

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, et al.

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

CIVIL ACTION NO. 3:22-cv-00178
SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), Plaintiff National Association for the Advancement of Colored People Louisiana State Conference ("Louisiana NAACP"), through its attorneys, respectfully moves for the entry of a protective order on the grounds that the discovery sought is highly sensitive, and for other and further relief as the Court deems just and proper.

In response to discovery requests served by Defendants and Intervenor-Defendants (together "Defendants"), Plaintiff seeks to shield the personally identifiable information of members of its organization in order to protect the First Amendment rights of itself and its members. On July 25, 2023, Plaintiff timely objected to the requests on the grounds on which this protective order is being sought.

There exists good cause to support this motion. In support of the motion, Plaintiff submits the Memorandum of Law, the Declaration of Michael McClanahan, and the Declaration of I. Sara Rohani, which are being filed contemporaneously with this motion.

As detailed in the attached Declaration of I. Sara Rohani, the parties have met and conferred via an exchange of letters and emails in a good faith effort to resolve this dispute without court intervention, but were unable to resolve the issues in a timely manner. *See* Declaration of I. Sara Rohani (Aug. 9, 2023), attached hereto. Because the discovery deadline in this case is September 1, 2023, and because the Court has indicated that the deadline will not be extended, the Louisiana NAACP now seeks the Court's assistance in protecting the constitutional rights of its members.

DATED: August 9, 2023

Respectfully submitted,

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**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION
FOR PROTECTIVE ORDER**

INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 26(c)(1), Plaintiff National Association for the Advancement of Colored People Louisiana State Conference (“Louisiana NAACP”) respectfully moves for the entry of a protective order in this action, protecting personally identifiable information concerning members of Plaintiff’s organization from discovery by the Defendant and Intervenor-Defendants (together “Defendants”). Plaintiff seeks this protective order to safeguard the First Amendment rights of itself and its members from deeply intrusive discovery requests propounded by Defendant Secretary of State and to clarify that production of such information is not necessary to establish the Louisiana NAACP’s associational standing.

BACKGROUND

Plaintiffs filed this action on March 14, 2022, alleging that Louisiana’s adopted state legislative maps violate Section 2 of the Voting Rights Act. Complaint, *Nairne v. Ardoin*, No.

3:22-cv-00178-SDD-SDJ (M.D. La. Mar. 14, 2022), ECF No. 1. On July 22, 2022, Plaintiffs received Defendant Ardoin's first set of discovery requests. Interrogatory No. 3 requests the identification of Louisiana NAACP members and the production of "any and all" communications between the Louisiana NAACP and its members in each challenged district. Def. Ardoin's First Set of Interrogs. at 8 (July 22, 2022), attached as Exh. 1 to the Declaration of I. Sara Rohani (Aug. 9, 2022) ("Rohani Decl."). In particular, Interrogatory No. 3 seeks, in relevant part, the following information:

As to each Louisiana State House and State Senate District at issue in the Complaint, and for each Organizational Plaintiff, state the following identifying to which district the response relates:

(a) Identify the members of your organization living in each challenged district;

...

(d) identify and produce any and all communications between your organization and its members in each challenged district.

Id. The interrogatories define the term "identify" as follows:

The words "identify" or "specify" as related to a person mean, in each instance, to state his or her full name, present or last known address and telephone number, date of birth, and present or last known job classification or position.

Id. at 4.

In its timely response to Interrogatory No. 3, Plaintiff Louisiana NAACP stated, in relevant part, as follows:

Plaintiff further objects to Interrogatory No. 3 on the grounds that it seeks information protected by Plaintiff's and its members' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving these objections, Plaintiff responds as follows:

(a) The Louisiana NAACP has approximately 5,000 members throughout the state, including Black Louisianians who are registered voters. The Louisiana NAACP has over 40 local branches comprising adult members and 16 youth and college chapters across Louisiana. Members of the Louisiana NAACP live in nearly every

region of the state, including all the disputed areas in this matter—those areas where the State’s enacted legislative maps dilute the voting strength of Black voters, including in Bossier, Caddo, Jefferson, St. Charles, East Baton Rouge, West Baton Rouge, Iberville, Point Coupee, DeSoto, Natchitoches, Red River, Ascension, and East Feliciana Parishes. Specifically, Plaintiff has identified members who reside in each of the districts challenged in this litigation.

Louisiana NAACP’s Resps. & Objs. to Def. Ardoin’s First Set of Interrogs. at 8-10 (June 30, 2023), attached as Exh. 2 to Rohani Decl. In responding to the request for communications with its members and other requests for production, Plaintiff provided responsive documents with the personally identifiable information concerning individual members redacted. Plaintiff’s interrogatory responses were signed under penalty of perjury by its President, Michael McClanahan. *Id.* at 30.

On July 20, 2023, Plaintiffs received a letter from counsel for Defendant Secretary of State Ardoin asserting a number of purported deficiencies in Plaintiff’s responses. Letter from P. Strach to A. Giglio (July 20, 2023), at 2-3, attached as Exh. 3 to Rohani Decl. The letter asserted, among other things, that Plaintiff’s response to Interrogatory No. 3, was deficient because it “fail[ed] to identify the district-specific membership information requested.” The letter contended that this information was “critical for Defendant Ardoin to adequately assess the standing of the Organizational Plaintiffs in this matter.” Defendant understood that Plaintiff’s response was an indication that specific individual members had been identified in each of the districts,¹ but asserted that Plaintiff’s statement “is not a sufficient response that would allow Defendant Ardoin to adequately address Louisiana NAACP’s standing,” and went on to contend, without any supporting legal authority, that “[i]dentification of particular members in each particular state

¹ Specifically, Defendant argued that because these members had already been identified, it should not be difficult to provide a list, indicating that defendant correctly understood Plaintiff’s response to relate to specific identified members in each challenged district, and not a probabilistic assertion that among Plaintiffs statewide membership, there must be an affected individual in each of the districts.

House and Senate district challenged here is required.” Defendant threatened that if Plaintiff Louisiana NAACP failed to provide the information, Defendant would subpoena the individual NAACP branches throughout the state in an attempt to obtain the information from those entities. Defendant also challenged eight documents produced by Plaintiff Louisiana NAACP as having “inappropriate redactions [...] of various individual identities” *Id.* Plaintiff responded to the July 20, 2023 Letter on July 25, 2023, explaining in more detail the constitutional basis for the objection to disclosure of member information and offering to meet and confer. Letter from S. Brannon to P. Strach (July 20, 2023), at 2-4, 5, attached as Exh. 4 to Rohani Decl. Plaintiffs received no response to their letter. Rohani Decl. ¶ 8.

LEGAL STANDARD

Rule 26(c)(1) of the Federal Rules of Civil Procedure permits a party to move for a protective order to prevent or limit the discovery of confidential information. Fed. R. Civ. P. 26(c)(1). The Rule provides that “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” *Id.* “‘Good cause’ exists when disclosure will result in a clearly defined and serious injury to the party seeking the protective order.” *Louisiana Corral Mgmt., LLC v. Axis Surplus Ins. Co.*, No. CV 22-2398, 2023 WL 156876, at *7 (E.D. La. Jan. 11, 2023) (citing *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994)).

ARGUMENT

Plaintiff Louisiana NAACP seeks a protective order relieving it of any obligation to produce personally identifiable information about Plaintiff’s members in response to discovery requests propounded by the Defendants. As courts have repeatedly recognized, the identity of Plaintiff’s members is protected by the “associational and privacy rights guaranteed by the First

and Fourteenth Amendments.” *Hastings v. N.E. Indep. Sch. Dist.*, 615 F.2d 628, 631 (5th Cir. 1980); see *Nat’l Ass’n for Advancement of Colored People v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958) (“compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association”); *Hastings*, 615 F.2d at 631–33 (compelled disclosure exposed members to economic reprisal, loss of employment, threats of physical coercion, [or] other manifestations of public hostility and abridged plaintiffs’ associational and privacy rights under the First and Fourteenth Amendments).

In *NAACP*, the Supreme Court recognized an associational privilege under the First Amendment because public disclosure of membership lists “entail[s] the likelihood of a substantial restraint upon the exercise by [a party’s] members of their right to freedom of association.” 357 U.S. at 462. Based on this associational privilege, courts in this Circuit have routinely granted protection to membership lists of advocacy organizations. See, e.g., *Young Conservatives of Texas Found. v. Univ. of N. Texas*, No. 4:20-CV-973-SDJ, 2022 WL 2901007, at *4 (E.D. Tex. Jan. 11, 2022) (recognizing the First Amendment right to the confidentiality of membership lists); *League of United Latin Am. Citizens v. Abbott*, No. EP-21-CV-00259-DCG-JES-JVB, 2022 WL 2806850, at *3 (W.D. Tex. July 18, 2022) (granting plaintiffs “leave to pseudonymously identify members of their organizations that they allege have suffered the requisite harm”); *Hastings*, 615 F.2d at 633 (reversing discovery sanctions for failure to disclose labor union membership lists); cf. *Gibson v. Fla. Legislative Investigation Comm.*, 372 U.S. 539, 543 (1963) (denying state legislative committee subpoena for NAACP branch’s membership list on First and Fourteenth Amendment grounds where a representative of the NAACP had answered questions based on his own personal knowledge of branch’s members).

To show that the First Amendment privilege against disclosure of membership lists applies, a party “need only demonstrate an objectively reasonable probability that disclosure of the information may expose its ‘members to economic reprisal, loss of employment, threat of physical coercion, [or] other manifestations of public hostility.’” *Young Conservatives of Texas Found.*, 2022 WL 2901007, at *2 (citations omitted). The threatened harm need not rise to any particular level of severity. For example, in *Bright Response, LLC v. Google Inc.*, the court found the privilege applied to prevent disclosure of Google’s lobbying activities because disclosure of those activities threatened to chill the company’s First Amendment rights. No. 2:07CV371, 2009 WL 10741629, at * 1 (E.D. Tex. Sept. 29, 2009).

Here, Plaintiff Louisiana NAACP’s interest in the confidentiality of its membership is at minimum as strong as in the many other contexts where this First Amendment right has been protected. As explained in the declaration of Louisiana NAACP President Michael McClanahan, attached to this motion, Louisiana NAACP leadership and members have been harassed, threatened, and retaliated against due to their affiliations with the NAACP. Declaration of Michael McClanahan ¶¶ 4-11. Mr. McClanahan has received hate mail and intimidating letters that threaten the membership broadly due to their affiliation with a racial justice organization. *Id.* ¶ 8-9. Disclosure of members’ identities and private information could induce them to withdraw from their membership in the organization and discourage others from joining. *Id.* ¶ 10. Subjecting Louisiana NAACP members to the risk of such reprisals through the public disclosure of their personally identifiable information would impede the Louisiana NAACP’s work, including advocacy efforts on sensitive issues. *Id.*

Mr. McClanahan’s experience is consistent with the long, well-documented history of reprisals and retaliation against NAACP members that continues into the modern day. These types

of retaliatory actions extend far beyond Louisiana and pervade NAACP chapters across the country, and involve harassment, retaliation, and reprisals by private and governmental actors. There are recent instances of NAACP leaders and members being targeted for police surveillance in Minnesota,² harassed by both law enforcement and members of the general public in Florida³ and Mississippi,⁴ attacked with hate mail for encouraging activism in Arizona,⁵ and arrested and barred from public legislative buildings for peacefully protesting in North Carolina.⁶ Within the last five years across Louisiana alone, a Black mayor received racially motivated threats alluding to the lynching and dumping of Black bodies,⁷ three Black churches were the targets of arson attacks,⁸ Black fifth-grade students received virtual threats in the middle of class,⁹ and Black university students were the targets of bomb threats.¹⁰ Furthermore, Plaintiff's members are not

² *NAACP Lawsuit Claims Minneapolis Police Spied on its Members*, KSTP (Apr. 26, 2023), <https://kstp.com/kstp-news/local-news/naacp-lawsuit-claims-minneapolis-police-spied-on-its-members/>.

³ Isabel Mascareñas, *Manatee NAACP President Claims He's Being Harassed by Bradenton Police*, WTSP (May 10, 2019), <https://www.wtsp.com/article/news/manatee-naacp-president-claims-hes-being-harassed-by-bradenton-police/67-60e6b807-0ae4-40a3-9d28-c4c64041d6cd>; *Lee NAACP President Says He's Getting Violent Threats After Confederate Statue Comments*, WINK News (May 3, 2018), <https://winknews.com/2018/05/03/lee-county-naacp-president-says-hes-getting-death-threats-confederate-statue-comments/>.

⁴ Justin Victory, *Jackson NAACP Head Pulled Over, Threatened for Forest Hill Comments, He Says*, Mississippi Clarion Ledger (Oct. 26, 2018), <https://www.clarionledger.com/story/news/local/2018/10/26/jackson-ms-naacp-head-pulled-over-threatened-forest-hill-comments-fbi/1773988002/>.

⁵ John Genovese, *Local NAACP President Receives Racist Letter Following Call for Boycott*, ABC 15 (Dec. 20, 2018), <https://www.abc15.com/news/state/local-naacp-president-receives-racist-letter-following-call-for-boycott>.

