

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

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

Plaintiffs,

Case No. 2022-CA-000666

v.

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

Defendants.

**DEFENDANTS' RESPONSE TO MOTION TO
DENY OR DEFER CONSIDERATION OF DEFENDANTS'
PARTIAL MOTION FOR SUMMARY JUDGMENT**

Defendants, the Florida House of Representatives, the Florida Senate, and Secretary of State Cord Byrd, oppose Plaintiffs' Motion to Deny or Defer Consideration of Defendants' Partial Motion for Summary Judgment, dated September 9, 2022.

INTRODUCTION

At the back end of their five-count complaint, which focuses on minority voting rights and alleged partisan intent, Plaintiffs allege that a small number of districts in the State's duly enacted congressional district map violate the Florida Constitution's mandate that districts be compact and, where feasible, utilize political and geographical boundaries. A simple, visual examination of the map and standard compliance metrics refute these claims. No discovery is needed to determine what the face of the districts and basic data make clear: that the challenged districts are compact and, where feasible, utilize political and geographical boundaries.

INTERROGATORY NO. 7: Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 8: Identify all persons who, prior to the public release of any Proposed Plan, including but not limited to Plan S035C8060, Plan HOOOC8015, Plan HOOOC8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 9: Identify and describe in detail any and all attempts that were made by you and/or the Legislature to comply with the Tier I requirements of the Fair Districts Amendments in the Proposed Plans and Enacted Plan. Please refer to the instructions above for the definition of “identify” and “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 10: Identify all data and information to which the map drawer(s) had access during the process of drawing any Proposed Plan or Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 11: Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to these interrogatories and requests for production of documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
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BLACK VOTERS MATTER CAPACITY
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Petitioners,

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

Respondents.

Case No.: 2022-ca-000666

PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANT FLORIDA SENATE

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their First Set of Interrogatories to Defendant Florida Senate and, in accordance with the Definitions and Instructions set forth below, requests that Defendant Florida Senate answer the following eleven (11) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR INTERROGATORIES

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. The following terms shall have the meanings indicated below:
 - a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
 - b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
 - c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron

DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.

- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- g) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- h) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- i) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- j) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional, or any drafts or precursors thereof.
- k) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors thereof, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.
- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.

- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- q) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- r) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences

referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.

- s) The term “identify” means:
 - i. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
 - ii. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
 - iii. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and
 - iv. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;

- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

INTERROGATORIES

INTERROGATORY NO. 1: Identify by name, job title, and work address every person who had any responsibility, formal or informal, official or unofficial, for assisting, advising, or consulting the Florida Senate with respect to congressional redistricting in 2021 and 2022 and, for each such individual, please describe the nature of those responsibilities. This request includes without limitation members of the Florida Senate Committee on Reapportionment or its subcommittees and any staff members, consultants, experts, map drawers, and other individuals who assisted or advised the Committee or Senate with respect to any issue relating to the redistricting process, including: (a) technical assistance, (b) map drawing of proposed maps, partial maps, or final maps, (c) goals, issues, or objectives to be achieved (or avoided) in the map drawing process, or (d) legal advice. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 2: Describe if and how you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, or the Enacted Plan, or of the Benchmark Congressional Plan, including (a) the person, people, entity, and/or entities responsible for the analysis; (b) the approximate date that the analysis was performed; (c) the specific data used to perform such an analysis, (d) the districts analyzed, (e) results of the analysis, and (f) who was provided the analysis and when. If no functional analysis was performed of a Proposed Plan, of the Enacted Plan, or of the Benchmark Congressional Plan, please state that no analysis was performed.

RESPONSE:

INTERROGATORY NO. 3: If you performed a functional analysis of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, or the Enacted Plan, or of the Benchmark Congressional Plan, describe in detail your conclusion as to which congressional districts provided racial or language minorities the ability to elect the candidates of their choice in those Plans and the reasons for reaching those conclusions. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 4: Identify all individual legislators, staff members, attorneys, or any other individuals known to you who tested, analyzed, advised, or commented upon the expected or desired political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered by or enacted by the Legislature in 2021 or 2022. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 5: Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 6: Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida Senate and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 7: Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between any member, staff member, agent, attorney, or representative of the Florida Senate and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 8: Identify all persons who, prior to the public release of any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 9: Identify and describe in detail any and all attempts that were made by you and/or the Legislature to comply with the Tier I requirements of the Fair Districts Amendments in the Proposed Plans and Enacted Plan. Please refer to the instructions above for the definition of “identify” and “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 10: Identify all data and information to which the map drawer(s) had access during the process of drawing any Proposed Plan or Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

