

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE  
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and  
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official capacity as President of the Senate; LUKE A. RANKIN, in his official capacity as Chairman of the Senate Judiciary Committee; JAMES H. LUCAS, in his official capacity as Speaker of the House of Representatives; CHRIS MURPHY, in his official capacity as Chairman of the House of Representatives Judiciary Committee; WALLACE H. JORDAN, in his official capacity as Chairman of the House of Representatives Elections Law Subcommittee; HOWARD KNAPP, in his official capacity as interim Executive Director of the South Carolina State Election Commission; JOHN WELLS, Chair, JOANNE DAY, CLIFFORD J. EDLER, LINDA MCCALL, and SCOTT MOSELEY, in their official capacities as members of the South Carolina Election Commission,

Defendants.

Civil Action No. 3:21-cv-03302-MBS-TJH-RMG

**MOTION TO COMPEL PRODUCTION  
OF DOCUMENTS BY DEFENDANTS  
JAMES H. LUCAS, CHRIS MURPHY,  
AND WALLACE H. JORDAN**

Defendants James H. Lucas (in his official capacity as Speaker of the South Carolina House of Representatives), Chris Murphy (in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee), and Wallace H. Jordan (in his official capacity as Chairman of the South Carolina House of Representatives Redistricting Ad Hoc Committee) (collectively, the “**House Defendants**”), by and through undersigned counsel and pursuant to Fed.

R. Civ. P. 26(c), hereby respectfully submit this Motion to Compel (“**Motion**”) the production of documents responsive to their First Set of Requests for Production from Plaintiffs The South Carolina State Conference of the NAACP (“**SC NAACP**”) and Taiwan Scott, on behalf of himself and all other similarly situated persons (“**Scott**”) (collectively, “**Plaintiffs**”).

### **BACKGROUND**

As fully set forth in the Relevant Factual Background of ECF No. 157, House Defendants’ Motion to Compel Discovery, House Defendants served their First Requests for Production of Documents to Plaintiffs on January 19, 2022. Following extensive briefing and after a pause of litigation to allow the Parties an initial attempt at a mediated resolution, the Panel held a telephonic hearing on outstanding discovery motions on April 12, 2022. During that hearing, the Panel expressed the Court’s views with regard to the view of the discovery disputes up to that date and explained that a subsequent order would issue addressing the then-pending motions. ECF No. 219. Thereafter, on April 26, 2022 the Panel held a status conference again inquiring into the status of discovery and the Parties were directed by the Panel to meet and confer as to remaining alleged discovery deficiencies, and, if unresolved, file any motions to compel by April 29, 2022. ECF No. 242. The Parties thereafter consulted on April 27 and 28, 2022, and while House Defendants were hopeful the Parties could work collaboratively to avoid the need for further contested motions, the Plaintiffs indicated earlier today that they would not accept House Defendant’s efforts to reach a compromise on certain issues and they intended to file their own Motion to Compel. In addition, given the uncertainty that exists as to when and to what extent Plaintiffs would follow through on certain long-promised discovery deliverables, House Defendants are compelled to seek the relief of this Court within the ordered timeline.

## **STANDARD OF REVIEW**

A party is entitled to conduct discovery on “any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978). “Discovery, in other words, is not a one-way proposition. It is available in all types of cases at the behest of any party, individual or corporate, plaintiff or defendant.” *Hickman v. Taylor*, 329 U.S. 495, 507 (1947). “The discovery process is subject to the overriding limitation of good faith. Callous disregard of discovery responsibilities cannot be condoned.” *Asea, Inc. v. So. Pac. Transp. Co.*, 669 F.2d 1242, 1246 (9th Cir. 1981).

## **ARGUMENT**

### **I. PLAINTIFFS HAVE STILL FAILED TO PRODUCE RESPONSIVE DISCOVERY.**

- A. Despite assurances to the Court, Plaintiffs still have not collected or produced documents for applicable custodians shown to have relevant documents.

Plaintiffs have been on notice for well over a month that their collection and production efforts have been deficient as to several email accounts that have been demonstrated to contain relevant, non-privileged communications. As House Defendants explicitly advised Plaintiffs on March 18, 2022 following one of a series of “meet and confer” discussions that:

We reiterate our position that Plaintiff SC NAACP is required to produce relevant, responsive, non-privileged ESI that is in the possession, custody, or control of its Executive Leadership and/or Branch Presidents, including ESI that is maintained in these individuals’ non-SC NAACP email accounts. These individuals should include, but not be limited to, the Co-Chairs of SC NAACP’s Reapportionment Committee and the Branch Presidents for those areas contained within the Challenged Districts.

ECF No. 194-9 at 4-5 (emphasis added). Notably, this response of House Defendants was also following Plaintiffs’ own recognition on March 15, 2022 of the deficiency concerns raised by House Defendants:

Defendants have requested that SC NAACP produce documents from President Brenda Murphy's Gmail account. Plaintiffs have taken that request under advisement and will revert this week.

Defendants also requested that SC NAACP produce documents for other individuals who served as committee chairs or otherwise appeared on the redistricting coalition minutes. We will revert, but our understanding has been that the only individuals whose email is contained in SC NAACP's systems are Ms. Murphy and certain administrative assistants.

