IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMNER; BARBARA FINN; OTHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON,

Plaintiffs,

vs.

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, in his official capacity as Governor of Mississippi; LYNN FITCH, in her official capacity as Attorney General of Mississippi; MICHAEL WATSON, in his official capacity as Secretary of State of Mississippi,

Defendants,

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE,

Intervenor-Defendant.

CIVIL ACTION NO.
3:22-cv-734-DPJ-HSO-LHS

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION TO COMPEL
SUBPOENA RECIPIENTS' PRODUCTION OF PRIVILEGE LOG

Plaintiffs the Mississippi State Conference of the National Association for the Advancement of Colored People, Dr. Andrea Wesley, Dr. Joseph Wesley, Robert Evans, Gary Fredericks, Pamela Hamner, Barbara Finn, Otho Barnes, Shirlinda Robertson, Sandra Smith,

in a Civil Action ("Subpoena") served by Plaintiff Mississippi State Conference of the National Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above captioned matter.

GENERAL OBJECTIONS

Former Representative Beckett is not a party to this lawsuit. As a non-party, Former Representative Beckett is not privy to all discovery conducted in this action; therefore, Former Representative Beckett reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Former Representative Beckett's counsel. Former Representative Beckett reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Former Representative Beckett further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Former Representative Beckett. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Former Representative Beckett specifically objects and responds to the Subpoena requests as follows:

:

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian

Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any ~~kind~~ including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach, publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney/client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO any factor considered when drawing the 2022 MAPS or any ALTERNATIVE MAPS, including, but not limited to, the use of race, the use of political or party information, or traditional REDISTRICTING principles, including but not limited to compactness and contiguity, preservation of political subdivisions, and preservation of communities of interest.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process for the 2022 HOUSE MAP and the 2022 SENATE MAP containing a

term referencing race, including but not limited to "Black", "African American", "minority", "BVAP", "BCVAP", "Latino", "Hispanic", "HVAP", "HCVAP", "Asian," "Asian American", "AVAP, or "ACVAP".

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Miss. Code Ann. § 3-1-81, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any

local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National

Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are subject to either the legislative privilege, the attorney/client privilege, or both. Plaintiff may also access responsive materials on the Mississippi Secretary of State's public website https://www.sos.ms.gov/elections/voting .

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022

REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Former Representative Beckett has no responsive documents.

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the

extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official

Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Former Representative Beckett served as the Chair of the SJLCRR, a statutorily legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Former Representative Beckett has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

CHARLES JIM BECKETT, Former Representative
and Chair of the Standing Joint Legislative
Committee on Reapportionment and Redistricting

Dated: July 27th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)
P. Ryan Beckett (MB #99524)
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parker.berry@butlersnow.com

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for Respondent Former Representative Jim Beckett, Chair (former) of SJLCRR Redistricting Proceeds, do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: July 27th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMMER BARBARA FINN; ORHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi* — **DEFENDANTS**

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE — **INTERVENOR-DEFENDANT**

JAMES F. BOOTH'S
RESPONSES AND OBJECTIONS TO SUBPOENA SERVED BY PLAINTIFFS

Pursuant to Fed. R. Civ. P. 45, non-party attorney James F. Booth ("Booth"), Counsel to the Mississippi Legislature's Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), hereby serves his responses and objections to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

("Subpoena") served by Plaintiffs Mississippi State Conference of the National Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above-captioned matter.

GENERAL OBJECTIONS

Booth is not a party to this lawsuit. As a non-party, Booth is not privy to all discovery conducted in this action; therefore, Booth reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Booth's counsel. Booth reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Booth further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Booth. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Booth specifically objects and responds to the Subpoena requests as follows:

:

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts

that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any kind—including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout—that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Booth served as Counsel to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach, publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO any factor considered when drawing the 2022 MAPS or any ALTERNATIVE MAPS, including, but not limited to, the

use of race, the use of political or party information, or traditional REDISTRICTING principles, including but not limited to compactness and contiguity, preservation of political subdivisions, and preservation of communities of interest.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process for the 2022 HOUSE MAP and the 2022 SENATE MAP containing a term referencing race, including but not limited to "Black", "African American", "minority", "BVAP", "BCVAP", "Latino", "Hispanic", "HVAP", "HCVAP", "Asian," "Asian American", "AVAP, or "ACVAP".

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Mississippi Code §5-3-101, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both. Plaintiff may also access responsive materials on the Mississippi Secretary of State's public website https://www.sos.ms.gov/elections-voting .

