IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF NAACP, ET AL.	)	
PLAINTIFFS,	)	**CIVIL ACTION NO. 1:21-CV-5338-ELB-SCJ-SDG**
V.	)	
STATE OF GEORGIA, ET AL.	)	
DEFENDANTS.	)	
COMMON CAUSE, et al.,	)	
PLAINTIFFS,	)	**CIVIL ACTION FILE NO. 1:22-CV-00090-ELB-SCJ-SDG**
V.	)	
BRAD RAFFENSPERGER,	)	
DEFENDANT.	)	

MOTION FOR PROTECTIVE ORDER
AS TO NON-PARTY SUBPOENAS

COME NOW, John Kennedy, Bonnie Rich, the "Senate Reapportionment and Redistricting Committee," the "House Reapportionment and Redistricting Committee," Gina Wright, Executive Director of the Legislative and Congressional Reapportionment Office, and the Legislative and Congressional Reapportionment Office (collectively the "Movants") and file this, their Motion for Protective Order as to the documents and testimony sought in the Subpoenas issued to Movants by

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named individual as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____ _____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

Exhibit D

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit D

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Senate Redistricting & Reapportionment Committee c/o John Kennedy
(407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta GA 30334)
(Name of person to whom this subpoena is directed)

☑ Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: via electronic means	Date and Time: 06/21/2022 9:30 am

The deposition will be recorded by this method: via stenographic and videographic means

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com; 415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit E

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

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❒ I served the subpoena by delivering a copy to the named individual as follows: _____

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_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

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(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit E

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The term "SENATE MAP" means and refers to the Georgia State Senate map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 1EX.

7. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DEPOSITION TOPICS

1. The development and creation of the CONGRESSIONAL MAP, including all factors considered when developing and creating the CONGRESSIONAL MAP, all persons who made requests relating to the CONGRESSIONAL MAP, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to the CONGRESSIONAL MAP.

2. The development and creation of the SENATE MAP, including all factors considered when developing and creating the SENATE MAP, all persons who made requests relating to the SENATE MAP, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to the SENATE MAP.

3. The development and creation of any ALTERNATIVE maps, including all factors considered when developing any ALTERNATIVE maps, all persons who made requests relating to any ALTERNATIVE maps, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to any ALTERNATIVE maps.

4. The DOCUMENTS and COMMUNICATIONS relating to the CONGRESSIONAL MAP, SENATE MAP and any ALTERNATIVE maps.

5. Any money spent or received in relation to the CONGRESSIONAL MAP, SENATE MAP, and any ALTERNATIVE maps.

6. The redistricting Town Halls that occurred between January 1, 2021, and November 3, 2021.

7. The November 3, 2021, special redistricting session of the Georgia General Assembly.

8. Activities taken by the Legislative and Congressional Reapportionment Office and/or its members and their staff, relating to the CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP.

9. Activities taken by the House Legislative and Congressional Reapportionment Committee and/or its members and their staff, relating to the CONGRESSIONAL MAP or HOUSE MAP.

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Gina Wright (407 Coverdell Legislative Office Building
18 Capitol Square, Atlanta Georgia 30334)
(Name of person to whom this subpoena is directed)

☑ Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: via electronic means	Date and Time: 06/23/2022 9:30 am

The deposition will be recorded by this method: via stenographic and videographic means

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com; 415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

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My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

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Exhibit F

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(i) disclosing a trade secret or other confidential research, development, or commercial information; or

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Exhibit F

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for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Gina Wright (407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta Georgia 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit G

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit G

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit G

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The term "SENATE MAP" means and refers to the Georgia State Senate map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 1EX.

7. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS that relate to the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or

the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the SENATE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the SENATE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the SENATE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

All data considered or relied on to draw the SENATE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the SENATE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person

that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show any ALTERNATIVES to the HOUSE MAP.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS that relate to the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the HOUSE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 14:

All data considered or relied on to draw the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the HOUSE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the Legislative and Congressional Reapportionment Office from November 1, 2016, to the present.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS and COMMUNICATIONS shared or sent between you

and the Senate Reapportionment and Redistricting Committee.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the House Legislative and Congressional Reapportionment Committee.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: House Legislative and Congressional Reapportionment Committee c/o Houston Gaines (407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta GA 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit H

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit H

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

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(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit H

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

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3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS that relate to the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor

considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the HOUSE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests,

opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the HOUSE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

All data considered or relied on to draw the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the HOUSE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS shared or sent between YOU

and the Legislative and Congressional Reapportionment Office from November 1, 2016, to the present.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the Senate Reapportionment and Redistricting Committee.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Legislative and Congressional Reapportionment Office c/o Gina Wright (407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta Georgia 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit I

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit I

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit I

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The term "SENATE MAP" means and refers to the Georgia State Senate map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 1EX.

7. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS that relate to the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or

the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the SENATE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the SENATE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the SENATE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

All data considered or relied on to draw the SENATE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the SENATE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person

that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show any ALTERNATIVES to the HOUSE MAP.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS that relate to the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the HOUSE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 14:

All data considered or relied on to draw the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money You spent or received relating to the HOUSE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the Senate Reapportionment and Redistricting Committee.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the House Legislative and Congressional Reapportionment Committee.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Representative Bonnie Rich (415 State Capitol, Atlanta GA, 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit J

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit J

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit J

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS that relate to the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor

considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the HOUSE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests,

opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the HOUSE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

All data considered or relied on to draw the HOUSE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the HOUSE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS shared or sent between you

and the Legislative and Congressional Reapportionment Office from November 1, 2016, to the present.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the Senate Reapportionment and Redistricting Committee.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the House Legislative and Congressional Reapportionment Committee.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Senator John Kennedy (421-D State Capitol, Atlanta GA, 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit K

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit K

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit K

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "SENATE MAP" means and refers to the Georgia State Senate map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 1EX.

6. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS that relate to the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor

considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the SENATE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the SENATE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests,

opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the SENATE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

All data considered or relied on to draw the SENATE MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the SENATE MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS shared or sent between you

and the Legislative and Congressional Reapportionment Office from November 1, 2016, to the present.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the Senate Reapportionment and Redistricting Committee.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the House Legislative and Congressional Reapportionment Committee.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.
Plaintiff
v.
State of Georgia, et al.
Defendant

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Senate Redistricting & Reapportionment Committee c/o John Kennedy (407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta GA 30334)

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: 1387 Inverson St., Suite 100, Atlanta, GA 30307.	Date and Time: 06/13/2022 9:30 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com

415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit L

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Exhibit L

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

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(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

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Exhibit L

ATTACHMENT A

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2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

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DOCUMENTS sufficient to show any ALTERNATIVES to the CONGRESSIONAL MAP.

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REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS that relate to any factor

considered when drawing the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 4:

All data considered or relied on to draw the CONGRESSIONAL MAP or any ALTERNATIVES, including, but not limited to, any statistical or mathematical analysis, spreadsheets or diagrams, or census results.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS and COMMUNICATIONS that relate to or reflect money spent or received relating to the CONGRESSIONAL MAP, including, but not limited to money spent or received to create the map directly, or money spent on any person that directly or indirectly helped create the map.

REQUEST FOR PRODUCTION NO. 6:

DOCUMENTS sufficient to show any ALTERNATIVES to the SENATE MAP.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS and COMMUNICATIONS that relate to the SENATE MAP or any ALTERNATIVES, including, but not limited to, any notes, requests,

opinions, thoughts, or views about the maps, the lines drawn, or the district shapes, as well as any agreements with any person or entity.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS that relate to any factor considered when drawing the SENATE MAP or any ALTERNATIVES, including, but not limited to, the use of race, the use of political or party information, traditional redistricting principles, or compliance with the U.S. Constitution or the Voting Rights Act of 1965.

REQUEST FOR PRODUCTION NO. 9:

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REQUEST FOR PRODUCTION NO. 10:

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REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS shared or sent between you

and the Legislative and Congressional Reapportionment Office from November 1, 2016, to the present.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS and COMMUNICATIONS relating to every Town Hall on redistricting in Georgia convened between January 1, 2021, and November 3, 2021.

