 1:15, 2:14
DAVIS [1] - 1:5
days [1] - 22:22
de [1] - 17:11
De [1] - 4:24
DE [1] - 2:8
debated [1] - 17:16
decision [1] - 23:17
declaration [15] - 8:7, 10:11, 10:13, 10:14, 11:25, 19:2, 21:11, 23:1, 24:4, 24:6, 24:9, 26:1, 31:2, 31:7
Declaration [2] - 3:13, 3:14
Defendant [1] - 5:4
Defendants [4] - 2:3, 2:6, 2:17, 4:5
deference [1] - 18:3
degree [1] - 15:5
DEININGER [2] - 1:15, 2:14
delete [8] - 16:17, 22:1, 27:21, 28:5, 28:10, 28:14, 29:18, 29:23
deleted [6] - 21:14, 21:21, 21:24, 22:21, 30:3, 30:9
deleting [1] - 30:5
deletion [1] - 22:8
DEPARTMENT [1] - 5:3
DEPOSITION [2] - 1:18, 4:1
deposition [11] - 3:23, 6:15, 12:4, 12:13, 19:19, 21:10, 24:1, 29:11, 31:18, 32:17, 32:22
derived [1] - 12:8
described [2] - 18:15, 23:5
description [1] - 21:18
Description [1] - 3:11
detail [1] - 7:14
determine [1] - 15:10
differences [1] - 17:18
different [1] - 17:13
dimensions [1] - 13:25
directed [1] - 20:15
direction [3] - 19:14, 20:4, 21:3
Director [2] - 2:1, 2:15
discovery [3] - 15:20, 26:7, 27:14
discussed [1] - 25:10
discussing [3] - 17:4, 21:9, 28:3
discussion [3] - 21:12, 31:5, 31:6
disenfranchisement [5] - 14:22, 14:25, 15:3, 15:6, 15:10
District [2] - 4:6, 4:7
district [2] - 13:1, 13:19
DISTRICT [2] - 1:1, 1:1
districts [9] - 12:20, 13:21, 14:18, 14:23, 15:7, 15:12, 16:25, 17:1, 18:11
Districts [4] - 13:23, 14:4, 16:6, 16:11
document [23] - 6:11, 8:14, 8:19, 8:23, 8:24, 8:25, 9:5, 9:7, 9:9, 9:12, 9:15, 9:22, 9:25, 10:4, 10:5, 10:8, 10:21, 10:22, 11:6, 11:9, 16:16, 24:22
documents [36] - 19:9, 19:10, 20:7, 20:11, 21:12, 23:2, 23:14, 23:20, 23:25, 24:12, 24:15, 24:19, 24:20, 24:24, 25:11, 25:14, 25:19, 26:6, 27:3, 27:14, 27:20, 27:21, 28:5, 28:7, 28:10, 28:13, 28:14, 28:25, 29:1, 29:18, 29:21, 29:22, 30:10
done [7] - 18:16, 22:4, 22:5, 25:7, 31:15, 31:16
Doug [2] - 12:15, 18:21
Doug's [1] - 18:19
DOUGLAS [1] - 4:18
down [3] - 23:23, 27:1, 27:13
DPW [1] - 2:12
draft [3] - 8:8, 11:6, 11:15
Draft [3] - 21:19, 22:19, 25:1
drafting [1] - 10:12
driving [1] - 14:10
DUDEK [1] - 5:10
DUFFY [1] - 2:5
duly [3] - 6:4, 32:4, 32:12
during [2] - 12:3, 13:6

E

E-mail [8] - 20:23, 28:18, 28:25, 29:18, 29:21, 29:25, 30:9, 30:18
E.G [1] - 30:14
EARLE [6] - 4:21, 4:22, 7:5, 9:20, 18:2, 18:16
Earle [4] - 3:4, 3:24, 6:7, 29:16
East [5] - 4:11, 4:19, 5:11, 5:20, 32:9
EASTERN [1] - 1:1
Eastern [1] - 4:7
eaten [1] - 18:20
ECKSTEIN [1] - 1:5
edit [1] - 8:10
edited [2] - 10:6, 10:9
editing [4] - 10:17, 11:5, 11:17, 11:21
edits [2] - 11:12, 11:14
Eight [3] - 26:16, 26:23, 27:19
either [1] - 19:25
elected [1] - 27:20
electronic [2] - 25:20, 28:25
electronically [1] - 23:3
ELVIRA [1] - 1:4
employed [2] - 32:20, 32:24
employee [2] - 7:19,

32:23
enactment [2] - 19:11, 20:12
ended [2] - 13:1, 30:2
entire [1] - 11:9
Eric [2] - 20:1, 20:24
ERICA [1] - 2:9
et [4] - 4:3, 4:5, 4:20, 4:24
evaluative [2] - 15:22, 15:25
EVANJELINA [1] - 1:4
evening [2] - 4:13, 32:7
Examination [2] - 3:4, 3:5
EXAMINATION [2] - 6:6, 18:23
examination [2] - 7:18, 32:16
examined [1] - 32:15
example [2] - 17:10, 30:18
exception [1] - 21:18
exercise [1] - 23:13
Exhibit [11] - 6:1, 6:9, 8:3, 8:8, 8:10, 8:15, 10:15, 11:10, 11:11, 11:23, 18:25
exhibits [1] - 3:16
expires [1] - 33:6
extent [1] - 28:6