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022 REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the

SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Booth served as counsel to the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

The SJLCRR further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Booth has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

JAMES F. BOOTH, Counsel to the Mississippi Legislature's Standing Joint Committee on Reapportionment and Redistricting

Dated: July 27th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for James F. Booth, do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: July 27th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMMER BARBARA FINN; ORHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi* — **DEFENDANTS**

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE — **INTERVENOR-DEFENDANT**

SPEAKER PHILIP GUNN'S
RESPONSES AND OBJECTIONS TO SUBPOENA SERVED BY PLAINTIFFS

Pursuant to Fed. R. Civ. P. 45, non-party Representative Philip Gunn, in his official capacity as Speaker of the Mississippi House of Representatives ("Speaker Gunn"), hereby serves his responses and objections to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action ("Subpoena") served by Plaintiffs Mississippi

State Conference of the National Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above-captioned matter.

GENERAL OBJECTIONS

Speaker Gunn is not a party to this lawsuit. As a non-party, Speaker Gunn is not privy to all discovery conducted in this action; therefore, Gunn reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Speaker Gunn's counsel. Speaker Gunn reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Speaker Gunn further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Speaker Gunn. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Speaker Gunn specifically objects and responds to the Subpoena requests as follows:

SUBPOENA REQUEST NO. 1 :

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts

that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any kind—including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout—that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 2

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach, publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 3

All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the

SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 4

All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 5

All DOCUMENTS and COMMUNICATIONS RELATING TO any factor considered when drawing the 2022 MAPS or any ALTERNATIVE MAPS, including, but not limited to, the use of race, the use of political or party information, or traditional REDISTRICTING principles, including but not limited to compactness and contiguity, preservation of political subdivisions, and preservation of communities of interest.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 6

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process for the 2022 HOUSE MAP and the 2022 SENATE MAP containing a term referencing race, including but not limited to “Black”, “African American”, “minority”, “BVAP”, “BCVAP”, “Latino”, “Hispanic”, “HVAP”, “HCVAP”, “Asian,” “Asian American”, “AVAP, or “ACVAP”.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 7

All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Mississippi Code §5-3-101, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the

SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 8

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 9

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 10

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022 REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 11

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 12

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Speaker Gunn served as Speaker and the presiding officer of the House of Representatives during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the SJLCRR, a standing legislative committee composed entirely of elected

Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Speaker Gunn further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Speaker Gunn has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

PHILIP GUNN, in his official capacity as Speaker of the Mississippi House of Representatives

Dated: August 7th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)
P. Ryan Beckett (MB #99524)
B. Parker Berry (MB #104251)
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parker.berry@butlersnow.com

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for Representative Philip Gunn, in his official capacity as Speaker of the Mississippi House of Representatives, do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: August 7th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMMER BARBARA FINN; ORHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi* — **DEFENDANTS**

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE — **INTERVENOR-DEFENDANT**

NEAL SMITH'S
RESPONSES AND OBJECTIONS TO SUBPOENA SERVED BY PLAINTIFFS

Pursuant to Fed. R. Civ. P. 45, non-party Neal Smith ("Smith"), Senior GIS Project Manager for Mississippi Automated Resource Information System ("MARIS"), hereby serves his responses and objections to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action ("Subpoena") served by Plaintiffs Mississippi

State Conference of the National Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above-captioned matter.

GENERAL OBJECTIONS

Smith is not a party to this lawsuit. As a non-party, Smith is not privy to all discovery conducted in this action; therefore, Smith reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Smith's counsel. Smith reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Smith further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Smith. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Smith specifically objects and responds to the Subpoena requests as follows:

SUBPOENA REQUEST NO. 1 :

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts

that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any kind—including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout—that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the Standing Joint Legislative Committee on Reapportionment and Redistricting ("SJLCRR") to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 2

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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SUBPOENA REQUEST NO. 3

All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing

legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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SUBPOENA REQUEST NO. 4

All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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SUBPOENA REQUEST NO. 5

All DOCUMENTS and COMMUNICATIONS RELATING TO any factor considered when drawing the 2022 MAPS or any ALTERNATIVE MAPS, including, but not limited to, the use of race, the use of political or party information, or traditional REDISTRICTING principles, including but not limited to compactness and contiguity, preservation of political subdivisions, and preservation of communities of interest.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 6

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process for the 2022 HOUSE MAP and the 2022 SENATE MAP containing a term referencing race, including but not limited to "Black", "African American", "minority", "BVAP", "BCVAP", "Latino", "Hispanic", "HVAP", "HCVAP", "Asian," "Asian American", "AVAP, or "ACVAP".

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 7

All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Mississippi Code §5-3-101,

including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 8

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican

Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 9

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign

or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 10

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not

limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022 REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 11

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas,

attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

SUBPOENA REQUEST NO. 12

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or

candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Smith served as Senior GIS Project Manager for MARIS. MARIS contracted with the SJLCRR to allow Smith to assist in the 2022 Mississippi redistricting cycle. SJLCRR is a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Smith further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Other than copies of some of the same materials being produced by the SJLCRR, Smith has no documents that are not subject to either the legislative privilege, the attorney/client privilege, or both.

