

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.

**THE WISCONSIN STATE ASSEMBLY'S
FED. R. CIV. P. 26(a)(3) DISCLOSURES**

The Wisconsin State Assembly makes the following pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3).

The Assembly reserves the right to amend or supplement these pretrial disclosures after the Supreme Court decides two pending partisan gerrymandering cases, *Rucho v. Common Cause*, No. 18-422, and *Lamone v. Benisek*, No. 18-726. Until the Supreme Court decides those cases, no party can know which, if either, of Plaintiffs' claims are justiciable, what the standards are for adjudicating those claims, and what would be the relevant evidence to prove or defend against Plaintiffs' claims under those standards.

**Rule 26(a)(3)(A)(i): Individuals potentially called to testify
regarding this matter.**

The Assembly expects to call the following witnesses at trial:

1. Brian Gaines
2. James Gimpel

The Assembly may call the following witnesses at trial:

1. Graham Adsit
2. Roger Anclam
3. Warren Braun
4. Hans Breitenmoser
5. Judith Brey
6. Brent Brigson
7. Emily Bunting
8. Sandra Carlson-Kaye
9. Guy Costello
10. Timothy Daley
11. Margaret Leslie DeMuth
12. Daniel Dieterich
13. Mary Lynne Donohue
14. Leah Dudley
15. Jennifer Estrada
16. Barbara Flom
17. Adam Foltz
18. Helen Harris
19. Gail Hohenstein
20. Wayne Jensen
21. Wendy Sue Johnson
22. Michael Lecker
23. Elizabeth Lentini
24. Norah McCue
25. Janet Mitchell
26. Tad Ottman
27. Deborah Patel
28. Jane Pedersen
29. Nancy Petulla
30. Robert Pfundheller
31. Sara Ramaker
32. Rosalie Schnick
33. Allison Seaton

34. James Seaton
35. Ann E. Stevning-Roe
36. Linea Sundstrom
37. Michael Switzenbaum
38. Jerome Wallace
39. William Whitford
40. Donald Winter
41. Edward Wohl
42. Ann Wolfe

The Assembly reserves the right to call any witness named on Plaintiffs' witness list and on the Election Commissions Defendants' witness list.

The Assembly reserves the right to amend or supplement these pretrial disclosures of witnesses after the Supreme Court decides the pending partisan gerrymandering cases, *Rucho v. Common Cause*, No. 18-422, and *Lamone v. Benisek*, No. 18-726.

Rule 26(a)(3)(A)(ii): Individuals whose testimony may be presented by deposition transcript.

1. R. Keith Gaddie (The Assembly's designations from Dr. Gaddie's deposition are attached as Exhibit A)

The Assembly reserves the right to counter-designate testimony from any and all depositions designated by Plaintiffs.

The Assembly reserves the right to further designate depositions if a witness listed becomes unavailable.

The Assembly reserves the right to amend or supplement these deposition designations after the Supreme Court decides the pending partisan gerrymandering cases, *Rucho v. Common Cause*, No. 18-422, and *Lamone v. Benisek*, No. 18-726.

Rule 26(a)(3)(A)(iii): Identification of documents or exhibits.

The Assembly may offer the documents and exhibits identified in the Wisconsin Election Commission Defendants and The Wisconsin State Assembly's Exhibit List, which the Assembly is contemporaneously filing with these disclosures, into evidence at trial. The Assembly may also offer any of the documents and exhibits identified in the Elections Commission Defendants' exhibit list submitted on April 28, 2016 (ECF No. 103); Plaintiffs' exhibit list submitted on April 26, 2016 (ECF No. 102); any exhibit list submitted on June 14, 2019; any supplemental or amended exhibit list later submitted by any party; any exhibits, papers, records, and writings provided by Plaintiffs in this case including any attachments to filings; all exhibits and appendices to expert witness reports and expert witness reliance material; and any newly discovered evidence, records, reports, and exhibits.

The fact that a document listed on any of the above exhibit lists is not an admission that the document is authentic or admissible if offered by Plaintiffs.

The Assembly reserves its right to offer demonstrative exhibits (except for demonstrative exhibits that were not disclosed as required by Fed. R. Civ. P. 26(a)(2)(B)(iii)) and exhibits that will be offered for purposes of impeachment only, even if not listed on the above exhibit lists.

The Assembly reserves the right to use the best copy of each exhibit (e.g., most legible, highest resolution), regardless of whether that version of the

exhibit was previously exchanged, and to supplement for completeness any partial exhibits.

The Assembly reserves the right to amend or supplement these pretrial disclosures of exhibits after the Supreme Court decides the pending partisan gerrymandering cases, *Rucho v. Common Cause*, No. 18-422, and *Lamone v. Benisek*, No. 18-726.

June 14, 2019

Respectfully submitted,

/s/ Adam K. Mortara

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Exhibit A