F

fact [3] - 8:24, 22:17, 24:20
fair [2] - 14:2, 31:4
fashion [1] - 8:10
feedback [16] - 8:11, 8:12, 8:16, 8:18, 8:20, 8:22, 9:1, 9:5, 9:6, 9:9, 9:13, 9:14, 9:23, 10:3, 10:20
fees [2] - 7:18, 8:1
File [1] - 1:12
file [9] - 14:11, 14:16, 15:21, 16:1, 16:22, 21:20, 22:20, 25:3, 25:12
filed [6] - 3:23, 7:17, 7:24, 12:1, 12:2
files [15] - 12:5, 12:9, 15:20, 16:22, 17:3, 17:7, 20:16, 21:13, 22:2, 24:12, 24:16, 24:24, 25:11
filing [1] - 8:1
financially [1] - 32:24
FIRM [1] - 5:19
first [4] - 6:4, 11:9, 21:25, 29:14
FITZGERALD [2] - 5:19, 5:19
Fitzgerald [1] - 6:19
five [3] - 12:20, 12:21, 14:17
focused [1] - 10:3
folder [2] - 22:3, 25:2
folders [2] - 22:8, 25:12
followed [1] - 20:4
following [1] - 32:10
follows [2] - 6:5, 20:3
FOLTZ [5] - 1:19, 3:3, 4:1, 6:3, 32:11
Foltz [5] - 6:8, 12:3, 18:25, 31:14, 31:19
forensic [2] - 7:18, 7:22
form [3] - 13:11, 15:24, 18:9
format [3] - 24:21, 25:21, 25:23
forth [3] - 12:15, 30:1, 30:19
forward [1] - 12:20
four [1] - 22:22
Fredonia [1] - 5:23
Friedrich [6] - 5:8, 19:22, 20:21, 26:19, 27:7, 27:17
front [1] - 19:1
FRONTERA [1] - 2:8
Frontera [2] - 4:24, 17:11
Fuller [1] - 5:13
function [1] - 22:1

G

General [3] - 2:1, 2:16, 5:3
general [1] - 8:14
generation [1] - 11:9
generically [1] - 19:21
gentlemen [1] - 7:15
GERALD [2] - 1:15, 2:14
GIS [1] - 25:8
given [7] - 11:7, 11:10, 14:16, 16:1, 16:21, 30:20, 32:18
GLADYS [1] - 1:6
GLORIA [1] - 1:7
Godfrey [2] - 4:10, 32:8
GODFREY [1] - 4:18
Government [6] - 1:13, 2:2, 2:12, 2:16, 4:4, 5:5
guess [1] - 18:14
GWENDOLYNNE [1] - 1:10

H

hand [1] - 33:2
hard [1] - 28:25
HARDIN [1] - 5:7
Heather [1] - 5:23
hereby [1] - 32:5
hereto [1] - 32:24
hereunto [1] - 33:1
HIRSCHBOECK [1] - 5:10
Hispanic [3] - 18:11, 21:20, 22:20
historical [1] - 13:9
HOUGH [1] - 1:5
hypothetically [1] - 13:17

I

identification [1] - 6:2
Identified [1] - 3:11
identify [7] - 6:13, 8:6, 8:15, 8:23, 10:8, 10:19, 11:24
identifying [1] - 23:14
Ill [1] - 1:5
Illinois [1] - 5:7
impact [1] - 15:5
implicate [1] - 11:1
implicates [1] - 24:3
improper [4] - 6:25, 7:8, 7:9, 7:10
Inc [1] - 4:24
INC [1] - 2:8
included [1] - 29:21
independent [1] - 23:13
individual [3] - 7:16, 14:11, 31:19
information [4] - 30:15, 30:17, 30:23, 31:8
initial [1] - 26:1
initiation [1] - 29:6
instead [1] - 25:19
instruct [1] - 7:1
instruction [2] - 29:4, 29:14
instructions [1] - 28:24
interest [1] - 18:3
interested [1] - 32:25
Intervenor [2] - 1:11, 2:6
Intervenor-Defendants [1] - 2:6
Intervenor-Plaintiffs [1] - 1:11
introduced [1] - 18:13
invoke [1] - 11:2
involved [2] - 11:5, 17:11
involves [1] - 21:9
involving [1] - 11:4
issue [2] - 12:14, 12:19
iterations [4] - 12:7, 12:14, 12:18, 14:16

J

JACOB [1] - 5:6
JAMES [2] - 2:4, 5:15
JEANNE [1] - 1:7
Jeff [1] - 5:12
Jefferson [2] - 4:22, 5:16
Joe [1] - 20:1
JOHNSON [2] - 1:5, 5:16
JOSE [1] - 2:9
JPS [1] - 2:12
JPS-DPW-RMD [1] - 2:12
JR [3] - 2:4, 2:4, 5:15
judge [1] - 7:9
judgment [1] - 23:13
JUDY [1] - 1:7
June [1] - 33:7
JUSTICE [1] - 5:3