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INTERROGATORY NO. 11: Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to these interrogatories and requests for production of documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

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PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANT SECRETARY OF STATE

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their First Set of Interrogatories to Defendant Secretary of State and, in accordance with the Definitions and Instructions set forth below, request that Defendant Secretary of State answer the following seven (7) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR INTERROGATORIES

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

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6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
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If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. The following terms shall have the meanings indicated below:
 - a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
 - b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
 - c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron

DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.

- d) The term “Fair Districts Amendments” shall mean Article III, Sections 20 and 21 of the Florida Constitution.
- e) The term “Benchmark Congressional Plan” refers to the congressional plan that was adopted by the Florida Supreme Court in the last redistricting cycle, which was in place for the 2016, 2018, and 2020 congressional election cycles.
- f) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
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- l) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, reviewed, proposed, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- m) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.

- n) The term “functional analysis” refers to the analysis used to determine whether racial or language minorities have the opportunity to elect the candidate of their choice, which may include consideration of population statistics, voter registration data, voter turnout data, and an analysis of election outcomes, among other factors.
- o) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- p) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- q) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- r) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences

referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.

- s) The term “identify” means:
 - i. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
 - ii. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
 - iii. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and
 - iv. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.
4. The following rules of construction apply to all requests:
- a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;

- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

INTERROGATORIES

INTERROGATORY NO. 1: Identify any individuals from the Legislature or Executive Office of Governor Ron DeSantis or any other individuals known to you who tested, analyzed, advised, or commented upon the expected or desired political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered by or enacted by the Legislature in 2021 or 2022. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 2: Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 3: Describe in detail all communications (whether written or verbal), informal or formal meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and the Legislature. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 4: Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 5: Describe in detail all communications (whether written or verbal), informal or formal, official or unofficial, meetings, or presentations relating to congressional redistricting in 2021 and 2022 between you and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida. For any meeting identified, provide: (i) the date and location, (ii) the names and job titles of all participants, (iii) a description of the purpose of the meeting, and (iv) a summary of the substance of the meeting. Please refer to the instructions above for the definition of “describe in detail” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 6: Identify the latest date by which you believe a congressional plan must be in place in advance of the 2024 congressional primary elections. Please explain the specific reasons for your chosen date. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 7: Identify all persons who, prior to the public release of Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, evaluated, reviewed, analyzed, were shown, or commented on those plans, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans. For each person identified, describe to the best of your ability their role in assisting, advising, or consulting on those plans. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO DEFENDANT
FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida House of Representatives produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to

obtain, or to compel the production of, from any third party (including, but not limited to, any financial institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
 1. the type of document;
 2. the date of the document;
 3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter

data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents,

the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- e) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors therefor.
- f) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- g) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- h) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional.
- i) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors therefor, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.

- j) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- k) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services or participated in an official or unofficial capacity.
- l) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- m) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- n) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- o) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing,

constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:
 - a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
 - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
 - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
 - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 7: All documents and communications related to any testing, analysis, advice, or comments concerning the expected political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered or enacted by the Legislature in 2021 or 2022, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, and the Enacted Plan.

REQUEST FOR PRODUCTION NO. 8: All documents and communications exchanged between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives related to congressional redistricting in 2021 and 2022.

REQUEST FOR PRODUCTION NO. 9: All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022 .

REQUEST FOR PRODUCTION NO. 10: All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida House of Representatives and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022 between.

REQUEST FOR PRODUCTION NO. 11: All documents and communications related to the evaluation, review, analysis, or comments on any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans.

REQUEST FOR PRODUCTION NO. 12: All data and information to which the map drawers(s) had access during the process of drawing any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

REQUEST FOR PRODUCTION NO. 13: All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at floridaredistricting.gov.