NEAL SMITH, Senior GIS Project Manager for Mississippi Automated Resource Information System ("MARIS")

Dated: August 7th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)
P. Ryan Beckett (MB #99524)
B. Parker Berry (MB #104251)
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parker.berry@butlersnow.com

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for Neal Smith, Senior GIS Project Manager for Mississippi Automated Resource Information System ("MARIS"), do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: August 7th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMMER BARBARA FINN; ORHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi* — **DEFENDANTS**

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE — **INTERVENOR-DEFENDANT**

NATHAN UPCHURCH'S
RESPONSES AND OBJECTIONS TO SUBPOENA SERVED BY PLAINTIFFS

Pursuant to Fed. R. Civ. P. 45, non-party Nathan Upchurch ("Upchurch"), Chief of Staff for Lieutenant Governor Delbert Hosemann, hereby serves his responses and objections to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action ("Subpoena") served by Plaintiffs Mississippi State Conference of the National

Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above-captioned matter.

GENERAL OBJECTIONS

Upchurch is not a party to this lawsuit. As a non-party, Upchurch is not privy to all discovery conducted in this action; therefore, Upchurch reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Upchurch's counsel. Upchurch reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Upchurch further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Upchurch. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Upchurch specifically objects and responds to the Subpoena requests as follows:

SUBPOENA REQUEST NO. 1 :

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts

that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any kind—including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout—that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Upchurch further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Upchurch is producing certain documents Bates-numbered SDT-Upchurch-000001-000044. Otherwise, Upchurch has no other documents that are not subject to the legislative privilege and/or attorney-client privileges.

SUBPOENA REQUEST NO. 2

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

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All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

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Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the SJLCRR, a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely

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RESPONSE:

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RESPONSE:

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All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Mississippi Code §5-3-101, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Upchurch has no responsive documents.

SUBPOENA REQUEST NO. 8

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national

political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Upchurch further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Upchurch is producing certain documents Bates-numbered SDT-Upchurch-000001-000044. Otherwise, Upchurch has no other documents that are not subject to the legislative privilege and/or attorney-client privileges.

SUBPOENA REQUEST NO. 9

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the

extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

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SUBPOENA REQUEST NO. 10

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022 REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the

extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Upchurch has no responsive documents.

SUBPOENA REQUEST NO. 11

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Upchurch further objects to this request on the grounds that it seeks documents and information protected by the attorney-client privilege and/or the work product doctrine.

Subject to and without waiving this objection, Upchurch is producing certain documents Bates-numbered SDT-Upchurch-000001-000044. Otherwise, Upchurch has no other documents that are not subject to the legislative privilege and/or attorney-client privileges.

SUBPOENA REQUEST NO. 12

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Upchurch served as Chief of Staff for Lieutenant Governor Delbert Hosemann, the presiding officer of the Senate during the 2022 Regular Session of the Mississippi Legislature. In

that capacity, he worked from time to time with the Chair and Vice Chair of the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Upchurch has no responsive documents

NATHAN UPCHURCH, Chief of Staff for
Lieutenant Governor Delbert Hosemann

Dated: August 28th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)
P. Ryan Beckett (MB #99524)
B. Parker Berry (MB #104251)
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ryan.beckett@butlersnow.com
parker.berry@butlersnow.com

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for Nathan Upchurch, Chief of Staff for Lieutenant Governor Delbert Hosemann, do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: August 28th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

80745829.v1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; DR. ANDREA WESLEY; DR. JOSEPH WESLEY; ROBERT EVANS; GARY FREDERICKS; PAMELA HAMMER BARBARA FINN; ORHO BARNES; SHIRLINDA ROBERTSON; SANDRA SMITH; DEBORAH HULITT; RODESTA TUMBLIN; DR. KIA JONES; ANGELA GRAYSON; MARCELEAN ARRINGTON; VICTORIA ROBERTSON — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES, *in his official capacity as Governor of Mississippi*; LYNN FITCH, *in her official capacity as Attorney General of Mississippi*; MICHAEL WATSON, *in his official capacity as Secretary of State of Mississippi* — **DEFENDANTS**

AND

MISSISSIPPI REPUBLICAN EXECUTIVE COMMITTEE — **INTERVENOR-DEFENDANT**

LIEUTENANT GOVERNOR DELBERT HOSEMANN'S
RESPONSES AND OBJECTIONS TO SUBPOENA SERVED BY PLAINTIFFS

Pursuant to Fed. R. Civ. P. 45, non-party Delbert Hosemann[1], in his official capacity as Lieutenant Governor of Mississippi and President of the Mississippi Senate ("Lt. Gov. Hosemann") hereby serves his responses and objections to the Subpoena to Produce Documents,

[1] Incorrectly named on the subpoena as Delbert Hoseman.

Information, or Objects or to Permit Inspection of Premises in a Civil Action ("Subpoena") served by Plaintiffs Mississippi State Conference of the National Association for the Advancement of Colored People, et al. (collectively, "Plaintiffs") in above-captioned matter.