K

Kahn [2] - 4:10, 32:8
KAHN [1] - 4:18
KENNEDY [2] - 2:1, 2:15
Kenosha [1] - 13:17
KEVIN [2] - 2:1, 2:15
KIND [1] - 1:10
kind [1] - 14:6
knowing [1] - 7:14
knowledge [4] - 13:13, 16:23, 17:2, 32:13
KRESBACH [1] - 1:6

L

LA [1] - 2:8
lack [1] - 25:4
Lane [1] - 5:23
LANGE [1] - 1:6
language [4] - 30:22, 30:24, 30:25, 31:1
Lanterman [2] - 21:12, 21:13
Lanterman's [2] - 21:11, 21:17
large [1] - 27:14
last [4] - 21:16, 26:3, 26:13, 27:19
latest [1] - 7:17
Latino [1] - 17:10
LAW [2] - 4:22, 5:19
Law [8] - 4:11, 4:18, 4:22, 5:7, 5:10, 5:16, 5:19, 32:9
lawful [1] - 4:2
lawsuit [1] - 29:6
lawyer [1] - 6:23
LAZAR [2] - 5:3, 31:13
lead [1] - 24:21
legal [5] - 11:5, 22:10, 22:13, 23:18, 23:19
Legal [1] - 5:22
legislative [1] - 30:19
Legislative [1] - 5:13
legislature [1] - 30:13
LESLIE [1] - 1:5
liability [1] - 7:21
likely [1] - 26:22
limitation [1] - 27:4
line [3] - 15:2, 23:11, 27:1
lines [2] - 27:13, 30:21
listed [2] - 7:19, 7:20
LLC [1] - 4:22
LLP [2] - 5:7, 5:8
located [1] - 23:2
long-term [1] - 28:19
look [4] - 15:10, 18:25, 19:4, 21:16
looking [2] - 13:12,

26:9

M

Madison [6] - 1:20, 4:11, 4:19, 5:4, 5:11, 32:9
mail [8] - 20:23, 28:18, 28:25, 29:18, 29:21, 29:25, 30:9, 30:18
Main [5] - 4:11, 4:19, 5:4, 5:11, 32:9
MANZANET [1] - 1:6
map [14] - 13:15, 13:16, 14:11, 14:16, 16:18, 16:22, 16:25, 17:14, 17:23, 18:13, 25:3, 25:6, 25:7
maps [9] - 12:8, 12:16, 12:18, 14:14, 16:5, 17:20, 18:7, 25:23, 25:25
MARIA [1] - 5:3
marked [4] - 6:1, 6:8, 8:3, 11:23
materials [1] - 29:5
matter [2] - 6:23, 7:22
matters [1] - 32:14
MAXINE [1] - 1:5
McLeod [4] - 20:1, 20:24, 26:21, 27:9
mean [6] - 20:20, 24:18, 25:12, 25:16, 30:10, 30:17
meaning [1] - 31:7
meaningful [4] - 30:15, 30:17, 30:23, 31:8
meeting [4] - 30:2, 30:12, 30:20
meetings [1] - 29:25
member [1] - 30:12
Members [4] - 1:13, 2:12, 4:4, 5:4
members [1] - 29:25
Michael [8] - 5:8, 19:22, 19:24, 20:21, 26:19, 27:7, 27:11, 27:17
MICHAEL [3] - 1:15, 2:14, 5:19
middle [1] - 20:14
midway [1] - 23:23
might [3] - 27:22, 28:10, 28:15
MILLEVILLE [1] - 32:3
Milleville [2] - 1:21, 4:8
Milwaukee [5] - 4:23, 5:17, 5:20, 17:10, 17:20
minute [3] - 10:24, 21:21, 21:24
minutes [1] - 18:20
mischaracterizes [1] - 12:12
MOORE [2] - 1:6, 1:10
most [1] - 26:22
motion [4] - 7:16, 7:17, 7:24, 7:25
move [1] - 9:17
moved [1] - 12:20
MR [21] - 6:24, 7:5, 7:7, 9:2, 9:18, 9:20, 9:24, 10:24, 16:7, 17:25, 18:2, 18:10, 18:16, 18:21, 22:12, 26:15, 29:9, 31:10, 31:12, 31:15, 31:16
MS [5] - 12:11, 13:11, 15:24, 18:9, 31:13
multiple [1] - 13:25
MURRAY [17] - 5:15, 5:16, 6:24, 7:7, 9:2, 9:18, 9:24, 10:24, 16:7, 17:25, 18:10, 18:21, 22:12, 26:15, 29:9, 31:12, 31:15
Murray [1] - 6:18
Murray's [1] - 18:3