⁶ *Barber Banned From Legislative Building After Arrest*, Fayetteville Observer (June 19, 2017), <https://www.fayobserver.com/story/news/state/2017/06/19/barber-banned-from-legislative-building-after-arrest/20528048007/>; Chris Seward, *NAACP Activists Threatened With Arrest While Delivering Letter to House Speaker's Office*, The News & Observer (Mar. 3, 2018), <https://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article156146389.html#storylink=cpy>.

⁷ Zach Labbé and Kylee Bond, *"Gone Too Far" Bogalusa Mayor Speaks Out After Racially-Motivated Social Media Threat*, CBS 42 (Mar. 2023), <https://www.cbs42.com/regional/louisiana-news/gone-too-far-bogalusa-mayor-speaks-out-after-racially-motivated-social-media-threat/amp/>.

⁸ Bill Hutchinson, *NAACP President Calls Series of Church Fires in Louisiana "Domestic Terrorism"*, ABC News (Apr. 9, 2019), <https://abcnews.go.com/US/naacp-president-calls-series-church-fires-louisiana-domestic/story?id=62231554>.

⁹ Kasey Bubnash, *Racist "Zoombombing" of Harvey Fifth-Grade Class Leads to Federal Indictment*, Nola.com (Jul. 6, 2022), https://www.nola.com/news/courts/racist-zoombombing-of-harvey-fifth-grade-class-leads-to-federal-indictment/article_29896f5e-fcc6-11ec-bea0-4f93f1867884.html.

¹⁰ Caroline Kollath Wells, *Xavier, HBCUs Targeted With Bomb Threats: "Most Primitive Form of Racism"*, Nola.com (Feb. 1, 2022), https://www.nola.com/news/crime_police/xavier-hbcus-targeted-with-bomb-threats-most-primitive-form-of-racism/article_9ba233b6-8375-11ec-8724-172f9ed27262.html.

themselves party to this lawsuit and therefore have not consented to public disclosure of their personally identifying information. Compelled disclosure here will harm Plaintiff's ability to engage in advocacy, as involuntary disclosure of member information will discourage current and prospective members from engaging with the Louisiana NAACP.

Once the party asserting the privilege makes "a prima facie showing that it applies, then the burden shifts to the party seeking the information to demonstrate a compelling need for the information and that the information cannot be obtained from other sources." *Bright Response*, 2009 WL 10741629, at * 1. Defendants cannot make such a showing. The only need Defendant has identified for seeking this information is to "assess [Plaintiff's] standing" to assert the causes of action outlined in the complaint on behalf of its members. However, the names and other personal information of individual members is not required to establish associational standing. Rather, Plaintiff must proffer sufficient evidence to establish that "at least one identified member had suffered or would suffer harm." *Summers v. Earth Island Inst.*, 555 U.S. 488, 498 (2009). While some language in *Summers* might suggest that a plaintiff must name names to establish associational standing, *Summers* does not actually go so far. The issue in *Summers* was not whether the members with sufficiently concrete harms had been named, but whether such members could be identified at all beyond a mere probability that they existed. 555 U.S. at 497-99 (rejecting a test that would rely on a statistical probability that at least one member would be harmed by the challenged activity). While naming names might be one way of establishing that such members exist, nothing in *Summers* requires a particular type or quantum of evidence to establish that an identifiable member has been harmed. Here, Plaintiffs do not rely on the probability that one or more of their members reside in the challenged districts. Rather, Plaintiff's president, Michael McClanahan, signed interrogatory responses under penalty of perjury stating that the organization

had identified specific members who reside in each of the challenged districts. Louisiana NAACP's Resps. & Objs. to Def. Ardoin's First Set of Interrogs. at 8-10, June 27, 2023. That is sufficient to establish there are real, identified members who have suffered an injury-in-fact for standing purposes from residing in districts that dilute their right to vote. *See, e.g. U.S. v. Hays*, 515 U.S. 737, 745 (1995); *Shaw v. Hunt*, 517 U.S. 899, 904 (1996); *Miller v. Johnson*, 515 U.S. 900, 909 (1995).

Indeed, the test for associational standing includes as its third element that "neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hunt v. Washington State Apple Advert. Comm'n*, 432 U.S. 333, 343, 97 S. Ct. 2434, 53 L. Ed. 2d 383 (1977). Defendant has identified no aspect of Plaintiff's claim that would require the participation of individual members. Because there is no need for individual NAACP members to participate in the lawsuit, there is no reason that they need to be identified by name or other personally identifiable information. They will not be deposed; they will not serve as witnesses; they have no discoverable information that cannot be obtained from the Plaintiff. Thus, Defendants cannot establish a need for individual NAACP members to be named that would be sufficient to overcome the associational privilege, and the Court should enter a protective order protecting Plaintiff and its local branches from being required to disclose the names of individual members or to produce documents containing such information.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully asks that the Court enter a protective order protecting Plaintiff from being required to disclose personally identifying information of its members and clarifying that such information is not required to establish Plaintiff's associational standing to challenge the redistricting plans at issue in this litigation.

DATED: August 9, 2023

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**DECLARATION OF I. SARA ROHANI IN SUPPORT OF
PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**

Pursuant to 28 U.S.C. § 1746, I, I. Sara Rohani, declare as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am an attorney with the NAACP Legal Defense and Educational Fund, Inc., and counsel of record for the Plaintiffs, including Plaintiff Louisiana State Conference of the National Association for the Advancement of Colored People ("Louisiana NAACP"), in this litigation.
3. On July 22, 2022, Defendant Secretary of State Kyle Ardoin served each of the organizational Plaintiffs with a set of interrogatories and requests for production in this case. A true and correct copy of the discovery requests is attached as Exhibit 1. Interrogatory Number 3 of these requests seeks, among other things, the names, birth dates, and other personally identifiable information of the organizational Plaintiffs' members residing in the state legislative districts challenged in this litigation, and seeks production of communications between the organizations and their members.

4. Plaintiff Louisiana NAACP timely served its responses on June 30, 2023, after the court lifted its stay of the proceedings imposed on August 30, 2022. A true and correct copy of the Louisiana NAACP's responses to Defendant's discovery requests is attached hereto as Exhibit 2. In response to Interrogatory Number 3, the Louisiana NAACP objected that the information sought is "protected by Plaintiff's and its members' First Amendment rights to freedom of speech and freedom of association." In an effort to provide as much responsive information as possible without violating the constitutionally protected rights of the organization and its members, Louisiana NAACP's response states that it had identified individual members residing in each of the challenged districts and in the surrounding parishes.

5. In responding to the Defendant's requests for production, where responsive documents contained names or other personally identifiable information of NAACP members, Plaintiff redacted that information.

6. On July 20, 2023, counsel for Defendant Ardoin sent a letter to counsel for the Plaintiffs asserting, among other things, that the failure to include the names of NAACP members and the redaction of NAACP member names and email addresses in 8 documents rendered the Louisiana NAACP's discovery responses deficient. The letter requested a response by July 25, 2023, and offered to meet and confer regarding the identified discovery issues. A true and correct copy of the July 20, 2023, letter from counsel for Defendant Ardoin is attached as Exhibit 3.

7. On July 25, 2023, counsel for Plaintiffs sent a letter in response to Defendant Ardoin's July 20 letter. Among other things, the letter reiterated that the personal information of individual NAACP members was protected from disclosure under the First and Fourteenth Amendments, and stating that the information would not be provided nor would documents be produced without redactions. The letter, which was sent to counsel for all parties, offered

Plaintiffs' willingness to meet and confer about these issues and requested Defense counsel's availability that same week. A true and correct copy of the July 25, 2023, letter from counsel for Plaintiffs is attached as Exhibit 4.

8. As of August 8, 2023, two weeks after Plaintiffs' July 25 letter, Plaintiffs had received no response to their July 25 letter nor any indication that Defendant or Defendant-Intervenors wished to meet and confer further.

9. On August 8, 2023, I sent an email to counsel for Defendant and Defendant-Intervenors, notifying them that the Louisiana NAACP intended to seek a protective order precluding discovery of NAACP member names and permitting the redaction of that information from documents produced in response to requests for production. Counsel requested the positions of the parties on the motion.

10. Counsel for Intervenor the State of Louisiana replied stating that the State opposed the motion.

11. Counsel for the Legislative Intervenors stated that they needed more time to consider the issue and indicated their position that Plaintiffs had not adequately met and conferred regarding the motion. However, when I asked how much time the Legislative Intervenors believed they needed to consider the issue and whether they believed a further meet and confer would be productive, I received no response.

12. Counsel for the Secretary of State, the proponent of the discovery requests in question, initially responded to state simply that the Secretary opposed the motion for a protective order. However, after the Legislative Intervenors asserted a need for more time to consider Plaintiff's request, counsel for the Secretary responded again, stating, for the first time, that they intended to respond to Plaintiffs' July 25 letter, and that the response had been delayed due to an

unrelated jury trial involving many of the same counsel as are representing the Secretary here, and would be forthcoming on Friday, August 11, 2023 or Monday, August 14, 2023.

13. On August 9, 2023, I responded to inquire whether the Secretary's counsel believed the letter would obviate the need to seek the Court's intervention. I requested to meet and confer on these issues the same day, during a previously scheduled call to discuss other discovery issues, or at some other mutually convenient time the same week but no later than Friday, August 11, 2023. I expressed that given the limited time left to complete discovery, time was of the essence in attempting to resolve the discovery dispute.

14. Counsel's response provided no basis for believing the dispute could be resolved through negotiation, offering only the anodyne observation that meeting and conferring may help resolve or narrow the issues. Despite my request for a timely call, Defense counsel stated that due to their trial, they were unavailable to meet and confer before August 14, 2023, only two and a half weeks prior to the close of fact discovery, providing insufficient time to fully brief and resolve a motion on this discovery dispute that had been under discussion since July 20.

15. The email correspondence described herein is attached as Exhibit 5.

16. Pursuant to Fed. R. Civ. P. 26(c)(1), I certify that counsel for Plaintiffs conferred in good faith with counsel for Defendant and Defendant-Intervenors in an effort to resolve this dispute without the need for Court action. The parties were not able to resolve the issues.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2023.

/s/ I. Sara Rohani
I. Sara Rohani

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, JARRETT
LOFTON, REV. CLEE EARNEST LOWE,
DR. ALICE WASHINGTON, STEVEN
HARRIS, AND DR. ROSE THOMPSON,
BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, and THE
LOUISIANA STATE CONFERENCE OF
THE NAACP,

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**DEFENDANT’S FIRST SET OF INTERROGATORIES AND FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE ORGANIZATIONAL
PLAINTIFFS**

Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana, pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, requests that Plaintiffs Black Voters Matter Capacity Building Institute and the Louisiana State Conference of the NAACP (collectively the “Organizational Plaintiffs”) respond to the following within 30 days:

DEFINITIONS

For purposes of responding to these Interrogatories and Document Requests, the common usage of a word or term should apply unless the word or term is otherwise defined. The following definitions are operative unless the text of a specific Interrogatory or Document Request clearly indicates that a different meaning is intended:

1. “Communication” means the delivery or transfer of information of any type, regardless of whether it involves face-to-face conversations, conferences, telephone conversations,

written communications and correspondence, electronic communications or correspondence, computerized communications or correspondence, or any other means.

2. “Complaint” means the Amended Complaint filed by Plaintiffs in the above-captioned action including any further amendments.

3. The word “Defendant” means R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana, and the office of Louisiana Secretary of State.

4. The term “Legislative Intervenors” means defendant intervenors Clay Schexnayder, in his official capacity as Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, in his official capacity as President of the Louisiana Senate.

5. The term “State Intervenor” refers to defendant intervenor the State of Louisiana, by and through Attorney General Jeff Landry.

6. The word “Defendants” means Defendant and all defendant intervenors named in the above-captioned matter.

7. The term “State Legislative Maps” refers to S.B. 1 and H.B. 14, passed by the State legislature and adopted into law, reflecting the 2022 redistricting plans for the Louisiana House of Representatives and State Senate, as reflected in paragraph 1 of the Amended Complaint.

8. The term “document,” whether singular or plural, is used herein in the broadest sense of the term and means each and every writing of whatever nature, and shall mean the original and any draft or copy which differs in any way from the original of any written or graphic matter, however produced or reproduced, and shall mean, without limitation, each and every tangible thing from which information can be processed or transcribed from disk, diskette, compact disc, tape or other electronic media or data computations. The term includes, but is not limited to, letters, electronic mail (“email”) and any attachments, messages, text messages, facsimile transmissions,

telegrams, memoranda, handwritten notes, reports, books, agreements, correspondence, contracts, financial statements, instruments, ledgers, journals, accountings, minutes of meetings, payrolls, studies, statements, calendar and diary entries, notes, charts, schedules, tabulations, maps, work papers, brochures, evaluations, memoranda of telephone conversations, audio and video recordings, internal communications, bills, tapes, computer printouts, drawings, designs, diagrams, exhibits, photographs, reproductions, any marginal comments appearing on any document and copies of documents which are not identical duplicates of the originals (e.g., because handwritten or “blind copy” notes or notations appear thereon or are attached thereto). The term “document(s)” includes the defined terms, “Communication” and “Electronically-Stored Information,” as defined herein.