Dated: September 13, 2022

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Thomas A. Zehnder

Florida Bar No. 0063274

**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**

P.O. Box 1631

Orlando, Florida 32802

Telephone: (407) 422-2472

Facsimile: (407) 648-0161

fwerthem@kbzwlaw.com

tzehnder@kbzwlaw.com

John M. Devaney*

PERKINS COIE LLP

700 Thirteenth Street N.W., Suite 600

Washington, D.C. 20005

Telephone: (202) 654-6200

Facsimile: (202) 654-6211

jdevaney@perkinscoie.com

Respectfully submitted,

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Telephone: (206) 656-0177

Facsimile: (206) 656-0180

akhanna@elias.law

Christina A. Ford

Florida Bar No. 1011634

Joseph N. Posimato*

Graham W. White*

Harleen K. Gambhir*

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, D.C. 20002

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

jposimato@elias.law

gwhite@elias.law

hgambhir@elias.law

Counsel for Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 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.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Counsel for Plaintiffs

SERVICE LIST

Bradley R. McVay
Ashley Davis
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
brad.mcvay@dos.myflorida.com
ashley.davis@dos.myflorida.com

Mohammed O. Jazil
Michael Beato
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

*Counsel for Florida Senate, Ray Rodrigues, and
Wilton Simpson*

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel Chris Sprowls and Thomas J. Leek

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO DEFENDANT
FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Florida Senate produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to

obtain, or to compel the production of, from any third party (including, but not limited to, any financial institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
 1. the type of document;
 2. the date of the document;
 3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter

data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents,

the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “Enacted Plan” shall mean the congressional district plan passed by the Legislature on April 21, 2022, or any drafts or precursors thereof.
- e) The term “Plan P000C0079” shall mean the congressional district plan submitted to the Legislature on January 16, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors therefor.
- f) The term “Plan P000C0094” shall mean the congressional district plan submitted to the Legislature on February 14, 2022 by Ryan Newman, Counsel to the Governor, or any drafts or precursors thereof.
- g) The term “Plan H000C8019” shall mean the congressional district plan approved by the Legislature on March 4, 2022, or any drafts or precursors thereof.
- h) The term “Plan H000C8015” shall mean the congressional district plan approved by the Legislature on March 4, 2022, with the recommendation that the plan take effect if Plan H000C8019 was found unconstitutional.
- i) The term “Plan S035C8060” shall mean the congressional district plan passed by the Florida Senate in January 2022, and any drafts or precursors therefor, including its direct predecessors considered by the Florida Senate Reapportionment Committee, including Plan S027C8058 submitted by Senator Rodrigues.

- j) The term “Proposed Plans” shall mean all congressional redistricting plans drawn, considered, or adopted by you or the Legislature during 2021 and 2022, as well as any drafts or precursors of those plans or subsequent amendments thereof.
- k) The term “map drawer” shall mean anyone who assisted, advised, or provided input or feedback in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services or participated in an official or unofficial capacity.
- l) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- m) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- n) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- o) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the

matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:
 - a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
 - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
 - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
 - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 7: All documents and communications related to any testing, analysis, advice, or comments concerning the expected political or partisan performance of any Proposed Plans (or partial maps or individual districts) that were considered or enacted by the Legislature in 2021 or 2022, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, Plan P000C0079, Plan P000C0094, and the Enacted Plan.

REQUEST FOR PRODUCTION NO. 8: All documents and communications exchanged between Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis and the Legislature, its members, committees, staff, agents, attorneys, or representatives related to congressional redistricting in 2021 and 2022.

REQUEST FOR PRODUCTION NO. 9: All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida Senate and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022 .

REQUEST FOR PRODUCTION NO. 10: All documents and communications exchanged between any member, staff member, agent, attorney, or representative of the Florida Senate and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022 between.

REQUEST FOR PRODUCTION NO. 11: All documents and communications related to the evaluation, review, analysis, or comments on any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, or on maps, data, or plans that were used to draft those plans, incorporated into those plans, or adopted as part or all of those plans.

REQUEST FOR PRODUCTION NO. 12: All data and information to which the map drawers(s) had access during the process of drawing any Proposed Plan, including but not limited to Plan S035C8060, Plan H000C8015, Plan H000C8019, P000C0079, Plan P000C0094, and the Enacted Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

REQUEST FOR PRODUCTION NO. 13: All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at floridaredistricting.gov.