N

name [1] - 7:19
named [1] - 32:11
nature [1] - 14:20
necessarily [1] - 14:6
need [1] - 26:9
never [1] - 27:20
next [3] - 18:18, 26:15, 30:8
NICHOL [2] - 1:15, 2:14
non [4] - 30:10, 30:11, 30:23, 31:8
non-substantive [4] - 30:10, 30:11, 30:23, 31:8
normal [1] - 30:4
North [2] - 4:22, 5:16
Nos [1] - 6:1
notarial [1] - 33:2
Notary [3] - 4:9, 32:4, 33:5
nothing [2] - 13:13, 32:12
notice [4] - 20:17, 21:2, 28:18, 29:15
noticed [1] - 31:1
number [1] - 15:2
Number [2] - 19:5, 21:7

O

oath [2] - 6:5, 32:15
object [3] - 6:24, 13:11, 15:24
objection [3] - 12:11, 16:7, 18:9
occurring [1] - 15:6
OF [6] - 1:1, 4:22, 5:3, 32:1, 32:2
OFFICE [1] - 4:22
offices [2] - 4:10, 32:8
official [2] - 1:14, 2:13
OLGA [1] - 2:9
Olson [2] - 20:1, 26:21
one [11] - 10:14, 12:18, 12:25, 17:7, 17:20, 20:2, 20:22, 21:21, 21:24, 22:11, 27:11
One [3] - 4:11, 4:19, 32:9
ongoing [1] - 16:21
opposition [3] - 27:23, 28:11, 28:16
options [2] - 15:16, 16:5
organization [1] - 17:11
orient [1] - 26:9
original [5] - 3:16, 3:23, 10:12, 11:15
Ottman's [1] - 31:2
output [1] - 25:24

P

p.m [2] - 31:20, 31:21
page [5] - 19:5, 20:14, 20:15, 26:14, 26:15
Pages [1] - 3:2
paper [2] - 24:21, 25:16
Paragraph [10] - 19:5, 21:6, 22:24, 23:11, 23:23, 24:9, 26:3, 26:13, 26:16, 27:19
paragraph [5] - 20:14, 21:17, 26:23, 28:22, 29:4
parallels [1] - 18:14
parens [1] - 30:14
part [7] - 10:5, 10:22, 11:6, 11:15, 11:17, 15:9, 18:21
participated [1] - 17:17
particular [1] - 18:12
parties [2] - 32:21, 32:24
parts [13] - 8:12, 8:15, 8:24, 8:25, 9:4, 9:9, 9:12, 9:21, 9:22, 10:8, 10:16, 11:19, 11:20
passage [1] - 23:5
passed [1] - 22:10
Patrick [1] - 5:13
PAUL [1] - 2:4
pending [1] - 4:5
people [1] - 17:16
PEREZ [1] - 2:9
perfect [1] - 17:8
perilously [1] - 7:11
period [1] - 14:5
person [1] - 32:11
Peter [2] - 3:24, 18:22
PETER [2] - 4:21, 4:22
PETERSON [1] - 5:16
PETRI [1] - 2:4
pick [1] - 8:17
PLA [3] - 22:5, 22:7, 22:9
Plaintiffs [7] - 1:9, 1:11, 2:10, 4:3, 4:4, 4:20, 4:23
plaintiffs [12] - 12:5, 12:9, 12:23, 13:4, 16:4, 16:19, 24:1, 24:13, 25:15, 25:17, 25:20, 28:14
plaintiffs' [3] - 27:23, 28:11, 28:16
Plans [3] - 21:19, 22:19, 25:1
platforms [1] - 17:5
plot [2] - 25:6, 25:7
plotted [1] - 25:3
point [5] - 10:7, 14:11, 14:12
point-by-point [2] - 14:11, 14:12
points [2] - 15:11, 17:13
POLAND [3] - 4:18, 31:10, 31:16
Poland [3] - 3:5, 17:4, 18:24
popped [1] - 28:18
portion [1] - 12:4
portions [1] - 12:19
possibly [1] - 11:17
post [1] - 19:11
potential [3] - 7:21, 14:3, 15:12
practicality [2] - 21:25, 22:3
practice [1] - 7:15
predated [1] - 23:4
preparing [1] - 31:7
present [1] - 5:22
preservation [3] - 20:17, 21:2, 29:15
previous [2] - 12:12, 26:10
printed [3] - 17:15, 25:16, 25:19
printing [7] - 23:25, 24:11, 24:18, 24:21, 24:23, 25:7, 26:11
Printing [3] - 21:19, 22:20, 25:1
private [2] - 6:19
privilege [2] - 11:3, 22:15
privileged [1] - 7:3
problem [1] - 25:9
process [15] - 11:17, 11:21, 12:17, 12:24, 13:6, 14:12, 14:21, 15:23, 15:25, 16:21, 17:12, 17:17, 18:6, 18:15, 26:7
produce [7] - 16:3, 16:4, 16:21, 16:23, 16:24, 27:21, 28:13
produced [8] - 12:5, 15:19, 16:10, 16:13, 16:14, 16:15, 16:19, 27:14
production [6] - 12:18, 14:15, 16:16, 19:9, 23:14, 27:3
program [2] - 15:13, 15:21
progress [1] - 13:14
Projects [1] - 22:3
proprietary [1] - 17:5

provide [2] - 13:8, 23:19
provided [4] - 3:16, 12:9, 25:17, 25:20
Public [3] - 4:9, 32:4, 33:5
pull [1] - 24:6
pursuant [2] - 4:7, 32:6
put [1] - 30:24