*See id.* at 10. Still, in response to House Defendants' Motion to Compel challenging the sufficiency of Plaintiffs' custodial collections, Plaintiffs represented to the Panel, "Plaintiffs are investigating House Defendants' request" (ECF No. 194-14). Yet, no other custodial accounts have been produced.

Now, another six weeks has passed without Plaintiffs' compliance with their discovery obligations—and it was revealed during the deposition of Ms. Brenda Murphy (President, South State Conference of the NAACP), which was reconvened on April 14, 2022, that Plaintiffs are in possession of relevant, responsive discovery material—and they have failed to timely follow through on their discovery obligations.<sup>1</sup> During this deposition, President Murphy stated that (contrary to the representations made during earlier "meet and confer" discussions), she "**only** use[d] [brendacmurph@gmail.com](mailto:brendacmurph@gmail.com) for any business I transacted at home during COVID." **Exhibit A** (Excerpt of B. Murphy Depo. Tr., pp. 14-16) (emphasis added). In addition, President Murphy testified at her reconvened deposition on April 14, 2022 that her personal email account had been previously provided to her counsel and that her attorneys "searched the account" for responsive communications—yet no such communications have been produced as of this filing. *See id.* at 14. However, Plaintiff's counsel in the April 27, 2022 meet and confer stated they were not in

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<sup>1</sup> On April 18, 2022, shortly following these depositions of President Murphy and before the status conference before this Panel, House Defendants sent a letter to all counsel of record detailing the discovery deficiencies noted herein. To date, House Defendants have not received any written response to that letter.

possession of President Murphy's email account and that they would produce relevant emails at an undetermined time.

In addition to President Murphy's primary email account, Plaintiffs have failed to produce responsive discovery information in the possession of Plaintiff SC NAACP's Executive Committee or Branch Presidents, including the Branch Presidents for those areas contained within Challenged Districts. To date, only two (2) PST files have been collected and produced by Plaintiff SC NAACP reflecting the SC NAACP email accounts of President Murphy and Office Manager (bmurphy@scnaacp.org and scofficemgr@scnaacp.org).<sup>2</sup> However, during President Murphy's reconvened deposition and the during the Rule 30(b)(6) deposition of her as the designated representative of the SC NAACP, a number of other decision makers who should be in possession of documents and information responsive to House Defendants' Requests for Production were identified. Indeed, President Murphy testified that the Executive Committee was responsible for decision-making for the SC NAACP, including reviewing and approving this lawsuit. **Exhibit B** at 40-41 (Excerpts of Rule 30(b)(6) Depo Tr.).

The Executive Committee consists of roughly 26 individuals according to President Murphy, yet Plaintiffs have only produced emails from the official account of one of those members: President Murphy. In addition, President Murphy identified several other employees including Amber Brooks, Laurie Gregory, Priscilla Smith, Shirley Able, Dr. Eloise Fomby-Denson, and Amelia Glisson who sent and received emails related to redistricting. *See Exhibit B* at pp. 12-17. While House Defendants have received a handful of emails with some of these individuals as a byproduct of emails collected from the above noted PST files and from a fulsome

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<sup>2</sup> Plaintiff's counsel has represented that additional PST files including that of aglisson@scnaacp.org. However, the metadata for the productions received to date, only show the PST files of bmurphy@scnaacp.org and scofficemgr@scnaacp.org.

production from the League of Women Voters of South Carolina, a thorough and fulsome collection and production of these emails from each custodian has not occurred.<sup>3</sup> Moreover, as of the Parties' most recent conference, Plaintiffs have not identified a date by which such productions will be made nor have they identified exactly which email accounts will be produced. As such, House Defendants request that the emails of all employees and members of the Executive Committee and affected Branch Presidents be collected, searched, and produced as soon as possible. In particular, House Defendants have asked for Plaintiffs to collect and produce emails from Charles Boykin and Steve Love, the co-chairs of the Reapportionment Committee and members of the Executive Committee, in advance of their depositions, which are scheduled for May 3 and 4, 2022. Plaintiff's counsel represented in the April 27, 2022 meet and confer that certain Executive Committee members had consented to an email collection, but no date was given for the production of those documents.

B. Plaintiffs have failed to produce other relevant documents and information.

Also disclosed by the testimony of President Murphy and is apparent by the other discovery that has been produced, Plaintiffs have failed to produce the other important discovery material relevant to the claims and defenses in this case, including but not limited to:

- Meeting minutes from several Reapportionment Committee Meetings including meetings on August 2, 2021, October 14, 2021, December 30, 2021, January 13, 2022, February 10, 2022, and February 17, 2022 for which agendas and/or videos have been produced;
- Video recordings of Reapportionment Committee Meetings in prior to August of 2021 and for those meetings in October and November of 2021 for which agendas and/or minutes have been produced;

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<sup>3</sup> The productions also show that there are several other @scnaacp.org accounts including abrooks@scnaacp.org, psmith@scnaacp.org, and sable@scnaacp.org, as well as personal accounts such as stevelove1057@gmail.com, eloisefdenson@gmail.com, ekilgore@twc.net, cboykin@boykinlawsc.com, and ajbrooks@coastal.edu.

- Public testimony training materials including the attachments to SCNAACP\_002583; and
- Video recording of the Annual Conference where redistricting training was given, a conference President Murphy testified was recorded.

