

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

CORD BYRD, in her official capacity as  
Florida Secretary of State, et al.,

Defendants.

Case No.: 2022-CA-000666

**PLAINTIFFS' OBJECTIONS AND RESPONSES TO DEFENDANT SECRETARY  
OF STATE'S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS TO PLAINTIFFS**

Pursuant to Florida Rule of Civil Procedure 1.350, Plaintiffs submit these objections and responses to Defendant Secretary of State's First Request for Production to Plaintiffs, served on July 15, 2022. These objections and responses reflect Plaintiffs' current knowledge and information. Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these objections and responses based on later recollections or the discovery of additional documents or information.

**PRELIMINARY STATEMENT OF OBJECTIONS  
AND RESERVATION OF RIGHTS**

These responses and objections are made without waiving or intending to waive but, on the contrary, preserving and intending to preserve, the following objections (the "Preliminary Objections"):

1. Plaintiffs object to each instruction, definition, and request to the extent that it purports to impose any requirement or discovery obligation greater than or different from those

under the Florida Rules of Civil Procedure and the applicable Rules and Orders of the Court.

2. These responses and objections are based on Plaintiffs' understanding of each individual request. Nothing in them should be taken as an admission that Plaintiffs agree with the Secretary's use or interpretation of terms. If the Secretary asserts an interpretation of any request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement its responses and objections.

3. Plaintiffs object to each request to the extent it seeks information protected by the attorney work product doctrine, the attorney-client privilege, a joint or common interest privilege, the First Amendment associational privilege, or any other privilege recognized by law, to which no exception or waiver applies. By providing certain information requested herein, Plaintiffs do not waive any privilege or protection that is or may be applicable to such information.

4. Plaintiffs object to the requests to the extent that they seek proprietary and confidential information, the disclosure or dissemination of which could cause Plaintiffs harm or prejudice.

5. Plaintiffs object to the requests to the extent they seek documents or information that would invade the privacy rights of individuals not parties to the litigation, are overly broad, unduly burdensome, vague, ambiguous, or are not reasonably calculated to lead to the discovery of admissible evidence. As to all requests, Plaintiffs will reasonably interpret them according to their best understanding of the words used, given the relevant circumstances.

6. Plaintiffs object to any request to the extent it seeks information that is publicly available, or to which the propounding party or propounding party's counsel have access equal to Plaintiffs' or which it could obtain with equal effort. Plaintiffs will not search for and produce publicly available information in responding to the Secretary's requests.

7. Plaintiffs object to the requests to the extent they seek discovery of electronically stored information from sources that are not reasonably accessible in light of the burdens or costs required to identify, locate, restore, review, and produce whatever responsive information may be found. More easily accessed sources—such as active servers, hard drives, and other direct access storage media containing active data and information potentially responsive to the Secretary’s requests for production—are likely to yield all the information that is reasonably useful for this action. Further, production of information from inaccessible sources may also be unreasonably cumulative and duplicative because information that might be obtained is also obtainable, to the extent it exists, from other sources that are more convenient, less burdensome, or less expensive. Plaintiffs will produce documents in a readily accessible format. Plaintiffs will produce, unless otherwise objectionable, electronically stored information that is responsive and reasonably accessible. Plaintiffs believe that the Secretary should review and evaluate the information from such sources before requesting that Plaintiffs search for and produce information contained on sources that are not reasonably accessible. If, after such review and evaluation, the Secretary continues to seek discovery of information from sources that have been identified as not reasonably accessible, Plaintiffs request that the parties meet and confer to discuss, among other things, the particular types of information sought by Defendant and their relevance to the parties’ respective claims and defenses, the burdens and costs of accessing, retrieving and reviewing such information, the needs that may establish “good cause” for requiring all or part of the requested discovery notwithstanding its inaccessibility, and conditions on obtaining and producing the information that may be appropriate, including whether the Secretary is willing to pay the costs associated with such discovery.

8. Plaintiffs object to the requests as substantially overbroad and unduly burdensome

to the extent they lack reasonable geographical or temporal restrictions. The Secretary's Requests are substantially overbroad and unduly burdensome to the extent they purport to require Plaintiffs to produce information or documents unrelated to the time period in this lawsuit.