Q

qualified [1] - 32:4
questions [3] - 10:25, 31:11, 31:13

R

Racine [1] - 13:17
RAMIREZ [1] - 2:9
RAMIRO [1] - 2:9
read [1] - 7:13
really [1] - 8:17
reason [6] - 6:22, 13:4, 14:19, 20:10, 28:15, 28:20
reasons [1] - 28:12
recalling [1] - 20:1
received [5] - 19:15, 20:23, 21:3, 23:2, 29:14
receiving [1] - 29:4
recollection [1] - 30:9
reconstruct [1] - 15:22
record [2] - 31:18, 32:18
redistricting [9] - 17:12, 27:23, 28:2, 28:7, 28:11, 28:16, 29:19, 29:22, 30:6
reduced [1] - 32:16
refer [2] - 24:15
reference [1] - 28:1
references [2] - 26:23, 30:22
referencing [1] - 19:10
referring [4] - 10:10, 24:25, 26:18, 27:4
refers [1] - 24:20
reflect [1] - 14:13
reflected [2] - 12:8, 16:12
regard [1] - 18:11
regardless [1] - 28:6
REID [1] - 2:5
relate [1] - 19:12
related [4] - 7:22, 28:7, 29:22, 32:20
relating [2] - 29:19, 30:5
relative [1] - 32:23
remained [1] - 22:2
remains [1] - 11:10
remapping [1] - 13:6
remember [5] - 9:4, 9:8, 9:12, 9:21, 22:9
removed [4] - 11:7, 11:16, 11:19, 11:20
Renk [1] - 5:12
report [1] - 15:9
Reporter [3] - 1:21, 4:8, 32:3
representative [1] - 30:20
request [1] - 10:17
require [1] - 27:2
respond [1] - 11:3
response [3] - 7:24, 8:2, 15:19
responsive [4] - 23:4, 23:10, 23:15, 23:20
responsiveness [1] - 23:17
rest [2] - 15:4, 18:6
restriction [1] - 20:12
result [1] - 10:16
retain [3] - 20:16, 28:25, 29:5
retained [2] - 6:22, 7:16
review [1] - 19:8
reviewed [1] - 27:20
revisit [1] - 8:22
RIBBLE [1] - 2:5
RICHARD [2] - 1:6
RISSEEUW [1] - 1:7
RMD [1] - 2:12
ROBSON [1] - 1:7
ROCHELLE [1] - 1:6
ROGERS [1] - 1:7
roll [1] - 14:19
rolled [1] - 12:21
RON [1] - 1:4
RONALD [2] - 1:3, 1:10
roughly [1] - 21:5
RYAN [1] - 2:4

S

S.C [6] - 4:10, 4:18, 5:10, 5:16, 5:19, 32:8
SANCHEZ [1] - 1:7
SANCHEZ-BELL [1] - 1:7
save [1] - 14:4
saved [2] - 12:16, 14:14
saw [2] - 11:16, 21:13
SB [4] - 18:13, 19:12, 20:11, 27:5
SCHIFF [1] - 5:7
SCHLIEPP [1] - 1:7
scope [1] - 7:14
seal [1] - 33:2
SEAN [1] - 2:5
second [3] - 23:11, 24:10, 29:3
see [17] - 6:18, 12:24, 13:8, 13:9, 17:22, 19:12, 19:16, 20:8, 20:18, 21:25, 23:6, 23:10, 24:1, 24:13, 26:7, 27:24, 30:15
seeking [2] - 7:18, 8:1
Senate [8] - 5:12, 5:12, 13:19, 13:22, 14:4, 14:23, 16:6, 16:11
SENSENBRENNER [1] - 2:4
sent [1] - 29:16
sentence [10] - 20:3, 20:17, 21:16, 24:10, 26:3, 26:13, 27:19, 28:9, 29:3, 30:8
sentences [1] - 26:10
serve [1] - 22:1
Services [1] - 5:14
set [2] - 30:20, 33:1
setting [3] - 29:24, 30:2, 30:12
Seven [5] - 22:24, 23:11, 23:23, 26:3, 26:13
shape [1] - 17:7
share [2] - 17:3, 17:6
SHEILA [1] - 1:4
short [2] - 18:17, 21:9
shortcomings [1] - 17:9
showing [3] - 6:8, 8:3, 11:23
simply [2] - 20:3, 25:2
Six [1] - 21:7
software [2] - 14:7, 25:8
sorry [3] - 7:12, 16:9, 26:11
sought [1] - 15:4
specific [7] - 8:25, 9:9, 9:22, 10:2, 19:24, 20:24, 30:25
specifically [12] - 8:13, 8:17, 11:18, 15:1, 19:10, 20:2, 20:22, 21:11, 24:25, 27:9, 27:10, 30:7
ss [1] - 32:1
staffer [1] - 30:19
start [1] - 14:19
started [1] - 12:21
STATE [2] - 5:3, 32:1
state [7] - 20:7, 21:17, 23:1, 26:5, 27:19, 29:3, 30:8
State [5] - 4:9, 4:12, 32:5, 32:10, 33:5
statement [3] - 14:2, 23:24, 24:3
STATES [1] - 1:1
States [1] - 4:6
stored [1] - 23:2
Street [7] - 4:11, 4:19, 4:22, 5:4, 5:11, 5:16, 32:9
strike [1] - 9:10
sub [2] - 21:20, 22:20
submitted [1] - 31:2
Subpoena [1] - 3:12
subpoena [8] - 4:7, 6:14, 23:2, 23:4, 23:15, 23:21, 27:2, 32:6
substantive [4] - 30:10, 30:11, 30:23, 31:8
Suite [5] - 4:19, 4:22, 5:11, 5:17, 5:23
Supplement [1] - 3:14
supplemental [8] - 10:10, 10:13, 11:25, 12:1, 16:16, 24:4, 24:6, 24:9
SUSAN [1] - 32:3
Susan [2] - 1:21, 4:8
sworn [2] - 6:4, 32:12