Moreover, President Murphy testified to the existence and her receipt of at least one proposed map of the South Carolina House of Representative Districts drafted by ACLU demographers that was sent to her Gmail account and she forwarded to SC NAACP Branch Presidents prior to the version of the map submitted to the House Redistricting Website. **Exhibit B** at pp. 86-88. To date, House Defendants have not received *any* maps from the SC NAACP, much less any emails between President Murphy and the branch presidents particularly regarding proposed House District maps in party discovery. That such relevant information exists has been demonstrated by the only reasonably fulsome discovery production received by the House Defendants to date—that is by the League of Women Voters of South Carolina in response to a Rule 45 subpoena.<sup>4</sup>

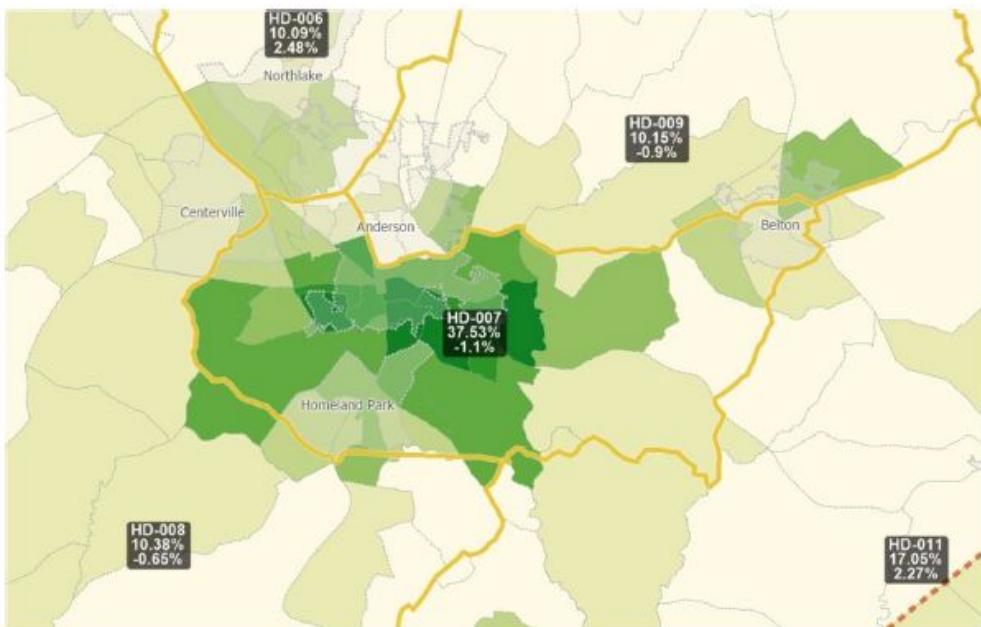
The relevance and importance of the above material to the issues in dispute is demonstrated by the allegations in the Second Amended Complaint, including in the manner by which Plaintiffs directly assert the map submitted by Plaintiff SC NAACP is relevant and supportive of their constitutional challenges against House Defendants. Indeed, Plaintiffs assert this map submission was sufficient to put House Defendants on notice of certain issues raised in the lawsuit, and demonstrated a manner in which the Challenged Districts could be drawn to comply with federal law. These references to SC NAACP's map in the Second Amended Complaint (ECF No. 154)

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<sup>4</sup> In contrast, the ACLU and NAACP LDF continue to refuse to produce *any* documents or information in their possession related to their very long involvement in South Carolina redistricting despite being in receipt of Rule 45 subpoenas since February 3, 2022. See **Exhibit C**, Ruoff Depo. Ex. 5, 2/4/2021 E-Mail (“...ACLU's national folks want to prioritize work on South Carolina. They assume that they will be litigating racial gerrymanders when all is said and done.”).

include:

- On October 8, 2021, Plaintiff South Carolina NAACP, along with other advocacy organizations, proposed two U.S. Congressional plans and a state House redistricting plan to the House Committee, along with a submission letter. These proposed plans corrected for population disparities between districts following the 2020 decennial Census and preserved majority-Black districts or otherwise developed districts that would have continued to be effective for Black voters (that is, enable them to elect candidates of their choice), among other considerations and requirements that complied with the House Redistricting Committee's criteria and the U.S. Constitution and other federal law. ECF No. 154 at 22; 31.
- [T]he map that Plaintiff South Carolina NAACP submitted on October 8, 2021 (below) keeps the Anderson community of interest largely whole, creating a single district which, based on an analysis of RPV patterns, provides that Black voters have a chance of electing or influencing the election of the candidate of their choice. By comparison, none of Districts 7, 8, 9, or 11 in Defendants' map has any realistic chance of doing so. ECF No. 154 at 51-52



- Defendants were on notice, via the map Plaintiffs submitted on October 8, that neighboring State House District 43 could have been drawn more compactly to include Chester County, the city of Chester, and potentially nearby Lancaster, to create a district in which Black voters would have greater influence. ECF No. 154 at 54.
- District 90 crosses county lines to pull in voters from the City of Orangeburg, which has a Black population of 76%, and pack the district at 56% BVAP. By contrast, for example, Plaintiffs' October 8 map demonstrates that District 90

can be drawn in such a way as to respect county lines and avoid extending upward into Orangeburg. Defendants increased District 93's BVAP an unusually high amount, from 43% to 51%, unnecessarily moving a large number of BVAP precincts into the area. By contrast, for example, Plaintiff South Carolina NAACP's October 8 map demonstrates that this district could easily be drawn in such a way as to avoid packing Black voters. ECF No. 154 at 68.

Clearly, Plaintiffs have failed to timely produce relevant and responsive discovery material in their possession, in stark contrast to the unreasonable positions they have taken with regard to their own right to expansive discovery, including privileged materials, from House Defendants. “The scope of discovery permitted by Rule 26 is designed to provide a party with information reasonably necessary to afford a fair opportunity to develop its case.” *Town of Irmo, S.C.*, 2020 WL 1025686 at \*2 (citing *Nat'l Union Fire Ins. Co. of Pittsburgh, P.A. v. Murray Sheet Metal Co., Inc.*, 967 F.2d 980, 983 (4th Cir. 1992)). House Defendants are entitled to conduct discovery into the averments of the Second Amended Complaint, and refusal of such discovery rights is reversible error. Cf. *Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor and City Council of Baltimore*, 721 F.3d 264, 285 & n.9 (4th Cir. 2013) (reversing lower court summary judgment ruling in part of failure to allow government defendants to conduct discovery of plaintiff organization). Moreover, even should Plaintiffs continue to make nebulous assertions that they will “revert” to reviewing House Defendants’ request for prompt production, responses merely offering “vague assurance that the requested documents will be produced ‘in the future at a mutually agreeable time and place’” are insufficient and “assures continued wrangling” between the parties. *Jayne H. Lee, Inc. v. Flagstaff Indus. Corp.*, 173 F.R.D. 651, 655 (D. Md. 1997). The time has passed for Plaintiffs to comply with the discovery expectations of the Court, and an Order compelling performance should issue.

**CONCLUSION**

Based on the foregoing, House Defendants are entitled to an Order directing Plaintiffs to produce all responsive documents in the possession, custody, or control of SC NAACP, including those categories and custodians identified herein, and for such other and further relief as deemed just and proper.

*[SIGNATURE PAGE FOLLOWS]*

Respectfully submitted,

/s/ Michael A. Parente

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April 29, 2022  
Columbia, South Carolina

*Attorneys for James H. Lucas, Chris Murphy, and  
Wallace H. Jordan*

# **Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
CIVIL ACTION NO. 3:21-cv-03302-JMC-TJH-RMG

THE SOUTH CAROLINA STATE )  
CONFERENCE OF THE NAACP, )  
and )  
TAIWAN SCOTT, on behalf of )  
himself and all other similarly )  
situated persons, )  
Plaintiffs, )  
v. )  
HENRY D. MCMASTER, in his )  
official capacity as Governor )  
of South Carolina; THOMAS C. )  
ALEXANDER, in his official )  
capacity as President of the )  
Senate; LUKE A. RANKIN, in his )  
official capacity as Chairman )  
of the Senate Judiciary )  
Committee; JAMES H. LUCAS, in )  
his official capacity as Speaker )  
of the House of Representatives; )  
CHRIS MURPHY, in his official )  
capacity as Chairman of the )  
House of Representatives )  
Judiciary Committee; WALLACE )  
H. JORDAN, in his official )  
capacity as Chairman of the )  
House of Representatives )  
Elections Law Subcommittee; )  
HOWARD KNAPP, in his official )  
capacity as interim Executive )  
Director of the South Carolina )  
State Election Commission; JOHN )  
WELLS, Chair, JOANNE DAY, )  
CLIFFORD J. EDLER, LINDA MCCALL, )  
and SCOTT MOSELEY, in their )  
Official capacities as members )  
of the South Carolina Election )  
Commission, )  
Defendants. )  
\_\_\_\_\_  
)

**CONTINUED DEPOSITION**  
**OF**  
**BRENDA MURPHY**

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, the within continued deposition of **Brenda Murphy**, appearing via Zoom, was taken by Counsel for Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan, at the hour of 10:14 a.m. on Thursday, April 14, 2022, at the law offices of Nexsen Pruet, LLC, 1230 Main Street, Suite 700, Columbia, South Carolina, attended by counsel as follows:

**JAN L. WHITWORTH  
VERBATIM REPORTER**

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**WHITWORTH COURT REPORTING**  
POST OFFICE BOX 551  
ROEBUCK, S.C. 29376  
864-494-2705

1 A. Yes.

2 Q. Okay. And have those been produced if they were  
3 responsive to our request to the best of your  
4 knowledge?

5 A. To the best of my knowledge, what was requested was  
6 produced.

7 Q. Okay. Have you looked for documents on your  
8 [brendamurph@gmail.com](mailto:brendamurph@gmail.com) account?

9 A. That was -- my gmail was provided in order for  
10 search to be done.

11 Q. Okay. So, you provided access to that account to  
12 your counsel ---

13 A. Yes.

14 Q. --- so that they could perform ---

15 A. Yes.

16 Q. --- a search?

17 A. Yes.

18 Q. Okay, thank you. And did you personally search that  
19 account, or did you depend on your attorneys to  
20 search that account once provided?

21 A. I did not personally search it. The attorneys  
22 searched the account.

23 Q. Okay. And do you know which lawyers conducted that  
24 account? I don't want the details of what they did.  
25 I am just asking if you know which lawyers conducted

1           that search, to the best of your knowledge, and if  
2       you don't know, again, I probably didn't say this  
3       before, but if you don't know the answer to my  
4       question, I am not asking you to speculate. You can  
5       just tell me you don't know.

6       A. I do know him. His name was Adam -- I don't want to  
7       mispronounce his last name, but I do have -- you  
8       know, I know -- I know his name. I talked with him  
9       personally.

10      Q. Was it Adam Pergament from Arnold ---

11      A. Yes.

12      Q. --- & Porter?

13      A. Yes, Pergament.

14      Q. Okay. And is he the only one to your knowledge that  
15       performed that search, to your knowledge?

16      A. Yes.

17      Q. Okay.

18      A. To my knowledge.

19      Q. Okay. And do you know if any of your emails from  
20       that account have been produced to us in this  
21       litigation?

22      A. What was given to me in discovery, I saw maybe a  
23       few, a couple emails, yes.

24      Q. Okay, all right. So, what about the account  
25       murph547@aol.com; does that account ---

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1 A. No.

2 Q. --- belong to you, President Murphy?

3 A. No, that is my husband's email address.

4 Q. That is your husband's email address?

5 A. Yes.

6 Q. Do you use his email address; do you use ---

7 A. No, I do not use that. I only use

8 [brendacmurph@gmail.com](mailto:brendacmurph@gmail.com) for any business that I  
transacted at home during COVID.

9 Q. Okay.

10 A. I did not use murph.

11 Q. Okay. Do you know, President Murphy, if there has  
12 sort of been any comparison of your production to  
13 the production that we have received from other  
14 entities such as the League of Women Voters? Do you  
15 know that?

16 A. No, I don't; I don't know that.

17 Q. Okay. Are you aware that we issued a subpoena to  
18 the League of Women Voters, and they made a very  
19 fulsome document production to us, which was

20 Date Filed 04/15/2023 Email Number 548-T Page 9 of 9  
21 provided to your counsel in discovery?

22 A. No, I don't know that.

23 Q. Okay. I believe -- do you know if there are emails  
24 that were produced by the League of Women Voters  
25 that were produced to them -- by them including

# **Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
CIVIL ACTION NO. 3:21-cv-03302-JMC-TJH-RMG

THE SOUTH CAROLINA STATE )  
CONFERENCE OF THE NAACP, )  
 )  
and )  
 )  
TAIWAN SCOTT, on behalf of )  
himself and all other similarly )  
situated persons, ) **30(b) (6) DEPOSITION**  
Plaintiffs, )  
 )  
v. ) **OF**  
 )  
HENRY D. MCMASTER, in his ) **BRENDA MURPHY**  
official capacity as Governor )  
of South Carolina; THOMAS C. )  
ALEXANDER, in his official )  
capacity as President of the )  
Senate; LUKE A. RANKIN, in his )  
official capacity as Chairman )  
of the Senate Judiciary )  
Committee; JAMES H. LUCAS, in )  
his official capacity as Speaker )  
of the House of Representatives; )  
CHRIS MURPHY, in his official )  
capacity as Chairman of the )  
House of Representatives )  
Judiciary Committee; WALLACE )  
H. JORDAN, in his official )  
capacity as Chairman of the )  
House of Representatives )  
Elections Law Subcommittee; )  
HOWARD KNAPP, in his official )  
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Director of the South Carolina )  
State Election Commission; JOHN )  
WELLS, Chair, JOANNE DAY, )  
CLIFFORD J. EDLER, LINDA MCCALL, )  
and SCOTT MOSELEY, in their )  
official capacities as members ) **Page 5 of 14**  
of the South Carolina Election )  
Commission, )  
 )  
Defendants. )  
 )

3:21-cv-03302-WMB-TJH-KMC Date Filed 07/26/2022 Entry Number 548-5

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, the within 30(b)(6) deposition of **Brenda Murphy**, appearing via Zoom, was taken by Counsel for Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan, at the hour of 11:37 a.m. on Thursday, April 14, 2022, at the law offices of Nexsen Pruet, LLC, 1230 Main Street, Suite 700, Columbia, South Carolina, attended by counsel as follows:

**JAN L. WHITWORTH  
VERBATIM REPORTER**

3:ST-CV-03305-WBS-TJH-BWC Date Filed 04/15/2022 Entry Number 548-5 Page 3 of 14

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**WHITWORTH COURT REPORTING**  
POST OFFICE BOX 551  
ROEBUCK, S.C. 29376  
864-494-2705

1                   Murphy?

2         A.     1939.

3         Q.     Okay. And what is the official name of the State  
4                   Conference? I think you've told me that before, but  
5                   I just want to get that clearly.

6         A.     NAACP South Carolina State Conference of Branches.

7         Q.     Okay. And do you know how many branches are in your  
8                   conference, President Murphy?

9         A.     Approximately 77.

10        Q.     Okay. And are those spread throughout the State of  
11                   South Carolina?

12        A.     They are.

13        Q.     And this may sound like a dumb question, and it  
14                   might be a dumb question. I take it you don't have  
15                   any branches outside the State in your conference, -

16                   ---

17        A.     No.

18        Q.     --- is that right?

19        A.     None.

20        Q.     Okay. All right, do you have any employees?

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21        A.     Yes.

22        Q.     Okay. And how many employees do you have?

23        A.     Three, part-time.

24        Q.     Okay. We are having ---

25        A.     Part time.

1 Q. Okay. We're having some Zoom timing issues, but  
2 that's okay. And who are those employees, President  
3 Murphy?

4 A. I have an office manager and an assistant and one  
5 clerical person.

6 Q. Okay. So in discovery documents I have seen, I've  
7 seen Amelia Glisson, Dr. Eloise Fomby-Denson and  
8 Amber Brooks identified. Are those those three  
9 people that you just ---

10 A. They're -- they're no longer here.

11 Q. Okay. So none of those three are employed with you  
12 anymore?

13 A. No.

14 Q. Okay. What was Ms. Glisson's role?

15 A. She was the office manager.

16 Q. Okay. And who is the new office manager, if you  
17 have one?

18 A. Lorrie, Lorrie Gregory.

19 Q. Lorrie Gregory?

20 A. That's correct.

21 Q. Okay. And so who is Dr. Eloise Fomby-Denson, and I  
22 need to make sure I pronounce it correctly, who is  
23 she?

24 A. She was just a temp for a very short period of time  
25 until we could get another staff member in, which

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1                   was Ms. Lorrie Gregory, the office manager.

2       Q.    Okay. So did anybody replace Ms. Fomby-Denson other  
3                   than Ms. Gregory?

4       A.    No, no.

5       Q.    And who was Amber Brooks?

6       A.    Amber Brooks, she worked here a brief period of time  
7                   as well as the office manager, but then she was able  
8                   to find a full-time job, so she left.

9       Q.    Okay.

10      A.    It's kind of difficult retaining employees when you  
11                  can only work them part-time with no benefits.

12      Q.    Yes, ma'am, I understand that. So who are the other  
13                  two employees that are currently with you now as you  
14                  said part-time?

15      A.    Priscilla Smith.

16      Q.    And what does Ms. Smith do?

17      A.    Primarily the bookkeeping needs for the office,  
18                  getting bills paid, getting checks out. That's it  
19                  primarily. Just administrative things that relates  
20                  to the billing and staying on top of things with  
21                  that in terms of when assessments come in, anything  
22                  -- any kind of payments come in.

23      Q.    And who was the third person?

24      A.    Shirley Able.

25      Q.    And what does Ms. Able do?

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1           A.     Primarily answering the phone, filing, making calls  
2                       that might need to be made.

3           Q.     Okay. And so there's an email account -- so let me  
4                       go back to the folks who were in your office during  
5                       the time period that ran up to this litigation and  
6                       during the time period that these meeting minutes  
7                       that we've all discussed in previous depositions  
8                       were discussed, did Ms. Glisson, Dr. Fomby-Denson  
9                       and Amber Brooks each have an NAACP email address,  
10                  if you know?

11           A.     I'm not sure. I don't think she did. Now, Amber  
12                  did; she had an email address.

13           Q.     And did Ms. Glisson ---

14           A.     And.

15           Q.     I'm sorry.

16           A.     Ms. Glisson, she was -- she worked with us, yeah,  
17                  she was -- she did have an email address, yes.

18           Q.     Okay. Do you know if Ms. Glisson also used her  
19                  BellSouth email address for organizational purposes  
20                  when she worked for you?

3:ST-CA-03305-NB2-17H-KMC      A.     Not to my knowledge. I'm not sure.

22           Q.     And did Dr. Fomby-Denson use her gmail email address  
23                  for organizational purposes, if you know, during the  
24                  time period that she was employed?

25           A.     The only -- she was the secretary for the coalition.

1 Q. Yes, ma'am.

2 A. So she would have forwarded minutes out.

3 Q. Okay. So, ---

4 A. Now, ---

5 Q. I'm sorry.

6 A. Glisson forwarded the Zoom links out.

7 Q. Okay. So let me ask you this question, President  
8 Murphy: there's an email address called

9 [scofficemanager@scncaap.org](mailto:scofficemanager@scncaap.org). Do you know who has  
10 access to that account?

11 A. Lorrie Gregory.

12 Q. Okay. And I take it that during the time period  
13 that Amelia Glisson was your office manager, she had  
14 access to that account, is that right?

15 A. Her email was aglisson@scnaacp.

16 Q. Okay. Do you know who would have had access to the  
17 [scofficemanager@scnaacp.org](mailto:scofficemanager@scnaacp.org) prior to Lorrie Gregory  
18 coming on board with you? Do you know who would  
19 have? Like, did you have access to that, or did  
20 anyone else, if you know?

3:ST-CA-03305-NB2-17H-KMC 21 A. ~~Do you have any access, Emily Murphy, page 8 of 14~~ I didn't. I'm not sure if Amelia had access to it  
22 or not.

23 Q. Okay. All right. Does the State Conference have an  
24 executive committee?

25 A. Have an executive list?

1           Q. An executive committee?

2           A. Yes, we do.

3           Q. Okay. All right, and what is the purpose of the  
4           executive committee?

5           A. The executive committee is responsible for overall  
6           planning for the State Conference, deciding, you  
7           know, what the priorities will be for -- that we  
8           need to address.

9           Q. Okay. And how many members does the executive  
10          committee have?

11          A. Oh, let's see, maybe 26. I think you have a listing  
12          in the packet that I received.

13          Q. Okay.

14          A. You have a listing.

15          **BY MR. MOORE:**

16           So, why don't we show them Exhibit Number 1,  
17           which is SCNAACP\_002837 Bates Number. And Michael  
18           you're going to need to blow that up for me as well  
19           as for President Murphy, I imagine.

20          **BY PRESIDENT MURPHY:**

21          3:ST-CA-03305-NB2-17H-BMC Date Filed 04/26/2015 Entry Number 548-5 Page 6 of 14  
Yes.

22          (WHEREUPON, HOUSE DEFENDANTS EXHIBIT 1 WAS MARKED  
23          FOR IDENTIFICATION PURPOSES, LIST OF EXECUTIVE COMMITTEE  
24          MEMBERS, ATTACHED.)

25          **EXAMINATION RESUMED BY MR. MOORE:**

1                   Legislator driven, correct?

2                   A. Some of it, and when you say Legislative driven, you  
3                   know, I can only speak in terms of the task force  
4                   and when they begin their hearings, how their  
5                   hearings were conducted. Not everybody has access  
6                   to Zoom, so there were some communities that didn't  
7                   have opportunity to even provide input. So the  
8                   process, I guess when I do a comparison, I think the  
9                   process was not as well done as the Senate was.

10                  Q. Okay. But you sued the Senate too, right, in the  
11                  original complaint you sued the House, the Senate,  
12                  the Governor, and the Election Commission, right?

13                  A. Yes, but the second was modified. We're not talking  
14                  about Senate today, are we?

15                  Q. No, ma'am, I wasn't planning on it. But I'm talking  
16                  right now about the initial complaint, okay, because  
17                  I'm going to get to the amended complaint in a  
18                  moment, okay, but with the initial complaint, did  
19                  you review the complaint before it was filed, the  
20                  initial complaint?

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21                  A. Yes, I did.

22                  Q. Okay. Did the Executive Committee or Executive  
23                  Committee review the initial complaint before it was  
24                  filed?

25                  A. Yes, they did.

1 Q. Okay. And did they approve the filing of the suit?

2 A. They certainly did.

3 Q. Okay. All right. So then we have, you file your  
4 initial complaint. Redistricting occurs.

5 Legislation is passed, and then you filed an amended  
6 complaint, which challenged the House Districts but  
7 did not challenge the Senate Districts, is that  
8 right?

9 A. The House in terms of timeliness, it's more  
10 critical, because the Senate is not, you know, that  
11 election is not this year.

12 Q. I'm not asking about whether you do or don't intend  
13 to file something at some point with respect to the  
14 Senate. My point is that you filed a lawsuit in  
15 December of this year that only challenged House  
16 Districts, and then you subsequently moved to amend  
17 it to add the Congressional Districts after those  
18 were enacted, correct?

19 A. Yes.

20 Q. Okay. All right, so in the amended complaint that  
21 focused on the House Districts, there were a number  
22 of House Districts which were challenged districts;  
23 is that correct?

24 A. Yes.

25 Q. Okay. And did you review that complaint before it

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1           drawings, the mapping, and sharing the maps even  
2           though, you know, they had copies, but you know,  
3           putting it on screen and screen sharing and getting  
4           feedback regarding from the presidents. Because,  
5           you know, if this -- this is a democracy. We wanted  
6           everybody involved. Not we as a State Conference  
7           could make decisions for the entire state.

8       Q. Okay. But so, you know, and I guess a map has to  
9           start somewhere, so please correct me if I'm wrong,  
10          did you -- you mentioned that you circulated these  
11          maps to your state presidents, is that right?

12      A. Yes.

13      Q. Did you circulate those maps to your state  
14          presidents through email?

15      A. I think they may have been circulated by the  
16          secretary or Ms. Glisson.

17      Q. Ms. Glisson?

18      A. Yes, sir, Amelia Glisson.

19      Q. Okay.

20      A. Her name I couldn't remember.

3:ST-CV-03305-MBS-TJH-KMG   Q. Date Filed 04/16/2023   Entry Number 548-5   Page 15 of 17  
21           And do you know why the emails from Ms. Glisson  
22          circulating these maps have not been provided to us  
23          in discovery?

24      A. As I said before, I don't know.

25      Q. Okay.

1 A. I do not know.

2 Q. Okay. But you agree with me that emails from Ms.  
3 Glisson should be emails that are under the control  
4 and custody of your organization, correct?

5 A. Yes.

6 Q. Okay. And so I take it you received -- you had to  
7 receive the initial draft map from someone; is that  
8 right, President Murphy?

9 A. Yes, and we have. Yes.

10 Q. Who did you receive the original draft maps from?

11 A. I may have -- primarily I think at least the mapping  
12 I got from ACLU, because they were, you know, they  
13 had the demographers and had people doing analytics.  
14 So that's where we -- that's who we depended upon to  
15 clarify information or questions that we may have  
16 had.

17 Q. Okay. And do you know if you received those maps on  
18 your personal email account or on your SCNAACP email  
19 account?

