

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 HAMNER;
BARBARA FINN; OTHO 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

**DEFENDANT SECRETARY OF STATE MICHAEL WATSON'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS'
SECOND SET OF INTERROGATORIES AND SECOND SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi, ("Secretary Watson") by and through counsel, and pursuant to Rules 7(b) and 29(b), *Federal Rules of Civil Procedure*, files this his unopposed motion for extension of time to respond to Plaintiffs' second set of interrogatories and second set of requests for production of documents, and in support thereof would show unto the Court the following:

1. Given activities undertaken during the month of November 2023 by the Secretary of State's Office in connection with the statewide general election and post-election certification process, the Court should extend by 16 days Secretary Watson's deadline to serve objections and responses to Plaintiffs' second sets of interrogatories and requests for production of documents, making Secretary Watson's objections and responses to Plaintiffs' second round of written discovery due on or before December 15, 2023.

2. This a legislative redistricting case involving a challenge to certain Mississippi House and Senate districts brought pursuant to Section 2 of the Voting Rights Act of 1965. Plaintiffs also assert claims of racial gerrymander. The trial of this matter is set to commence before a three-judge panel on February 26, 2024. *See* Dkt. #44 at 3.

3. On October 2, 2023, Secretary Watson timely served his objections and responses to Plaintiffs' first sets of interrogatories and requests for production of documents. *See* Secretary of State's Responses to Plaintiffs' First Set of Interrogatories (Ex. "A"); Secretary of State's Responses to Plaintiffs' First Set of Requests for Production of Documents (Ex. "B"). *See also* Dkt. #87, #88. Responsive documents were also produced at that time.

4. Almost a month later, on October 30, 2023, Plaintiffs propounded to Secretary Watson a second set of interrogatories and a second set of requests for production of documents. *See* Plaintiffs' Second Set of Interrogatories to Secretary Watson (Ex. "C"); Plaintiffs' Second Set of Requests for Production of Documents to Secretary Watson (Ex. "D"). *See also* Dkt. #101, 102.

5. Given the nature of Plaintiffs' claims, their written discovery requests directed to Secretary Watson primarily seek information and documents related to the 2022 legislative redistricting process. As was the case with Plaintiffs' first round of written discovery directed to Secretary Watson, Plaintiffs' second round of written discovery will necessitate review and a

reasonably diligent inquiry undertaken by the director and staff of the Elections Division of the Mississippi Secretary of State's Office.

6. This Court may take judicial notice that Mississippi's statewide general election occurred on Tuesday, November 7, 2023. Certification of election results is ongoing. Given activities undertaken by the Elections Division in connection with preparation for the November 7 election and post-election certification processes during the month of November 2023, Secretary Watson will require additional time to respond to Plaintiffs' second set of interrogatories and requests for production.

7. Pursuant to FRCP 33 and 34, Secretary Watson's responses to Plaintiffs' second sets of interrogatories and requests for production are presently due November 29, 2023. Pursuant to the governing case management order, the discovery deadline is presently December 11, 2023. Dkt. #44 at 3. In consideration of the foregoing and the intervening Thanksgiving holiday, Secretary Watson respectfully requests that he be granted an extension of 16 days, i.e., through and including December 15, 2023, to serve his objections and responses to Plaintiffs' second sets of interrogatories and requests for production of documents.

8. The State Defendants agree (a) that any deposition of a representative of the Secretary of State's Office pursuant to FRCP 30(b)(6) may be conducted after the discovery deadline or otherwise held open and resumed after the discovery deadline in order to accommodate questioning relating to Secretary Watson's responses to Plaintiffs' second set of interrogatories and a second set of requests for production of documents that are served after December 11, 2023, and (b) that any motion practice challenging the sufficiency of Secretary Watson's production in response to Plaintiffs' second set of interrogatories and second set of requests for production of documents will not be opposed on the ground that the discovery period has closed.

9. This motion is not interposed for delay or other improper purpose. Given the straightforward nature of the relief requested, Secretary Watson requests that the Court dispense with the filing of a separate memorandum of authorities.

10. Counsel for Secretary Watson has conferred with Plaintiffs' counsel and is authorized to represent that the relief requested herein is unopposed by Plaintiffs.