9. The term “Electronically-Stored Information” or “ESI” means any and all electronic data or information stored on a computing device. Information and data is considered “electronic” if it exists in a medium that can only be read through the use of a computing device. This term includes but is not limited to databases; all text file and word processing documents (including metadata); presentation documents; spreadsheets; graphics, animations, and images (including but not limited to “JPG, GIF, BMP, PDF, PPT, and TIFF files); email, email strings, and instant messages (including attachments, logs of email history and usage, header information and “deleted” files); email attachments; calendar and scheduling information; cache memory; Internet history files and preferences; audio; video, and audiovisual recordings; voicemail stored on databases; networks; computers and computer systems; computer system activity logs; servers; archives; back-up or disaster recovery systems; hard drives; discs; CDs; diskettes; removable drives; tapes; cartridges and other storage media; printers; scanners; personal digital assistants; computer calendars; handheld wireless devices; cellular telephones; pagers; fax machines; and

voicemail systems. This term includes but is not limited to onscreen information, system data, archival data, legacy data, residual data, and metadata that may not be readily viewable or accessible, and all file fragments and backup files.

10. The words “identify” or “specify” as related to a person mean, in each instance, to state his or her full name, present or last known address and telephone number, date of birth, and present or last known job classification or position.

7. The words “identify” or “specify” as related to a document mean, in each instance, the document should be identified with sufficient specificity to form the basis of a request pursuant to Rule 34 of the Rules of Civil Procedure, including the date, author, type of document, and the present location and custodian of the document.

8. The term “individual plaintiffs” refers to all plaintiffs except for the organizational plaintiffs as defined below.

9. The term “organizational plaintiffs” refers to the Black Voters Matter Capacity Building Institute and the Louisiana State Conference of the NAACP.

10. The term “person” means natural persons, all corporate organizations, all private or governmental organizations, all associations, all other entities and the representatives of each natural person, organization or entity.

11. The term “Plaintiff” means the plaintiff to whom each Interrogatory and Document Request is addressed, and any persons acting or purporting to act on that person’s behalf.

12. The terms “relate to,” “pertain to,” “relating to,” and “regarding” mean discussing, constituting, embodying, concerning, reporting, regarding, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, demonstrating, describing, setting forth, containing, analyzing, reflecting, presenting, refuting, mentioning, supporting, referring to, or

being in any way factually connected with, directly or indirectly, the subject matter identified in the request, but does not include any information which may be subject to any privilege, including, but not limited to, attorney-client communications and attorney work product.

13. The term “Social Posts” means any and all communications, documents, information, pictures, videos, audio files, and media written on, uploaded to, or posted to any mobile device, software application, website, business, or entity commonly known as a “social media” site or “app,” which includes but is not limited to Facebook, YouTube, Twitter, LinkedIn, Pinterest, Google Plus+, Tumblr, Instagram, Snapchat, WhatsApp, KIK, TikTok, Reddit, Signal, Slack.

14. The word “you,” “your,” or “your organization” mean the organizational plaintiff to whom each Interrogatory or Document Request is addressed and all other persons acting or purporting to act on that person’s behalf.

INSTRUCTIONS

The following instructions shall apply to these Interrogatories and Document Requests except as otherwise required by context:

1. You are required to answer these Interrogatories and Document Requests separately and fully in writing and to serve a copy of your answers on undersigned counsel for Defendant as specified in the Federal Rules of Civil Procedure and the Local Rules of this Court. Interrogatory responses must be answered under oath.

2. In answering these Interrogatories and Document Requests, you must furnish all requested information, not subject to valid objection, that is known by, possessed by, available to, or subject to reasonable access or control by you or any of your employees, attorneys, consultants, representatives, investigators, agents, and all others acting on your behalf.

3. For each Interrogatory and Document Request and subpart of each Interrogatory and Document Request, if the information furnished in your answer is not within personal knowledge of you or the person signing and verifying the answers to these Interrogatories and Document Requests, identify each person to whom the information is a matter of personal knowledge, if known.

4. If you are unable to answer fully any of these Interrogatories and Document Requests, you must answer them to the fullest extent possible, specifying the reason(s) for your inability to answer the remainder and stating whatever information, knowledge or belief you do have concerning the unanswerable portion.

5. These Interrogatories and Document Requests are continuing in nature. Accordingly, you are under a continuing duty to supplement your responses to these Interrogatories and Document Requests in a timely manner, and to amend a prior response if you obtain information or documents on the basis of which you know that the response was incorrect when made or that the response, though correct when made, is no longer true. Additionally, any information or documents created or obtained after you serve your responses to these Interrogatories and Document Requests must be produced to counsel for Legislative Defendants in supplemental responses and/or productions.

6. Words used in singular form shall include the plural form, and words used in the plural form include the singular form.

7. The connectives “and” and “or” will be construed either disjunctively or conjunctively as necessary to bring within the scope of each Interrogatory or Document Request all responses that otherwise might be construed to be outside of its scope.

8. If any Interrogatory or Document Request is objected to on the grounds of its being overly broad or unduly burdensome, state the manner in which it is overly broad or unduly burdensome and respond to the Interrogatory or Document Request as narrowed to conform to such objection.

9. For any document no longer in your possession, custody, or control, identify the document and the type of information contained within it, state whether it is missing, lost, destroyed, transferred to others or otherwise disposed of, and identify any person who currently has custody or control of the document or who has knowledge of the contents of the document.

10. Per the Federal Rules of Civil Procedure and Local Rule 26(c), if any documents, communications, information, or other items are withheld on the ground of any privilege, provide a description of the basis for the claimed privilege and all information necessary for the Legislative Defendants to assess the claim of privilege, including but not limited to the following:

- a. the names and addresses of the speaker or author of the communication or document;
- b. the date of the communication or document;
- c. the name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
- d. the name and address of any person currently in possession of the information or document or a copy thereof; and
- e. the privilege claimed and specific grounds therefor.

11. Documents are to be produced as they are kept in the ordinary course of business and pursuant to any ESI Protocol in this litigation. Pursuant to the ESI Protocol, a list of search

terms that organizational plaintiffs shall use is set forth in **Exhibit A**. All search terms shall be run in accordance with the Parties' ESI Protocol.

12. Unless otherwise specified in an Interrogatory or a Document Request, the applicable date range for all discovery requests is January 1, 2020 to the present. You also have a continuing obligation throughout this litigation to supplement your responses with newly discovered or created documents and information.

INTERROGATORIES

INTERROGATORY NO. 1

For each of the organizational plaintiffs, please state or identify:

- (a) Your organization's full legal name and any other names (including acronyms, pseudonyms, or assumed names) that you have used in the past ten (10) years;
- (b) The address at which you maintain your headquarters, principal place of business, or principal office in the State of Louisiana;
- (c) The addresses of any other offices, facilities, or locations used by you in the State of Louisiana;
- (d) The full legal name of any other entity with which you share board members, executive staff and/or employees; and identify these shared individuals and the positions they hold in each entity;
- (e) A brief description of all election-related activities that your organization, or its members, engage in on behalf of the organization; and

RESPONSE:

INTERROGATORY NO. 2

As to each Louisiana State House and State Senate District at issue in your Complaint, state the following, identifying to which district the response relates:

(a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander . This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non-statistical proofs not included in the reports;

(b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony; and

RESPONSE:

INTERROGATORY NO. 3

As to each Louisiana State House and State Senate District at issue in the Complaint, and for each Organizational Plaintiff, state the following identifying to which district the response relates:

- (a) Identify the members of your organization living in each challenged district;
- (b) For your organization, list events, presentations, or other programs that the Organizational Plaintiff has held in each challenged district since January 2008;
- (c) Identify all facts and all documents on which you intend to rely to support your organization's standing with respect to each challenged district; and
- (d) Identify and produce any and all communications between your organization and its members in each challenged district.

RESPONSE:

INTERROGATORY NO. 4

State whether your organization has drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it was selected and how it was weighted.

RESPONSE:

INTERROGATORY NO. 5

Please describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

RESPONSE:

INTERROGATORY NO. 6

Explain in detail how your organization came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

RESPONSE:

INTERROGATORY NO. 7

List any legal proceedings where your organization has been a party or someone from your organization has testified on behalf of the organization as a witness since January 1, 2010. In doing so, please provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

RESPONSE:

INTERROGATORY NO. 8

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated or obtained any written or oral statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

RESPONSE:

INTERROGATORY NO. 9

Identify every public hearing regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps that a representative attended on behalf of your organization, and for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

RESPONSE:

INTERROGATORY NO. 10

Except for your attorney, identify each person who participated in the preparation, factual investigation, and/or drafting of your responses to these Interrogatories or who you consulted, relied upon, or otherwise received information from in preparing your answers to these Interrogatories and specify each Interrogatory for which he/she participated in the preparation, factual investigation, and/or drafting of your responses or was consulted, relied upon, or otherwise constituted a source of information.

RESPONSE:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

All documents identified in your answers to the above Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2

All documents in your possession, custody, or control that you have received or viewed which were produced by Defendant or Legislative Intervenors, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5

Any non-privileged communications or documents created, received, or maintained by you that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or *curriculum vitae* of each such expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged “injury” you claim to have suffered as a result of the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert but are commercially available for purchase, please identify the code, software, programs, or applications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14

All charter documents, amendments, and board and meeting minutes for your organization since 2010.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15

All documents and communications discussing, related to, referring to, or concerning Louisiana's legislative district lines, the 2021/2022 legislative redistricting process, or State Legislative Maps.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Organizational Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

RESPONSE:

This the 22nd day of July, 2022.

/s/Phillip J. Strach

Phillip J. Strach*

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**Admitted pro hac vice*

*Counsel for Defendant R. Kyle Ardoin, in his
official capacity as Secretary of State of
Louisiana*

EXHIBIT A

state* OR Louisiana AND represent*
state* OR Louisiana AND senator*
legislat* AND primar*
legislat* AND general*
legislat* AND map*
legislat* AND plan*
legislat* AND district*
legislat* AND (study* OR estimate* OR report* OR analys*)
legislat* AND (“RPV” OR “racially polarized”)
legislat* AND (draw* OR create)
legislat* AND (alternative* OR illustrat*) AND (map OR plan)
legislat* AND (hearing* OR committee* OR testimony OR testify OR comment*)
legislat* AND (“Section 2” OR “VRA” OR “majority-Black” OR “majority-minority” OR “Gingles”)
legislat* AND (majority OR minority OR “BVAP” OR precent)
communit* w/3 interest
communit* OR parish* AND (majority OR minority OR “BVAP” OR precent)
communit* OR parish* AND (“Section 2” OR “VRA” OR “majority-Black” OR “majority-minority” OR “Gingles”)
communit* OR parish* AND (“RPV” OR “racially polarized”)
redistrict* AND (majority OR minority OR “BVAP” OR precent)
redistrict* AND (“Section 2” OR “VRA” OR “majority-Black” OR “majority-minority” OR “Gingles”)
records w/3 request

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of July, 2022, I served the foregoing **DEFENDANT'S FIRST SET OF INTERROGATORIES AND FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO ORGANIZATIONAL PLAINTIFFS** upon the following persons via electronic mail:

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Counsel for Intervenor the State of Louisiana

/s/ Phillip J. Strach
Phillip J. Strach

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, et al.

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

CIVIL ACTION NO. 3:22-cv-00178
SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**PLAINTIFF NAACP LOUISIANA STATE CONFERENCE'S RESPONSES &
OBJECTIONS TO DEFENDANT ARDOIN'S FIRST SET OF
INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO THE ORGANIZATIONAL PLAINTIFFS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and Local Rules 26.1 and 33.1, the NAACP Louisiana State Conference ("Louisiana NAACP"), by and through its undersigned counsel, hereby submit these responses and objections (together as "Responses") to interrogatories set forth in Defendant Kyle Ardoin, in his official capacity as Louisiana Secretary of State ("Defendant Ardoin"), First Set of Interrogatories, dated July 22, 2022, without waiving any defenses that Plaintiff Louisiana NAACP has or hereafter may assert in the above-captioned action.

INTERROGATORIES

I. GENERAL OBJECTIONS

Each of the Plaintiff Louisiana NAACP's responses to the Interrogatories is subject to, and incorporates, the following objections (the "General Objections"). Louisiana NAACP specifically

incorporates each of these General Objections into its responses to each of Defendant's interrogatories, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific interrogatory.

1. Plaintiff objects to the Interrogatories to the extent they seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, and the common-interest privilege, or any information which is not otherwise subject to discovery.

2. Plaintiff objects to the Interrogatories to the extent they seek information the disclosure of which would violate the rights of the Louisiana NAACP and/or its members to Freedom of Speech and of Association protected by the First Amendment to the U.S. Constitution.

3. Plaintiff objects to the Interrogatories to the extent that they are premature in that discovery is not complete.

4. Plaintiff objects to each Interrogatory to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

5. Plaintiff objects to these Interrogatories to the extent that response thereto would cause undue burden, undue expense and/or oppression.