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All DOCUMENTS and COMMUNICATIONS relating to the November 3, 2021, special redistricting session of the Georgia General Assembly, including, but not limited to any public comments.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS and COMMUNICATIONS shared or sent between you and the House Legislative and Congressional Reapportionment Committee.

Exhibit L

Kelly Marshall

From: Karen Pachuta
Sent: Friday, September 9, 2022 12:45 PM
To: Kelly Marshall
Subject: Fw: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |
Attachments: GA Redistricting - Categories of Questions (8.19.22).pdf

---

From: Canter, Jacob <JCanter@crowell.com>
Sent: Friday, August 19, 2022 3:30 PM
To: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>; GA-Redistricting <GA_Redistricting@crowell.com>; Jack Genberg <Jack.Genberg@splcenter.org>; Poy Winichakul <poy.Winichakul@splcenter.org>; Matletha Bennette <matletha.bennette@splcenter.org>; Steiner, Neil <neil.steiner@dechert.com>; West, Hartley <Hartley.West@dechert.com>; kurt@kastorflaw.com <kurt@kastorflaw.com>
Subject: RE: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

Hi Patrick,

Please see the attached. I hope you have a nice weekend. Kind regards,

Jacob Canter
Pronouns: he/him/his
Crowell & Moring LLP
jcanter@crowell.com
+1.415.365.7210 direct | +1.415.385.3716 mobile

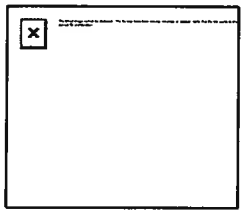
From: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Sent: Tuesday, August 16, 2022 2:07 PM
To: Canter, Jacob <JCanter@crowell.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>
Subject: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

External Email

Jacob:

We are anticipating another rolling production of documents to you by the end of this week. We have identified these additional records as responsive and non-privileged and expect them to be produced no later than the end of the day Friday. Meanwhile, I wanted to check on the status of your list of proposed topics for each of the proposed deposition witnesses - you will recall that, at our conference last week, the Judge suggested, and you agreed to provide such list. We are hopeful that your list of proposed topics will allow us to narrow our dispute regarding legislative privilege.

Patrick D. Jaugstetter
Partner



222 Webb Street
Cumming, GA 30040
Phone: 678-455-7150
Fax: 678-455-7149
Cell: 678-233-8383
Email: patrickj@jarrard-davis.com
www.jarrard-davis.com

CONFIDENTIALITY NOTICE: This e-mail and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone (678-455-7150) or by electronic mail, and delete this message and all copies and backups thereof. Thank you.

Categories of questions on a particular map or maps[1]

1.	Questions related to when a map was drawn.
2.	Questions related to who drew or helped draw a map ("map drawers").
3.	Questions related to when map drawers communicated about a map.
4.	Questions related to how map drawers communicated about a map.
5.	Questions related to what map drawers discussed about a map.
6.	Questions related to how map drawers were trained to draw the maps.
7.	Questions related to the meaning of the contents of a map.
8.	Questions related to materials considered while training to draw the maps.
9.	Questions related to who trained the map drawers.
10.	Questions related to guidelines or rules related to the drawing of maps.
11.	Questions related to factual information relied on to help draw a map.
12.	Questions related to technology used to help draw a map.
13.	Questions related to the prioritization of redistricting criteria.
14.	Questions related to placing a specific geographic location (i.e., a street, census block, etc.) into a particular district of a map.
15.	Questions related to the racial composition of districts that can be discerned or derived from a map.
16.	Questions related to the impact on communities of color that can be discerned or derived from a map.
17.	Questions related to the factual analysis of a map.
18.	Questions related to the analysis of a map's impact on particular persons or communities in Georgia.
19.	Questions related to the analysis of a map's impact on future political actions in Georgia.
20.	Questions related to the analysis of a map's impact on future economic actions in Georgia.
21.	Questions related to discarded draft maps.
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61.	Questions related to the impact of the map drawing on communities of color.
62.	Questions related to the impact of the map drawing on political activities in Georgia.

[4] There are also four categories of non-data producers: (1) elected officials; (2) those who are not elected but work for the General Assembly; (3) those who were retained and/or brought on solely for the map drawing process; (4) all others.

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64.	Questions related to public comments and criticism regarding map drawing.
65.	Questions related to town halls regarding map drawing.
66.	Questions related to committee meetings regarding map drawing.
67.	Questions related to Legislative and Congressional Reapportionment Office, its staff, and its activities.
68.	Questions related to the redistricting process and the 2020 election.
69.	Questions related to the redistricting process and future elections.

Categories of questions related to race, economics, and politics in Georgia

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71.	Questions related to future elections.
72.	Questions related to the political power of communities of color in Georgia.
73.	Questions related to the political power of the white community in Georgia.
74.	Questions related to the history of discrimination in Georgia, and that history's impact on communities of color in Georgia today.
75.	Questions related to population growth of communities of color in Georgia.
76.	Questions related to population decline of the white community in Georgia.
77.	Questions related to economic activities for communities of color in Georgia.
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Subject: Re: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |
Date: Tuesday, August 23, 2022 at 5:55:29 PM Eastern Daylight Time
From: Patrick Jaugstetter
To: Canter, Jacob
CC: Lisa Fallon, Alex Khoury, Shawn Marie Story, Karen Pachuta, GA-Redistricting, Jack Genberg, Poy Winichakul, Matletha Bennette, Steiner, Neil, West, Hartley, kurt@kastorflaw.com
Attachments: GA Redistricting - Categories of Questions (8.19.22)[22] copy.pdf

Jacob:

I am in receipt of your email enclosing proposed topics for inquiry at the depositions of the proposed deposition witnesses. For the sake of discussion, and in the interest of working toward a reasonable resolution regarding these depositions, we would propose the following:

Representative Rich, Senator Kennedy, and Gina Wright will waive legislative privilege, sit for deposition, and answer questions falling into the limited categories as shown on the attached (for ease of reference, I have highlighted in red those areas of inquiry to which the witnesses will **not** waive legislative privilege). In addition and in exchange, we request that the Plaintiffs' refrain from asking (and if asked, the witness will object and refuse to answer) any questions seeking to solicit from them any of the following:

(i) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;
(ii) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly and staff of the General Assembly, including employees of the Office of Legislative and Congressional Reapportionment, as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;
(iii) testimony regarding the nature and content of any communications by, among, or between members of the Georgia General Assembly and any constituent as to any members' motive or intent in drawing, sponsoring, presenting, supporting or opposing any proposed map;
(iv) testimony regarding the subjective motivation or intent of any member in drawing, sponsoring, presenting, supporting or opposing any proposed map;
(v) testimony regarding any legislation introduced, presented to, or considered by the Georgia General Assembly other than the following: HB 189; HR 55; SB 186; SR 20; SB 1 EX/AP, HB 1EX LC 47 1163S/AP, and SB 2 EX/AP.

Of course, each of the witnesses will retain the right to assert such other objections as may be appropriate and necessary throughout any deposition – those objections would be resolved in the normal course. If this is acceptable to you, then I would propose that we draft and submit to the Court a Consent Protective Order reflecting the areas of questioning and the limitations.

If you disagree with any portion of our proposal, please let me know. Some of our objections may be able to be resolved by further discussion as to the meaning and scope of the categories of questions you offered.

Patrick D. Jaugstetter
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From: Canter, Jacob <JCanter@crowell.com>
Date: Friday, August 19, 2022 at 3:30 PM
To: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>, Alex Khoury <akhoury@sgrlaw.com>, Shawn Marie Story <shawn.story@legis.ga.gov>, Karen Pachuta <kpachuta@jarrard-davis.com>, GA-Redistricting <GA_Redistricting@crowell.com>, Jack Genberg <Jack.Genberg@splcenter.org>, Poy Winichakul <poy.Winichakul@splcenter.org>, Matletha Bennette <matletha.bennette@splcenter.org>, Steiner, Neil <neil.steiner@dechert.com>, West, Hartley <Hartley.West@dechert.com>, kurt@kastorflaw.com <kurt@kastorflaw.com>
Subject: RE: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

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Jacob Canter
Pronouns: he/him/his
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+1.415.365.7210 direct | +1.415.385.3716 mobile