11. In further support of his motion for extension, Secretary Watson submits the following:

Exhibit "A" Secretary of State's Responses to Plaintiffs' First Set of Interrogatories

Exhibit "B" Secretary of State's Responses to Plaintiffs' First Set of Requests for Production of Documents

Exhibit "C" Plaintiffs' Second Set of Interrogatories to Secretary Watson

Exhibit "D" Plaintiffs' Second Set of Requests for Production of Documents to Secretary Watson

WHEREFORE, PREMISES CONSIDERED, Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi, respectfully requests that the Court make and enter its Order granting his motion for a 16-day extension of time to respond to Plaintiffs' second round of written discovery requests, and providing that he shall have up to and including December 15, 2023, to serve his objections and responses to Plaintiffs' second set of interrogatories and Plaintiffs' second set of requests for production of documents.

THIS the 9th day of November, 2023.

Respectfully submitted,

MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI, DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS 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, AND
MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named defendant, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 9th day of November, 2023.

s/Rex M. Shannon III
REX M. SHANNON III

IN THE UNITED STATES DISTRICT COURT
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Attorney General of Mississippi*; MICHAEL
WATSON, *in his official capacity as Secretary
of State of Mississippi*

DEFENDANTS

**RESPONSES OF DEFENDANT MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI, TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES**

Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi, ("Defendant") by and through counsel, and pursuant to FED. R. CIV. P. 33, hereby serves these his responses to Plaintiffs' first set of interrogatories, as follows:

OBJECTION

Defendant objects to Plaintiffs' "DEFINITIONS" and "INSTRUCTIONS AND RULES OF CONSTRUCTION" to the extent they seek to impose any obligation on Defendant beyond



that imposed by the *Federal Rules of Civil Procedure*. Subject to and without waiving his objection, Defendant hereby responds to Plaintiffs' first set of interrogatories.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify any Person (including, but not limited to, any Legislator; elected official and any of his or her aides or representatives; candidate for elected office and any of his or her aides, representatives, or campaign staff; any representative, employee, or agent of a local, state, or national political party, party organization; or non-profit organization; lobbyist; political activist; expert; political organization; community organization; consultant or consulting firm; strategist; attorney; law firm; special interest group; public interest group; non-governmental organization; any Defendant and any individual, group, office, or entity associated with such Defendant; and/or any governmental entity or representative thereof) that you contacted and/or that contacted you regarding the 2022 Redistricting Process, including but not limited to any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is overly broad, sweeping, and unduly burdensome, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this interrogatory on the grounds that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory; Defendant identifies Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Further responding, the Secretary of State recalls discussing redistricting in

general with legislators but did not offer any input regarding the 2022 House Map or 2022 Senate Map. He does not recall the specific legislators with whom he communicated.

INTERROGATORY NO. 2: For each Joint Committee Meeting at which the 2022 Redistricting Process and/or Alternative Maps were discussed, state the date of the meeting; the location of the meeting; the length of the meeting; the identity of each Person who attended the meeting; and whether any minutes, recordings, agendas, notes, or other records of the meeting were taken.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is overly broad, and further on the grounds that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant has no information responsive to this interrogatory.

INTERROGATORY NO. 3: Excluding those identified in response to Interrogatory No. 2, for any meetings that you attended (including but not limited to private meetings, public meetings, town halls, conferences or press events) at which the 2022 Redistricting Process and/or Alternative Maps were discussed, state the date of the meeting; the location of the meeting; the length of the meeting; the identity of each Person who attended the meeting; and whether any minutes, recordings, agendas, notes, or other records of the meeting were taken.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is overly broad, sweeping, and unduly burdensome, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this interrogatory on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds

the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant does not recall attending any such meetings and has no information responsive to this interrogatory.

INTERROGATORY NO. 5¹: Identify all of your employees, independent contractors, staff members or other agents who, at any time during the Relevant Period, participated in any activities and/or engaged in any communications regarding the 2022 Redistricting Process, including but not limited to any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “activities.” Defendant further objects to this interrogatory on the grounds that it is overly broad, sweeping, and unduly burdensome, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this interrogatory on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant has no information responsive to this interrogatory. Defendant states that while his office provides data from the Statewide Election Management System (“SEMS”) as requested by legislative staff involved in the redistricting process, Defendant’s office has no role in the development or enactment of redistricting legislation.

¹ Note: Plaintiffs’ First Set of Interrogatories does not contain an Interrogatory No. 4.