T

TAMMY [1] - 1:10
team [3] - 15:4, 15:15, 18:6
Technology [1] - 5:13
telephone [1] - 4:23
Ten [1] - 28:22
term [2] - 25:4, 28:19
testified [6] - 6:5, 8:21, 11:12, 11:14, 12:3, 12:7
testify [1] - 32:12
testimony [9] - 9:4, 9:6, 9:11, 9:14, 11:11, 12:12, 16:17, 32:18
text [5] - 12:4, 12:9, 15:20, 17:6, 25:24
THE [2] - 18:19, 31:17
thereupon [1] - 32:15
third [1] - 27:1
THOMAS [5] - 1:15, 1:16, 2:4, 2:14, 2:15
three [1] - 18:12
Three [1] - 20:14
THYSSEN [1] - 1:8
TIMOTHY [2] - 1:16, 2:15
today [2] - 6:16, 28:12
today's [1] - 6:15
Todd [1] - 5:22
top [2] - 15:2, 19:5
topic [1] - 21:9
touching [1] - 32:13
towards [1] - 14:10
Tower [1] - 5:7
tracking [1] - 16:25
transcript [2] - 3:16, 3:23
transcription [1] - 32:17
TRAVIS [1] - 1:8
true [4] - 15:23, 16:6, 16:13, 32:18
truth [2] - 32:12, 32:13
turn [3] - 21:6, 22:23, 23:25
turned [3] - 24:13, 25:14, 26:5
twice [1] - 9:3
Two [2] - 19:5, 24:9
two [9] - 7:15, 13:20, 14:23, 15:7, 15:12, 17:6, 18:14, 26:23, 27:13
typewriting [1] - 32:16

U

ultimately [3] - 15:19, 17:19, 23:17
underlying [1] - 25:3
United [1] - 4:6
UNITED [1] - 1:1
up [7] - 13:2, 28:18, 29:24, 30:2, 30:12, 30:20

V

VARA [1] - 2:9
various [7] - 13:22, 14:15, 14:16, 15:11, 17:13, 17:18, 29:25
VERA [1] - 1:4
versions [2] - 16:11, 18:12
versus [1] - 23:15
via [1] - 22:4
video [1] - 31:18
Video [1] - 5:22
VIDEOGRAPHER [1] - 31:17
VIDEOTAPE [2] - 1:18, 4:1
Voces [2] - 4:24, 17:11
VOCES [1] - 2:8
VOCKE [2] - 1:16, 2:15
volumes [1] - 27:14
voters [1] - 14:23

W

waiving [1] - 22:14
WARA [1] - 2:9
ways [1] - 17:6
weeds [1] - 14:7
weird [1] - 25:5
West [1] - 5:4
wherein [1] - 4:3
whereof [1] - 33:1
whole [7] - 8:19, 8:23, 9:7, 9:15, 9:24, 10:4, 10:21
WHYTE [1] - 5:10
WI [1] - 5:23
Willis [1] - 5:7
WISCONSIN [3] - 1:1, 5:3, 32:1
Wisconsin [25] - 1:13, 1:20, 2:1, 2:12, 2:16, 4:4, 4:7, 4:9, 4:12, 4:19, 4:23, 5:4, 5:5, 5:11, 5:12, 5:12, 5:13, 5:13, 5:17, 5:20, 5:20, 32:5, 32:10, 33:5
wit [1] - 32:11
withheld [1] - 20:10
withhold [1] - 20:7
Witness [1] - 3:2
WITNESS [1] - 18:19
witness [7] - 4:2, 5:17, 5:21, 6:4, 7:2, 32:18, 33:1
word [1] - 12:14
words [1] - 23:9
works [1] - 14:8

Y

yielded [1] - 18:21
yourself [1] - 26:9

Z

zero [1] - 16:25

AO88 (Rev. 12/07) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

Eastern District of Wisconsin

ALVIN BALDUS, et al.

V.

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, et al.

SUBPOENA IN A CIVIL CASE

Case Number:[1] 11-CV-562-JPS

TO: Adam Foltz
Wisconsin State Capitol
2 East Main Street, Room 211 South
Madison, WI 53707

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☑ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. The deposition will be recorded by stenographic and audiovisual means.

