

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

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., EQUAL  
GROUND EDUCATION FUND, INC.,  
LEAGUE OF WOMEN VOTERS OF  
FLORIDA, INC., LEAGUE OF WOMEN  
VOTERS OF FLORIDA EDUCATION  
FUND, INC., FLORIDA RISING  
TOGETHER, PASTOR REGINALD  
GUNDY, SYLVIA YOUNG, PHYLLIS  
WILEY, ANDREA HERSHORIN,  
ANAYDIA CONNOLLY, BRANDON P.  
NELSON, KATIE YARROWS, CYNTHIA  
LIPPERT, KISHA LINEBAUGH, BEATRIZ  
ALONSO, and GONZALO ALFREDO  
PEDROSO,

Plaintiffs,

v.

CORD BYRD, in his official capacity as  
Florida Secretary of State, the FLORIDA  
SENATE, and the FLORIDA HOUSE OF  
REPRESENTATIVES,

Defendants.

Case No. 2022-ca-000666

**PLAINTIFS' NOTICE OF INTENT TO SERVE SUBPOENAS *DUCES TECUM***  
**WITHOUT DEPOSITION ON NON-PARTIES**

YOU ARE HEREBY notified that after ten (10) days from the date of service of this notice, if no objections are served by any party, undersigned counsel for Plaintiffs Black Voters Matter Capacity Building Institute, Inc., Equal Ground Education Fund, Inc., League of Women Voters of Florida, Inc., League of Women Voters of Florida Education Fund, Inc., and Florida Rising Together will issue the attached Subpoenas Duces Tecum Without Deposition pursuant to Florida Rule of Civil Procedure 1.351 upon **Adam Foltz** and **Robert Popper**. The materials received

pursuant to the attached Subpoenas will be used for discovery, at trial, and for such other purposes as are permitted under the applicable Florida Statutes and Florida Rules of Civil Procedure.

Dated: November 10, 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  
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hgambhir@elias.law

*Counsel for Plaintiffs*

*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 10, 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**

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ashley.davis@dos.myflorida.com

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*Counsel for the Florida House of Representatives*

THE STATE OF TEXAS:

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., EQUAL  
GROUND EDUCATION FUND, INC.,  
LEAGUE OF WOMEN VOTERS OF  
FLORIDA, INC., LEAGUE OF WOMEN  
VOTERS OF FLORIDA EDUCATION  
FUND, INC., FLORIDA RISING  
TOGETHER, PASTOR REGINALD  
GUNDY, SYLVIA YOUNG, PHYLLIS  
WILEY, ANDREA HERSHORIN,  
ANAYDIA CONNOLLY, BRANDON P.  
NELSON, KATIE YARROWS, CYNTHIA  
LIPPERT, KISHA LINEBAUGH, BEATRIZ  
ALONSO, and GONZALO ALFREDO  
PEDROSO,

Plaintiffs,

v.

CORD BYRD, in his official capacity as  
Florida Secretary of State, the FLORIDA  
SENATE, and the FLORIDA HOUSE OF  
REPRESENTATIVES,

Defendants.

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

Case No. 2022-ca-000666

**SUBPOENA DUCES TECUM FOR PRODUCTION OF  
DOCUMENTS WITHOUT DEPOSITION**

To: Any person authorized by Texas Rule of Civil Procedure 176 to serve subpoenas.

You are hereby commanded to summon **Adam Foltz**, 1219 S. Lamar Blvd. Apt. 804, Austin TX 78704, to appear at the offices of Max Renea Hicks, 4112 Ramsey Avenue, Austin TX 78756-3511 on **December 16, 2022 at 10:00 a.m.** and have with him at that time and place the following:

**SEE ATTACHED SCHEDULE A**

These items will be inspected and may be copied at that time. He will not be required to surrender the original items. He may comply with this subpoena by providing legible copies of these items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. He may condition the preparation of the copies upon the payment

in advance of the reasonable cost of preparation. **\*\*IF THE COST OF PRODUCING THE REQUESTED DOCUMENTS WILL EXCEED \$100.00, PLEASE CONTACT FREDERICK S. WERMUTH, 25 EAST PINE STREET, ORLANDO, FL 32801, TELEPHONE: (407) 422-2472, FOR FURTHER INSTRUCTIONS BEFORE INCURRING THE COST OF PRODUCING THE REQUESTED DOCUMENTS.**

He may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate his appearance at the time and place specified above. He has the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE GIVEN.**

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Max Renea Hicks

Subpoena issued by:  
Max Renea Hicks  
4112 Ramsey Avenue  
Austin, TX 78756-3511  
Texas Bar No. 09580400  
rhicks@renea-hicks.com

Subpoena issued at the instance of Plaintiffs Black Voters Matter Capacity Building Institute, Inc., Equal Ground Education Fund, Inc., League of Women Voters of Florida Education Fund, Inc., and Florida Rising Together represented by:

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

**IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE**

**PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE ADA COORDINATOR, HUMAN RESOURCES, LEON COUNTY COURTHOUSE, 301 S. MONROE STREET, SUITE 202B, TALLAHASSEE, FLORIDA (850) 606-2401, AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS COURT NOTIFICATION. IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS, OR IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.**

## SCHEDULE A

### DEFINITIONS AND INSTRUCTIONS

- A. 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.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
- (1) The terms “you,” and “your” shall mean Adam Foltz, as well as his 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 his behalf.
  - (2) 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.
  - (3) 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 Congressional Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and their respective members and staff.
  - (4) 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.
  - (5) The term “document” is used in the broadest possible sense and shall mean, without limitation, any tangible thing on or in which data are preserved by any means or in any form, including hard copies of documents and, 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 (including USB drives), correspondence, letters, envelopes, telegrams, facsimiles, telexes, text

messages, 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, whether sent or received or neither.

- (6) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (7) 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.

- D. Notwithstanding any of the provisions below, Respondents should not produce any documents or communications that are currently publicly available on the Legislature’s or the Governor’s official websites.
- E. Unless otherwise specified, the time period for all documents requested is January 1, 2021 to the present day.
- F. The following rules of construction apply to all requests for production:
  - 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.
- G. 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.
- H. 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:
- (1) 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;
  - (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
  - (3) a brief description of each such document or other material, including:
    - (a) the type of document;
    - (b) the date of the document;
    - (c) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
    - (d) 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);

- (c) the subject matter of the document;
  - (d) the paragraph of this request to which the document or other material is responsive; and
  - (e) 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.
- I. 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).
- J. 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 employees, agents, representatives or other persons acting on your behalf or under your control.
- K. Plaintiffs request that, if you have no documents responsive to a request, then you shall so state.
- L. 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:
  - a. the date of loss, destruction, or discarding;
  - b. the circumstances of the loss, destruction, or discarding; and
  - c. if destroyed or discarded:
    - i. the manner of destruction or discarding;
    - ii. the reason for destruction or discarding;
    - iii. the identity of the person authorizing the destruction or discarding; and
    - iv. the identity of the person who destroyed or discarded the document.
- M. 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.

- N. These requests shall be deemed to be continuing so as to require further and supplemental production if you receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.
- O. 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.
- P. 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.
- Q. 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.

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

### **RECORDS TO BE PRODUCED**

1. All documents and communications related to the redrawing of congressional districts in Florida following the 2020 Census, including but not limited to:
  - a. All documents reflecting or containing communications with the Legislature, including any documents that refer to such communications.
  - b. All documents reflecting or containing communications with Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis, including any documents that refer to such communications.
  - c. All documents reflecting or containing communications with the Republican National Committee, the Florida Republican Party, including, without limitation, Joe Gruters, the National Republican Redistricting Trust, the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer, or any political action committee, including any documents that refer to such communications.
  - d. All documents reflecting or containing communications with or relating to any consultants who participated in any way in the redrawing of congressional districts in Florida following the 2020 Census, including any documents that refer to such communications.
  - e. All redistricting plans, including draft redistricting plans or partial plans, that you received, viewed, reviewed, drafted, or assisted in drafting.
2. All documents relating to any agreement to provide consulting services or other support in connection with the redrawing of congressional districts in Florida following the 2020 Census, including but not limited to consulting agreements, contracts, invoices for services, and communications relating to consulting services or other support provided in redrawing the congressional districts.

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

BLACK VOTERS MATTER CAPACITY  
BUILDING INSTITUTE, INC., EQUAL  
GROUND EDUCATION FUND, INC.,  
LEAGUE OF WOMEN VOTERS OF  
FLORIDA, INC., LEAGUE OF WOMEN  
VOTERS OF FLORIDA EDUCATION  
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ANAYDIA CONNOLLY, BRANDON P.  
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LIPPERT, KISHA LINEBAUGH, BEATRIZ  
ALONSO, and GONZALO ALFREDO  
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Plaintiffs,

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CORD BYRD, in his official capacity as  
Florida Secretary of State, the FLORIDA  
SENATE, and the FLORIDA HOUSE OF  
REPRESENTATIVES,

Defendants.