INTERROGATORY NO. 6: Identify any study, report, recommendation, memorandum, data, or analysis considered or relied upon in connection with the 2022 Redistricting Process, including but not limited to any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “analysis.” Defendant further objects to this interrogatory on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what information legislators “considered or relied upon” in enacting the 2022 House and Senate Maps and/or in evaluating any Alternative Maps. Defendant further objects to this interrogatory on the grounds that it is overly broad, sweeping, and unduly burdensome, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this interrogatory to the extent that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this interrogatory to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and/or the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process and has no information responsive to this interrogatory. Defendant states that while his office provides data from the Statewide Election Management System (“SEMS”) as requested by legislative staff involved in the redistricting process, Defendant’s office has no role in the development or enactment of redistricting legislation.

INTERROGATORY NO. 7: Identify the criteria used or considered in connection with the creation or development of the 2022 House Map or any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what criteria legislators “used or considered” in enacting the 2022 House Map and/or in evaluating any Alternative Maps. Defendant further objects to this interrogatory to the extent it calls for a legal conclusion. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant states that the Mississippi Secretary of State’s Office was not involved in the development or enactment of the 2022 House Map or legislative consideration of alternative maps and has no information responsive to this interrogatory.

INTERROGATORY NO. 8: Identify the criteria used or considered in connection with the creation or development of the 2022 Senate Map or any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what criteria legislators “used or considered” in enacting the 2022 Senate Map and/or in evaluating any Alternative Maps. Defendant further objects to this interrogatory to the extent it calls for a legal conclusion. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant states that the Mississippi Secretary of State’s Office was not involved in the development or enactment of the 2022 Senate Map or legislative consideration of alternative maps and has no information responsive to this interrogatory.

INTERROGATORY NO. 9: Identify any policies, procedures, and practices, whether formal or informal, that were used or considered in connection with the 2022 Redistricting Process or any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “policies, procedures, and practices, whether formal or informal.” Defendant further objects to this interrogatory on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what information legislators “used or considered” in enacting the 2022 House and Senate Maps and/or in evaluating any Alternative Maps. Defendant further objects to this interrogatory on the grounds that it is overly broad and not reasonably limited in scope or time. Defendant further objects to this interrogatory on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant has no information responsive to this interrogatory. Defendant states that while his office provides data from the Statewide Election Management System (“SEMS”) as requested by legislative staff involved in the redistricting process, Defendant’s office has no role in the development or enactment of redistricting legislation.

INTERROGATORY NO. 10: Identify all Persons who may possess information or documents related to the 2022 Redistricting Process or any Alternative Maps.

RESPONSE: Defendant objects to this interrogatory on the grounds that it is overly broad, sweeping, and unduly burdensome, and further to the extent that it calls for speculation and is not reasonably limited in scope or time. Defendant further objects to this interrogatory on the grounds

that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant identifies Ben Collins, GIS Director, Mississippi Legislature. Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant presumes that Mississippi legislators who were involved in the 2022 redistricting process may have information responsive to this interrogatory. Defendant otherwise has no information responsive to this interrogatory. Defendant states that while his office provides data from the Statewide Election Management System (“SEMS”) as requested by legislative staff involved in the redistricting process. Defendant’s office has no role in the development or enactment of redistricting legislation.

INTERROGATORY NO. 11: Identify all individuals whom you may call as witnesses at trial.

RESPONSE: Defendant objects to this interrogatory to the extent it seeks information regarding witnesses who may be called solely for rebuttal or impeachment purposes. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant states that he has not yet determined whom he may call at trial. Defendant may call or cross-examine any party, any expert identified by any party, and any individual identified in any party’s initial disclosures or discovery responses, including but not limited to any individual identified in any document produced during the course of discovery. Discovery is ongoing. Defendant reserves the right to supplement his response to this interrogatory in compliance with the *Federal Rules of Civil Procedure* and the governing case management deadlines.

INTERROGATORY NO. 12: Identify any individual associated with the U.S. Department of Justice who participated in oversight over any portion of Mississippi pursuant to Section 5 of the Voting Rights Act of 1965 since January 1, 2000.

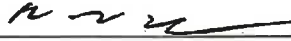
RESPONSE: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “associated with the U.S. Department of Justice” or “oversight over any portion of Mississippi.” Defendant further objects to this interrogatory on the grounds that it is not reasonably limited in scope or time and seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this interrogatory, Defendant has no information responsive to this interrogatory.

THIS the 2nd day of October, 2023.