GENERAL OBJECTIONS

Lt. Gov. Hosemann is not a party to this lawsuit. As a non-party, Lt. Gov. Hosemann is not privy to all discovery conducted in this action; therefore, Lt. Gov. Hosemann reserves the right to assert additional objections in the event discovery reveals that any such additional objections are applicable.

The below responses and objections are based on the information presently available to Lt. Gov. Hosemann's counsel. Lt. Gov. Hosemann reserves the right to revise, correct, clarify, and/or supplement the below responses and objections as additional information and/or documents are obtained.

Lt. Gov. Hosemann further objects to the extent the requests seek electronically stored information ("ESI") that is not reasonably available to Lt. Gov. Hosemann. The production of ESI pursuant to the Subpoena could impose significant burdens of costs and time to perform data recovery, document review, redaction, and production; such burdens should properly be shouldered by the litigants, not third parties.

OBJECTIONS AND RESPONSES

In addition to the general objections stated above, all of which are adopted and incorporated into the following responses, Lt. Gov. Hosemann specifically objects and responds to the Subpoena requests as follows:

SUBPOENA REQUEST NO. 1 :

All DOCUMENTS and COMMUNICATIONS RELATING TO any 2022 REDISTRICTING PROPOSAL, including but not limited to the 2022 MAPS as well as any ALTERNATIVE maps involving one or more Mississippi State House and/or State Senate districts that were drawn, discussed, or considered. This request includes but is not limited to DOCUMENTS and COMMUNICATIONS that reflect or relate to:

a. the origination(s) or source(s) of any such 2022 REDISTRICTING PROPOSAL;

b. the impetus, rationale, background, or motivation for any such 2022 REDISTRICTING PROPOSAL;

c. all drafts in the development or revision of any such 2022 REDISTRICTING PROPOSAL, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Black Citizen Voting Age Population, Asian Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population, Black Voting Age Population, and Asian Voting Age Population), election data (including but not limited to reconstituted election analyses), and files RELATING TO precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, Asian Surname Voter Registration, Black Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, Asian

Surname Voter Turnout, Black Surname Voter Turnout, or changing census geography;

d. the potential pairing of any incumbents in any such 2022 REDISTRICTING PROPOSAL;

e. negotiations regarding any REDISTRICTING PROPOSAL; and

f. all calculations, reports, audits, estimates, projections, or other analyses, from any source, RELATING TO the effect or impact, of any kind—including on (1) Mississippi minority voters, (2) existing or emerging minority opportunity districts, or (3) voter turnout—that could result from the implementation of any such REDISTRICTING PROPOSAL.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 2

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process, including but not limited to planning, timing, hearings, outreach, publicity, public or expert participation or consultation, deadlines, limitations, staffing, and persons or entities involved.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 3

All DOCUMENTS and COMMUNICATIONS RELATED TO meetings held by the JOINT COMMITTEE, whether attended by all JOINT COMMITTEE members or only a portion of the membership, regarding the 2022 MAPS or any ALTERNATIVE maps, including but not limited to JOINT COMMITTEE meetings held in June 2021, November 2021, December 2021, and March 2022, or any JOINT COMMITTEE hearings.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 4

All DOCUMENTS and COMMUNICATIONS RELATING TO voting patterns in Mississippi elections with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Gov. Hosemann has no responsive documents.

SUBPOENA REQUEST NO. 5

All DOCUMENTS and COMMUNICATIONS RELATING TO any factor considered when drawing the 2022 MAPS or any ALTERNATIVE MAPS, including, but not limited to, the use of race, the use of political or party information, or traditional REDISTRICTING principles, including but not limited to compactness and contiguity, preservation of political subdivisions, and preservation of communities of interest.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Gov. Hosemann has no responsive documents.

SUBPOENA REQUEST NO. 6

All DOCUMENTS and COMMUNICATIONS RELATING TO the 2022 REDISTRICTING process for the 2022 HOUSE MAP and the 2022 SENATE MAP containing a term referencing race, including but not limited to "Black", "African American", "minority",

"BVAP", "BCVAP", "Latino", "Hispanic", "HVAP", "HCVAP", "Asian," "Asian American", "AVAP, or "ACVAP".

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Gov. Hosemann has no responsive documents.

SUBPOENA REQUEST NO. 7

All DOCUMENTS and COMMUNICATIONS RELATING TO whether the 2022 MAPS or any other ALTERNATIVE map or any other REDISTRICTING PROPOSAL drawn, discussed, or considered during the 2022 REDISTRICTING process complies with the United States Constitution, the Mississippi Constitution, the Voting Rights Act, or Mississippi Code §5-3-101, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative

committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Gov. Hosemann has no responsive documents.

