

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

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

Case No.: 2022 CA 000666

Plaintiffs,

v.

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

Defendants.

_____ /

**DEFENDANT THE FLORIDA SENATE'S FIRST REQUEST
FOR PRODUCTION TO INDIVIDUAL PLAINTIFFS**

Defendant, The Florida Senate (the "Florida Senate"), propounds this First Request for Production to the individual Plaintiffs: Pastor Reginald Gundy, Sylvia Young, Phyllis Wiley, Andrea Hershorin, Anaydia Connolly, Brandon P. Nelson, Katie Yarrows, Cynthia Lippert, Kisha Linebaugh, Beatriz Alonso, Gonzalo Alfredo Pedroso, and Ileana Caban (collectively, the "Individual Plaintiffs").

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, each Individual Plaintiff is requested to produce and permit the Florida Senate or the Florida Senate's authorized representative to inspect and copy the following documents and things at the offices of Shutts & Bowen, LLP, 215 South Monroe Street, Suite 804, Tallahassee, Florida, 32301, within 30 days of the date of this request, or at some location and time as counsel may agree upon, and that such documents and things remain available until inspection and copying is completed. This First Request for Production is governed by the following definitions.

DEFINITIONS

1. “Defendant “Plaintiff,” “you,” or “your” shall mean the Individual Plaintiff (Pastor Reginald Gundy, Sylvia Young, Phyllis Wiley, Andrea Hershorin, Anaydia Connolly, Brandon P. Nelson, Katie Yarrows, Cynthia Lippert, Kisha Linebaugh, Beatriz Alonso, Gonzalo Alfredo Pedroso, and Ileana Caban) responding to this First Request for Production, and any of his or her agents, representatives, and all persons acting or purporting to act on his or her behalf for any purpose.

2. “Defendant” shall mean “The Florida Senate” including its officers, directors, agents, former or current employees, or representatives, and all persons acting or purporting to act on its behalf for any purpose.

3. “Person” or “persons” shall mean all individuals and entities, including, but not limited to, individuals, individual proprietorships, franchisees, licensees, representative persons, associations, companies, corporations, partnerships, limited partnerships, joint ventures, trusts, estates, public agencies, departments, divisions, boards, and bureaus, whether *sui juris* or otherwise.

4. “Date” shall mean the exact date, month, and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

5. “Communication” shall mean any oral or written statement, dialogue, colloquialism, discussion, conversation, agreement, and any correspondence, contract, discussion, or exchange between any two or more

persons, including, but not limited to, documents, telephone conversations, face-to-face conversations, meetings, and conferences.

6. “Document” or “documents” includes the original and any copies, including nonidentical copies (whether different from the original by reason of notations made on such copies or otherwise), regardless of the origin or location, of any written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, including, but not limited to, any correspondence, telegrams, books, letters, memorandum, diaries, statistics, resolutions, contracts, studies, manuals, instructions, financial reports, working papers, records, checks, statements, receipts, returns, summaries, interoffice and intra-office telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes and telefax (including transmittal cover sheets), invoices, worksheets, analyses, bills, accounts, estimates, projections, comparisons, reviews, opinions, offers, studies and investigations, questionnaires, and surveys (and all drafts, alterations, modifications or changes to any of the foregoing, as well as any attachments or appendices thereto); graphic or oral records or representations of any kind, including without limitation, photographs, charts, graphs, microfiche, microfilm, video tape, recordings, electronic, mechanical or electrical records or representations of any kind, including without limitation, tapes, cassettes, discs, and recordings; and other written, printed, typed, or graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, phonorecord, film, tape, disc, videotape, CD-ROM, computer hard drive, or

optical disc. **Please note that “document” includes all e-mails, electronic documents, and text messages.**

7. “All documents” means any document, as defined above, known to you, and every such document which can be located or discovered by using reasonably diligent efforts.

8. “Agent” shall mean any agent, employee, officer, director, attorney, independent contractor, or any other person acting at the direction of or on behalf of another.