6. Plaintiff objects to each Request for Production that seeks materials obtainable from another source that is more convenient, less burdensome, or less expensive.

7. Plaintiff makes these responses subject to and without waiving Plaintiff right to introduce, use, or refer to information which Plaintiff presently have, but which Plaintiff have not yet had sufficient time to analyze and evaluate, as well as Plaintiff's right to amend and/or supplement their responses in the event that any information previously available to Plaintiff is unintentionally omitted from its responses.

8. Nothing herein shall be construed as an admission with respect to the admissibility

or relevance of any information, fact or document, or the truth or accuracy of any characterization or statement of any kind contained in the Interrogatories.

II. SPECIFIC OBJECTIONS AND RESPONSES

In addition, and subject to the General Objections set forth in this Response, Plaintiff Louisiana NAACP submits the following Specific Objections and limitations. To the extent that Specific Objections and limitations are set forth in responding to a particular interrogatory, those Specific Objections and limitations are set forth because they are believed to be particularly appropriate to the Specific Interrogatory and do not constitute a waiver or limitation of any other Objections' application to that Interrogatory:

INTERROGATORY NO. 1:

For each of the organizational plaintiffs, please state or identify:

- (a) *Your organization's full legal name and any other names (including acronyms, pseudonyms, or assumed names) that you have used in the past ten (10) years;*
- (b) *The address at which you maintain your headquarters, principal place of business, or principal office in the State of Louisiana;*
- (c) *The addresses of any other offices, facilities, or locations used by you in the State of Louisiana;*
- (d) *The full legal name of any other entity with which you share board members, executive staff and/or employees; and identify these shared individuals and the positions they hold in each entity;*
- (e) *A brief description of all election-related activities that your organization, or its members, engage in on behalf of the organization;*

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Louisiana NAACP repeats and reasserts its General Objections, and further objects to Interrogatory No. 1 on the grounds that (1) it is overbroad and unduly burdensome; and (2) it is compound in that, at minimum, subparts (d) and (e) each constitute separate and distinct

interrogatories. Plaintiff further objects to Interrogatory No. 1 to the extent that it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving these objections, Plaintiff responds as follows:

- a) The Louisiana NAACP's full legal name is the National Association for the Advancement of Colored People Louisiana State Conference. It may also be referred to as the Louisiana NAACP, the Louisiana State Conference of the NAACP, or NAACP Louisiana State Conference, the Louisiana State NAACP Conference, or similar names, but has maintained no other legal name in the past 10 years.
- b) The Louisiana NAACP maintains its headquarters at 3113 Government St, Baton Rouge, LA 70806.
- c) The Louisiana NAACP has no other offices or facilities in the State of Louisiana.
- d) The Louisiana NAACP does not have a board separate from the national NAACP. Louisiana NAACP President Michael McClanahan is a member of the board of the national NAACP. The Louisiana NAACP has no knowledge of any other entity with which any of its other board members, executive staff, and/or employees may be affiliated.
- e) The Louisiana NAACP engages in multiple election-related activities and encourages its membership and community members to be civically active. Louisiana NAACP's statewide election initiatives include "get out the vote" campaigns; widespread voter registration efforts; candidate forums and voter education events; voter engagement and education via social media; Relational Voting and the Hustle Initiative, which are voter engagement, registration, and information programs that have engaged over

100,000 Louisiana voters; and a “Souls to the Polls” program that engaged tens of thousands of Louisiana voters during the last presidential election.

INTERROGATORY NO. 2

As to each Louisiana State House and State Senate District at issue in your Complaint, state the following, identifying to which district the response relates:

- (a) All facts and documents of which you are aware that support your claims in the Complaint or on which you intend to rely to show that a particular district violates Section 2 of the Voting Rights Act or is otherwise an impermissible racial gerrymander. This includes not only identifying the particular portion of any expert report that relates to the particular district challenged, but also any anecdotal, testimonial, statistical, or non-statistical proofs not included in the reports;*
- (b) Identify all persons with knowledge, including but not limited to, witnesses you intend to call as to each particular district to establish the facts listed under subpart (a). As to those you intend to call as witnesses, provide a detailed summary of the substance and scope of their anticipated testimony, indicate to which district their anticipated testimony will relate, and identify and produce the documents they will refer to or use in their testimony;*

RESPONSE TO INTERROGATORY NO. 2

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 2 on the grounds that: (1) it is overbroad, unduly burdensome, and vague; (2) it is premature, given that discovery is not yet complete, and the deadline for the exchange of exhibit lists and witness lists is in the future; and (3) it is compound, asking two different questions. Plaintiff reserves the right to supplement this Response.

Subject to and without waiving these objections, Plaintiff responds as follows:

- a) At least three additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the Senate redistricting plan. Illustrative maps proffered by Plaintiff’s expert witness Bill Cooper show that additional districts could be created in areas of the following Senate districts created by S.B. 1: 2, 5, 7, 8, 10, 14, 15, 17, 19, 31, 36, 38 and 39. Areas within and around these Senate districts contain sufficiently large and

geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts.

At least six additional districts providing an opportunity for Black voters to elect their candidates of choice could be created in the House redistricting plan. The illustrative map proffered by Plaintiff's expert witness Bill Cooper show that additional districts could be created in areas of following districts in H.B. 14: 1, 2, 4, 5, 7, 13, 22, 25, 29, 34, 35, 37, 58, 59, 60, 61, 62, 63, 65, 66, 68, 69, 70, 81, 88, and 101. Areas within and around these House districts contain sufficiently large and geographically compact Black Voting Age Populations such that it would be possible to create additional electoral opportunities for Black voters in districts that adhere to traditional redistricting principles if these districts were redrawn. Redrawing these districts may or may not also require reconfiguration of one or more surrounding districts. The Expert Reports of Bill Cooper and Dr. Craig Colten contain the specific facts concerning the size and compactness of the Black population in these districts.

Voting in and around these districts is racially polarized. This leads to the usual defeat of candidates preferred by a significant and cohesive bloc of Black voters by white voters voting as a bloc for other candidates in districts that are not majority Black. The Expert Report of Dr. Lisa Handley contains the specific facts concerning racially polarized voting that support Plaintiff's claims in this case.

Furthermore, the persistent effects of discrimination across multiple metrics (economic, health, employment, living, environmental conditions) have produced severe socioeconomic disparities that hinder the ability of Black Louisianans to participate in the political process. Each

of these disparities are indicative of a failure on the part of elected officials to address the needs of Black Louisianans. Black candidates in Louisiana are underrepresented in office and rarely win elections outside of majority-minority districts and Louisiana's political campaigns have been persistently marked by overt and implicit racial appeals. The Expert Reports of Dr. R. Blakeslee Gilpin and Dr. Traci Burch contain the specific facts demonstrating ongoing and historical voting-related discrimination that support Plaintiff's claim that in the totality of the circumstances, Black voters in Louisiana have less opportunity than other voters to participate in the political process and elect their candidates of choice to the Louisiana House of Representatives and Louisiana Senate.

b) Plaintiff intends to call the following expert witnesses to support the facts stated in paragraph (a) above. The substance of their testimony is described in detail in the expert reports they have produced or will produce in this litigation.

- Bill Cooper
- Dr. Lisa Handley
- Dr. Traci Burch
- Dr. Robert Blakeslee Gilpin, and
- Dr. Craig Colten

In addition, Plaintiff intends to call a number of fact witnesses. The specific fact witnesses Plaintiff will call have not yet been determined but will likely include Louisiana NAACP President Michael McClanahan. Mr. McClanahan's testimony will include information about the Louisiana NAACP's activities and mission, the harm to the organization, its members, and Black communities in Louisiana caused by the enacted maps, the lack of responsiveness of elected officials in addressing issues faced by Black Louisianans, and other topics relevant to Plaintiffs'

claims. The other plaintiffs in this case will also likely testify, including representatives from the Black Voters Matter Fund and the individual plaintiffs. Other witnesses Plaintiff may call will be identified as their identities are determined and in accordance with the pre-trial schedule and Plaintiff's discovery obligations.

INTERROGATORY NO. 3

As to each Louisiana State House and State Senate District at issue in the Complaint, and for each Organizational Plaintiff, state the following identifying to which district the response relates:

- (a) *Identify the members of your organization living in each challenged district;*
- (b) *For your organization, list events, presentations, or other programs that the Organizational Plaintiff has held in each challenged district since January 2008;*
- (c) *Identify all facts and all documents on which you intend to rely to support your organization's standing with respect to each challenged district; and*
- (d) *Identify and produce any and all communications between your organization and its members in each challenged district.*

RESPONSE TO INTERROGATORY NO. 3

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 3 on grounds that: (1) it is overbroad and unduly burdensome; and (2) it is compound, containing multiple subparts that each constitute a separate interrogatory. Plaintiff further objects to Interrogatory No. 3 to the extent that it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to Interrogatory No. 3 on the grounds that it seeks information protected by Plaintiff's and its members' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving these objections, Plaintiff responds as follows:

(a) The Louisiana NAACP has approximately 5,000 members throughout the state, including Black Louisianians who are registered voters. The Louisiana NAACP has over 40 local

branches comprising adult members and 16 youth and college chapters across Louisiana. Members of the Louisiana NAACP live in nearly every region of the state, including all the disputed areas in this matter—those areas where the State’s enacted legislative maps dilute the voting strength of Black voters, including in Bossier, Caddo, Jefferson, St. Charles, East Baton Rouge, West Baton Rouge, Iberville, Point Coupee, DeSoto, Natchitoches, Red River, Ascension, and East Feliciana Parishes. Specifically, Plaintiff has identified members who reside in each of the districts challenged in this litigation.

(b) The Louisiana NAACP hosts a variety of routine and special events throughout the state, including in the challenged districts, and by virtual means. For example, for at least the last three years, the Louisiana State Conference has hosted weekly calls on Monday nights via video conference. These meetings are open to members statewide, including members in the challenged districts. The Louisiana NAACP also hosts quarterly meetings and an annual statewide conference. The 2022 conference was hosted in early September in Baton Rouge, Louisiana, where there are multiple challenged districts. Leading up to elections, the Louisiana NAACP supports local branches in hosting candidate forums, including in the challenged districts, as well as “get out the vote” campaigns, voter registration efforts, voter education events, town halls with elected officials, and “Souls to the Polls” programs. During the redistricting process, the Louisiana NAACP cohosted several trainings leading up to the redistricting roadshow sessions, engaged with its members throughout the extraordinary redistricting sessions, and participated in recap events follow the process. The Louisiana NAACP also participated in a coordinated campaign against the State’s now-enacted maps, including signing onto a January 19, 2022, letter to the Legislature advocating for additional majority-minority districts, and a February 22, 2022 press release calling for the Governor to veto S.B. 1 and H.B. 14. Documents within Plaintiff Louisiana NAACP’s

possession, custody, or control pertaining to these activities that are not protected from discovery by any privilege or other protection, including in challenged districts, will be produced.

(c) The Louisiana NAACP intends to establish both organizational and associational standing by demonstrating that 1) the discriminatory maps impede the Louisiana NAACP's mission to achieve equity, political rights, and social inclusion for Black voters across the entire state; and 2) the advancement of Louisiana's discriminatory state legislative maps forced the Louisiana NAACP to divert resources, including member and volunteer time, to counteract the harm caused by the enacted maps as described in part above; and 3) members of the Louisiana NAACP reside in the challenged districts resulting from the enacted maps and their votes are diluted. The enacting of the state legislative maps coincided with impending voter registration and GOTV timelines for the spring 2022 elections and required the Louisiana NAACP to pivot focus from that work to account for addressing the threatened harms from the enacted maps. As long as the new maps remain in effect, the Louisiana NAACP will be forced to divert resources from broader voter registration and community empowerment initiatives toward protecting the representation and interests of members in the affected districts. Documents within Plaintiff Louisiana NAACP's possession, custody, or control pertaining to Plaintiffs' standing in each challenged district that are not protected from discovery by any privilege or other protection, including in challenged districts, will be produced.

(d) Documents within Plaintiff Louisiana NAACP's possession, custody, or control reflecting written communications between Plaintiff and its members in each challenged district that are not protected from discovery by any privilege or other protection, including in challenged districts, will be produced.

INTERROGATORY NO. 4

State whether your organization has drawn or created any alternative maps to the State Legislative Maps or any illustrative maps, including but not limited to, in draft or incomplete form. If you have drawn or created such maps, identify each individual involved in the development of each map you created, the software used to draw or create each map, describe the criteria and formula you or your organization used to draw or create each map, and for each criteria explain why it was selected and how it was weighted.

RESPONSE TO INTERROGATORY NO. 4

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 4 on the grounds that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Plaintiff further objects to Interrogatory No. 4 to the extent that it seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving these objections, Plaintiff responds as follows:

Plaintiff Louisiana NAACP did not draw or create any alternative maps. Plaintiff intends to rely upon illustrative maps created by its expert witness Mr. Bill Cooper. His initial expert report, which includes his illustrative maps and other information sought by Interrogatory No. 4, has already been produced in this case. Any additional illustrative maps Mr. Cooper may create in any supplemental or rebuttal expert report will be served in accordance with the Federal Rules of Civil Procedure and the pretrial schedule in this case.