SUBPOENA REQUEST NO. 8

All DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the JOINT COMMITTEE, MARIS, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative

committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 9

All DOCUMENTS and COMMUNICATIONS RELATING TO enumerations or estimates by the U.S. Census Bureau regarding population changes, race, ethnicity, language minority status, or United States citizenship that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party of Mississippi, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 10

All DOCUMENTS and COMMUNICATIONS that RELATE TO or reflect money spent or received or payments made or received RELATING TO the 2022 MAPS, including but not limited to money spent or received to create the 2022 MAPS or ALTERNATIVE maps, or money spent on payment for services, agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract RELATING TO 2022 REDISTRICTING including but not limited any consultant, political operative, expert, consultant, the Office of the Mississippi Attorney General, other law firm or attorney, other vendor, or other person or entity.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint

Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Gov. Hosemann has no responsive documents.

SUBPOENA REQUEST NO. 11

All other DOCUMENTS and COMMUNICATIONS RELATING TO 2022 REDISTRICTING for the Mississippi State House or the Mississippi State Senate from January 1, 2019, to the present, including but not limited to any 2022 REDISTRICTING criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

SUBPOENA REQUEST NO. 12

All other DOCUMENTS and COMMUNICATIONS RELATING TO implementation of the 2022 MAPS from January 1, 2019, to the present, including but not limited to any public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications that were exchanged between, among, with, or within the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any LEGISLATOR, the Joint Committee or members thereof, MARIS or any members thereof, any campaign or candidate for the Mississippi State Senate, any campaign or candidate for the Mississippi State House, any national political party, any state political party organization, any local political party organization, any national organization dedicated to supporting state legislative candidates, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, the Mississippi Republican Executive Committee, Fair Lines America, the Mississippi Democratic Party, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Mississippi, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

RESPONSE:

Lt. Gov. Hosemann served as President of the Senate during the 2022 Regular Session of the Mississippi Legislature. In that capacity, he made 10 appointments to the Standing Joint

Legislative Committee or Reapportionment and Redistricting ("SJLCRR"), a standing legislative committee composed entirely of elected Senators and Representatives and supported by their staff, aides and counsel. The work of the SJLCRR is therefore entirely legislative in nature. To the extent that this request seeks documents shielded by the Legislative privilege, this request is improper and the SJLCRR objects to same.

Subject to and without waiving this objection, Lt. Governor Hosemann is producing certain documents Bates-numbered SDT-Hosemann-000001-000035. Otherwise, Lt. Governor Hosemann has no other documents that are not subject to the legislative privilege.

DELBERT HOSEMANN, in his official capacity as Lieutenant Governor of Mississippi and President of the Mississippi Senate

Dated: August 28th, 2023

By: */s/ P. Ryan Beckett*
P. Ryan Beckett (MB #99524)

ONE OF HIS COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)
P. Ryan Beckett (MB #99524)
B. Parker Berry (MB #104251)
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parker.berry@butlersnow.com

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, counsel for Delbert Hosemann, in his official capacity as Lieutenant Governor of Mississippi and President of the Mississippi Senate, do hereby certify that I served the foregoing subpoena responses and objections via electronic mail on all counsel of record.

Dated: August 28th, 2023

/s/ P. Ryan Beckett
P. Ryan Beckett

80746831.v1

EXHIBIT B

From: Ryan Beckett <Ryan.Beckett@butlersnow.com>
Sent: Wednesday, September 6, 2023 6:32 PM
To: Esterkin, Jeremy B.; erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd; Ari Savitzky; Ming Cheung; Robert B. McDuff; Carroll Rhodes; Lavelle, Jr., John P.; Jordan, Drew Cleary; Bhamdeo, Benjamin; Antonellis, Celina
Cc: Tommie Cardin; Parker Berry; Rex Shannon; Cindy Grantham
Subject: RE: MS Redistricting Litigation - Meet and Confer re Privilege Logs [IWOV-BUTLERSNOW.FID7560002]

[EXTERNAL EMAIL]
Jeremy,

That is correct. Both the Lt. Governor and Mr. Upchurch have documents being withheld on grounds of legislative privilege. We do not believe we have any obligation to provide a privilege log for those documents.

Best regards,

P. Ryan Beckett
Butler Snow LLP

D: (601) 985-4557 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Ryan.Beckett@butlersnow.com | vCard | Bio

Twitter | LinkedIn | Facebook | YouTube

From: Esterkin, Jeremy B. <jeremy.esterkin@morganlewis.com>
Sent: Tuesday, September 5, 2023 7:58 PM
To: Ryan Beckett <Ryan.Beckett@butlersnow.com>; erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd <drollins-boyd@lawyerscommittee.org>; Ari Savitzky <asavitzky@aclu.org>; Ming Cheung <MCheung@aclu.org>; Robert B. McDuff <rmcduff@mscenterforjustice.org>; Carroll Rhodes <crhodes6@bellsouth.net>; Lavelle, Jr., John P. <john.lavelle@morganlewis.com>; Jordan, Drew Cleary <drew.jordan@morganlewis.com>; Bhamdeo, Benjamin <Benjamin.Bhamdeo@morganlewis.com>; Antonellis, Celina <celina.antonellis@morganlewis.com>
Cc: Tommie Cardin <Tommie.Cardin@butlersnow.com>; Parker Berry <Parker.Berry@butlersnow.com>; Rex Shannon <Rex.Shannon@ago.ms.gov>; Cindy Grantham <Cindy.Grantham@butlersnow.com>
Subject: [External Email] RE: MS Redistricting Litigation - Meet and Confer re Privilege Logs [IWOV-BUTLERSNOW.FID7560002]

Dear Counsel –

Based on their responses to Plaintiffs' subpoenas and our prior correspondence, we understand that Mr. Upchurch and Lt. Gov. Hoseman are also withholding responsive documents based on assertions of legislative privilege, and that neither intends to provide a privilege log. Would you please let us know if that is not correct?

Kind regards,
Jeremy

Jeremy B. Esterkin
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From: Ryan Beckett <Ryan.Beckett@butlersnow.com>
Sent: Thursday, August 17, 2023 10:53 AM
To: Esterkin, Jeremy B. <jeremy.esterkin@morganlewis.com>; erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd <drollins-boyd@lawyerscommittee.org>; Ari Savitzky <asavitzky@aclu.org>; Ming Cheung <MCheung@aclu.org>; Robert B. McDuff <rmcduff@mscenterforjustice.org>; Carroll Rhodes <crhodes6@bellsouth.net>; Lavelle, Jr., John P. <john.lavelle@morganlewis.com>; Jordan, Drew Cleary <drew.jordan@morganlewis.com>; Bhamdeo, Benjamin <Benjamin.Bhamdeo@morganlewis.com>
Cc: Tommie Cardin <Tommie.Cardin@butlersnow.com>; Parker Berry <Parker.Berry@butlersnow.com>; Rex Shannon <Rex.Shannon@ago.ms.gov>; Cindy Grantham <Cindy.Grantham@butlersnow.com>
Subject: RE: MS Redistricting Litigation - Meet and Confer re Privilege Logs [IWOV-BUTLERSNOW.FID7560002]

[EXTERNAL EMAIL]
Counsel,

Respectfully, we have stated our position and intend to stand on our objections. Best regards,

P. Ryan Beckett
Butler Snow LLP

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From: Esterkin, Jeremy B. <jeremy.esterkin@morganlewis.com>
Sent: Monday, August 14, 2023 2:58 PM
To: Ryan Beckett <Ryan.Beckett@butlersnow.com>; erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd <drollins-boyd@lawyerscommittee.org>; Ari Savitzky <asavitzky@aclu.org>; Ming Cheung <MCheung@aclu.org>; Robert B. McDuff <rmcduff@mscenterforjustice.org>; Carroll Rhodes <crhodes6@bellsouth.net>; Lavelle, Jr., John P. <john.lavelle@morganlewis.com>; Jordan, Drew Cleary <drew.jordan@morganlewis.com>; Bhamdeo, Benjamin <Benjamin.Bhamdeo@morganlewis.com>

Cc: Tommie Cardin <Tommie.Cardin@butlersnow.com>; Parker Berry <Parker.Berry@butlersnow.com>; Rex Shannon <Rex.Shannon@ago.ms.gov>; Cindy Grantham <Cindy.Grantham@butlersnow.com>
Subject: [External Email] RE: MS Redistricting Litigation - Meet and Confer re Privilege Logs [IWOV-BUTLERSNOW.FID7560002]

Counsel – thank you for the response. Before we move forward with a motion to compel, we wish to bring to your attention that your statement – "no mandate has issued to the District Court from the Fifth Circuit due to the appellants' Petition for Rehearing *En Banc.* Thus, there is no direct guidance from the 5th Circuit yet on the issue of privilege logs in the context of an assertion of legislative privilege" – is not correct. Under 5th Circuit Rule 41.3, it is "the granting of a rehearing en banc," not the mere request for a rehearing, that "vacates the panel opinion and judgment of the court …." (emphasis added). Since the petition has not been granted, *Jackson Mun. Airport Authority v. Harkins,* 67 F.4th 678 (5th Cir. 2023), and its holding that "a privilege log is necessary to determine which of the requested documents and communications are protected by legislative privilege" where (as here) non-party legislators assert legislative privilege to withhold documents in response to a subpoena duces tecum, remains binding authority in the 5th Circuit. You also urge that Plaintiffs consider *La Union De. Pueblo Entero v. Abbott,* 68 F.4th 228 (5th Cir. 2023), but that case does not hold otherwise; in fact, that opinion repeatedly cites *JMMA* favorably. Further, the legislators in *La Union* did produce a privilege log, and the Court also affirmed that legislative privilege is "qualified," not absolute. *Id.* at 236.

As we do not wish to burden the Court with an unnecessary motion, please advise by this Wednesday whether you will reconsider your position. I am happy to discuss further if a call would be useful.

