

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

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

Petitioners,

v.

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

Respondents.

Case No.: 2022-ca-000666

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

Pursuant to Florida Rules of Civil Procedure 1.280 and 1.350, Plaintiffs serve their First 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**

14. 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.

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

16. 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.
- 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) “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.
- r) 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.

17. 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. 1:** All documents and communications related to your response to each interrogatory in Plaintiffs' First Interrogatories to Defendant Secretary of State.

**REQUEST FOR PRODUCTION NO. 2:** All documents and communications relating to the Fair Districts Amendments, including but not limited to all documents or communications regarding the applicability of or compliance with the Fair Districts Amendments.

**REQUEST FOR PRODUCTION NO. 3:** All documents and communications discussing, analyzing, or commenting upon any Proposed Plans or the Enacted Plan.

Dated: July 20, 2022

Respectfully submitted,

/s/ Frederick S. Wermuth

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 20, 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  
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