9. Plaintiffs incorporate by reference every Preliminary Objection set forth above into each specific response set forth below. A specific response may repeat one or more of these Preliminary Objections for emphasis or some other reason. The failure to include any Preliminary Objection in any specific response does not waive any Preliminary Objection to that request. Any effort to search for or provide information or documents in response to any specific request remains subject to the objections.

### **RESPONSES TO REQUESTS**

**REQUEST FOR PRODUCTION NO. 1:** Produce all documents evidencing or supporting the allegation in Paragraph 11 of the Complaint that the Enacted Plan will require Plaintiff Black Voters Matter Capacity Building Institute, Inc., "to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation."

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request as overbroad, unduly burdensome, irrelevant, and not proportionate to the needs of this case on the ground that it seeks *every* document that demonstrates each diversion of resources that the Enacted Plan has forced upon Plaintiff Black Voters Matter Capacity Building Institute, Inc. ("Black Voters Matter"). Black Voters Matter does not seek monetary damages that would be dependent upon the extent and degree of specific injuries. Instead, Black Voters Matter need only establish that its injury from the Enacted Plan conveys standing to bring its claim.

Plaintiffs further object to this request because it seeks information since January 1, 2017.

This time limitation is overbroad, unduly burdensome, and not proportionate to the needs of the case because the Florida Legislature did not consider and pass the Enacted Plan until 2022. Plaintiffs further object to this request on the ground that it seeks information without geographic limitations.

Subject to, expressly reserving, and without waiving its objections, Plaintiffs have identified documents responsive to this request that are included in a ShareFile link to be provided under separate cover. Plaintiffs will continue to produce on a rolling basis any responsive, nonprivileged documents in its possession, custody, or control. Plaintiffs are not presently withholding any responsive documents that it has identified subject to these objections. Plaintiff will supplement this response if it later identifies and subsequently withholds any responsive documents.

**REQUEST FOR PRODUCTION NO. 2:** Produce all documents evidencing or supporting the allegation in Paragraph 12 of the Complaint that the Enacted Plan will require Plaintiff Equal Ground Education Fund “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request as overbroad, unduly burdensome, irrelevant, and not proportionate to the needs of this case on the ground that it seeks *every* document that demonstrates each diversion of resources that the Enacted Plan has forced upon Plaintiff Equal Ground Education Fund (“Equal Ground”). Equal Ground does not seek monetary damages that would be dependent upon the extent and degree of specific injuries. Instead, Equal Ground need only establish that its injury from the Enacted Plan conveys standing to bring its claim.

Plaintiffs further object to this request because it seeks information since January 1, 2017. Plaintiff Equal Ground was founded in 2019 and therefore does not possess responsive documents prior to that date. This time limitation is also overbroad, unduly burdensome, and not proportionate to the needs of the case because the Florida Legislature did not consider and pass the Enacted Plan until 2022. Plaintiffs further object to this request on the ground that it seeks information without geographic limitations.

Subject to, expressly reserving, and without waiving its objections, Plaintiffs have identified documents responsive to this request that are included in a ShareFile link to be provided under separate cover. Plaintiffs will continue to produce on a rolling basis any responsive, nonprivileged documents in its possession, custody, or control. Plaintiffs are not presently withholding any responsive documents that it has identified subject to these objections. Plaintiff will supplement this response if it later identifies and subsequently withholds any responsive documents.

**REQUEST FOR PRODUCTION NO. 3:** Produce all documents evidencing or supporting the allegation in Paragraph 13 of the Complaint that the Enacted Plan will require Plaintiff League of Women Voters, Inc., “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request as overbroad, unduly burdensome, irrelevant, and not proportionate to the needs of this case on the ground that it seeks *every* document that demonstrates each diversion of resources that the Enacted Plan has forced upon Plaintiff League of Women Voters, Inc. (“League of Women Voters”). League of Women Voters does not seek monetary damages that would be dependent upon the

extent and degree of specific injuries. Instead, League of Women Voters need only establish that its injury from the Enacted Plan conveys standing to bring its claim.