Respectfully submitted,

MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI, DEFENDANT

AS TO INTERROGATORY RESPONSES:

By: 
KYLE KIRKPATRICK,
ASSISTANT SECRETARY OF STATE,
ELECTIONS DIVISION, MISSISSIPPI
SECRETARY OF STATE'S OFFICE

AS TO OBJECTIONS:

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: 
REX M. SHANNON III (MB #102974)
Special Assistant Attorney General


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AS GOVERNOR OF MISSISSIPPI, LYNN
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ATTORNEY GENERAL OF MISSISSIPPI, AND
MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI

DECLARATION

Pursuant to 28 U.S.C. § 1746, I, Kyle Kirkpatrick, Assistant Secretary of State, Elections Division, Mississippi Secretary of State's Office, as duly authorized on behalf of Michael Watson, in his official capacity as Secretary of State of Mississippi, hereby certify under penalty of perjury under the laws of the United States of America that the foregoing responses to interrogatories are true and correct to the best of my knowledge and information at the time of this declaration.

Executed this the 2nd day of October, 2023.



KYLE KIRKPATRICK,
ASSISTANT SECRETARY OF STATE,
ELECTIONS DIVISION, MISSISSIPPI
SECRETARY OF STATE'S OFFICE

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named defendant, do hereby certify that I have this date caused to be served, via electronic mail, a true and correct copy of the above and foregoing to all counsel of record in the above-styled and numbered cause.

THIS the 2nd day of October, 2023.



REX M. SHANNON III

**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
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Attorney General of Mississippi;* MICHAEL
WATSON, *in his official capacity as Secretary
of State of Mississippi***

DEFENDANTS

**RESPONSES OF DEFENDANT MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI, TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi, (“Defendant”) by and through counsel, and pursuant to FED. R. CIV. P. 34, hereby serves these his responses to Plaintiffs’ first set of requests for production of documents, as follows:

OBJECTION

Defendant objects to Plaintiffs’ “DEFINITIONS” and “INSTRUCTIONS AND RULES OF CONSTRUCTION” to the extent they seek to impose any obligation on Defendant beyond



that imposed by the *Federal Rules of Civil Procedure*. Subject to and without waiving his objection, Defendant hereby responds to Plaintiffs' first set of requests for production of documents.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents that you reviewed or relied upon in preparing your responses to Plaintiffs' First Set of Interrogatories.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, and unduly burdensome. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine, and to the extent it invades the mental impressions, opinions, and theories of counsel.

REQUEST FOR PRODUCTION NO. 2: All Documents and Communications relating to the 2022 Redistricting Process.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, and unduly burdensome. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant

appreciates the intent of this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State's Office Statewide Election Management System ("SEMS") contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 3: All Documents constituting, containing or reflecting Alternative Maps, including any drafts, amendments, proposals and/or revisions thereto.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant has not identified any responsive documents in Defendant's possession, custody, or control. Defendant states that while his office provides data from the Statewide Election Management System ("SEMS") as requested by legislative staff involved in the redistricting process, Defendant's office has no role in the development or enactment of redistricting legislation.

REQUEST FOR PRODUCTION NO. 4: All Documents constituting, containing or reflecting any data or intermediary files considered, used or relied upon in the creation of the Senate Map, House Map, and any Alternative Maps, including, but not limited to, shapefiles, files or datasets used in mapping software, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, voter affiliation, or changing census geography.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “intermediary files,” “partisan indexes,” or “changing census geography.” Defendant further objects to this request on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what information legislators “used or relied upon” in enacting the 2022 House and Senate Maps and/or in evaluating any Alternative Maps. Defendant further objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this request to the extent that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process. To the extent it may be responsive to this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State’s Office Statewide Election Management System (“SEMS”) contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing

Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 5: All Documents and Communications used in, prepared for, summarizing, or otherwise relating to any Joint Committee Meeting, including, but not limited to, notes, transcripts, meeting minutes, attendance records, reports, presentations, meeting and calendar invitations, memoranda, preparation materials, and recordings.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, and further on the grounds that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant has not identified any responsive documents in Defendant's possession, custody, or control. Defendant states that while his office provides data from the Statewide Election Management System ("SEMS") as requested by legislative staff involved in the redistricting process, Defendant's office has no role in the development or enactment of redistricting legislation.