9. The term “third party” or “third parties” refers to individuals or entities that are not a party to this action.

10. The words “pertain to” or “pertaining to” mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts, or contradicts.

11. “Evidence,” “relate to,” or “refer to” shall also mean concerning, respecting, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, comprising, supporting, connected with, commenting on, representing, constituting, or including.

12. “And” and “or” will be construed conjunctively and disjunctively so as to require the broadest possible response to any particular request.

13. “Identify” means:

(a) With respect to an individual, state his or her full name, title or job description, present or last known home address, business address, and home and business telephone numbers.

(b) With respect to an entity or organization other than an individual, state its full name, principal place of business, business address, and telephone number.

(c) With respect to a document, state its title, type of document, date, author, addressee, recipient, or any other material that would aid in its identification. Also include a brief description of the document's contents, subject matter, and present location, or identify the person who has custody or control of the document. If any documents have been destroyed, indicate the destruction and identify the person or persons responsible for such destruction.

(d) With respect to an oral statement or communication, state the name of the maker, the recipients, when made, where made, the method of communication, the time the statement was made, and a description of the subject matter of the communication.

14. Whenever necessary to bring within the scope of a request all documents that might otherwise be construed to be outside its scope: (a) the use of a verb in any tense shall be construed as the use of the verb in all other tenses; (b) the use of the singular shall be construed as the use of the plural and vice versa; and (c) "any" includes "all" and "all" includes "any."

15. "SB 2-C" refers to Senate Bill 2-C, Establishing the Congressional Districts of the State, which was enacted by the Florida Legislature on April 21,

2022, signed by Governor Ron DeSantis on April 22, 2022, and challenged in this lawsuit.

INSTRUCTIONS

1. When answering this First Request for Production, you shall furnish (a) all requested documents within your possession, and/or in the possession of your representatives, employees, agents, accountants, consultants, experts, investigators, independent contractors, insurers, any person acting on your behalf, and, unless privileged, your attorneys; and (b) all documents you could obtain by a reasonably diligent inquiry.

2. Should you object to a request in whole or in part, state the particular request to which you object and the precise grounds for the objection in sufficient detail to allow the Florida Senate to evaluate and respond to the objection.

3. If any request for documents is deemed to call for the production of privileged or work product materials, and such privilege or work product is asserted, identify in writing each document so withheld. If only a portion of a document is privileged or work product, redact and identify the portion withheld. With regard to all documents or portions of documents withheld, provide the following information:

- (a) The reason for withholding the document;
- (b) A statement of the basis for the claim of privilege, work product, or other ground of nondisclosure;
- (c) A brief description of the document, including:

- i. The date of the document;
- ii. The number of pages, attachments, and appendices;
- iii. The name(s) of its author(s) or preparer(s) and identification by employment and title of each such person;
- iv. The present custodian; and
- v. The subject matter of the document, and, in the case of any document relating, evidencing, or referring to a meeting or conversation, identification of such meeting or conversation.

4. If any requested document was at one time in existence but has been lost, discarded, or destroyed, identify such document as completely as possible, providing the following information:

- (a) The type of document;
- (b) The document's date;
- (c) The date or approximate date the document was lost, discarded, or destroyed;
- (d) The circumstances and manner in which the document was lost, discarded, or destroyed;
- (e) The reason(s) for disposing of the document (if discarded or destroyed);
- (f) The identity of all persons having knowledge of the circumstances surrounding the disposal of the document;
- (g) The identity of all persons who authorized, lost, discarded, and/or destroyed the document; and

(h) The identity of all persons having knowledge of the contents of the document.

PRODUCTION REQUESTS

1. Any and all documents identified in your answers to the Florida Senate's First Interrogatories to the Individual Plaintiffs.

2. Any and all documents used by you or your counsel in preparation of your answers to the Florida Senate's First Interrogatories to the Individual Plaintiffs.

3. Any and all documents that evidence, relate to, or refer to your claims and allegations in the Complaint.

4. Any and all documents, correspondence, memoranda, e-mails, or other writings you have consulted or upon which you have relied in the preparation of the Complaint.