PLACE OF DEPOSITION	DATE AND TIME
GODFREY & KAHN, S.C. One East Main Street, Suite 500, Madison, WI 53703, Ph: (608) 257-3911	4/30/2013 9:00 am

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Counsel for Plaintiffs, Alvin Baldus, et al.	4/22/2013

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Attorney Douglas M. Poland, GODFREY & KAHN, S.C., One East Main Street, Suite 500, Madison, WI 53703, Telephone: (608) 284-2625, Email: dpoland@gklaw.com, Counsel for Plaintiffs, Alvin Baldus, et al.

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

[1] If action is pending in district other than district of issuance, state district under case number.

Foltz
EXHIBIT NO. 1
4/30/13 RPTR
For the Record, Inc.
(608) 833-0392

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

_____
SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Godfrey & Kahn, S.C.
One East Main Street
Madison, WI 53703

04-19-2013 FOLTZ, ADAM 58515 058515

DATE	INVOICE #	CLIENT / MATTER #	GL # / DESCRIPTION	AMOUNT
04-19-13	13041902	010175-0001	WITNESS FEES/MILEAGE	41.13

GODFREY & KAHN S.C.

Godfrey & Kahn, S.C.
One East Main Street
Madison, WI 53703

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

58515 058515

DATE	INVOICE #	CLIENT / MATTER #	GL # / DESCRIPTION	AMOUNT
04-19-13	13041902	010175-0001	WITNESS FEES/MILEAGE	41.13

GODFREY & KAHN S.C.

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

GODFREY & KAHN S.C. 058515

One East Main Street
Madison, WI 53703

M&I MARSHALL & ILSLEY BANK
MILWAUKEE, WI 53202

12-5
750

VOID AFTER 90 DAYS

PAY FORTY-ONE AND 13/100

DATE 04-19-2013 AMOUNT $ 41.13

TO THE ORDER OF
ADAM FOLTZ
WISCONSIN STATE CAPITOL
2 EAST MAIN STREET
MADISON, WI 53703

James R Bays
AUTHORIZED SIGNATURE

⑈058515⑈ ⑆075000051⑆ 00122⑈63064⑈

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE BECHEN, RONALD BIENDSEIL, RON BOONE, VERA BOONE, ELVIRA BUMPUS, EVANJELINA CLEEREMAN, SHEILA COCHRAN, LESLIE W. DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH, CLARENCE JOHNSON, RICHARD KRESBACH, RICHARD LANGE, GLADYS MANZANET, ROCHELLE MOORE, AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS, JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN ET AL., GWENDOLYNNE MOORE and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI, PAUL D. RYAN, JR., REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

Civil Action
File No. 11-CV-562

Three-judge panel
28 U.S.C. § 2284

VOCES DE LA FRONTERA, INC., RAMIRO VARA, OLGA VARA, JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants.

DECLARATION OF ADAM FOLTZ

I, Adam Foltz, declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I have a bachelor of business administration degree in Finance and Economics from the University of Wisconsin-Whitewater. During the 2011 redistricting process, I was a legislative aide for Representative Jeff Fitzgerald, the Speaker of the Wisconsin Assembly. Currently I am a legislative aide for Senate Majority Leader Scott Fitzgerald. The computer assigned to me by the Legislative Technology Services Bureau ("LTSB") was used during the redistricting process.

2. I received a subpoena to provide testimony prior to the redistricting trial. I was advised by the Assembly's attorney that I needed to search for and produce documents related to the redistricting process that pre-dated the enactment of Acts 43 and 44. I performed a search of my records at the time and produced such documents in my possession in response to the subpoena. I understand that the Court ruled on February 25, 2013, that documents that post-dated the enactment of Acts 43 and 44 and that related to SB 150, which later became Act 39, should have been produced. However, that was not the advice and direction I had received at the

time from the Assembly's attorney. I simply followed the attorney's direction, and I did not withhold any documents based on their content.

3. After the Court issued its decision in the redistricting case, the Assembly's attorney provided me with an April 10, 2012 letter titled "NOTICE OF PRESERVATION DEMAND" served on the Wisconsin Assembly by the plaintiffs in regards to a potential open meeting violation. I was directed by the Assembly's attorney to continue to retain files based on the Preservation Notice but that the obligation to do so was related only to documents relevant to an alleged open meetings violation. Nonetheless, I continued to preserve documents pertaining to the redistricting process on my computer.

4. My computer was not used solely for redistricting. While I maintained redistricting files on my computer, I continued to use my computer for my other legislative activities. Accordingly, there would naturally be many deletions of information on my computer, but those deletions are not deletions of redistricting files. I created much information on my computer after the redistricting trial as it related to my legislative responsibilities and much of that information was supplemented and deleted during the ordinary course of my activities.

5. The redistricting computers, including mine, were set up with two internal hard drives and one external hard drive. The two internal hard drives were mirror images such that all redistricting documents were saved to both internal hard drives as a redundancy back-up safety precaution in case one of the hard drives became corrupted. Similarly, the external hard drive was a second safety back-up in the event that both the internal hard drives became corrupted. This was to ensure that all documents relevant to the redistricting process would be protected against computer failure. I cannot explain why one external hard drive became corrupted. That

would have meant only that the second safety redundancy precaution had failed but the two internal hard drives would contain the same documents that had existed on the one external hard drive that became corrupted. In any event, I never did anything to destroy or interfere with any hard drives.