Dated: September 13, 2022

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Thomas A. Zehnder

Florida Bar No. 0063274

**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**

P.O. Box 1631

Orlando, Florida 32802

Telephone: (407) 422-2472

Facsimile: (407) 648-0161

fweremuth@kbzwlaw.com

tzehnder@kbzwlaw.com

John M. Devaney*

PERKINS COIE LLP

700 Thirteenth Street N.W., Suite 600

Washington, D.C. 20005

Telephone: (202) 654-6200

Facsimile: (202) 654-6211

jdevaney@perkinscoie.com

Respectfully submitted,

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Telephone: (206) 656-0177

Facsimile: (206) 656-0180

akhanna@elias.law

Christina A. Ford

Florida Bar No. 1011634

Joseph N. Posimato*

Graham W. White*

Harleen K. Gambhir*

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, D.C. 20002

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

jposimato@elias.law

gwhite@elias.law

hgambhir@elias.law

Counsel for Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 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.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Counsel for Plaintiffs

SERVICE LIST

Bradley R. McVay
Ashley Davis
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
brad.mcvay@dos.myflorida.com
ashley.davis@dos.myflorida.com

Mohammed O. Jazil
Michael Beato
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

*Counsel for Florida Senate, Ray Rodrigues, and
Wilton Simpson*

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel Chris Sprowls and Thomas J. Leek

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION TO
DEFENDANT SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their Second Requests for Production of Documents, which are to be answered in writing and under oath, and request that Defendant Secretary of State produce the following documents at the office of King, Blackwell, Zehnder & Wermuth, P.A., 25 East Pine Street, Orlando, Florida 32801 within thirty (30) days from the date of service of these requests, for the purpose of inspection and/or copying as provided by applicable rules, or through a mutually agreeable alternative method of production (including, but not limited to, electronic production via email attachment or secure file transfer).

These requests are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. You are required by Florida law to produce all requested documents, wherever located, that are in your possession, custody, or control, including documents that you have a right to obtain, or to compel the production of, from any third party (including, but not limited to, any financial

institution and telephone carrier).

2. With respect to each document request, Plaintiffs request that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of you or, as applicable, of your members, committees, employees, agents, representatives or other persons acting on your behalf or under your control.

3. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

4. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- a) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
- b) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- c) a brief description of each such document or other material, including:
 1. the type of document;
 2. the date of the document;
 3. the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 4. the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material,

together with an identification of each such person(s);

5. the subject matter of the document;
6. the paragraph of this request to which the document or other material is responsive; and
7. in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

5. Plaintiffs request that, if you have no documents responsive to a request, then you shall state so.

6. If you assert that any requested document has been lost, destroyed, or discarded, please identify each such document as completely as possible, and provide the following information: the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

7. Plaintiffs request that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Plaintiffs will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

8. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF

format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

9. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date;

received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

10. If a responsive communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate communication, document, or tangible thing and shall be produced.

11. Produce any password-protected documents with any applicable passwords.

12. Notwithstanding any of the provisions below which request all documents and communications, you need not produce any documents or communications that are currently publicly available on the Legislature’s official website.

13. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or

entities acting or purporting to act on its behalf.

- b) The term “Legislature” shall mean the Florida Legislature, including but not limited to the Florida House of Representatives, the Florida Senate, the Florida Senate Committee on Reapportionment, the Florida Senate Select Subcommittee on Congressional Reapportionment, the Florida Senate Select Subcommittee on Legislative Reapportionment, the Florida House Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and those bodies’ respective members and staff.
- c) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- d) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- e) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- f) “Communication” refers to any transmission or communication, whether in person, by telephone, in writing, by facsimile, by e-mail, by voicemail, by instant messaging, by text messaging, by social media (including, but not limited to, by Facebook or by Twitter), or otherwise.
- g) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

4. The following rules of construction apply to all requests:

- a) The terms “all” and “any” shall each be construed as encompassing any and all;
- b) All uses of the word “each” include “every” (and vice versa);
- c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
- d) The term “including” shall be construed without limitation;
- e) The use of a verb in any tense encompasses the use of the verb in all tenses;
- f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 4: All documents and communications exchanged between you and Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis related to congressional redistricting in 2021 and 2022.

REQUEST FOR PRODUCTION NO. 5: All documents and communications exchanged between you and any employees, agents, consultants to, or representatives of the Republican National Committee, Republican Party of Florida, National Republican Congressional Committee, Republican State Leadership Committee, Redistricting Majority Project (or REDMAP), National Republican Redistricting Trust, Ballard Partners, Adam Foltz, or any other consultant or agent for the Republican Party related to congressional redistricting in 2021 and 2022.

REQUEST FOR PRODUCTION NO. 6: All documents and communications exchanged between you and any person who was a Member of the United States House of Representatives from the State of Florida or any staff member, campaign staff member, employee, agent, or consultant for any Member of the United States House of Representatives from the State of Florida related to congressional redistricting in 2021 and 2022.

REQUEST FOR PRODUCTION NO. 7: All drafts or final versions of congressional redistricting plans for the State of Florida which contain 28 congressional districts, including precursors of such plans, in your possession, excluding plans publicly submitted to and still available on the Florida Redistricting Website at floridaredistricting.gov.

REQUEST FOR PRODUCTION NO. 8: Information or data sufficient to determine the race of the candidate in each statewide and congressional primary and general election from 2012 to 2020.

REQUEST FOR PRODUCTION NO. 9: Information or data sufficient to determine the Citizen Voting Age Population using the 2015-2019 American Community Survey and/or the 2016-2020 American Community Survey at the block, precinct, and district levels.

Dated: September 13, 2022

Respectfully submitted,

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111
Thomas A. Zehnder
Florida Bar No. 0063274
**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fweremuth@kbzwlaw.com

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

tzehnder@kbzwlaw.com

John M. Devaney*

PERKINS COIE LLP

700 Thirteenth Street N.W., Suite 600

Washington, D.C. 20005

Telephone: (202) 654-6200

Facsimile: (202) 654-6211

jdevaney@perkinscoie.com

Christina A. Ford

Florida Bar No. 1011634

Joseph N. Posimato*

Graham W. White*

Harleen K. Gambhir*

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, D.C. 20002

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

jposimato@elias.law

gwhite@elias.law

Counsel for Plaintiffs

** Admitted pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 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.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Counsel for Plaintiffs

SERVICE LIST

Bradley R. McVay

Ashley Davis

Florida Department of State

R.A. Gray Building

500 South Bronough Street

Tallahassee, FL 32399

brad.mcvay@dos.myflorida.com

ashley.davis@dos.myflorida.com

Mohammed O. Jazil

Michael Beato

Daniel E. Nordby

Shutts & Bowen LLP

215 S. Monroe Street

Suite 804

Tallahassee, FL 32301

ndordby@shutts.com

*Counsel for Florida Senate, Ray Rodrigues, and
Wilton Simpson*

Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com

Counsel for Florida Secretary of State

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel Chris Sprowls and Thomas J. Leek

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGRATORIES TO DEFENDANT
FLORIDA HOUSE OF REPRESENTATIVES**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Florida House of Representatives and, in accordance with the Definitions and Instructions set forth below, request that Defendant Florida House of Representatives answer the following two (2) interrogatories, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR INTERROGATORIES

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and

its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida House of Representatives, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- c) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics,

estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- d) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- e) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- f) The term “identify” means:
 - a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
 - b. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
 - c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other

means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
 - a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
 - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
 - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
 - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

INTERROGATORIES

INTERROGATORY NO. 12: Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for members, committees, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 13: Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the above interrogatory and to Plaintiffs’ First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

VERIFICATION

FLORIDA HOUSE OF REPRESENTATIVES

By: _____

Print Name: _____

Title: _____

Date: _____

STATE OF _____)
) ss:
COUNTY OF _____)

SWORN TO AND SUBSCRIBED before me via physical presence OR online notarization this ___ day of _____, 2022, by _____, who duly acknowledged to me that he/she executed the above instrument. He/she is:

- personally known to me; or
- produced a driver’s license issued by the _____ Department of Highway Safety and Motor Vehicles as identification; or
- produced the following identification: _____

SIGNATURE OF NOTARY PUBLIC

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number:

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGRATORIES TO DEFENDANT
FLORIDA SENATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Florida Senate and, in accordance with the Definitions and Instructions set forth below, request that Defendant Florida Senate answer the following two (2) interrogatories, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR INTERROGATORIES

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and

its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Florida Senate, its committees, members, employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- c) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines,

newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.

- d) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- e) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- f) The term “identify” means:
 - a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
 - b. when used in reference to a company, corporation, association, firm, partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;
 - c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
- a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
 - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
 - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
 - h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

INTERROGATORIES

INTERROGATORY NO. 12: Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for members, committees, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 13: Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the above interrogatory and to Plaintiffs’ First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

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 his official capacity as Florida
Secretary of State, et al.,

Defendants.

Case No.: 2022-ca-000666

**PLAINTIFFS' SECOND INTERROGATORIES TO DEFENDANT
SECRETARY OF STATE**

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.340, Plaintiffs serve their Second set of Interrogatories to Defendant Secretary of State and, in accordance with the Definitions and Instructions set forth below, request that Defendant Secretary of State answer the following three (3) interrogatories, separately, in writing and under oath, and serve a copy of its responses on the undersigned counsel within thirty (30) days from the date of service of these interrogatories.

These interrogatories are to be interpreted and answered in accordance with the Instructions and Definitions below.

INSTRUCTIONS FOR INTERROGATORIES

1. In responding to these interrogatories, you must make a diligent search of the information available to you. In answering these interrogatories, furnish all information available to you or subject to your reasonable inquiry, including, but not limited to, information in the possession of your members, committees, current and former staff, attorneys, investigators,

experts, advisors, agents, or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

2. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.

3. If you object to any part of an interrogatory, answer all parts of such interrogatory to which you do not object. As to each part to which you do object, set forth the basis for the objection.

4. If you object to the scope or time period of an interrogatory, please state your objection and answer the request for the scope or time period you believe is appropriate.

5. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.

6. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.

7. If you object to any interrogatory on the grounds that, in whole or in part, a response is unduly burdensome or disproportionate to the needs of the case, describe the burden or expense

that you would incur in connection with the proposed discovery and/or identify each of the reasons why you believe it would be disproportionate to the needs of the case for you to respond.

8. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that you have not alleged to be objectionable. Such information should be supplied in sufficient detail to permit Plaintiffs to assess the applicability of the privilege claimed. If the information withheld is an oral Communication, please identify:

- a) the name of the person making the Communication;
- b) the names of persons present while the Communication was made;
- c) if not apparent, the relationship of the persons present to the person making the Communication;
- d) the date and place of the Communication; and
- e) the general subject matter of the Communication.

If the information withheld is in a Document, please provide the information set forth in Florida Rule of Civil Procedure 1.280(b)(6), including, but not limited to, the type of document, the general subject matter of the Document, the date of the Document, and such other information as is sufficient to identify the Document, including, where appropriate, the author(s), addressee(s), custodian(s), and any other recipient(s) of the Document, and, where not apparent, the relationship of the author(s), addressee(s), custodian(s) and any other recipient(s) to each other, in a manner that, without revealing the information claimed to be protected, will enable the parties and/or, if necessary, the Court to assess the applicability of the privilege or protection claimed.

9. If your response to any interrogatory refers to Documents you have produced or will produce, specify the Bates numbers of those Documents.

10. If any Document has been destroyed that would have provided information

responsive to these interrogatories or used or referenced in formulating your answers to these interrogatories, please identify each such Document—including the nature of the Document and its contents, the person(s) who prepared or authored the Document, the person(s) to whom the Document was sent, and the date(s) on which the Document was prepared and/or transmitted—and state the circumstances of its destruction, including the identity of the person who actually destroyed the Document, the identity of any person who ordered or directed its destruction, the date and location of its destruction, and any policy or procedure that you contend allows, relates to, compels, or explains such destruction.

DEFINITIONS

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Florida Rules of Civil Procedure.

2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.

3. The following terms shall have the meanings indicated below:

- a) The terms “you,” and “your” shall mean the Secretary of State’s Office, its employees, staff, associates, representatives, attorneys, and other persons or entities acting or purporting to act on its behalf.
- b) The terms “Governor Ron DeSantis” and “Executive Office of Governor Ron DeSantis” shall mean Governor Ron DeSantis, in his capacity as an individual and as Governor of Florida, and covers the Executive Office of Governor Ron DeSantis as well as present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on behalf of Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis.
- c) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.

- d) The term “document” or “communication” is used in the broadest sense of data compilations subject to production and includes any tangible thing on or in which data are preserved by any means or in any form, including, without limiting the generality of its meaning, electronically stored information (ESI) or recorded material of any kind such as email or other electronic correspondence, including any electronic or computerized record from which information can be obtained or translated, correspondence, letters, envelopes, telegrams, facsimiles, telexes, minutes, notes or memoranda of personal or telephone conversations or conferences, telephone logs, memoranda, handwritten or stenographic notes, diaries, calendars, contracts, purchase orders, invoices, accounts, ledgers, evaluations, analyses, forecasts, statistics, estimates, reviews, working papers, reports, studies, books, magazines, newspapers, booklets, brochures, catalogs, pamphlets, instructions, circulars, bulletins, trade letters, press releases, charts, maps, geological or geophysical logs, diagrams, designs, specifications, blueprints, sketches, drawings, pictures, photographs, motion pictures, negatives, undeveloped film, video or audio tapes, belts or discs, voice recordings, transcripts or transcriptions, computer printouts, magnetically encoded cards or tapes, punched cards or tapes, microfilms, microfiches, and any other data compilations from which words, numbers, images or other information can be obtained (translated, if necessary, through appropriate devices into reasonably useable form), whether or not privileged, that is in your possession, custody or control, and shall include all originals, drafts and non-identical copies of such documents.
- e) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- f) The phrase “describe in detail” means to narrate and recount any and all facts and circumstances that describe – and to identify any and all persons, documents and communications involved in or that may reflect or provide evidence of – the event or occurrence, or series of events or occurrences referenced in the interrogatory, and to narrate and recount all such information that relates to, supports, or forms the basis for a contention, allegation, denial or affirmative defense referenced in response to the interrogatory.
- g) The term “identify” means:
- a. when used in connection with a natural person, to state the individual’s full name; his or her home and business address; his or her present employer; and his or her position, title, or job description;
 - b. when used in reference to a company, corporation, association, firm,

partnership, joint venture, or any legal entity other than a natural person, to state its full name and type of organization or entity; the address of its principal place of business; its date and place of incorporation; and the identity of its officers, directors, and/or managing agents;

c. when used in reference to an oral statement, to state the name of the speaker; the date of the statement; the place at which the statement was made; the person or persons to whom the statement was addressed, if known, or, if not, a general description of the person(s) to whom the statement was addressed; the subject matter of the statement; and if the statement was memorialized in writing or otherwise recorded by mechanical, digital or other means, the date and present location of the writing or recording; and

d. when used in reference to a document, to state, to the extent known, the type of document; author(s); date of the document; addressee(s); recipient(s) or general description of the person(s) to whom the document was distributed; general subject matter; Bates number (or other litigation document control number); title or other identifying information; and present location and custodian.

4. The following rules of construction apply to all requests:
- a) The terms “all” and “any” shall each be construed as encompassing any and all;
 - b) All uses of the word “each” include “every” (and vice versa);
 - c) The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope, so that the fullest disclosure of information and documents is achieved;
 - d) The term “including” shall be construed without limitation;
 - e) The use of a verb in any tense encompasses the use of the verb in all tenses;
 - f) References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
 - g) References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.

- h) The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular requests may make appropriate.

INTERROGATORIES

INTERROGATORY NO. 8: Describe in detail all instructions, guidance, or feedback provided to or received from Adam Foltz in relation to his work as a consultant for you and/or the Executive Office of the Governor. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 9: Describe in detail your policies and practices for the retention and destruction of all documents and communications, including but not limited to policies and practices related to email and text communications for the Secretary, current and former staff, attorneys, investigators, experts, advisors, and agents. Please refer to the instructions above for the definition of “describe” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

INTERROGATORY NO. 10: Identify by name, job title, and work or home address every person who participated in investigating, collecting, or preparing information or documents in response to the First and Second Interrogatories and First and Second Requests for Production of Documents. Please refer to the instructions above for the definition of “identify” to ensure that you have provided a complete response to this interrogatory.

RESPONSE:

