

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
CIVIL DIVISION**

**DEBORAH SPRINGER SUTTLAR, JUDY GREEN, FRED LOVE,  
in his individual and official capacity as State Representative,  
KWAMI ABDUL-BEY, CLARICE ABDUL-BEY, and  
PAULA WITHERS,**

**PLAINTIFFS**

v.

**No. 60CV-22-1849**

**JOHN THURSTON, in his official capacity  
as the Secretary of State of Arkansas and in his official capacity  
as the Chairman of the Arkansas State Board of Election Commissioners,  
and SHARON BROOKS, BILENDA  
HARRIS-RITTER, WILLIAM LUTHER,  
CHARLES ROBERTS, WENDY BRANDON, JAMIE CLEMMER and  
JAMES HARMON SMITH III, in their official capacities  
As members of the Arkansas State Board of  
Election Commissioners,**

**DEFENDANTS**

**PLAINTIFFS' FIRST REQUESTS FOR ADMISSION TO DEFENDANTS**

Pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, Plaintiffs in the above-captioned case request that Defendants John Thurston, Sharon Brooks, Bilenda Harris-Ritter, William Luther, Charles Roberts, Wendy Brandon, Jamie Clemmer, and James Harmon Smith III (collectively, "Defendants") admit the truth of the following Requests for Admission separately and fully in writing and under oath, and serve a copy of the answers and objections, if any, by electronic mail within 30 days.

**INSTRUCTIONS**

You are to follow the instructions set forth below in responding to these requests.

1. These Requests are governed by the Arkansas Rules of Civil Procedure 26 and 36.
2. Each Request for Admission set forth below asks for admission of the truth of the matter stated in the request. If you do not specifically admit or deny matters stated in the Request

for Admission, you must set forth in detail the reasons why you cannot truthfully admit or deny the matter. If good faith requires you to qualify a response or to deny a part of a matter set forth in the request, you must specify so much of the matter as is true and qualify or deny the remainder. You may not refuse to admit or deny any matter set forth in a Request for Admission based upon lack of information or knowledge unless you also assert that you have made reasonable inquiry and that the information necessary to admit or deny the matter stated is not known or readily attainable. Each matter of which an admission is requested will be deemed admitted, and conclusively established for purposes of this litigation (unless the Court upon motion permits withdrawal or amendment of the admission), if you do not serve a written, signed answer or objection addressed to the matter within 30 days, or within such other time as to which the Court or the Arkansas Rules may allow.

3. Pursuant to Ark. R. Civ. P. 36(a), if you object to any part of a request, set forth the basis of your objection and respond to all parts of the request to which you do not object.

4. Pursuant to Ark. R. Civ. P. 26(e), you are under a duty to promptly supplement or correct your responses to these Requests if you learn that a response is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response. Such supplementary answers are to be served upon Plaintiffs' counsel as soon as practicable after you receive this new information, but, in any event, no later than 7 days after its receipt.

#### **DEFINITIONS**

1. "2020 U.S. Census data" refers to the data released by the U.S. Census Bureau pursuant to Public Law 94-171 on August 12, 2021.

2. The “2021 Map” refers to the map for Arkansas’s four congressional districts following the 2020 census, introduced as SB 743 in the Senate, and HB 1982 in the House, and approved by both houses of the Arkansas legislature in October 2021 and codified at Arkansas Code §§ 7-2-102–105.

3. The “2011 Map” refers to the map enacted by the Arkansas legislature and previously codified at §§ 7-2-102–105, for Arkansas’s four congressional districts following the 2010 census.

4. “Ideal district population” means the total number of residents in Arkansas divided by the number of congressional districts in Arkansas.

5. “Population deviation” means the number of residents in Arkansas’s most populated congressional district minus the number of residents in Arkansas’s least populated congressional district. This may be expressed as the difference in the absolute number of persons between the two districts, or as a percentage, which is calculated by dividing the difference between the absolute number of persons in the most populated district and the absolute number of persons in the least populated district by the ideal district population.

6. “Congressional district” means one of the four territorial divisions of the state of Arkansas from which a member of the U.S. House of Representatives is elected.

7. “Racial data” means statistical information, whether in percentage, absolute value, or some other form, related to the race of residents in a given geographic area.

8. “White” means non-Hispanic white as defined by the U.S. Census Bureau.

9. “Black” means single-race Black as defined by the U.S. Census Bureau.

10. “You” or “Your” refers to the Defendants (collectively and individually) and any of their employees, staff, contractors, consultants, advisors, agents, or representatives.

11. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

12. The use of the singular form of any word includes the plural and vice versa.

### **REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1:** Admit that the 2021 Map is the first congressional map enacted by the Arkansas legislature in which Pulaski County is split between congressional districts.

**REQUEST FOR ADMISSION NO. 2:** Admit that, based on 2020 U.S. Census data, Pulaski County has more than three times as many Black residents as any other county in Arkansas.

**REQUEST FOR ADMISSION NO. 3:** Admit that, based on 2020 U.S. Census data, Pulaski County has more than three times as many Black residents of voting age as any other county in Arkansas.

**REQUEST FOR ADMISSION NO. 4:** Admit that, based on 2020 U.S. Census data, Cleburne County has 92 residents who identify at least in part as Black.

**REQUEST FOR ADMISSION NO. 5:** Admit that, based on 2020 U.S. Census data, Cleburne County has 56 residents who identify as single-race Black, which is 0.23% of the county’s population.

**REQUEST FOR ADMISSION NO. 6:** Admit that, based on 2020 U.S. Census data, Cleburne County has a smaller percentage of Black residents relative to its total population than 65 of the 75 counties in Arkansas.

**REQUEST FOR ADMISSION NO. 7:** Admit that, based on 2020 U.S. Census data, the 2021 Map has a population deviation of 0.09% or 710 people.

**REQUEST FOR ADMISSION NO. 8:** Admit that, based on 2020 U.S. Census data, it is possible to draw a congressional district map for Arkansas with a population deviation of 710 people or fewer without splitting Pulaski County across three congressional districts.

**REQUEST FOR ADMISSION NO. 9:** Admit that, based on 2020 U.S. Census data, it is possible to draw a congressional district map for Arkansas with a population deviation of 710 people or fewer while keeping all of Pulaski County in one congressional district.

**REQUEST FOR ADMISSION NO. 10:** Admit that, based on 2020 U.S. Census data, it is possible to draw a congressional district map for Arkansas in which every county is kept whole and in which the population deviation is 710 people or fewer.

**REQUEST FOR ADMISSION NO. 11:** Admit that the redistricting software “AutoBound Edge” was procured by Arkansas’s Geographic Information Systems Office in order to draw maps in the 2021 Congressional Redistricting process.

**REQUEST FOR ADMISSION NO. 12:** Admit that AutoBound Edge was provided to certain persons who were drawing congressional maps, including employees of the Bureau of Legislative Research.

**REQUEST FOR ADMISSION NO. 13:** Admit that AutoBound Edge allows a user to view racial data while drawing redistricting maps.

**REQUEST FOR ADMISSION NO. 14:** Admit that, based on 2020 U.S. Census data, each of Arkansas’s four congressional districts has an ideal district population of 752,881.

**REQUEST FOR ADMISSION NO. 15:** Admit that, based on 2020 U.S. Census data, congressional district two as constituted in the 2011 Map had a population of 769,391 people.

**REQUEST FOR ADMISSION NO. 16:** Admit that, based on 2020 U.S. Census data, congressional district two as constituted in the 2011 Map had 16,510 more residents than the ideal district population.

**REQUEST FOR ADMISSION NO. 17:** Admit that the 2021 Map moves 24,711 people into congressional district two who did not live in congressional district two under the 2011 Map.

**REQUEST FOR ADMISSION NO. 18:** Admit that the 2021 Map moves 8,612 people who lived in congressional district two under the 2011 Map into congressional district one.

**REQUEST FOR ADMISSION NO. 19:** Admit that the 2021 Map moves 32,780 people who lived in congressional district two under the 2011 Map into congressional district four.

**REQUEST FOR ADMISSION NO. 20:** Admit that the 2021 Map moves 21,059 Black residents of Pulaski County who lived in congressional district two under the 2011 Map out of congressional district two.

**REQUEST FOR ADMISSION NO. 21:** Admit that the 2021 Map moves a greater percentage of Pulaski County's Black residents out of congressional district two than it does Pulaski County's white residents.

**REQUEST FOR ADMISSION NO. 22:** Admit that residents of the city of Little Rock share economic interests.

**REQUEST FOR ADMISSION NO. 22:** Admit that residents of the city of North Little Rock share economic interests.

**REQUEST FOR ADMISSION NO. 23:** Admit that residents of Pulaski County share economic interests.

**REQUEST FOR ADMISSION NO. 24:** Admit that, based on the 2010 decennial Census and 2020 decennial Census, the total number of white residents in Arkansas decreased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 25:** Admit that, based on the 2010 decennial Census and 2020 decennial Census, the total number of Black residents in Arkansas increased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 26:** Admit that, based on the 2010 decennial Census and 2020 decennial Census, the total number of white Arkansas residents of voting age decreased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 27:** Admit that, based on the 2010 decennial Census and 2020 decennial Census, the total number of Black Arkansas residents of voting age increased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 28:** Admit that the majority of Black voters in Arkansas usually support Democratic candidates.

**REQUEST FOR ADMISSION NO. 29:** Admit that the majority of white voters usually support Republican candidates.

**REQUEST FOR ADMISSION NO. 30:** Admit that, based on U.S. Census data, the total number of Black residents in Pulaski County increased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 31:** Admit that, based on U.S. Census data, the total number of white residents in Pulaski County decreased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 32:** Admit that, based on U.S. Census data, the Black voting-age population of Pulaski County increased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 33:** Admit that, based on U.S. Census data, the white voting-age population of Pulaski County decreased between 2010 and 2020.

**REQUEST FOR ADMISSION NO. 34:** Admit that, based on 2020 U.S. Census data, under the 2011 map, the percentage of the voting-age population in congressional district two that identified at least in part as Black was 22.6%.

**REQUEST FOR ADMISSION NO. 35:** Admit that, based on 2020 U.S. Census data, under the 2011 map, the percentage of the voting-age population in congressional district two that identified as single-race Black was 21.4%.

**REQUEST FOR ADMISSION NO. 36:** Admit that, based on 2020 U.S. Census data, under the 2021 Map, the percentage of the voting-age population in congressional district two that identifies at least in part as Black is 20.4%.

**REQUEST FOR ADMISSION NO. 36:** Admit that, based on 2020 U.S. Census data, under the 2021 Map, the percentage of the voting-age population in congressional district two that identifies as single-race Black is 19.1%.

**REQUEST FOR ADMISSION NO. 37:** Admit that, based on U.S. Census data, the twelve counties with the highest percentage of Black residents relative to their total population are Phillips County, Jefferson County, Lee County, St. Francis County, Crittenden County, Chicot County, Desha County, Monroe County, Dallas County, Ouachita County, Pulaski County, and Mississippi County.

**REQUEST FOR ADMISSION NO. 38:** Admit that the General Assembly did not provide any written redistricting criteria in advance of the redistricting process to guide their decision-making.



Dated: 9th day of January, 2022.

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\*\**Motion for Pro Hac Vice Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2022, the foregoing was physically served via hand delivery upon record counsel for Defendants and contemporaneously filed in accordance with Ark. R. Civ. P. 36(c).

**/s/ Alexander T. Jones**