Kind regards,
Jeremy

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From: Ryan Beckett <Ryan.Beckett@butlersnow.com>
Sent: Friday, August 11, 2023 3:02 PM
To: Esterkin, Jeremy B. <jeremy.esterkin@morganlewis.com>; erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd <drollins-boyd@lawyerscommittee.org>; Ari Savitzky <asavitzky@aclu.org>; Ming Cheung <MCheung@aclu.org>; Robert B. McDuff <rmcduff@mscenterforjustice.org>; Carroll Rhodes <crhodes6@bellsouth.net>; Lavelle, Jr., John P. <john.lavelle@morganlewis.com>; Jordan, Drew Cleary <drew.jordan@morganlewis.com>; Bhamdeo, Benjamin <Benjamin.Bhamdeo@morganlewis.com>
Cc: Tommie Cardin <Tommie.Cardin@butlersnow.com>; Parker Berry <Parker.Berry@butlersnow.com>; Rex Shannon <Rex.Shannon@ago.ms.gov>; Cindy Grantham <Cindy.Grantham@butlersnow.com>
Subject: RE: MS Redistricting Litigation - Meet and Confer re Privilege Logs [IWOV-BUTLERSNOW.FID7560002]

[EXTERNAL EMAIL]
Counsel:

See attached. Best regards,

P. Ryan Beckett

Butler Snow LLP

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From: Esterkin, Jeremy B. <jeremy.esterkin@morganlewis.com>
Sent: Tuesday, August 8, 2023 4:25 PM
To: Ryan Beckett <Ryan.Beckett@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Parker Berry <Parker.Berry@butlersnow.com>; Cindy Grantham <Cindy.Grantham@butlersnow.com>; Rex Shannon <Rex.Shannon@ago.ms.gov>
Cc: erosenberg@lawyerscommittee.org; jnwachukwu@lawyerscommittee.org; David Rollins-Boyd <drollins-boyd@lawyerscommittee.org>; Ari Savitzky <asavitzky@aclu.org>; Ming Cheung <MCheung@aclu.org>; Robert B. McDuff <rmcduff@mscenterforjustice.org>; Carroll Rhodes <crhodes6@bellsouth.net>; Lavelle, Jr., John P. <john.lavelle@morganlewis.com>; Jordan, Drew Cleary <drew.jordan@morganlewis.com>; Bhamdeo, Benjamin <Benjamin.Bhamdeo@morganlewis.com>
Subject: [External Email] MS Redistricting Litigation - Meet and Confer re Privilege Logs

Dear Counsel:

We write to meet and confer regarding the objections and responses of the Mississippi Standing Joint Legislative Committee on Reapportionment and Redistricting ("MS SJLCRR"), Ben Collins, Representative Dan Eubanks, Senator Dean Kirby, Representative Charles "Jim" Beckett (fmr.), James F. Booth, Representative Philip Gunn, and Neal Smith (collectively, "Subpoena Recipients") to the subpoenas served by Plaintiffs in the matter *Mississippi State Conference for the National Association for the Advancement of Colored People, et al. v. State Board of Election Commissioners, et al.* (S.D. Miss. 3:22-cv-734-DPJ-HSO-LHS). Although the Subpoena Recipients have each objected and are apparently withholding responsive documents on the basis of both legislative and attorney-client privileges, no privilege logs were provided with the Subpoena Recipients' responses. Per FRCP 26(b)(5) and *Jackson Mun. Airport Authority v. Harkins*, 67 F.4th 678 (5th Cir. 2023), a party asserting either privilege is required to provide a log with sufficient information for the propounding party to assess the claim as to each document withheld. *See also* Subpoena Attachment A, Instruction No. 9. We therefore ask that you please produce logs with the required information no later than **August 28, 2023,** for MS SJLCRR, Mr. Collins, Rep. Eubanks, Sen. Kirby, Former Rep. Beckett, and Mr. Booth; and no later than **September 6, 2023,** for Rep. Gunn and Mr. Smith. If any of the Subpoena Recipients intends to assert that a log is not required, we would appreciate the courtesy of an earlier notification to avoid unnecessary delay in the resolution of the dispute.

If it would be helpful to discuss this matter further, I may be reached by email or at 213.680.6843.

Thank you,

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EXHIBIT C

BUTLER | SNOW

August 11, 2023

Jeremy B. Esterkin, Esq.
Morgan, Lewis & Bockius LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, CA 90071-3132
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RE: *Mississippi State Conference for the National Association for the Advancement of Colored People, et al. v. State Board of Election Commissioners, et al.*
S.D. Miss. 3:22-cv-734-DPJ-HSO-LHS.