INTERROGATORY NO. 5

Please describe your responsibility, if any, for the payment of any attorney's fees or costs incurred by your counsel or any attorney's fees or costs that might be awarded against you by the court in this lawsuit. If you are not responsible for such fees or costs, identify the persons or persons who are responsible for these fees and costs by stating the name and address for any such person or persons.

RESPONSE TO INTERROGATORY NO. 5

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 5 on the grounds that 1) it is not relevant to any party's claims or defenses, and 2) it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege. Plaintiff further objects to Interrogatory No. 5 on the ground that it seeks information protected by Plaintiff's and Plaintiff's attorneys' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving those objections, Plaintiff responds as follows:

Plaintiff's attorneys in this case are representing Plaintiff on a pro bono basis and have agreed to advance all costs of the litigation. Plaintiff therefore has no responsibility for the payment of attorney's fees or costs. With the potential exception of Defendant's responsibility for fees and costs under fee-shifting statutes if Plaintiffs are successful, there is no other person other than Plaintiff's counsel who is responsible for attorney's fees and costs in this litigation.

INTERROGATORY NO. 6

Explain in detail how your organization came to be a plaintiff in this lawsuit. Include in your answer whether you were asked to be a plaintiff by another person or persons, the identity of any such person or persons, the organization or employer with which that person was employed or affiliated, the date of any such conversations, and the substance of any such conversations.

RESPONSE TO INTERROGATORY NO. 6

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 6 to the extent that 1) it is overbroad and unduly burdensome; 2) it seeks information that is not relevant to any party's claims or defenses; and 3) it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege.

Subject to and without waiving these objections and the General Objections, Plaintiff

responds as follows:

The Louisiana NAACP has been involved in the 2020 redistricting process in Louisiana for several years and has advocated for fair maps. When the legislature failed to adopt state legislative maps that provide an equal opportunity for Black Louisianans to elect their candidates of choice and when the maps adopted by the legislature became law, the Louisiana NAACP made the decision to challenge the maps in court.

INTERROGATORY NO. 7

List any legal proceedings where your organization has been a party or someone from your organization has testified on behalf of the organization as a witness since January 1, 2010. In doing so, please provide the caption of the case and file number, the court or administrative agency in which any case identified above was filed, a short explanation of the substance of the case, the nature of your involvement (i.e., party or witness), and current status of the proceedings.

RESPONSE TO INTERROGATORY NO. 7

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 7 on the grounds that 1) it is vague and ambiguous, overly broad, and unduly burdensome and 2) seeks information that is not relevant to any party's claims or defenses.

Subject to and without waiving these objections, Plaintiff responds as follows:

- *Louisiana State Conference of National Association for Advancement of Colored People v. Louisiana*
 - 19-479-JWD-SDJ
 - United States District Court, M.D. Louisiana
 - Voting Rights Act §2 Challenge to Louisiana Supreme Court Districts
 - Plaintiff
 - Proceedings Ongoing
- *Clark v. Edwards / Power Coalition v. Edwards*
 - CV 20-283-SDD-RLB, CV 20-308-SDD-RLB, CV 20-495-SDD-RLB
 - United States District Court, M.D. Louisiana
 - Challenge to COVID-19 Absentee Ballot and Other Voting Restrictions
 - Plaintiff
 - Proceedings Concluded
- *Harding v. Edwards*

- CV 20-495-SDD-RLB
 - United States District Court, M.D. Louisiana
 - Challenge to COVID-19 Absentee Ballot and Other Voting Restrictions
 - Plaintiff
 - Proceedings Concluded
- *Scott v. Schedler*
 - 13-30185, 11-926
 - United States Court of Appeals, Fifth Circuit; EDLA
 - National Voter Registration Act (NVRA) Challenge
 - Plaintiff
 - Proceedings Concluded
- *Ferrand v. Schedler*
 - CIV.A. 11-926
 - United States District Court, E.D. Louisiana
 - NVRA Challenge
 - Proceedings Concluded
- *Louisiana State Conference of the NAACP v. Ardoin*
 - C-716837
 - 19th Judicial District
 - Malapportionment challenges to Louisiana Congressional Districts
 - Proceedings Concluded
- *Robinson v. Ardoin*
 - CV 22-211-SDD-SDJ, CV 22-214-SDD-SDJ
 - United States District Court, M.D. Louisiana
 - Voting Rights Act §2 Challenge to Louisiana Congressional Districts
 - Proceedings Ongoing

INTERROGATORY NO. 8

Identify each person or group, other than any attorney retained to represent you in this action, with whom you have communicated or obtained any written or oral statement from regarding the allegations or claims made in this lawsuit.

For each communication you identify, state the date, time, place, and method of each communication, the substance of the communication, and identify any documents that you provided to or exchanged with each such person or group regarding the allegations or claims made in this lawsuit.

RESPONSE TO INTERROGATORY NO. 8

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 8 on the grounds that 1) it is overbroad and unduly burdensome; and

2) it seeks information that is not relevant to any party's claims or defenses; and 3) it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege.

Subject to and without waiving these Objections, Plaintiff respond as follows:

Non-privileged, non-protected documents within Plaintiff's possession, custody, or control reflecting written communications or statements Plaintiff has made or received regarding the allegations or claims in this lawsuit will be produced.

INTERROGATORY NO. 9

Identify every public hearing regarding Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps that a representative attended on behalf of your organization, and for each such hearing, state or describe the following: (a) the date(s) and location(s) of the hearing(s) you attended; (b) whether you provided any testimony or comments during the hearing(s) on your own behalf or on behalf of an organization; (c) any documents you took with you to the hearing or that you received or created before or during the hearing, or that you relied upon for any testimony you provided during the hearing; and (d) if you attended any hearing with or on behalf of a group or organization, the name of that group or organization.

RESPONSE TO INTERROGATORY NO. 9

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 9 on the grounds that 1) it is overbroad and unduly burdensome; and 2) it seeks some information that is not relevant to any party's claims or defenses; and 3) it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege.

Subject to and without waiving these objections, Plaintiff responds as follows:

Members of the Louisiana NAACP attended the "redistricting roadshow" hearings across Louisiana and were in attendance for several meetings in Baton Rouge during the 2022 First Extraordinary Session ("redistricting session"). On behalf of the Louisiana NAACP, President Michael McClanahan personally attended and testified at the roadshow in Baton Rouge on

Tuesday, November 16, 2021, at Southern University's Smith-Brown Memorial Union. President McClanahan, to the best of his recollection, was in attendance at the State Capitol for several hearings of the legislative committees on Governmental Affairs. Other members of the Louisiana NAACP testified, at minimum, at the following roadshow and special session meetings:

- October 20, 2021 Monroe Roadshow Meeting
 - Reverend Ambrose Douzart, Ouachita Parish NAACP
- October 21, 2021 Shreveport Roadshow Meeting
 - Demetrius Norman, Shreveport NAACP
- January 11, 2022 Thibodaux Roadshow Meeting
 - Major Tracy Riley, NAACP President for the Algiers, Gretna, and Plaquemines Parishes
- February 2, 2022 Senate and Governmental Affairs Committee Meeting
 - Spencer Jones, Louisiana NAACP Youth and College Division
 - Pastor Chips Taylor, NAACP Religious Affairs Division
 - Omega Taylor, Youth and College State Advisor for the NAACP
- February 9, 2022 Senate and Governmental Affairs Committee Meeting
 - Marja Broussard, former president of the Lafayette NAACP, current Louisiana State Conference District D, Vice-President and Louisiana State Conference Political Action Chairperson

All non-privileged, non-protected documents within Plaintiff's possession, custody, or control pertaining to public hearings attended by or written and oral testimony made by Plaintiff's leadership or members during Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps made will be produced.

INTERROGATORY NO. 10

Except for your attorney, identify each person who participated in the preparation, factual investigation, and/or drafting of your responses to these Interrogatories or who you consulted, relied upon, or otherwise received information from in preparing your answers to these Interrogatories and specify each Interrogatory for which he/she participated in the preparation, factual investigation, and/or drafting of your responses or was consulted, relied upon, or otherwise constituted a source of information.

RESPONSE TO INTERROGATORY NO. 10

Plaintiff Louisiana NAACP repeats and reasserts their General Objections, and further objects to Interrogatory No. 10 on the grounds that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, and/or the common interest privilege.

Subject to and without waiving these objections, Plaintiff responds as follows:

- Michael McClanahan, President of the Louisiana NAACP.

REQUESTS FOR PRODUCTION

I. GENERAL OBJECTIONS

Each of Plaintiff's responses to the Requests for Production is subject to, and incorporates, the following objections (the "General Objections"). Plaintiff specifically incorporates each of these general objections into its responses to each of Defendant's Request for Production, whether or not each such general objection is expressly referred to in Plaintiff's response to a specific Request.

1. Plaintiff objects to the Requests to the extent they seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine and/or the common interest privilege, or any information which is not otherwise subject to discovery. Plaintiff will provide a privilege log.

2. Plaintiff objects to the Request to the extent that they are premature in that discovery is not complete.

3. Plaintiff objects to each Request to the extent it seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to each request that fails to describe with reasonable particularity the documents sought.

5. Plaintiff objects to each request to the extent that response thereto would cause undue burden, undue expense and/or oppression.

6. Plaintiff objects to each request that seeks materials obtainable from another source that is more convenient, less burdensome or less expensive.

7. Nothing herein shall be construed as an admission with respect to the admissibility or relevance of any information, fact or document, or the truth or accuracy of any characterization or

statement of any kind contained in the Request.

8. Plaintiff reserves the right to supplement its responses to these Requests as appropriate.

II. SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR PRODUCTION NO. 1

All documents identified in your answers to the above Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1

Subject to and without waiving the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 2

All documents in your possession, custody, or control that you have received or viewed which were produced by Defendant or Legislative Intervenors, and their staff, in response to any public records request regarding the 2021/2022 legislative redistricting process or the State Legislative Maps.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2

Subject to and without waiving the General Objections, Plaintiff has not made any public records requests to Defendant or Legislative Intervenors or their staff regarding the 2021/2022 legislative redistricting process or the State Legislative Maps and as such does not have any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 3

Any alternative maps to the State Legislative Maps or illustrative maps, including in draft or incomplete form, created, received, or maintained by you related to Louisiana's 2021/2022 legislative redistricting process or the State Legislative Maps, and all documents and ESI relating to or otherwise supporting the creation of the alternative or illustrative maps, including but not limited to, documents describing the criteria and formulas used to create the maps.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3

Plaintiff objects to this Request to the extent that it seeks documents protected by the

attorney-client privilege, common-interest privilege, and/or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody or control.

REQUEST FOR PRODUCTION NO. 4

Any non-privileged communications or documents created, received, or maintained by you that you contend support or otherwise relate to the allegations or claims in the Complaints (as amended) you filed in the lawsuit in which you are a plaintiff, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

RESPONSE TO REQUEST FOR PRODUCTION NO.

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case; seeks information that is not relevant to any party's claims or defenses, to the extent that it seeks documents pertaining to allegations made in "Complaints" and "lawsuits" other than the instant litigation; is premature in that discovery is not complete; and seeks documents protected by the attorney-client privilege, the common interest privilege, and/or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 5

Any non-privileged communications or documents created, received, or maintained by you that relate to Louisiana's state legislative maps or legislative districting since January 1, 2020, including, but not limited to, any and all estimates, reports, studies, analyses, notes, text messages, journals, diaries or other writings, videotapes, recordings or other electronically stored media.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case; seeks information that is not relevant to

any party's claims or defenses. Plaintiff further objects to this Request to the extent that it seeks documents protected by the attorney-client privilege, the common interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody or control. In responding to this request, Plaintiff has run electronic searches (using the provided search terms by Defendant and consistent with the ESI protocols) on the files of Louisiana NAACP President Michael McClanahan, including on his email server and cell phone. Plaintiff has also requested that President McClanahan identify any other files that would be responsive to this request.

REQUEST FOR PRODUCTION NO. 6

Copies of any letters, contracts, or other documents that explain who is responsible for the payment of legal fees and costs in this litigation or contracts, letters, or other documents that state whether you are responsible or not responsible for these fees and costs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6

Plaintiff objects to this Request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these objections and the General Objections, Plaintiff responds that it has no non-privileged, non-protected documents responsive to this Request within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 7

All communications and documents, including any emails, text messages, letters or other correspondence that you have given or sent to, received from, exchanged or discussed with any person whom you may call as a witness at trial in this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses, in that it seeks all communications with persons who may be called as witnesses and not only communications with such persons pertaining to this litigation or to the subject of their testimony. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine. Plaintiff also objects to the Request to the extent that it is premature in that discovery is not complete.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 8

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any third party about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, emails, notes, text messages, or recordings of any such conversations or communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these objections and the General Objections, Plaintiff will

produce any documents responsive to this Request. In responding to this request, Plaintiff has run electronic searches (using the provided search terms by Defendant and consistent with the ESI protocols) on the files of Louisiana NAACP President Michael McClanahan, including on his email server and cell phone. Plaintiff has also requested that President McClanahan identify any other files that would be responsive to this request. All non-privileged and responsive materials resulting from these searches, including all information per the ESI protocol, will be produced.

REQUEST FOR PRODUCTION NO. 9

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any conversation or communication you had with any member of your organization about any of the allegations or claims made in your Complaints (as amended) including, but not limited to, press releases, statements, submissions to the media, emails, notes, text messages, or recordings of any such conversations or communications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine. Plaintiff further objects to Interrogatory No. 4 on the ground that it seeks information protected by Plaintiff's and its members' First Amendment rights to freedom of speech and freedom of association.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce any non-privileged, non-protected documents responsive to this Request. In responding to this request, Plaintiff has run electronic searches (using the provided search terms by Defendant and consistent with the ESI protocols) on the files of Louisiana NAACP President Michael McClanahan, including on his email server and cell phone. Plaintiff has also requested that

President McClanahan identify any other files that would be responsive to this request.

REQUEST FOR PRODUCTION NO. 10

Copies of all Social Posts by you that relate to or reflect any of the allegations or claims you have made in this lawsuit, or related to Defendant or Intervenor Defendants since January 1, 2020.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses, in that it seeks all "Social Posts" "related to Defendant or Intervenor Defendants," and not only those pertaining to the subject matter of this litigation.

Subject to and without waiving these objections and the General Objections, Plaintiff responds that the Louisiana NAACP Facebook Page is publicly available at: <https://www.facebook.com/MrLAStatePresident/>.

REQUEST FOR PRODUCTION NO. 11

All reports, correspondence, written opinions, or other documents reflecting either the substance of the opinions of each expert you identified in your answers to the preceding Interrogatories or any facts relied upon by any such expert in forming his or her opinion, and the most current resume or curriculum vitae of each such expert.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and to the extent it seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and the Scheduling Order entered in this case. Plaintiff further objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these specific objections and the General Objections, Plaintiff

responds that all initial expert reports and related non-privileged, non-protected materials required to be disclosed by the Federal Rules of Civil Procedure have previously been produced to Defendants. Plaintiffs will produce additional expert reports and other non-privileged, non-protected materials required to be disclosed by the Federal Rules of Civil Procedure in accordance with the schedule in this case governing expert disclosures. Additionally, Plaintiff reserves the right to supplement the previously reports and its response to this Request if new and relevant information comes to its attention in the course of this litigation.

REQUEST FOR PRODUCTION NO. 12

Excluding those documents protected by the attorney-client privilege, all documents reflecting or referring to any alleged “injury” you claim to have suffered as a result of the State Legislative Maps, including but not limited to, financial records, communications, emails, notes, text messages, or recordings.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12

Plaintiff objects to this Request as it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case. Plaintiff further objects to the request to the extent it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff’s possession, custody, or control.

REQUEST FOR PRODUCTION NO. 13

Copies of any source code, software, or electronic programs/applications used by any of your experts in connection with this litigation. To the extent such items were not developed by your expert but are commercially available for purchase, please identify the code, software, programs, or applications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and to the extent it seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and the Scheduling Order entered in this case. Plaintiff further objects to this Request as it seeks materials that are subject to licensing agreements forbidding the unauthorized copying of the materials.

Subject to and without waiving these specific objections and the General Objections, Plaintiff responds that all initial expert reports and related non-privileged, non-protected materials required to be disclosed by the Federal Rules of Civil Procedure have previously been produced to Defendants. Plaintiffs will produce additional expert reports and other non-privileged, non-protected materials required to be disclosed by the Federal Rules of Civil Procedure in accordance with the court's scheduling order in this case governing expert disclosures. Any relevant source code, software, or electronic programs/applications have been (and will be) disclosed in the reports submitted by Plaintiff's experts. Plaintiff further reserves the right to supplement the previously produced reports and its response to this Request if new and relevant information comes to its attention in the course of this litigation.

REQUEST FOR PRODUCTION NO. 14

All charter documents, amendments, and board and meeting minutes for your organization since 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14

Plaintiff objects to this Request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case, and because it seeks information that is not relevant to any party's claims or defenses, in that it seeks all "charter documents, amendments, and board and meeting minutes," regardless of whether they discuss matters related to the subject matter of this litigation.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce the Louisiana NAACP's current operative charter document and amendments to that charter documents, if any, and any non-privileged, non-protected board and meeting minutes, if any, that discuss matters related to the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 15

All documents and communications discussing, related to, referring to, or concerning Louisiana's legislative district lines, the 2021/2022 legislative redistricting process, or State Legislative Maps.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15

Plaintiff objects to this Request as it seeks documents protected by the attorney-client privilege, the common-interest privilege, and/or the attorney work product doctrine. Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody or control.

REQUEST FOR PRODUCTION NO. 16

All documents, items, objects, materials, charts, graphs, displays, and exhibits that Organizational Plaintiffs' expect to, intend to, or may use or offer as exhibits or as evidence at any hearing or trial of this matter.

REQUEST FOR PRODUCTION NO. 16

Plaintiff objects to this Request because it is vague, ambiguous, overly broad, unduly burdensome, and not proportionate to the needs of the case. Plaintiff further objects as the Request seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and the Scheduling Order entered in this case and is premature in that discovery is not complete, and Plaintiff may rely upon demonstrative exhibits and materials at the time of trial. Plaintiff also objects to this Request as it seeks documents protected by the attorney-client privilege, the

common-interest privilege, and/or the attorney work product doctrine.

Subject to and without waiving these objections and the General Objections, Plaintiff will produce non-privileged, non-protected documents responsive to this Request within Plaintiff's possession, custody, or control.

DATED: June 30, 2023

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Respectfully submitted,
/s/ Sarah Brannon
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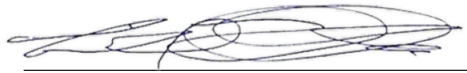
Attorneys for Plaintiffs
*Admitted Pro Hac Vice
**Pro Hac Vice Motion Forthcoming

VERIFICATION OF MICHAEL MCCLANAHAN

I hereby state that the Louisiana NAACP's Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents served on July 3, 2023, are true to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 2023:



Michael McClanahan

Exhibit 3



NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW

Phillip J. Strach
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July 20, 2023

Via E-mail

Amanda Giglio
Cozen O'Connor
3 WTC, 175 Greenwich Street 55th Floor
New York, NY 10007
AGiglio@cozen.com

**RE: *Nairne v. Ardoin*, M.D. La. No. 3:22-cv-00178-SDD-SDJ
Plaintiffs' Responses to Defendant Ardoin's First Sets of Discovery**

Dear Counsel:

We have reviewed Plaintiffs' written responses and documents produced so far in response to Defendant Ardoin's First Set of Interrogatories and Requests for Production of Documents to Plaintiffs. We believe that Plaintiffs' responses and document productions do not fully respond to Defendant Ardoin's Requests.

As a preliminary matter, in order to allow time to resolve these disputes and take depositions after written discovery and document productions are complete, we are concerned about the nature of your rolling productions. Thus far, the only individual Plaintiff that we have received a preliminary document production from is Dorothy Nairne. And the productions by the named custodians for Black Voters Matter Capacity Building Institute ("BVM") and the NAACP Louisiana State Conference's ("Louisiana NAACP") (collectively, the "Organizational Plaintiffs") are either incomplete or missing entirely. In anticipation of needing time to work through our present discovery disputes and take fact witness depositions before the close of fact discovery currently set for September 1, 2023 [D.E. 110], please let us know when you anticipate completion of your document production—including the production of a complete privilege log—as soon as possible.

Other deficiencies include, but are not limited to: failure to produce certain documents in color, failure to produce documents linked in emails, improper redactions,

Amanda Giglio
July 20, 2023
Page 2

and deficient responses to Interrogatory 3 by Organizational Plaintiffs. We outline our particular concerns in greater detail below.¹

I. The documents produced thus far are not in color, despite containing color content.

First and foremost, none of the documents or communications produced thus far are in color. The monochrome nature of Plaintiffs' productions makes certain documents and communications illegible. For example, BVM-LA-Leg0001300 through BVM-LA-Leg0001347 appears to contain illustrative maps for the Louisiana State Senate and State House. Because the maps are monochrome, it is unclear where the lines of that proposed illustrative map have been drawn. Please re-produce in color all documents and communications produced thus far with color content with the same bates numbers so that discovery is not further delayed.

II. Plaintiffs have failed to produce documents linked to in emails.

Many of the communications that Plaintiffs have produced include links to other documents that have not been produced. A few examples include:

- BVM-LA-Leg0001483
- BVM-LA-Leg0001533
- BVM-LA-Leg0001686
- BVM-LA-Leg0002313
- BVM-LA-Leg 0002458

Linked documents serve the same functions as attachments and must be produced. Please supplement your production accordingly.

III. Inappropriate redactions.

Additionally, several documents and communications produced by Plaintiffs appear to have inappropriate redactions. For example, the following include redactions of various individual identities, which is in no way privileged:

- NAACP-LA-Leg 0000010
- NAACP-LA-Leg 0000013
- NAACP-LA-Leg0000014-NAACP-LA-Leg0000015
- NAACP-LA-Leg0000066-NAACP-LA-Leg0000067
- NAACP-LA-Leg0000069

¹ This letter is meant to illustrate only certain preliminary concerns with Plaintiffs' responses and productions, and is not meant to be an exhaustive list of each and every deficiency therein. Failure to include a deficiency in this preliminary letter is not intended as a waiver of the issue by Defendant Ardoin. Defendant Ardoin reserves the right to raise any and all deficiencies at a later date in more detail as provided by applicable law. All such rights and remedies are specifically reserved.

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 Page 3

- NAACP-LA-Leg0000077
- NAACP-LA-Leg0000119
- NAACP-LA-Leg0000122

Other puzzling redactions appear throughout the production, such as on BVM-LA-Leg0001607. Please advise as to the rationale behind these redactions and/or supplement your production with unredacted copies accordingly.

The redactions in BVM-LA-Leg0003067 are particularly problematic. BVM-LA-Leg0003067 appears to be a screenshot or pdf of a spreadsheet listing funding requests and the status of each for funding applications submitted to BVM between 1/1/2021 to 12/31/2022.² The columns entitled “Awarded Amount,” “Applying Organization,” “Billing Zip/Postal Code,” and “501c(3) or 501(c)(4)” are wholly redacted. This information is not privileged or proprietary to BVM in any way, and is essential for Defendant Ardoin to adequately assess BVM’s standing in this matter. Simply providing the “Organization County” for some, but not all, unidentified applying organizations for a limited period of time is wholly insufficient. BVM must supplement its response and provide this spreadsheet in native format for the full time-frame requested (from 2019, when BVM purportedly first had a presence in Louisiana, through the present) as soon as possible.

IV. Organizational Plaintiffs’ failure to adequately answer Interrogatory No. 3.

Organizational Plaintiffs’ responses to Interrogatory No. 3 fails to identify the district-specific membership information requested. A district-specific member list is critical for Defendant Ardoin to adequately assess the standing of the Organizational Plaintiffs in this matter. In full, Interrogatory No. 3 provides:

INTERROGATORY NO. 3

As to each Louisiana State House and State Senate District at issue in the Complaint, and for each Organizational Plaintiff, state the following identifying to which district the response relates:

- (a) Identify the members of your organization living in each challenged district;
- (b) For your organization, list events, presentations, or other programs that the Organizational Plaintiff has held in each challenged district since January 2008;

² Confusingly, the title of this spreadsheet is “3/21 Monthly report.” Given the contradictory title of the document, please confirm whether this understanding of the timeframe of applications listed in BVM-LA-Leg0003067 is correct.

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 July 20, 2023
 Page 4

- (c) Identify all facts and all documents on which you intend to rely to support your organization's standing with respect to each challenged district; and
- (d) Identify and produce any and all communications between your organization and its members in each challenged district.

Organizational Plaintiffs' responses to this Interrogatory fail to connect the dots between members and the districts at issue in this case. BVM's written response only identifies some of the "many local organizations in Louisiana" that BVM purportedly partners with and does not specify which state House and Senate districts those member organizations operate or have members in. BVM purportedly produced a list of grants it issued to partner organizations in 2021 and 2022 within Louisiana; however, as described *supra*, the list provided at BVM-LA-Leg0003067 is needlessly redacted. BVM also fails to adequately address the other sub-parts of Interrogatory No. 3. For example, BVM does not list any specific events, presentations, or other programs other than vague examples from February 2022 that BVM has held in each challenged district since 2019 as requested by sub-part (b).

Louisiana NAACP's written response to Interrogatory No. 3 also misses the mark. Louisiana NAACP claims to have 5,000 members and 40 local branches with adult members statewide. However, instead of naming individual members that live in each challenged state House and Senate district, NAACP summarily claims that it "has identified members who reside in each of the districts challenged in this litigation." This is not a sufficient response that would allow Defendant Ardoine to adequately address Louisiana NAACP's standing. Identification of particular members in each particular state House and Senate district challenged here is required. As Louisiana NAACP claims to have already identified those members, supplementing this response should not be difficult.

If Organizational Plaintiffs fail to timely supplement their responses and provide responsive information regarding their activities in specific State House and State Senate districts, Defendant Ardoine will be forced to subpoena BVM's "partners" and the NAACP Louisiana State Conference's individual chapters to obtain that information so that Defendant Ardoine can adequately address Organizational Plaintiffs' standing.

V. Request for additional custodians.

According to BVM's written responses, it has designated Omari Ho-Sang and Keturah Butler-Reed as custodians. Defendant Ardoine hereby requests an additional custodian for BVM: April England-Albright.

Ms. England-Albright is the signatory of BVM's interrogatories and, therefore, has sworn under penalty of perjury that she has personal knowledge of the information that Defendant Ardoine seeks in his First Set of Discovery. We look forward to Ms. England-Albright's production.

Amanda Giglio
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Please provide the supplementation requested herein or schedule a time to meet and confer on these issues by **Tuesday, July 25, 2023**.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Strach", with a stylized flourish extending to the right.

Phillip J. Strach

cc: All counsel.

Exhibit 4

July 25, 2023

VIA E-MAIL

Phillip J. Strach
Nelson Mullins
301 Hillsborough Street
Suite 1400
Raleigh, NC 27603
Phil.strach@nelsonmullins.com

Re: *Nairne v. Ardoin*, No. 3:22-cv-00178

Counsel,

Plaintiffs are in receipt of your July 20, 2023 letter addressing various concerns about Plaintiffs' Responses to Defendant Ardoin's First Set of Interrogatories and First Set of Requests for Production of Documents.

As an initial matter, Plaintiffs provide the following information about the status of their document productions and privilege log. Plaintiffs are in the process of preparing a privilege log to accompany the recent production, and hope to be able to provide Defendants with a copy of that privilege log within the week. Moreover, a second rolling production of documents from Plaintiff Black Voters Matter ("BVM") and Plaintiff The Louisiana Chapter of the NAACP (the "NAACP") will be produced by this Friday, July 28, 2023. Additionally, Plaintiffs will be providing additional materials from BVM custodians Omari Ho-Sang and Keturah Butler-Reed; and as explained below, Plaintiffs have started the process of collecting materials from additional BVM custodian Ms. England-Albright. Plaintiffs expect to make a third rolling production that includes those materials by August 4, 2023.

With that, Defendants should have in their possession all responsive documents from Plaintiffs well in advance of the September 2, 2023 fact discovery deadline in this matter.

Plaintiffs address each of the specific concerns raise by Defendants in turn below.

I. Color Document Production

Defendants object to Plaintiffs' production of documents in grayscale, not color. Plaintiffs do not have any obligation to produce documents in color, and wholesale reproduction of Plaintiffs' documents would impose an undue burden on Plaintiffs. That said, Plaintiffs will produce the document specifically flagged--BVM-La-Leg0001300 through BVM-LA-Leg0001347--in color as part of their second rolling document production, expected by July 28,

Phillip J. Strach
July 25, 2023
Page 2

2023. To the extent there are additional specific documents already produced where Defendants can identify specifically why color would be helpful, please provide the associated bates number range, and Plaintiffs will make our best efforts to provide color reproductions of those documents. Going forward, Plaintiffs will endeavor to provide future supplemental productions in color.

II. Documents Linked in Emails

Defendants identified five (5) documents where Defendants allege that the linked materials embedded in the Plaintiffs' produced emails have not been produced. Those documents are: (1) BVM-LA-Leg0001483; (2) BVM-LA-Leg0001533; (3) BVM-LA-Leg0001686; (4) BVM-LA-Leg0002313; and (5) BVM-LA-Leg0002458. Plaintiffs note it appears that the links to the documents within the emails are accessible within the version of the documents provided to Defendants. But in an abundance of caution, Plaintiffs will provide separate copies of these documents as follows:

1. The documents accessible by the links found in BVM-LA-Leg0001483; BVM-LA-Leg0001686; and BVM-LA-Leg0002458 will be produced in the third rolling document production, expected by August 4, 2023. Plaintiffs anticipate the production of these documents as custodial files of Omari Ho-Sang. Plaintiffs believe that producing the documents in this manner will allow for metadata to be captured and provided.
2. The document linked in BVM-LA-Leg0001686 will be produced as part of their second rolling document production, expected by July 28, 2023. This document was originally a PDF as shared in the link. The document itself does not contain the same metadata as the other documents.
3. The document that is linked within the email bates labeled BVM-LA-Leg0001533 refers to materials related to the redistricting of the Congressional map. As such, that document is not relevant to this matter or responsive to any request for production. It will not be produced.

III. Plaintiffs' Redactions

Defendants have raised concerns about certain of Plaintiffs' redactions, specifically identifying BVM-LA-Leg-0001607 and BVM-LA-Leg0003067. The redactions in both these documents relate to amounts of money spent on general work of BVM within Louisiana and the amounts of grants BVM has made to its Louisiana partners. The specific amounts of the grants constitute confidential financial information that has no relevance to the instant litigation. Additionally, tax status of BVM Louisiana partners has no relevance to any claims in this matter. Plaintiffs are not obligated to provide this information. However, to avoid further disputes about this issue, Plaintiffs agree to produced unredacted copies of BVM-LA-Leg-0001607 and BVM-LA-Leg0003067 as part of the second rolling document production, expected by July 28, 2023.

Phillip J. Strach
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 Page 3

BVM-LA-Leg0003067 is a complete list of all BVM's Louisiana partners who received any Black Voters Matter grant funding from January 1, 2021 through December 31, 2022. This spreadsheet cannot be produced in its Native Format, as it is part of a much larger report that contains irrelevant information about BVM yearly grants to partners in other states *besides* Louisiana. It would be burdensome and harassing for BVM to have to provide that irrelevant, confidential, financial information. To fulfill its obligations without producing irrelevant, confidential information, Plaintiffs are producing screen shots of all the information maintained in these reports about grants to all BVM Louisiana partners.

Defendants also take issue with the time period covered by BVM-LA-LEG0003067, claiming that BVM must produce the data from 2019 to present. This data is provided yearly, so the information for 2019 and 2023 is not a part of the produced report. Moreover, it is not responsive. Defendants document requests seek information about BVM's redistricting work related to the state legislative maps. As produced, this document currently includes the names of any partners working with BVM on advocacy related to the redistricting of the state legislative maps. As explained in the early written discovery responses, BVM did not engage in any work related to redistricting until late summer 2021 (i.e., *after* the start date for the data provided in BVM-LA-Leg0003067). And while BVM has been engaged in this litigation in 2023, BVM has not work with any partners on advocacy related to the state legislative maps since the legislative maps at issue were passed and enacted in the spring of 2022. Therefore, information about grant awards outside the time frame provided is not response to any of the Defendants requests.

The redactions in the NAACP documents are the names of NAACP members. NAACP declines to produce those names and, as such, declines to provide unredacted reproductions of those documents. As courts in the Fifth Circuit have repeatedly recognized, Plaintiffs have a constitutional right to maintain the confidentiality of their members. *See Nat'l Ass'n for Advancement of Colored People v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958) ["NAACP"] ("[C]ompelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association). An associational privilege under the First Amendment exists, as is the case here, when discovery "entail[s] the likelihood of a substantial restraint upon the exercise by [a party]'s members of their right to freedom of association." 357 U.S. at 462. Compelled disclosure of a party's membership violates the First Amendment where such disclosure adversely affects the ability of the party and its members to engage in advocacy by inducing members to withdraw and discouraging others from joining. *Id.* at 462-63. Courts in this Circuit have routinely prevented public disclosure of membership lists. *See, e.g., Young Conservatives of Texas Found. v. Univ. of N. Texas*, No. 4:20-CV-973-SDJ, 2022 WL 2901007, at *4 (E.D. Tex. Jan. 11, 2022) (limiting the disclosure of member names to party counsel in recognizing the First Amendment right to confidential membership lists). Plaintiffs, therefore, have no obligation to disclose the identities of NAACP members that are constitutionally protected from disclosure.

IV. Interrogatory No. 3

Defendants assert that organizational Plaintiffs' answers to Interrogatory No. 3 is not sufficient, asserting among other things that not enough information has been provided about the

Phillip J. Strach
July 25, 2023
Page 4

location of the members of BVM partner organizations. To be clear, as stated in BVM's initial written responses, BVM does not have any members, nor is BVM seeking standing on the basis of the residence or activities of the members of its partners. BVM, however, is now providing an unredacted version of the list of its Louisiana partners who received grants during a certain relevant time period. This document now provides the specific locations of BVM's partners and their work. Accordingly, this document provides evidence that BVM supports partners operating and working in numerous areas of the state that Plaintiffs have identified as the locations of challenged House and Senate districts from the enacted maps.

To the extent the Interrogatory seeks detailed information about all BVM events, presentations or programs going back to 2019, Plaintiffs object to Interrogatory No. 3 because it is overly board and burdensome. Not all of the work that BVM has done in Louisiana is relevant to BVM's claims that it has been injured by having to divert resources to address the vote dilution caused by the enacted maps and will have to divert resources in the future to address the ongoing impact of that vote dilution. Plaintiffs, however, will provide supplemental details about some of the events BVM has participated in or supported, including information about locations. BVM State Coordinator, Omari Ho Sang, is currently on personnel leave but she will be returning on Monday, July 31, 2023 and will assist with providing this additional information. Plaintiffs will provide this supplemental Interrogatory response by August 4, 2023.

Additionally, as noted above, Plaintiffs have no obligation to identify individual NAACP members by name. Plaintiffs NAACP, therefore, declines to supplement its response to Interrogatory No. 3.

V. Request for Additional Custodians

Defendants have requested that electronic searches be conducted of materials in the possession of Ms. England-Albright. Ms. England-Albright is the Legal Director of Black Voter Matter Fund, and as such, almost all of the materials in her possession that are responsive and relevant to Defendants' document requests will likely be subject to attorney-client privilege. Plaintiffs, however, agree to run the electronic searches using the search terms provided and will produce any responsive, non-privileged materials from Ms. England-Albright. Plaintiffs will also update the privilege log accordingly.

* * *

Phillip J. Strach
July 25, 2023
Page 5

If Defendants would like to discuss these matters further, Plaintiffs are willing to meet and confer. If you believe meeting and conferring would be productive, please send us times when you would be available on Thursday or Friday of this week.

Sincerely,

-S-

Sarah Brannon

cc: All Counsel

Exhibit 5

From: [Alyssa Riggins](#)
To: [Sara Rohani](#); [Prouty, Erika Dackin](#)
Cc: [Tom Farr](#); [WaleJ@ag.louisiana.gov](#); [JonesCar@ag.louisiana.gov](#); [Phil Strach](#); [john@scwillp.com](#); [FreeIA@ag.louisiana.gov](#); [kimk@scwillp.com](#); [Jason Torchinsky](#); [Andrew Pardue](#); [Phil Gordon](#); [Cassie Holt](#); [Braden, E. Mark](#); [Raile, Richard](#); [Lewis, Patrick T.](#); [Sauceda, Carol](#); [Mengis, Michael W.](#); [McKnight, Katherine L.](#); [Tucker, Robert J.](#); [Stuart Naifeh](#); [Victoria Wenger](#); [Sarah Brannon](#); [Alora Thomas-Lundborg](#); [Dayle Chung](#); [Dayton Campbell-Harris](#); [Jared Evans](#); [John Adcock](#); [Josephine Bahn](#); [Luis M. Rico Roman](#); [Megan Keenan](#); [Michael De Leeuw](#); [Noelle Engle-Hardy](#); [Nora Ahmed](#); [Ron Wilson](#); [Greenwood, Ruth](#); [Amanda Giglio](#)
Subject: RE: Nairne, et al. v. Ardoin, et al., No. 3:22-cv-178 - Protective Order
Date: Wednesday, August 9, 2023 9:20:29 AM
Attachments: [image001.png](#)

[Caution: EXTERNAL EMAIL]

Sara,

I always believe in the underlying purpose of a meet and confer, and hope that in laying out our positions we will be able to resolve them or narrow the issues. We are in trial, and cannot make the meet and confer today. As I indicated yesterday evening, we will endeavor to get back to you in writing by Friday. I am happy to set something up for Monday in the way of a call. I do not want to commit to a call tomorrow that counsel may not be able to attend. As you know, juries are rather unpredictable in their timing.

To be clear, we agree with the Legislative-Intervenor's position that filing a motion for protective order on the issue of the member lists or any other item identified in the Secretary's deficiency letter is premature and does not comply with the meet and confer requirements.