5. Any and all written or otherwise recorded or documented statements concerning this action or the subject of this action made by any party to this action or third party with firsthand knowledge of any facts concerning the subject matter of this action.

6. Any and all expert reports received by you, your agents, or your counsel in connection with this litigation, and copies of all documents and materials provided to any expert retained by you, your agents, or your counsel in connection with this litigation.

7. Any and all documents that evidence, relate to, or refer to your allegations in Count I of the Complaint.

8. Any and all documents that evidence, relate to, or refer to your allegations in Count II of the Complaint.

9. Any and all documents that evidence, relate to, or refer to your allegations in Count III of the Complaint.

10. Any and all documents that evidence, relate to, or refer to your allegations in Count IV of the Complaint.

11. Any and all documents that evidence, relate to, or refer to your allegations in Count V of the Complaint.

12. Any and all documents that evidence, relate to, or refer to your allegation in paragraph 86 of the Complaint that “there are no districts in North Florida that will permit Black voters to elect candidates of their choice.”

13. Any and all documents that evidence, relate to, or refer to your allegation in paragraph 88 of the Complaint that “[e]very legislative staff member and legislator involved in redrawing those boundaries acknowledged that, as to CD-5 in particular, complaint with the Fair Districts Amendment required that the Black voters of North Florida be able to elect their candidates of choice.”

14. Any and all documents that evidence, relate to, or refer to your allegation in paragraph 101 of the Complaint that SB 2-C, “[w]ith nearly every line-drawing decision, . . . advantages the Republican Party.”

15. Any and all documents that evidence, relate to, or refer to your allegations in paragraphs 102, 103, 104, and 105 of the Complaint involving the number of congressional seats you allege that Democrats or Republicans were or are expected to win under the referenced congressional district maps.

16. Any and all documents that evidence, relate to, or refer to your allegation in paragraph 109 of the Complaint that SB 2-C “is an intentional partisan gerrymander.”

17. Any and all documents and/or communications between you and all current and former employees, agents, elected officials, and officers of the Florida Senate regarding the subject matter of this litigation.

18. Any and all documents and/or communications between you and all current and former employees, agents, elected officials, and officers of the Florida House of Representatives regarding the subject matter of this litigation.

19. Any and all documents and/or communications between you and all current and former employees, agents, and officers of the Executive Office of the Governor of Florida regarding the subject matter of this litigation.

20. Any and all documents and/or communications between you and all current and former employees, agents, elected officials, and officers of a Florida Supervisor’s of Elections Office regarding the subject matter of this litigation.

21. Any and all documents that demonstrate you have standing to challenge the congressional districts you are challenging as a part of this lawsuit.

22. Any and all documents that demonstrate any harm or injury that you have suffered or will suffer as a result of SB 2-C.

23. Any and all documents that show the entirety of SB 2-C should be rejected, as opposed to the specific congressional districts that you are challenging.

Dated this 28th day of July, 2022.

Respectfully Submitted,

CARLOS REY
Florida Bar No. 11648
JASON ROJAS
Florida Bar No. 640001
FLORIDA SENATE
404 South Monroe Street
Tallahassee, FL 32399
(850) 487-5855
Rey.Carlos@flsenate.gov
Rojas.Jason@flsenate.gov

/s/Daniel E. Nordby
DANIEL E. NORDBY
Fla. Bar No. 14588
GEORGE E. MEROS, JR.
Fla Bar. No. 263321
TARA R. PRICE
Fla Bar. No. 98073
SHUTTS & BOWEN LLP
215 South Monroe Street
Suite 804
Tallahassee, FL 32301
(850) 241-1717
DNordby@shutts.com
GMeros@shutts.com
TPrice@shutts.com
MMontanaro@shutts.com
CHill@shutts.com

Counsel for the Florida Senate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July 2022, a copy of the foregoing was filed via electronic means through the Florida Courts E-Filing portal and was served via electronic mail on all counsel of record.

/s/Daniel E. Nordby
Attorney