Case No. 2022-ca-000666

**SUBPOENA DUCES TECUM FOR PRODUCTION OF DOCUMENTS WITHOUT  
DEPOSITION PURSUANT TO FLA. R. CIV. P. 1.351**

THE STATE OF FLORIDA:

To: Robert Popper  
9221 Adelaide Dr.  
Bethesda, MD 20817

**YOU ARE COMMANDED** to appear at the offices of Phipps Reporting, 2 Wisconsin Circle, Chevy Chase, MD 20815 on **December 2, 2022 at 10:00 a.m.** and have with you at that time and place the following:

**SEE ATTACHED SCHEDULE A**

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of these items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **\*\*IF THE COST OF PRODUCING THE REQUESTED DOCUMENTS WILL EXCEED \$100.00, PLEASE CONTACT FREDERICK S. WERMUTH, 25 EAST PINE STREET, ORLANDO, FL 32801, TELEPHONE: (407) 422-2472, FOR FURTHER INSTRUCTIONS BEFORE INCURRING THE COST OF PRODUCING THE REQUESTED DOCUMENTS.**

You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE GIVEN.**

If you fail to:

- (1) appear as specified; or
- (2) furnish the records instead of appearing as provided above; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Frederick S. Wermuth  
FOR THE COURT

Subpoena issued by:  
Frederick S. Wermuth  
Florida Bar No. 0184111  
**KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.**  
P.O. Box 1631  
Orlando, Florida 32802

Telephone: (407) 422-2472  
Facsimile: (407) 648-0161  
fwerthemuth@kbzwlaw.com

*Counsel for Plaintiffs*

**IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE ADA COORDINATOR, HUMAN RESOURCES, LEON COUNTY COURTHOUSE, 301 S. MONROE STREET, SUITE 202B, TALLAHASSEE, FLORIDA (850) 606-2401, AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS COURT NOTIFICATION. IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS, OR IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.**

## SCHEDULE A

### DEFINITIONS AND INSTRUCTIONS

- A. 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.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
- (1) The terms “you,” and “your” shall mean Robert Popper, as well as his 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 his behalf.
  - (2) 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.
  - (3) 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 Congressional Redistricting Committee, the Florida House Congressional Redistricting Subcommittee, the Florida House State Legislative Redistricting Subcommittee, and their respective members and staff.
  - (4) 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.
  - (5) The term “document” is used in the broadest possible sense and shall mean, without limitation, any tangible thing on or in which data are preserved by any means or in any form, including hard copies of documents and, 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 (including USB drives), correspondence, letters, envelopes, telegrams, facsimiles, telexes, text messages, 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, whether sent or received or neither.

(6) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.

(7) 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.

D. Notwithstanding any of the provisions below, Respondents should not produce any documents or communications that are currently publicly available on the Legislature’s or the Governor’s official websites.

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

F. The following rules of construction apply to all requests for production:

- 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.
- G. 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.
- H. 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:
- (1) 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;
  - (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
  - (3) a brief description of each such document or other material, including:
    - (a) the type of document;
    - (b) the date of the document;
    - (c) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
    - (d) 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);
    - (e) the subject matter of the document;
    - (d) the paragraph of this request to which the document or other material is responsive; and

- (e) 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.
- I. 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).
- J. 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 employees, agents, representatives or other persons acting on your behalf or under your control.
- K. Plaintiffs request that, if you have no documents responsive to a request, then you shall so state.
- L. 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:
  - a. the date of loss, destruction, or discarding;
  - b. the circumstances of the loss, destruction, or discarding; and
  - c. if destroyed or discarded:
    - i. the manner of destruction or discarding;
    - ii. the reason for destruction or discarding;
    - iii. the identity of the person authorizing the destruction or discarding; and
    - iv. the identity of the person who destroyed or discarded the document.
- M. 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.
- N. These requests shall be deemed to be continuing so as to require further and supplemental

production if you receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

- O. 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.
- P. 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.
- Q. 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.
- R. Produce any password-protected documents with any applicable passwords.

## RECORDS TO BE PRODUCED

1. All documents and communications related to the redrawing of congressional districts in Florida following the 2020 Census, including but not limited to:
  - a. All documents reflecting or containing communications with the Legislature, including any documents referring to such communications.
  - b. All documents reflecting or containing communications with Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis, including any documents referring to such communications.
  - c. All documents reflecting or containing communications with the Republican National Committee; the Florida Republican Party, including, without limitation, Joe Gruters; the National Republican Redistricting Trust; the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer; or any political action committee.
  - d. All documents reflecting or containing communications with any consultants who participated in any way in the redrawing of congressional districts in Florida following the 2020 Census, including any documents referring to such communications.
  - e. All redistricting plans, including draft redistricting plans or partial plans, that you received, viewed, reviewed, drafted, or assisted in drafting.
  - f. All contracts and invoices relating to work you performed in connection with the redrawing of congressional districts in Florida following the 2020 Census, including any contracts and invoices related to your testimony before the Legislature on February 18, 2022.
2. All documents reflecting or containing any communications with Governor Ron DeSantis or the Executive Office of Governor Ron DeSantis relating to the redrawing of State House or Senate districts following the 2020 Census or to your testimony before the Legislature on February 18, 2022, including any documents referring to such communications.
3. All documents reflecting or containing communications with the Legislature relating to the redrawing of State House or Senate districts following the 2020 Census or to your testimony before the Legislature on February 18, 2022, including any documents referring to such communications.