20 A. I don't know. I've gotten so many emails I don't  
21 Date Filed 04/16/2025, Email Number 548-2, Page 13 of 41  
even know where -- they have been at the office, I'm  
22 not sure. I know my emails from the office were  
23 sent, and my emails were sent from -- my personal  
24 emails were reviewed. So I can't say.

25 Q. So, are you telling me you that you sometimes use

3:ST-CV-03305-MBS-LH-BMG

1                   your personal email account to conduct SCNAACP  
2                   business?

3         A. During the COVID, yes.

4         Q. Okay. All right, and so ---

5         A. Our office was closed, sir.

6         Q. Yes, ma'am. So I take it that means -- I mean, my  
7                   office was closed, too, but I can sort of remote in  
8                   and access my office email account. You might not  
9                   be able to do that, is that right?

10        A. Yes, I learned -- I'm going to do it from now on,  
11                  but I really don't appreciate my personal email  
12                  being, you know -- but yes, I learned that I can do  
13                  it remotely now. So, I will whenever I have to in  
14                  the future.

15        Q. I mean, I'm not the most technologically savvy  
16                  person in the world either, President Murphy. But  
17                  so, but luckily I have people who can help me make  
18                  sure that I don't screw things up. So when did you  
19                  provide your personal -- access to your personal  
20                  email account to Mr. Pergament? Do you remember?

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21        A. Seems like maybe two weeks ago.

22        Q. Okay.

23        A. About two weeks ago.

24        Q. Okay. Can you tell me why the emails that you  
25                  received from either on your gmail account or on

# **Exhibit C**

## Message

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**From:** Lynn Teague [teague.lynn@gmail.com]  
**Sent:** 2/4/2021 11:57:08 PM  
**To:** Ruoff John [jcruoff@gmail.com]  
**CC:** Matthew Saltzman [m.j.saltzman@gmail.com]; Howell Shayna [shaynahowell@gmail.com]; Christe McL  
[mccoylchriste@gmail.com]; holleyulbrich@gmail.com  
**Subject:** Re: ACLU redistricting work

I was pretty sure you had Susan on speed dial.

Lynn Shuler Teague  
VP for Issues and Action, L WVSC  
[teague.lynn@gmail.com](mailto:teague.lynn@gmail.com)  
803 556-9802

On Feb 4, 2021, at 5:25 PM, John Ruoff <[jcruoff@gmail.com](mailto:jcruoff@gmail.com)> wrote:

I will do that. I have been their expert in numerous VRA cases over the years and I've known Susan for over 40 years. It would be good to have their advice on the VRA districts.

As one friend once said about Brett: The one thing you can count on when dealing with Bursey is that he's dealing in bad faith.

John

On Feb 4, 2021, at 5:15 PM, Lynn Teague <[teague.lynn@gmail.com](mailto:teague.lynn@gmail.com)> wrote:

Susan Dunn and I had a good talk this morning. She is picking up Ali Titus' work for the time being, since Ali has left ACLU.

Among other things, she wanted to touch base on redistricting because ACLU's national folks want to prioritize work on South Carolina. They assume that they will be litigating racial gerrymanders when all is said and done. Susan's concern was to make sure that we didn't take this amiss, or feel that our toes are trod upon, or think that their national folks were coming in to be the new big dog on the block. So, she isn't trying to get us to sign onto anything and everything they do, just wanting to keep things mutually beneficial.

Susan indicated that their national group has really fabulous resources and would be glad to provide helpful info. John, you have raised several times the issue of the racial polarization figures. I asked about that and she said she was certain they would develop them and be happy to provide them to us. So, John, I suggested that you should touch base with her tomorrow and get info on what they are doing and how we could most productively interact the technical front, perhaps text her for a time and set up a zoom with Matt as well.

All of this is with the clear understanding that we are continuing our own work, and that our maps and assessments might differ from theirs. We agreed that we can easily treat this as "here are multiple instances of good faith efforts from our respective organizations to produce maps not biased toward incumbents or parties." Susan says this is actually to their advantage, since one of their concerns is to get legislative responses to various scenarios to better define their motives for potential litigation.



SCLWV\_SUB\_0003637

Failure to take this approach was actually the last straw in my dealings with Brett Bursey. I had told him that the League had no need or wish to disparage his different approach, and that while we wouldn't agree to do things according to his plan, we would simply treat their efforts as a good faith response to the problem from another organization with a somewhat different strategy. Nope. Not good enough for Brett. Next thing I knew there was heavy handed pressure to sign onto his plan, both from him and others, and Prog. Network was putting out statements directly attacking our efforts.

Which brings me to some good news from Susan — Brett is being replaced at Prog Network by someone Susan says she has seen briefly in action. She couldn't recall his name during our call, but says he seems impressively capable and focused on the work, not on ego. So perhaps we can look forward to progress with the Progressive Network.

John, could you touch base with Susan? I'm sure you have this, but her email is [sdunn@aclusc.org](mailto:sdunn@aclusc.org) and her phone is 843 282-7953.

Thanks!

Lynn

Lynn Shuler Teague  
VP for Issues and Action, LWVSC  
[teaguelynn@gmail.com](mailto:teaguelynn@gmail.com)  
803 556-9802