REQUEST FOR PRODUCTION NO. 6: All Documents and/or Communications relating to the 2022 Redistricting Process exchanged between, among, with, or within any Defendant and any individual, group, office, or entity associated with such Defendant; any Legislator; elected official and any of his or her aides or representatives; candidate for elected office and any of his or her aides, representatives, or campaign staff; any representative, employee,

or agent of a local, state, or national political party, party organization, or non-profit organization; lobbyist; political activist; expert; political organization; community organization; consultant or consulting firm; strategist; attorney; law firm; special interest group; public interest group; non-governmental organization; any governmental entity or representative thereof) [*sic*]; and/or any member of the public.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous as drafted, and further on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State's Office Statewide Election Management System ("SEMS") contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 7: All Documents and/or 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, that were used or considered in connection with the 2022 Redistricting Process.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous, as it fails to explain what is meant by “language minority status” or “other analyses.” Defendant further objects to this request on the grounds that it calls for speculation and is argumentative, as it incorrectly assumes that Defendant, who is not a member of the Mississippi Legislature, can identify what information legislators “used or considered” in enacting the 2022 House and Senate Maps. Defendant further objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative, and further to the extent that it is not reasonably limited in scope or time. Defendant further objects to this request to the extent that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process. To the extent it may be responsive to this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State’s Office Statewide Election Management System (“SEMS”) contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant’s possession, custody, or control.

REQUEST FOR PRODUCTION NO. 8: All Documents and/or Communications related to any Alternative Maps, including, but not limited to, any notes, requests, opinions, thoughts, or views about the maps, the lines drawn, or the district shapes.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process. To the extent it may be responsive to this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State's Office Statewide Election Management System ("SEMS") contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 9: All Documents and/or Communications relating to the creation, design, and/or development of the 2022 House Map.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process. To the extent it may be responsive to this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State's Office Statewide Election Management System ("SEMS") contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 10: All Documents and/or Communications relating to the creation, design, and/or development of the 2022 Senate Map.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil*

Procedure. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant does not know what information or data legislators considered or relied upon in the 2022 redistricting process. To the extent it may be responsive to this request, Defendant is producing herewith electronic copies of e-mail correspondence (and related attachments) between Madalan Lennep, PMP, Pharos Consulting Services (Mississippi Secretary of State's Office Statewide Election Management System ("SEMS") contractor), and Ben Collins, GIS Director, Mississippi Legislature, Standing Joint Legislative Committee on Reapportionment and Joint Legislative Committee on Performance Evaluation and Expenditure Review. Defendant has not identified any other responsive documents or materials in Defendant's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 11: All Documents and/or Communications relating to payment for services; agreements of representation, consultation, employment, services, confidentiality, or common interest; or any other type of contract for goods or services relating to the 2022 Redistricting Plan.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and duplicative. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Defendant further objects to this request to the extent it is not reasonably limited in scope or time. Defendant further objects to this request to the extent it seeks discovery

of information that is protected by any privilege, including but not limited to the attorney-client privilege and the work product doctrine. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant has not identified any responsive documents in Defendant's possession, custody, or control. Defendant states that while his office provides data from the Statewide Election Management System ("SEMS") as requested by legislative staff involved in the redistricting process, Defendant's office has no role in the development or enactment of redistricting legislation.

REQUEST FOR PRODUCTION NO. 12: All Documents and/or Communications relating to past and present oversight by the U.S. Department of Justice over Mississippi's redistricting processes according to Section 5 of the Voting Rights Act of 1965 since January 1, 2000.

RESPONSE: Defendant objects to this request on the grounds that it is vague and ambiguous, as it fails to explain what is meant by "past and present oversight." Defendant further object to this request on the grounds that it is overly broad, sweeping, unduly burdensome, and not reasonably limited in scope or time. Defendant further objects to this request on the grounds that it seeks discovery of information that is not relevant or proportional to the needs of the case, and therefore exceeds the scope of permissible discovery pursuant to Rule 26, *Federal Rules of Civil Procedure*. Subject to and without waiving his objections, and as Defendant appreciates the intent of this request, Defendant has not identified any responsive documents or materials in Defendant's possession, custody, or control.

THIS the 2nd day of October, 2023.

Respectfully submitted,

MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI, DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: 
REX M. SHANNON III (MB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS 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, AND
MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named defendant, do hereby certify that I have this date caused to be served, via electronic mail, a true and correct copy of the above and foregoing to all counsel of record in the above-styled and numbered cause.

THIS the 2nd day of October, 2023.



REX M. SHANNON III

UNITED STATES DISTRICT COURT
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
HAMNER; BARBARA FINN; OTHO
BARNES; SHIRLINDA ROBERTSON;
SANDRA SMITH; DEBORAH HULITT;
RODESTA TUMBLIN; DR. KIA JONES;
MARCELEAN ARRINGTON; VICTORIA
ROBERTSON,

Plaintiffs,

v.

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.

No. 3:22-cv-734-DPJ-HSO-LHS

PLAINTIFFS' SECOND SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, hereby propound the following set of interrogatories (individually, an



“Interrogatory,” and collectively the “Interrogatories”) to Defendant Michael Watson, in his official capacity as Mississippi Secretary of State, in accordance with all applicable Rules and the Definitions and Instructions set forth below.

DEFINITIONS

1. **“2022 House Map”** means and refers to the Mississippi State House of Representatives (“Mississippi State House”) District Map approved by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (House Map JR-1).

2. **“2022 Senate Map”** means and refers to the Mississippi State Senate District Map passed by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (Senate Map JR-202).

3. **“2022 Redistricting”** means and refers to the development, consideration, and passage of the 2022 House Map and 2022 Senate Map, including any discussion or consideration by any legislator, legislative staffer, legislative body, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto.

4. **“Action”** means the above-captioned action, filed in the United States District Court for the Southern District of Mississippi, titled *Mississippi State Conference of the National Association for the Advancement of Colored People et al. v. State Board of Election Commissioners et al.*, 3:22-cv-00734 (DPJ-HSO-LHS).

5. **“Joint Committee”** shall mean and refer to the Mississippi Legislature's Standing Joint Legislative Committee on Reapportionment and Redistricting and any legislators who serve or have served on the Joint Committee or staff who are employed in whole or in part by the Joint Committee, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto.

6. **“Communication”** means the transmission of information or data in any form, including, without limitation, written, oral, or electronic transmissions. The term **“Communication”** shall include, without limitation, printed, typed, handwritten, or other readable

documents, correspondence, memoranda, reports, contracts, drafts (both initial and subsequent), computer discs or transmissions, emails, instant messages, tape or video recordings, voicemails, diaries, logbooks, minutes, notes, studies, surveys and forecasts, and any and all copies thereof.

7. “**Complaint**” means the Amended Complaint for Declaratory Judgment and Injunctive Relief in the above-captioned action filed in the United States District Court for the Southern District of Mississippi on March 3, 2023 (ECF No. 27).

8. “**Document**” is synonymous in meaning and equal in scope to its usage in Federal Rule of Civil Procedure 34(a)(1)(A), which permits a party to request “any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.” The term “**document**” refers to any document now or at any time in your possession, custody, or control. A person is deemed to be in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof. “**Document**” refers to “writings and recordings,” as defined in Rule 1001 of the Federal Rules of Evidence and includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically recorded, taped, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original. “**Document**” shall include individual documents and records (including associated metadata) whether on paper, film, or other

media, as discrete files stored electronically, optically, or magnetically, or as a record within a database, archive, or container file, including emails, messages, word-processed documents, recordings of videoconferences or conference calls, digital presentations, spreadsheets, database content, text messages, data recorded by Internet of Things (IoT) devices, and messages in workplace collaboration tools (including, without limitation, Slack, Microsoft Teams, and Google Hangouts) or ephemeral-messaging applications.

9. “**You,**” or “**yours**” refers to Michael Watson, in his official capacity as Secretary of State of Mississippi, including, and not limited to, past or present employees, office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on your behalf or subject to your control or on behalf of any committee or other body of which you are a member.

10. “**Defendants**” refers collectively to Defendants 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; and Michael Watson, in his official capacity as Secretary of State of Mississippi; and Intervenor Defendant Mississippi Republican Executive Committee (“MREC”).

11. “**Person**” means any natural person of any age or gender, as well as any corporation, company, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, office or other business or legal entity, whether private or governmental.

12. “**Legislator**” means and refers to any past or present elected member of the Mississippi State House or the Mississippi State Senate (including, for purposes of this Subpoena, the Lieutenant Governor), including such member's past or present employees, legislative office

staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf or subject to the member's control or on behalf of any committee or other body of which the elected member is a member.

13. **“Relevant Period”** means the period of time from January 1, 2019, to the present.

14. The words **“or,” “and,” “all,” “every,” “any,” “each,” “one or more,” “including”** and similar words of guidance are intended as such, and should not be construed as words of limitation. The words **“or”** and **“and”** shall include each other whenever possible to expand, not restrict, the scope of the Interrogatory and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatory all responses that might otherwise be construed to be outside of its scope. The word **“including”** shall not be used to limit any general category or description that precedes it and shall be construed to mean “including, but not limited to.” The words **“all,” “every,” “any,” “each,”** and **“one or more”** shall include each other whenever possible to expand, not restrict, the scope of the Interrogatory. **“Concern”** or **“concerning”** means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed. **“Relate”** or **“relating”** means consisting of, referring to, reflecting, or being in any way logically or factually connected to the matter discussed.

15. The phrase **“in connection with”** means discussing, addressing, regarding, pertaining to, evidencing, describing, constituting, mentioning, relating to, referring to, during the course of, incident to, or being in any way logically or factually connected with the matter discussed, whether direct or indirect, whatsoever with the requested topic.

16. When referring to a Person, “**identity**” means (and “**identify**” means to provide) the Person’s name, address, telephone number, and any other contact information for the Person that is in the possession of, or could reasonably be obtained by, the respondent.

17. When referring to a document, information or item, “**identity**” means (and “**identify**” means to provide) a description of the document, information or item, or the contents thereof, and, as applicable, the author, origin, and/or current location of the document, information or item.

INSTRUCTIONS AND RULES OF CONSTRUCTION

1. These instructions and rules of construction shall apply in interpreting the scope of the above definitions and these instructions and rules of construction.
2. Unless otherwise specified, these interrogatories concern the period from **January 1, 2019 to the present**.
3. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.
4. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:
 - a. the nature of the privilege claimed;
 - b. the person who made the communication, whether oral or in writing;
 - c. if the communication was oral, all persons present while the communication was made;
 - d. if the communication was written, the author, addressees, and any other recipients;
 - e. the relationship of the author of the communication to each recipient;
 - f. the relationship of the persons present to the person who made the communication;
 - g. the date and place of the communication; and
 - h. the general subject matter of the communication.
5. All references in these interrogatories to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all

other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

6. Whenever necessary to bring within the scope of these interrogatories, any information that otherwise might be construed to be outside the scope, (a) the present tense shall include the past tense and future tense, the past tense shall include the present tense and future tense, and the future tense shall include the past tense and present tense; (b) references to the singular shall include the plural and vice versa; and (c) reference to any gender shall also include any other gender.

7. These interrogatories are intended to elicit as much information as possible concerning the issues raised in the operative Complaint filed in this action. To the extent that any interrogatory could be interpreted in more than one way, you should employ the interpretation of the interrogatory most likely to encompass and elicit the greatest amount of information possible.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e).

9. Answers to these interrogatories shall be served upon the undersigned attorneys within thirty (30) days of service of these interrogatories.

INTERROGATORIES

INTERROGATORY NO. 13: Identify all reports created or produced by the Secretary of State's office as requested by legislators or the Joint Committee related to the 2022 Redistricting process;

INTERROGATORY NO. 14: Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 13;

INTERROGATORY NO. 15: Identify all reports created or produced by, on the behalf of, at the direction of Madalan Lennep, as requested by legislators or the Joint Committee, relating to the 2022 Redistricting process;

INTERROGATORY NO. 16: Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 14;

INTERROGATORY NO. 17: Identify the study of racial voting patterns acknowledged by Senator Dean Kirby on the Senate floor on March 29, 2022.

INTERROGATORY NO. 18: Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 15;

INTERROGATORY NO. 19: Identify all Documents provided by the Secretary of State's office to the Joint Committee, staff of the Joint Committee, or any individual legislator concerning racial demographics of Mississippi counties, precincts, or census blocks;

INTERROGATORY NO. 20: Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 16;

INTERROGATORY NO. 21: Identify all Documents provided by the Secretary of State's office to the Joint Committee, staff of the Joint Committee, or any individual legislator concerning racial voting patterns in Mississippi elections, including but not limited to calculations, reports, audits, estimates, projections, other analyses of voter turnout, voter registration, or voter behavior;

INTERROGATORY NO. 22: Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 17.

[signatures on following page]

Dated: October 30, 2023

Respectfully submitted,

/s/ Joshua Tom

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Attorneys for Plaintiffs

CERTIFICATION OF SERVICE

I, Joshua Tom, an attorney, certify that I caused a true and correct copy of the foregoing to be served via email on all counsel of record on this 30th day of October, 2023.

/s/ Joshua Tom
Joshua Tom

UNITED STATES DISTRICT COURT
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
HAMNER; BARBARA FINN; OTHO
BARNES; SHIRLINDA ROBERTSON;
SANDRA SMITH; DEBORAH HULITT;
RODESTA TUMBLIN; DR. KIA JONES;
MARCELEAN ARRINGTON; VICTORIA
ROBERTSON,

Plaintiffs,

v.

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.

No. 3:22-cv-734-DPJ-HSO-LHS

**PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT MICHAEL WATSON, IN HIS OFFICIAL CAPACITY
AS SECRETARY OF STATE OF MISSISSIPPI**



Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs, by their undersigned counsel, hereby request that Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi produce for inspection and copying the documents and things requested herein in accordance with all applicable Rules and the Definitions and Instructions set forth below within thirty (30) days of service.

DEFINITIONS

1. "2022 HOUSE MAP" shall mean and refer to the Mississippi State House of Representatives ("Mississippi State House") District Map approved by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (House Map JR-1).

2. "2022 SENATE MAP" shall mean and refer to the Mississippi State Senate District Map passed by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (Senate Map JR-202).

3. "2022 MAPS" shall mean and refer to both the HOUSE MAP and the SENATE MAP.

4. "2022 REDISTRICTING" shall mean and refer to the development, consideration, and passage of new legislative district lines that reflect the population of Mississippi according to the 2020 Census, including any discussion or consideration by any legislator, legislative staffer, legislative body, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto, of the district lines for one or more House and/or Senate districts.

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

6. "DOCUMENT" shall be defined to be synonymous in meaning and scope as the term "document" is used under Rule 34 of the Federal Rules of Civil Procedure and as the phrase "writings and recordings" is defined in Rule 10 01 of the Federal Rules of Evidence and includes,

but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, taped, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.

7. "LEGISLATOR" shall mean and refer to any past or present elected member of the Mississippi State House or the Mississippi State Senate (including, for purposes of this Subpoena, the Lieutenant Governor), including such member's past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf or subject to the member's control or on behalf of any committee or other body of which the elected member is a member.

8. "RELATING TO" shall mean referring to, regarding, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

9. "JOINT COMMITTEE" shall mean and refer to the Mississippi Legislature's Standing Joint Legislative Committee on Reapportionment and Redistricting and any legislators who serve or have served on the JOINT COMMITTEE or staff who are employed in whole or in part by the JOINT COMMITTEE, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto.

INSTRUCTIONS

1. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within

your actual possession, custody, or control, as well as such documents which you have the legal right to obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

2. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

3. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

4. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

5. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

6. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

7. Each document produced should be categorized by the number of the document request in response to which it is produced.

8. No portion of a request may be left unanswered because an objection is raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

9. For any document withheld from production on a claim of privilege or work product protection, provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information necessary for Plaintiffs to assess the claim of privilege.

10. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

11. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

12. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

13. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you

serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

14. Unless otherwise specified, all document requests concern the period of time from January 1, 2019, to the present.

DOCUMENT REQUESTS

13. All DOCUMENTS and COMMUNICATIONS RELATING TO reports or data produced by or for the Secretary of State's office, as requested by any LEGISLATOR or the JOINT COMMITTEE, RELATING TO the 2022 REDISTRICTING process.

14. All DOCUMENTS and COMMUNICATIONS RELATING TO reports or data produced by, for, or on behalf of Madalan Lennep, as requested by any LEGISLATOR or the JOINT COMMITTEE, RELATING TO the 2022 REDISTRICTING process.

15. All DOCUMENTS and COMMUNICATIONS RELATING TO the study of racial voting patterns acknowledged by Senator Dean Kirby on the floor on March 29, 2022, including but not limited to any drafts or underlying data.

16. All DOCUMENTS and COMMUNICATIONS provided by the Secretary of State's office to the JOINT COMMITTEE, staff of the JOINT COMMITTEE, or any individual LEGISLATOR RELATING TO racial demographics of Mississippi counties, precincts, or census blocks;

17. All DOCUMENTS and COMMUNICATIONS provided by the Secretary of State's office to the JOINT COMMITTEE, staff of the JOINT COMMITTEE, or any individual LEGISLATOR RELATING TO voting patterns in Mississippi elections with respect to race or ethnicity, including but not limited to any calculations, reports, audits, estimates, projections, other analyses.

[signatures on following page]

Dated: October 30, 2023

/s/ Joshua Tom

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CERTIFICATION OF SERVICE

I, Joshua Tom, an attorney, certify that I caused a true and correct copy of the foregoing to be served via email on all counsel of record on this 30th day of October, 2023.

/s/ Joshua Tom
Joshua Tom