

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

WILLIAM WHITFORD, et al.

Plaintiffs,

v.

Case No. 3:15-CV-00421-jdp

BEVERLY R. GILL, et al.,

Defendants;

and

THE WISCONSIN STATE ASSEMBLY,

Intervenor-Defendant.

**NOTICE IN SUPPORT OF THE ASSEMBLY'S OPPOSITION TO THE
PLAINTIFFS' MOTION TO COMPEL DEPOSITION AND
PRODUCTION OF DOCUMENTS BY ROBIN J. VOS**

Since the parties completed briefing on Plaintiffs' motion to compel discovery from Speaker Vos, Plaintiffs issued subpoenas seeking the same information from two other sources, Legislative Aides Adam Foltz and Tad Ottman. Plaintiffs' recent subpoenas demonstrate that it is not necessary for Plaintiffs to take discovery from Speaker Vos, the highest-ranking official in the Wisconsin State Assembly. Setting aside that legislative immunity and privilege bar Plaintiffs' attempts to seek discovery from the Speaker, there is simply no reason to divert the Speaker's attention away from his duties to the

people of Wisconsin to provide discovery that the Plaintiffs recognize they can obtain elsewhere.

As explained in the Speaker's response to Plaintiffs' motion to compel, high-ranking government officials are not subject to discovery absent extraordinary circumstances. ECF No. 265 at 26–30. Among other things, the party seeking discovery must show that the information they want is unavailable from “an alternative source or via less burdensome means.” *Warzon v. Drew*, 155 F.R.D. 183, 185-86 (E.D. Wis. 1994). Recognizing this requirement, Plaintiffs insisted to the Court that “Speaker Vos *is the only witness*” who can provide the information they seek, because the Speaker's information is “uniquely held” by him. ECF No. 268 at 14, 18 (emphasis added). Plaintiffs' latest subpoenas show these assertions are false.

A comparison of the riders attached to Plaintiffs' subpoenas of Mr. Foltz, Mr. Ottman, and Speaker Vos highlights that all seek the same information. For example, Plaintiffs requested documents from Mr. Foltz and Mr. Ottman related to what they and State Legislators took into account in drafting Act 43:

All documents . . . reflecting consideration of the following redistricting criteria: equal population, contiguity, compliance with the Voting Rights Act, core retention, incumbency, compactness, and municipal or county splits that were created or **used by you, state legislative staff, state legislators**, and/or any consultants or experts **in the planning, development, negotiation, drawing, revision, or redrawing of the maps codified in 2011 Wisconsin Act 43** or any other potential state assembly plan that was not adopted.

Ex. 1 (Foltz Subpoena at Ex. A) (emphasis added); see also Ex. 2 (Ottman Subpoena at Ex. A). These document requests show that the Plaintiffs intend to ask Mr. Foltz and Mr. Ottman about the intent of the drafters of Act 43. It is no different than Plaintiffs' request that Speaker Vos testify and produce documents regarding the same. *See* ECF No. 259-2 at 7. Yet in their briefing, Plaintiffs claimed "Speaker Vos is the only witness who can speak to the intent behind the district lines" ECF No. 268 at 14.

The overlap between the subpoenas does not end there. Among other examples, Plaintiffs intend to ask Mr. Foltz, Mr. Ottman, and Speaker Vos about "communications with any current or former Republican Wisconsin State Assembly member . . . about the impact Act 43 would have on Assembly elections." *Compare* Ex. 1 ¶ 6 (Foltz Subpoena Ex. A), Ex. 2 ¶ 6 (Ottman Subpoena Ex. A), *with* ECF No. 259-2 at 8 (request 15). Plaintiffs also intend to ask Mr. Foltz, Mr. Ottman, and the Speaker about communications with five individuals associated with the Republican National Committee and "documents reflecting or relating or referring to the Redistricting Majority Project, commonly referred to as 'REDMAP'". *Compare* Ex. 1 ¶¶ 3–5 (Foltz Subpoena at Ex. A), Ex. 2 ¶¶ 3–5 (Ottman Subpoena at Ex. A), *with* ECF No. 259-2 at 7-8 (requests 7–9).¹

¹ The Assembly reserves all rights to challenge the scope of Plaintiffs' subpoenas of Messrs. Foltz and Ottman because, among other deficiencies, the subpoenas seek information already in Plaintiffs' possession.

Plaintiffs' recent subpoenas make clear what they have known all along: Speaker Vos is not the "only" source of the information they want. Accordingly, there are no extraordinary circumstances that come close to warranting discovery from the Speaker, and the Court should deny Plaintiffs' motion.

April 26, 2019

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Attorneys for Wisconsin State Assembly

Exhibit 1

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Wisconsin

WILLIAM WHITFORD, ET AL.,

Plaintiff

v.

BEVERLY R. GILL, ET AL.,

Defendant

Civil Action No. 15-cv-421-jdp

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: ADAM FOLTZ

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (RATHJE WOODWARD LLC, 10 E. Doty St., Suite 507, Madison, WI 53703) and Date and Time (Thursday, May 23, 2019 at 9 AM)

The deposition will be recorded by this method: Stenographic means.

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See attached Ex. A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/26/19

CLERK OF COURT

OR

Handwritten signature of attorney

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) William Whitford et al. Plaintiffs, who issues or requests this subpoena, are:

Annabelle E. Harless, 73 W. Monroe St., Ste. 302, Chicago, IL 60603, (312) 561-5508, aharless@campaignlegalcenter.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 15-cv-421-jdp

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____ .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

DOCUMENTS TO BE PRODUCED BY ADAM FOLTZ

On or before May 16, 2019, you or your representatives must produce the following documents, communications, electronically stored information, objects and/or materials (collectively “documents” or “materials”) that are in your actual or constructive possession, custody, or control, and permit the inspection, copying, testing and/or sampling of the materials, that were created or used during the period February 1, 2010 to April 26, 2019:

1. All documents, including but not limited to email, created during the time periods of February 1, 2010 to August 9, 2011 reflecting consideration of the following redistricting criteria: equal population, contiguity, compliance with the Voting Rights Act, core retention, incumbency, compactness, and municipal or county splits that were created or used by you, state legislative staff, state legislators, and/or any consultants or experts in the planning, development, negotiation, drawing, revision, or redrawing of the maps codified in 2011 Wisconsin Act 43 or any other potential state assembly plan that was not adopted.
2. Copies of any and all documents prepared by or transmitted by the Republican National Committee, that relate or refer to legislative redistricting, including but not limited to the document attached hereto as Exhibit 1.
3. Copies of any and all communications, including email, that relate or refer to legislative redistricting, reflecting or referring to any of the following people or email addresses:
 - a. Tom Hofeller, thofeller@rnchq.org
 - b. Dale Oldham, doldham@rnchq.org
 - c. Mike Wild, mwild@rnchq.org
 - d. John Phillippe, jphillippe@rnchq.org
 - e. Leslie Rutledge, lrutledge@rnchq.org
4. Any and all materials reflecting or relating or referring to the April 2010 Republican National Committee’s GOP Redistricting Conference, including any and all notes, summaries, minutes, agendas, papers, documents, data, computer files, CDs, training materials, or any other written or electronic material prepared for, distributed at, created at, or otherwise related to that conference.
5. Any and all documents reflecting or relating or referring to the Redistricting Majority Project, commonly referred to as “REDMAP.”
6. Any and all documents reflecting or relating or referring to communications with any current or former Republican Wisconsin State Assembly member or candidate

about the impact Act 43 would have on Assembly elections across the State of Wisconsin as a whole or in any one or more particular Assembly districts from January 2010 to the present.

7. Any and all documents containing, reflecting, or relating to facts you will testify about at trial.

Redistricting Essentials

CONSOLIDATING THE RESULT OF THE 2010 ELECTION

November 12, 2010

I. **Timeline:**

- a. On November 12th, there are only 78 days until the 2010 Decennial Census data becomes available and the redistricting begins.
- b. **Now that we had a spectacular election outcome, it's time to make sure the Democrats cannot take it away from us in 2011 and 2012**

II. **Technology/Data:**

- a. You must have identified all the political data you need to draw the lines and to prevail in any litigation.
- b. You need to identify the source of all required data and make provisions to collect what additional data is required. Primary elections will be required in some states for Voting Rights Act issues. Particular emphasis should be placed on elections involving minority versus non-minority contests – even including county and local elections were appropriate. This underscores the need for a legal strategy (see below).
- c. **You need to complete work on your election history precinct-level database as quickly as possible and be prepared to incorporate the results of the 2010 election into your redistricting database.**
- d. All the stakeholders in your state need to identify what software system they will use and what hardware is required to host it. Will public funds be available? Will other resources be required from GOP sources?

III. **Legal Preparations:**

- a. Most states will have litigation of some type.
- b. Litigation is expensive. Will litigation be paid for using public or private sources, or both?
- c. Litigation could even start right now, directly after the elections. Is funding available?
- d. **You should already have a legal strategy and access to experienced redistricting counsel.**
- e. Your redistricting legal record has already begun. Avoid misstatements in public or emails: (Keep it simple, such as “We want a FAIR process that follows all the requirements of the law.”)

IV. **Training:**

- a. The RNC can train you on the use of Maptitude for Redistricting, but you will need to pay the travel expenses to come to Washington, DC.
- b. CD's with the training materials from the April 2010 RNC's GOP Redistricting Conference are available on request.
- c. **If you have questions, please call us at the RNC. That's what we're here for.**

Tom Hofeller	Redistricting Coordinator	(202) 863-8816 or (703) 623-0764	thofeller@rnchq.org
Dale Oldham	Redistricting Counsel	(202) 863-8323 or (803) 237-0586	doldham@rnchq.org
Mike Wild	Redistricting Deputy	(202) 863-8783 or (202) 309-1529	mwild@rnchq.org
John Phillippe	Chief Counsel	(202) 863-8638 or (202) 863-8702	jphillippe@rnchq.org
Leslie Rutledge	Associate Counsel	(202) 863-8638 or (202) 863-5109	lrutledge@rnchq.org

**Paid for by the Republican National Committee * Not authorized
by any candidate or candidate's committee * www.gop.com**

Exhibit 2

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT
for the

WILLIAM WHITFORD, ET AL.,)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 15-cv-421-jdp
BEVERLY R. GILL, ET AL.,)	
<i>Defendant</i>)	

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: TAD OTTMAN

(Name of person to whom this subpoena is directed)

Testimony: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: RATHJE WOODWARD LLC 10 E. Doty St., Ste. 507 Madison, WI 53703	Date and Time: May 22, 2019 at 9 AM
---	--

The deposition will be recorded by this method: Stenographic means.

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See attached Ex. A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/26/19

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs William Whitford, et al.

, who issues or requests this subpoena, are:
Annabelle E. Harless, 73 W. Monroe St., Ste. 507, Chicago, IL 60603, (312)561-5508, aharless@campaignlegalcenter.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 15-cv-421-jdp

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____ .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
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(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:

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- (i) fails to allow a reasonable time to comply;
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- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(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.

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(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.

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(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

DOCUMENTS TO BE PRODUCED BY TAD OTTMAN

On or before May 15, 2019, you or your representatives must produce the following documents, communications, electronically stored information, objects and/or materials (collectively “documents” or “materials”) that are in your actual or constructive possession, custody, or control, and permit the inspection, copying, testing and/or sampling of the materials, that were created or used during the period February 1, 2010 to April 26, 2019:

1. All documents, including but not limited to email, created during the time periods of February 1, 2010 to August 9, 2011 reflecting consideration of the following redistricting criteria: equal population, contiguity, compliance with the Voting Rights Act, core retention, incumbency, compactness, and municipal or county splits that were created or used by you, state legislative staff, state legislators, and/or any consultants or experts in the planning, development, negotiation, drawing, revision, or redrawing of the maps codified in 2011 Wisconsin Act 43 or any other potential state assembly plan that was not adopted.
2. Copies of any and all documents prepared by or transmitted by the Republican National Committee, that relate or refer to legislative redistricting, including but not limited to the document attached hereto as Exhibit 1.
3. Copies of any and all communications, including email, that relate or refer to legislative redistricting, reflecting or referring to any of the following people or email addresses:
 - a. Tom Hofeller, thofeller@rnchq.org
 - b. Dale Oldham, doldham@rnchq.org
 - c. Mike Wild, mwild@rnchq.org
 - d. John Phillippe, jphillippe@rnchq.org
 - e. Leslie Rutledge, lrutledge@rnchq.org
4. Any and all materials reflecting or relating or referring to the April 2010 Republican National Committee’s GOP Redistricting Conference, including any and all notes, summaries, minutes, agendas, papers, documents, data, computer files, CDs, training materials, or any other written or electronic material prepared for, distributed at, created at, or otherwise related to that conference.
5. Any and all documents reflecting or relating or referring to the Redistricting Majority Project, commonly referred to as “REDMAP.”
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about the impact Act 43 would have on Assembly elections across the State of Wisconsin as a whole or in any one or more particular Assembly districts from January 2010 to the present.

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November 12, 2010

I. **Timeline:**

- a. On November 12th, there are only 78 days until the 2010 Decennial Census data becomes available and the redistricting begins.
- b. **Now that we had a spectacular election outcome, it's time to make sure the Democrats cannot take it away from us in 2011 and 2012**

II. **Technology/Data:**

- a. You must have identified all the political data you need to draw the lines and to prevail in any litigation.
- b. You need to identify the source of all required data and make provisions to collect what additional data is required. Primary elections will be required in some states for Voting Rights Act issues. Particular emphasis should be placed on elections involving minority versus non-minority contests – even including county and local elections were appropriate. This underscores the need for a legal strategy (see below).
- c. **You need to complete work on your election history precinct-level database as quickly as possible and be prepared to incorporate the results of the 2010 election into your redistricting database.**
- d. All the stakeholders in your state need to identify what software system they will use and what hardware is required to host it. Will public funds be available? Will other resources be required from GOP sources?

III. **Legal Preparations:**

- a. Most states will have litigation of some type.
- b. Litigation is expensive. Will litigation be paid for using public or private sources, or both?
- c. Litigation could even start right now, directly after the elections. Is funding available?
- d. **You should already have a legal strategy and access to experienced redistricting counsel.**
- e. Your redistricting legal record has already begun. Avoid misstatements in public or emails: (Keep it simple, such as “We want a FAIR process that follows all the requirements of the law.”)

IV. **Training:**

- a. The RNC can train you on the use of Maptitude for Redistricting, but you will need to pay the travel expenses to come to Washington, DC.
- b. CD's with the training materials from the April 2010 RNC's GOP Redistricting Conference are available on request.
- c. **If you have questions, please call us at the RNC. That's what we're here for.**

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