Dear Mr. Esterkin,

We are in receipt of and thank you for your meet and confer message regarding the Responses and Objections filed in response to the first eight (8) Subpoenas *Duces Tecum* served by Plaintiffs in this matter. These non-parties have produced the entirety of the public record, including all documents revealed to the public during the course of the legislative process. This included (1) the transcripts of the public meetings, (2) the handouts available at public meetings, (3) sign-in sheets and question cards from public meetings, (4) the notices and minutes of the Standing Joint Committee's hearings and meetings, (5) the legislative history of the two bills, (6) communications with third parties such as citizens and non-legislative public officials, and (7) all contracts with third parties. In the case of Rep. Eubanks, he also produced the single social media post in which he made reference to legislative redistricting.

All of the documents being withheld by our clients are communications and materials that are within "the legislative process itself" made or created when they were "acting in the sphere of legitimate legislative activity." They broadly include (1) internal communications amongst the staff, (2) documents prepared by the Standing Joint Committee or its staff, (3) communications by and amongst Legislators with the staff, (4) communications between Legislators, (5) draft versions of individual districts drawn at the request of individual Legislators, (6) draft plans, and (7) communications between the SJC and its Members with counsel. These communications and documents are entirely legislative in nature.

For those reasons, our clients do not have any obligation to provide a privilege log for any of the documents being withheld from production based on the legislative privilege. While acknowledging the recent panel decision in *Jackson Mun. Airport Authority v. Harkins*, 67 F.4th 678 (5th Cir. 2023), we note that no mandate has issued to the District Court from the Fifth Circuit due to the appellants' Petition for Rehearing *En Banc*. Thus, there is no direct guidance from the 5th Circuit yet on the issue of privilege logs in the context of an assertion of legislative privilege.

Instead, as acknowledged by the Fifth Circuit's decision in *La Union Del Pueblo Entero v. Abbott*, 68 F.4th 228 (5th Cir. 2023), handed down a week *after JMAA*, the scope of legislative privilege covers "the many actions and documents that are within 'the legislative process itself' and that the common-law privilege therefore traditionally protects." *La Union,* 68 F.4th at 235, *citing In re Hubbard*, 803 F. 3d 1298, 1308 (11th Cir. 2018). The burden of producing a privilege log in this instance would swallow the purpose of the privilege - shielding part-time citizen legislators from the burdens of discovery to "allow[] lawmakers to focus on their jobs rather than on motions practice in lawsuits." *Id.*, at 237; *see also Hubbard*, 803 F. 3d at 1310. Further, "the privilege would be of little value if legislators 'could be subjected to the cost and inconvenience and distractions of a trial upon conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives.'" *Id.* This is particularly true in cases where plaintiffs are seeking evidence of legislative motive in cases "involving racial animus for the exercise of [constitutional] rights." *Id*. at 237, *citing Tenney v. Brandhove*, 341 U.S. 367, 377 (1951); *see also Hubbard*, F. 3d at 1310.

We further note that the Eighth Circuit handed down a decision quashing subpoenas served on legislators and their aides in redistricting litigation *after* the panel decision of the Fifth Circuit in *JMAA*. *See In re: North Dakota Legislative Assembly*, 70 F.4th 460 (8th Cir. 2023). Finding the legislative privilege to be a "absolute bar to interference" when legislators are "acting in the sphere of legitimate legislative activity," the Eighth Circuit reversed the district court's discovery order which, among other things, required the production of a privilege log. *North Dakota*, 70 F.4th at 466.

For those reasons, and based on these authorities, there are no additional documents in the possession, custody or control of these non-parties that are responsive to the Subpoenas that are not otherwise shielded from production by the legislative privilege.

Finally, we acknowledge the obligation, under ordinary circumstances, to provide a log of documents withheld on the grounds of the attorney-client privilege. All documents being withheld under the attorney-client privilege are also covered by the legislative privilege. Therefore, we will stand on legislative privilege unless and until the Court orders us to do otherwise.

Sincerely,

BUTLER SNOW LLP

P. Ryan Beckett

PRB:fsw

81658495.v1

EXHIBIT D

FORM 4 (ND/SD MISS. DEC. 2011)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

Mississippi State Conference of the NAACP, et al.

Plaintiff

v.

CIVIL ACTION
NO. 3:22-cv-734-DPJ-HSO-LHS

State Board of Election Commissioners, et al.

Defendant

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

Counsel further certify that:

✔ as appropriate:

☐ 1. The motion is unopposed by all parties.

☐ 2. The motion is unopposed by:

☑ 3. The motion is opposed by: All Third-Party Legislators / Subpoena Recipients

☑ 4. The parties agree that replies and rebuttals to the motion will be submitted to the magistrate judge in accordance with the time limitations stated in L.U.Civ.P. 7(b)(4).

FORM 4 (ND/SD MISS. DEC. 2011)

This the 19 day of September 2023

Signature of Plaintiff's Attorney

Joshua Tom, MS Bar No 105392

Typed Name and Bar Number

Signature of Defendant's Attorney

P. Ryan Beckett, MS Bar No. 99524

Typed Name and Bar Number