From: Patrick Jaugstetter <patrickj@jarrard-davis.com>
Sent: Tuesday, August 16, 2022 2:07 PM
To: Canter, Jacob <JCanter@crowell.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>
Subject: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |

External Email

Jacob:

We are anticipating another rolling production of documents to you by the end of this week. We have identified these additional records as responsive and non-privileged and expect them to be produced no later

than the end of the day Friday. Meanwhile, I wanted to check on the status of your list of proposed topics for each of the proposed deposition witnesses - you will recall that, at our conference last week, the Judge suggested, and you agreed to provide such list. We are hopeful that your list of proposed topics will allow us to narrow our dispute regarding legislative privilege.

Patrick D. Jaugstetter
Partner

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Categories of questions on a particular map or maps[1]

1.	Questions related to when a map was drawn.
2.	Questions related to who drew or helped draw a map ("map drawers").
3.	Questions related to when map drawers communicated about a map.
4.	Questions related to how map drawers communicated about a map.
5.	Questions related to what map drawers discussed about a map.
6.	Questions related to how map drawers were trained to draw the maps.
7.	Questions related to the meaning of the contents of a map.
8.	Questions related to materials considered while training to draw the maps.
9.	Questions related to who trained the map drawers.
10.	Questions related to guidelines or rules related to the drawing of maps.
11.	Questions related to factual information relied on to help draw a map.
12.	Questions related to technology used to help draw a map.
13.	Questions related to the prioritization of redistricting criteria.
14.	Questions related to placing a specific geographic location (i.e., a street, census block, etc.) into a particular district of a map.
15.	Questions related to the racial composition of districts that can be discerned or derived from a map.
16.	Questions related to the impact on communities of color that can be discerned or derived from a map.
17.	Questions related to the factual analysis of a map.
18.	Questions related to the analysis of a map's impact on particular persons or communities in Georgia.
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Subject: RE: Georgia State Conference of the NAACP v State of Georgia, 21 Civ. 5338-ELB-SCJ-SDG |
Date: Friday, August 26, 2022 at 10:35:30 AM Eastern Daylight Time
From: Canter, Jacob
To: Patrick Jaugstetter
CC: Lisa Fallon, Alex Khoury, Shawn Marie Story, Karen Pachuta, GA-Redistricting, Jack Genberg, Poy Winichakul, Matletha Bennette, Steiner, Neil, West, Hartley, kurt@kastorflaw.com, Julie Houk, Ezra Rosenberg

Patrick,

Thank you for the email. We cannot accept your proposal regarding the categories of questions that can be raised at the depositions. We understand your proposal to foreclose Plaintiffs from seeking any information during depositions on the motives or intent of the deponents in drawing, sponsoring, presenting, supporting, or opposing any proposed or final map. We believe this goes to the heart of the constitutional claims and makes it impossible for Plaintiffs to discover materials that are highly relevant to those claims. Also, your proposal does not address how the 30(b)(6) depositions will proceed.

We do not believe there is any way for the parties to reach a negotiated agreement, as we believe Plaintiffs are entitled to all documents related to motive and intent to prove up the claims. Accordingly, we believe the court's briefing schedule—as discussed at the August 9, 2022, teleconference, and as memorialized in the Court's order at docket no. 81—should proceed.

Kind regards,

Jacob Canter
Pronouns: he/him/his
Crowell & Moring LLP
jcanter@crowell.com
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To: Canter, Jacob <JCanter@crowell.com>
Cc: Lisa Fallon <lfallon@jarrard-davis.com>; Alex Khoury <akhoury@sgrlaw.com>; Shawn Marie Story <shawn.story@legis.ga.gov>; Karen Pachuta <kpachuta@jarrard-davis.com>; GA-Redistricting <GA_Redistricting@crowell.com>; Jack Genberg <Jack.Genberg@splcenter.org>; Poy Winichakul <poy.Winichakul@splcenter.org>; Matletha Bennette <matletha.bennette@splcenter.org>; Steiner, Neil <neil.steiner@dechert.com>; West, Hartley <Hartley.West@dechert.com>; kurt@kastorflaw.com
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