6. In paragraphs 8 and 9 of the Third Declaration of Mark Lanterman, Mr. Lanterman discusses deletions in 2012 from computer "ASM Republican WRK32586," which was the computer I was provided by LTSB. He discusses deletions from a folder titled "Draft Plans for Printing," and its sub-folder titled "Hispanic amendment." He also states that he recovered ten of the deleted documents that were identical to non-deleted documents he found in another folder called "Projects" still located on my desktop. While Mr. Lanterman's description is accurate (with the exception that I do not believe the Draft Plans for Printing and Hispanic amendment sub-file were created and deleted one minute apart), the implication that I deleted, and thus destroyed, redistricting files is not correct.

7. When I received the subpoena I located documents stored electronically on my computer that I believed were responsive to the subpoena (that pre-dated the passage of Act 43 and 44, as described above). I created the "Draft Plans for Printing" folder and its sub-folder "Hispanic amendment" simply to copy and deposit documents I had stored elsewhere on my computer, such as in the Projects file. By copying the documents stored elsewhere on my computer and placing the copies into the printing collection files, I was able to do a bulk printing of the documents to turn over to plaintiffs at my deposition. I was also able to copy them into another folder titled "Deposition CD2" for use in deposition preparation and delivery to the Assembly's attorneys. After I ensured that the responsive documents had been correctly printed as they had been stored in the Draft Plans for Printing and Hispanic amendment folders and

copied into the Deposition CD2 folder, I deleted the Draft Plans for Printing and Hispanic amendment folders since they were no longer necessary. However, deleting those folders did not destroy the documents. The documents remained electronically stored in my computer in the locations from which they had been copied and in the Deposition CD2 folder. In addition, I turned over all of the documents to the Assembly's attorneys for use in the discovery process.

8. While, as explained above, I did not produce documents post-dating the enactment of Acts 43 and 44 or that related to SB 150 (Act 39), I did not do so only because I was told by the Assembly's attorney that the subpoena did not require production of those documents. In the course of discovery, I produced large volumes of documents to the Assembly's attorneys and relied on them to make the decision as to which documents should be produced. On several occasions the attorneys reviewed the documents on my computer with me and designated which should be produced. I never reviewed any documents and elected not to produce them, nor did I ever delete documents from my computer because I thought they might aid in plaintiffs' opposition to redistricting.

9. Prior to the Court's February 25, 2013 ruling that documents that post-dated Acts 43 and 44 and documents that related to passage of SB 150 (Act 39) should have been produced, it is my understanding that my computer was delivered to the LTSB, and that thereafter the hard drives were removed and copied for the forensic examination. Thus, I have not had the opportunity to search for the documents that the Court has now ruled should have been produced.

10. When I first began doing work relating to redistricting in or about early 2011, I do not recall being instructed by the Assembly's attorneys to retain all email, electronic documents, or hard copy documents. I recall receiving that instruction sometime after the initiation of this lawsuit. As a result, I did delete some email and documents relating to redistricting. To the best

of my recollection, however, any deleted email or documents were non-substantive (*e.g.*, containing no meaningful information). Again, I never deleted or discarded documents because I thought they might aid a future opposition to the redistricting. During my pre-trial discovery depositions in December 2011 and February 2012, the plaintiffs' counsel asked about these issues, and I disclosed the deletions at that time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 25th day of April, 2013

/s/ Adam Foltz
Adam Foltz

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE BECHEN, RONALD BIENDSEIL, RON BOONE, VERA BOONE, ELVIRA BUMPUS, EVANJELINA CLEEREMAN, SHEILA COCHRAN, LESLIE W. DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH, CLARENCE JOHNSON, RICHARD KRESBACH, RICHARD LANGE, GLADYS MANZANET, ROCHELLE MOORE, AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS, JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN ET AL., GWENDOLYNNE MOORE and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI, PAUL D. RYAN, JR., REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

Civil Action
File No. 11-CV-562

Three-judge panel
28 U.S.C. § 2284

VOCES DE LA FRONTERA, INC., RAMIRO VARA, OLGA VARA, JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

WHD/9454149.1

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants.

SUPPLEMENTAL DECLARATION OF ADAM FOLTZ

I, Adam Foltz, declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the same Adam Foltz who prepared a Declaration on April 25, 2013.

2. I have reviewed Paragraph 7 to my April 25, 2013 Declaration. In it I stated: "By copying the documents stored elsewhere on my computer and placing the copies into the printing collection files, I was able to do a bulk printing of the documents to turn over to plaintiffs at my deposition." It is correct that I did a bulk printing of the documents in the files and that the documents were turned over to the Plaintiffs. I did not mean, however, that the printed paper copies were provided to the Plaintiffs. Instead, the documents I had printed were provided to the Plaintiffs in an electronic format.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of April, 2013

/s/ Adam Foltz
Adam Foltz