Plaintiffs further object to this request because it seeks information since January 1, 2017. This time limitation is overbroad, unduly burdensome, and not proportionate to the needs of the case because the Florida Legislature did not consider and pass the Enacted Plan until 2022. Plaintiffs further object to this request on the ground that it seeks information without geographic limitations.

Subject to, expressly reserving, and without waiving its objections, Plaintiffs have identified documents responsive to this request that are included in a ShareFile link to be provided under separate cover. Plaintiffs will continue to produce on a rolling basis any responsive, nonprivileged documents in its possession, custody, or control. Plaintiffs are not presently withholding any responsive documents that it has identified subject to these objections. Plaintiff will supplement this response if it later identifies and subsequently withholds any responsive documents.

**REQUEST FOR PRODUCTION NO. 4:** Produce all documents evidencing or supporting the allegation in Paragraph 13 of the Complaint that the Enacted Plan will require Plaintiff League of Women Voters of Florida Education Fund “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request as overbroad, unduly burdensome, irrelevant, and not proportionate to the needs of this case on the ground that it seeks *every* document that demonstrates each diversion of resources that the Enacted Plan has forced upon Plaintiff League of Women Voters Education Fund, Inc. (“League of Women

Voters Education Fund”). League of Women Voters Education Fund does not seek monetary damages that would be dependent upon the extent and degree of specific injuries. Instead, League of Women Voters Education Fund need only establish that its injury from the Enacted Plan conveys standing to bring its claim.

Plaintiffs further object to this request because it seeks information since January 1, 2017. This time limitation is overbroad, unduly burdensome, and not proportionate to the needs of the case because the Florida Legislature did not consider and pass the Enacted Plan until 2022. Plaintiffs further object to this request on the ground that it seeks information without geographic limitations.

Subject to, expressly reserving, and without waiving its objections, Plaintiffs have identified documents responsive to this request that are included in a ShareFile link to be provided under separate cover. Plaintiffs will continue to produce on a rolling basis any responsive, nonprivileged documents in its possession, custody, or control. Plaintiffs are not presently withholding any responsive documents that it has identified subject to these objections. Plaintiff will supplement this response if it later identifies and subsequently withholds any responsive documents.

**REQUEST FOR PRODUCTION NO. 5:** Produce all documents evidencing or supporting the allegation in Paragraph 14 of the Complaint that the Enacted Plan will require Plaintiff Florida Rising Together “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request as overbroad, unduly burdensome, irrelevant, and not proportionate to the needs of this case on the



ground that it seeks *every* document that demonstrates each diversion of resources that the Enacted Plan has forced upon Plaintiff Florida Rising Together. Florida Rising Together does not seek monetary damages that would be dependent upon the extent and degree of specific injuries. Instead, Florida Rising Together need only establish that its injury from the Enacted Plan conveys standing to bring its claim.

Plaintiffs further object to this request because it seeks information since January 1, 2017. This time limitation is overbroad, unduly burdensome, and not proportionate to the needs of the case because the Florida Legislature did not consider and pass the Enacted Plan until 2022. Plaintiffs further object to this request on the ground that it seeks information without geographic limitations.

Subject to, expressly reserving, and without waiving its objections, Plaintiffs have identified documents responsive to this request that are included in a ShareFile link to be provided under separate cover. Plaintiffs will continue to produce on a rolling basis any responsive, nonprivileged documents in its possession, custody, or control. Plaintiffs are not presently withholding any responsive documents that it has identified subject to these objections. Plaintiff will supplement this response if it later identifies and subsequently withholds any responsive documents.

**REQUEST FOR PRODUCTION NO. 6:** Produce all documents relating to the apportionment plan referred to “Proposed Map A” in the Order Granted Temporary Injunction entered May 12, 2022, including but not limited to all documents utilized or referred to by Dr. Steven Ansolabehere in developing “Proposed Map A.”

**RESPONSE:** In addition to its Preliminary Objections, Plaintiffs object to this request because it is premature. Plaintiffs will produce any nonprivileged, responsive documents that they

are obligated to produce under the Florida Rules of Civil Procedure by the expert disclosure deadline set by the Court.

Dated: August 16, 2022

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 16, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

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