Best,
Sara



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From: Sara Rohani <Srohani@naacpldf.org>
Sent: Wednesday, August 9, 2023 9:12 AM
To: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Prouty, Erika Dackin <eprouty@bakerlaw.com>
Cc: Tom Farr <tom.farr@nelsonmullins.com>; WaleJ@ag.louisiana.gov; JonesCar@ag.louisiana.gov;

Phil Strach <phil.strach@nelsonmullins.com>; john@scwillp.com; Freela@ag.louisiana.gov; kimk@scwillp.com; Jason Torchinsky <jtorchinsky@holtzmanvogel.com>; Andrew Pardue <apardue@holtzmanvogel.com>; Phil Gordon <pgordon@holtzmanvogel.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Saucedo, Carol <csauceda@bakerlaw.com>; Mengis, Michael W. <mmengis@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Stuart Naifeh <snaifeh@naacpldf.org>; Victoria Wenger <vwenger@naacpldf.org>; Sarah Brannon <sbrannon@aclu.org>; Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; Dayle Chung <dchung@naacpldf.org>; Dayton Campbell-Harris <DCampbell-Harris@aclu.org>; Jared Evans <jevans@naacpldf.org>; John Adcock <jnadcock@gmail.com>; Josephine Bahn <jbahn@cozen.com>; Luis M. Rico Roman <LRoman@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Michael De Leeuw <MdeLeeuw@cozen.com>; Noelle Engle-Hardy <NEngle-Hardy@cozen.com>; Nora Ahmed <Nahmed@laaclu.org>; Ron Wilson <cabral2@aol.com>; Greenwood, Ruth <rgreenwood@law.harvard.edu>; Amanda Giglio <AGiglio@cozen.com>

Subject: RE: Nairne, et al. v. Ardoin, et al., No. 3:22-cv-178 - Protective Order

Alyssa,

Do you believe the secretary's letter will obviate the need for us to seek court intervention to protect NAACP member information? Or do you think further meeting and conferring may resolve the issue?

If so, we would like to add this issue to the agenda for the meet and confer scheduled for today regarding the subpoenas to the committee chairs, assuming counsel for the Secretary will be on that call. If that doesn't work, please let us know your availability this week. As you are aware, time for discovery in this case is short, and we need to resolve the issue among ourselves or seek the court's intervention no later than the end of this week. We are available at 4:30PM Eastern today, between 11:30 and 2:30PM Eastern on Thursday, or anytime Friday except 2-4PM Eastern.

Regards,
Sara

From: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>

Sent: Tuesday, August 8, 2023 6:33 PM

To: Sara Rohani <Srohani@naacpldf.org>; Prouty, Erika Dackin <eprouty@bakerlaw.com>

Cc: Tom Farr <tom.farr@nelsonmullins.com>; WaleJ@ag.louisiana.gov; JonesCar@ag.louisiana.gov; Phil Strach <phil.strach@nelsonmullins.com>; john@scwillp.com; Freela@ag.louisiana.gov; kimk@scwillp.com; Jason Torchinsky <jtorchinsky@holtzmanvogel.com>; Andrew Pardue <apardue@holtzmanvogel.com>; Phil Gordon <pgordon@holtzmanvogel.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Saucedo, Carol <csauceda@bakerlaw.com>; Mengis, Michael W. <mmengis@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Stuart Naifeh <snaifeh@naacpldf.org>; Victoria Wenger <vwenger@naacpldf.org>; Sarah Brannon <sbrannon@aclu.org>; Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; Dayle Chung

<dchung@naacpldf.org>; Dayton Campbell-Harris <DCampbell-Harris@aclu.org>; Jared Evans <jevans@naacpldf.org>; John Adcock <jnadcock@gmail.com>; Josephine Bahn <jbahn@cozen.com>; Luis M. Rico Roman <LRoman@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Michael De Leeuw <MdeLeeuw@cozen.com>; Noelle Engle-Hardy <NEngle-Hardy@cozen.com>; Nora Ahmed <Nahmed@laaclu.org>; Ron Wilson <cabral2@aol.com>; Greenwood, Ruth <rgreenwood@law.harvard.edu>; Amanda Giglio <AGiglio@cozen.com>

Subject: RE: Nairne, et al. v. Ardoin, et al., No. 3:22-cv-178 - Protective Order

[Caution: EXTERNAL EMAIL]

Sara,

Thank you for your email. The secretary intends to respond to your letter. We apologize for the delay. Nearly all of us on the Nelson Mullins side have been engaged in a jury trial here in North Carolina that started last Monday and has run well past the anticipated time frame. It is my goal to get you a response on this issue by Friday, but certainly no later than Monday morning.

Best Regards,
Alysa



ALYSSA RIGGINS **SENIOR ASSOCIATE**
alyssa.riggins@nelsonmullins.com
301 HILLSBOROUGH STREET | SUITE 1400
RALEIGH, NC 27603
T 919.329.3810 F 919.329.3799
NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Sara Rohani <Srohani@naacpldf.org>

Sent: Tuesday, August 8, 2023 6:05 PM

To: Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Cc: Tom Farr <tom.farr@nelsonmullins.com>; WaleJ@ag.louisiana.gov; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; JonesCar@ag.louisiana.gov; Phil Strach <phil.strach@nelsonmullins.com>; john@scwillp.com; FreelA@ag.louisiana.gov; kimk@scwillp.com; Jason Torchinsky <jtorchinsky@holtzmanvogel.com>; Andrew Pardue <apardue@holtzmanvogel.com>; Phil Gordon <pgordon@holtzmanvogel.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Saucedo, Carol <csaucedo@bakerlaw.com>; Mengis, Michael W. <mmengis@bakerlaw.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Tucker, Robert J. <rtucker@bakerlaw.com>; Stuart Naifeh

<snaifeh@naacpldf.org>; Victoria Wenger <vwenger@naacpldf.org>; Sarah Brannon <sbrannon@aclu.org>; Alora Thomas-Lundborg <tthomaslundborg@law.harvard.edu>; Dayle Chung <dchung@naacpldf.org>; Dayton Campbell-Harris <DCampbell-Harris@aclu.org>; Jared Evans <jevans@naacpldf.org>; John Adcock <jnadcock@gmail.com>; Josephine Bahn <jbahn@cozen.com>; Luis M. Rico Roman <LRoman@aclu.org>; Megan Keenan <MKeenan@aclu.org>; Michael De Leeuw <MdeLeeuw@cozen.com>; Noelle Engle-Hardy <NEngle-Hardy@cozen.com>; Nora Ahmed <Nahmed@laaclu.org>; Ron Wilson <cabral2@aol.com>; Greenwood, Ruth <rgreenwood@law.harvard.edu>; Amanda Giglio <AGiglio@cozen.com>

Subject: RE: Nairne, et al. v. Ardoin, et al., No. 3:22-cv-178 - Protective Order

Counsel,

The parties have already engaged in an exchange of letters concerning the discovery requests at issue. Specifically, the Secretary of State sent a letter on July 20, asserting among other things that Plaintiff's failure to include the names of NAACP members in its discovery responses and the redaction of names from documents produced in response to discovery requests was improper. Plaintiffs responded to that letter with a letter of their own on July 25, reasserting the basis for withholding that information and offering to meet and confer. Counsel for all parties were copied on this exchange. Plaintiffs have received no response to that letter or the offer to meet and confer. We believe this exchange satisfies the obligation to meet and confer prior to seeking a protective order.

That said, our email was intended as an invitation for further discussion if any party believed such discussion was warranted. How much time do you believe you need to consider the issue before you can provide a response or let us know if you would like to discuss the issue further?

Sincerely,
Sara Rohani

Sara Rohani

Redistricting Fellow



700 14th Street N.W., Ste 600, Washington, DC 20005
c: [202.365.2154](tel:202.365.2154) | srohani@naacpldf.org
naacpldf.org

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From: Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Sent: Tuesday, August 8, 2023 5:32 PM

To: Sara Rohani <Srohani@naacpldf.org>

Cc: Tom Farr <tom.farr@nelsonmullins.com>; WaleJ@ag.louisiana.gov; Alyssa Riggins

<alyssa.riggins@nelsonmullins.com>; JonesCar@ag.louisiana.gov; Phil Strach
<phil.strach@nelsonmullins.com>; john@scwllp.com; FreeLA@ag.louisiana.gov; kimk@scwllp.com;
Jason Torchinsky <jtorchinsky@holtzmanvogel.com>; Andrew Pardue
<apardue@holtzmanvogel.com>; Phil Gordon <pgordon@holtzmanvogel.com>; Cassie Holt
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<rgreenwood@law.harvard.edu>; Amanda Giglio <AGiglio@cozen.com>

Subject: Re: Nairne, et al. v. Ardoin, et al., No. 3:22-cv-178 - Protective Order

[Caution: EXTERNAL EMAIL]

Counsel,

On behalf of Legislative Intervenors, your message does not offer to meet-and-confer and we have not had sufficient time to consider the issue before the deadline you imposed. We will not be able to provide a position prior to the filing you have represented you are about to make.

Sincerely,

Erika Prouty
Associate
Baker & Hostetler LLP

On Aug 8, 2023, at 12:56 PM, Sara Rohani <SRohani@naacpldf.org> wrote:

[External Email: Use caution when clicking on links or opening attachments.]

Counsel,

We intend to file a motion for a protective order to precluding discovery of the names and all other personal identifiable information of individual NAACP members, striking any pending discovery requests to the extent they seek such information, and allowing

the redaction of this information from documents produced in response to requests for production.

We plan to file the motion at approximately 5PM CT today Please let us know your position on the motion by 4:30PM CT today.

Best regards,
Sara Rohani

Sara Rohani

Redistricting Fellow
<image001.png>

700 14th Street N.W., Ste 600, Washington, DC 20005
c: [202.365.2154](tel:202.365.2154) | srohani@naacpldf.org
naacpldf.org

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, et al.

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

CIVIL ACTION NO. 3:22-cv-00178
SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**DECLARATION OF PRESIDENT MICHAEL W. MCCLANAHAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**

Pursuant to 28 U.S.C. § 1746, I, Michael W. McClanahan, declare as follows:

1. I am competent to make this declaration.
2. I serve as President of the Louisiana State Conference of the National Association for the Advancement of Colored People ("Louisiana NAACP") and have served in that capacity full-time since 2017. In my role, I am responsible for overseeing and supporting over 40 local branches and 16 youth and college chapters across the state.
3. The Louisiana NAACP is a nonprofit, nonpartisan organization whose work is devoted to pursuing the social, political, economic, and educational equity of Black people in this nation. The Louisiana NAACP works to eliminate racial discrimination, protect voting rights, and uphold fair political participation.

4. The Louisiana NAACP does not make its membership list publicly available because of the unique concerns of its members, and a well-documented history of harassment, intimidation, physical threats, economic retaliation, and racially motivated attacks and violence.

5. The Louisiana NAACP always seeks the consent of the member before disclosing the personally identifiable information of the member to anyone outside of the NAACP.

6. The Louisiana NAACP's members join the organization and support our advocacy efforts with the understanding and expectation that we will maintain the confidentiality of their affiliation.

7. Louisiana NAACP members fear intimidation from the government and other entities if their information is public, which is why members do not always choose to disclose their information publicly.

8. During my tenure as President of the Louisiana NAACP, I have, on numerous occasions, been harassed and threatened because of my known association with the NAACP. I have been sent hate mail and threatening letters because of my membership with the Louisiana NAACP.

9. The Louisiana NAACP routinely receives threats and hate mail because of actions the NAACP has taken. Often these letters are directed at our membership broadly and reflect a hatred of the NAACP as a racial justice organization, rather than being informed by any local action the Louisiana NAACP has taken. Our entire membership is implicated in these threats, and I consider anyone who is known to be a member to be a target. It is for reasons like this that the Louisiana NAACP makes it a priority to keep its members' personal information private.

10. Public disclosure of personally identifiable information of Louisiana NAACP members without their consent would impede the Louisiana NAACP's work, including advocacy

efforts on sensitive issues. Disclosure could induce members to withdraw from the Louisiana NAACP and discourage others from joining.

11. There is a long, documented history of retaliation against NAACP members. Public disclosure of personally identifiable information of NAACP members without their consent could subject NAACP members to retaliation, threats, harassment, and reprisal included threats of physical coercion or bodily harm, economic harm or reprisal, loss of employment, and other public manifestations of hostility.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2023.

A handwritten signature in black ink, appearing to read 'Michael W. McClanahan', written over a horizontal line.

Michael W. McClanahan

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DR. DOROTHY NAIRNE, et al.

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

CIVIL ACTION NO. 3:22 -cv-00178
SDD-SDJ

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

**[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER**

This matter comes before the Court on Plaintiff NAACP Louisiana State Conference's motion for protective order limiting the scope of Defendants' discovery requests. Defendants served discovery requests seeking the names and other identifying information concerning NAACP members. Defendant seeks this information in order to test the NAACP's associational standing on behalf of its members. The Court finds that the personally identifiable information of the NAACP's members is protected from disclosure under the First Amendment. The Court holds that the NAACP need not disclose personally identifiable information of individual members, including names, to establish its associational standing on behalf of its members where other evidence establishes the existence of identifiable organizational members who would have standing in their own right. Having considered the NAACP's motion, the related briefing, and all other relevant materials, and for good cause shown, this Court GRANTS the motion for protective order and ORDERS that Defendants' discovery requests seeking information

concerning NAACP members be STRICKEN to the extent they seek NAACP members' personally identifiable information. The court further ORDERS that personally identifiable information of NAACP members contained in documents produced in response to Defendants' requests for production may be redacted.

IT IS SO ORDERED

Signed in Baton Rouge, Louisiana the ____ day of _____, 2023.

CHIEF JUDGE SHELLY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA