

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-JMC-TJH-
RMG

**MOTION TO COMPEL DISCOVERY
BY DEFENDANTS JAMES H. LUCAS,
CHRIS MURPHY, AND WALLACE H.
JORDAN**

Defendants James H. Lucas (in his official capacity as Speaker of the South Carolina House of Representatives), Chris Murphy (in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee), and Wallace H. Jordan (in his official capacity as Chairman of the South Carolina House of Representatives Redistricting Ad Hoc Committee) (collectively, the “**House Defendants**”), by and through undersigned counsel and pursuant to Fed.

R. Civ. P. 26(c), hereby respectfully submit this Motion to Compel (“**Motion**”) discovery in response to deficient answers and responses served by Plaintiffs The South Carolina State Conference of the NAACP (“**SC NAACP**”) and Taiwan Scott, on behalf of himself and all other similarly situated persons (“**Scott**”) (collectively, “**Plaintiffs**”).

RELEVANT FACTUAL BACKGROUND

On October 12, 2021, SC NAACP and Scott filed their Complaint in this Court alleging three causes of action: (1) congressional malapportionment in violation of Article I, § 2 of the United States Constitution; (2) legislative malapportionment in violation of the Fourteenth Amendment of the United States Constitution; and (3) deprivation of the freedom of association in violation of the First and Fourteenth Amendments of the United States Constitution. (ECF No. 1). Following appointment of a Three-Judge Panel on December 16, 2021 (ECF No. 76), a status conference was convened on December 22, 2021 to address, among other things, the manner and means by which efficiency could be brought to bear on the many tasks necessary to prepare this case for trial in the near term.

During the telephonic conference convened by this Panel, it was emphasized that the time available to pursue discovery was limited and the parties were expected to work diligently and with promptness. Indeed, Judge Gergel offered a pointed instruction to the lawyers in attendance:

[B]ecause of the tight timeframe, I would tell your spouses and partners you’re going to be busy on weekends because a lot of these witnesses are very busy people, and you may have the Legislature in session in a couple of weeks, and you’re going to have to work nights and weekends. That’s the only way you’re ever going to get this scheduled and get it done in such a short window of time.

(ECF No. 90-1, 16). The next day, on December 23, 2021, Plaintiffs filed their Amended Complaint, still alleging three causes of action. (ECF No. 84). Only the first and second causes of action challenge the constitutionality of a portion of the state legislative districts approved in House Bill 4493 (“H. 4493”), namely House Districts 7, 8, 9, 11, 41, 43, 51, 54, 55, 57, 59, 60, 63,

67, 70, 72, 73, 74, 75, 76, 77, k78, 79, 90, 91, 93, 101, and 105 (the “Challenged Districts”). (ECF No. 84 at ¶¶ 161-166, 169-172). Shortly after this filing, the Court issued its Scheduling Order establishing deadlines for fact and expert discovery¹, and ordered that “[d]iscovery shall be completed no later than **February 17, 2022.**” (ECF No. 97 ¶ 4).

With regard to written discovery, Plaintiffs served their First Requests for Production and First Set of Interrogatories to Defendants on January 7, 2022, and Second Set of Interrogatories on January 13, 2022. House Defendants served their First Set of Requests for Admission, First Sets of Interrogatories and First Requests for Production of Documents just days later, on January 19, 2022. Pursuant to the Joint 26(f) Report, objections and responses to discovery were due within ten business days of service. (ECF No. 109 ¶ 4(a)). As detailed in House Defendants’ Response in Opposition to Plaintiffs’ Motion to Compel (ECF No. 134), House Defendants were timely in their written responses to Plaintiffs’ discovery requests and produced approximately 4,500 documents and files to Plaintiffs between January 24, 2022, and February 4, 2022. (ECF No. 134, 4-5). House Defendants produced a preliminary privilege log to Plaintiffs on February 4, 2022, and an initial privilege log pursuant to the Court’s Text Order on February 9, 2022. (ECF No. 145). On February 12, 2022, House Defendants produced an additional 2,031 documents comprised of non-privileged emails responsive to Plaintiffs’ discovery requests.

Despite the expedited nature of this action initiated by Plaintiffs, it is House Defendants who have diligently pursued development of a record, having taken the depositions of four of Plaintiffs’ five experts (with the fifth deposition to occur on February 14, 2022), and the deposition of Plaintiff SC NAACP’s President, Brenda Murphy. To date, Plaintiffs have not taken a single

¹ The parties also entered a Joint 26(f) Report in accordance with Fed. R. Civ. P. 26(f) and L.R. 26.03, which provided for, *inter alia*, expedited deadlines and briefing specifically on discovery matters. (ECF No. 109 ¶ 4).

deposition, and only within the last approximately 72-hours have they (unilaterally) noticed the depositions of House Defendants' three expert witnesses and further (unilaterally and with *no* consultation) noticed the depositions of six currently serving Representatives and the General Counsel of the House, all taking place after the House has returned to session and half of which Plaintiffs propose to take after discovery closes.²

Rather than exhibit diligence in readying the case for trial, Plaintiffs have pursued numerous extensions of time (ECF Nos. 73, 103, 111) and unjustifiably failed and refused to meaningfully participate in discovery, such that House Defendants are now forced to pursue this discovery motion as the trial date approaches and House Defendants are increasingly prejudiced by the inability to fairly prepare their defense. Indeed, Plaintiffs' refusal to participate is particularly egregious given how aggressively Plaintiffs have attacked House Defendants for alleged discovery deficiencies, repeatedly posturing to this Court and endeavoring to extract documents and information from House Defendants without disclosing their own shortcomings. To be clear, Plaintiffs filed a scathing Motion to Compel demanding South Carolina's legislative bodies lay bare the inner decisional actions of the very difficult task of redistricting (ECF No. 119), in part condemning House Defendants for not having produced a privilege log despite the rolling nature of House Defendants' productions. *Id.* at 16 (stating a privilege log "should have

² For clarity, Plaintiffs served notices on February 10 and 11, 2022, for the following depositions: (1) Patrick Dennis, Esq. at 10:00 a.m. on February 16, 2022, (2) Thomas Brunell, Ph.D. at 10:00 a.m. on February 16, 2022, (3) Jason Elliott, Esq. at 10:00 a.m. on February 17, 2022, (4) J. David Woodard, Ph.D. at 10:00 a.m. on February 17, 2022, (5) Sean Trende at 10:00 a.m. on February 17, 2022, (6) Neal Collins, Esq. at 2:00 p.m. on February 17, 2022, (7) Wm. Weston J. Newton, Esq. at 10:00 a.m. on February 18, 2022, (8) Chris Murphy, Esq. at 2:00 p.m. on February 18, 2022, (9) James H. Lucas, Esq. at 10:00 a.m. on [Saturday] February 19, 2022, and (10) Wallace H. Jordan at 2:00 p.m. on [Saturday] February 19, 2022. Again, Plaintiffs made no attempt to consult or coordinate the depositions of any of the witnesses serving in the House of Representatives.

accompanied [House Defendants’] RFP and Interrogatory Responses”). The hypocrisy of those critiques is evidenced by the fact that *Plaintiffs failed to provide a privilege log until nearly midnight on Friday, February 11, 2022*, themselves well past the timing for which they chastised House Defendants for not abiding.³ Plaintiffs also disparaged the discovery efforts of House Defendants by mischaracterizing the several thousand documents produced in response to Plaintiffs’ discovery requests as nothing more than “public information” (*see id.* at 6), and yet Plaintiffs have produced less than 200 documents between them, most of which are the same written submissions Plaintiff SC NAACP previously made to Defendants in anticipation of this very litigation.

With no less than twenty-three (23) attorneys representing Plaintiffs (based on the latest signature block), it is incomprehensible that Plaintiffs cannot demonstrate diligence in their discovery efforts, and it is fundamentally unfair to burden and inconvenience House Defendants with oppressive requests while Plaintiffs eschew even the most basic discovery in return. “Discovery, in other words, is not a one-way proposition. It is available in all types of cases at the behest of any party, individual or corporate, plaintiff or defendant.” *Hickman v. Taylor*, 329 U.S. 495, 507 (1947). “The discovery process is subject to the overriding limitation of good faith.

³ The capriciousness of Plaintiffs’ actions is exacerbated by Plaintiffs’ lack of standing with respect to the Challenged House Districts. To that point, House Defendants filed their Motion to dismiss Plaintiffs’ First Amended Complaint (ECF No. 91) on January 6, 2022, citing various grounds, including Plaintiffs’ lack of standing. Plaintiffs filed their response (ECF 124) on February 10, 2022, following which House Defendants filed their Reply in Support of Motion to Dismiss (ECF No. 151) on February 10, 2022. House Defendants intend to expediently file a motion to dismiss all allegations in all complaints with respect to the Challenged House Districts, seeking a stay of the Court’s Order on Plaintiff’s Motion to Compel (ECF No. 153) as well as all discovery that touches on the issue of legislative privilege, until such time as House Defendants’ Motion to Dismiss is heard and decided.

Callous disregard of discovery responsibilities cannot be condoned.” *Asea, Inc. v. So. Pac. Transp. Co.*, 669 F.2d 1242, 1246 (9th Cir. 1981).

Finally, again unlike Plaintiffs, who have repeatedly disregarded the obligation to confer in good faith on matters of discovery—indeed confounding House Defendants with a discovery motion that mischaracterized and misstated the positions of the parties on an issue as important as legislative privilege—House Defendants sought to meaningfully engage Plaintiffs first on the larger systemic flaws in Plaintiffs’ written discovery responses served on February 2, 2022, by way of a fulsome consultation letter to Plaintiffs on February 4, 2022. **Exhibit A** (2/4/22 Consultation Ltr.). Unfortunately, rather than attempt any remediation of the deficiencies, the response offered little more than Plaintiffs’ perception that House Defendants’ responses were “similar” and such similarity was justification for Plaintiffs’ noncompliance with the discovery rules. **Exhibit B** (2/10/22 Response Ltr.). “That is not how discovery works.” *Kehoe Component Sales, Inc. v. Best Lighting Products, Inc.*, No. 2:08-cv-752, 2010 WL 596501 at *4 (S.D. Ohio Feb. 16, 2010) (explaining each party must independently comply with its discovery obligations). House Defendants incorporate by reference the deficiencies identified in **Exhibit A** and further demonstrate herein that an order addressing Plaintiffs’ discovery deficiencies should issue pursuant to Fed. R. Civ. P. 36 and 37.

STANDARD OF REVIEW

Fed. R. Civ. P. 26(b)(2)(C) provides,

Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any non-privileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties relative access to relevant information, the parties resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

A party is entitled to conduct discovery on “any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978).

Rule(a) empowers the court to determine the sufficiency of responses to requests for admission. Fed. R. Civ. P. 36(a). A refusal to answer an interrogatory or request for production by a party is grounds for the requesting party to “move for an order compelling an answer, designation, production, or inspection.” Fed. R. Civ. P. 37(a)(3)(B). Pursuant to the Rules, an evasive or incomplete disclosure, answer, or response, “must be treated as a failure to disclose, answer or respond.” Fed. R. Civ. P. 37(a)(4). District courts are afforded “wide latitude in controlling discovery and [their] rulings will not be overturned absent a showing of clear abuse of discretion.” *Ardrey v. United Parcel Service*, 798 F.2d 679, 683 (4th Cir. 1986).

ARGUMENT

I. PLAINTIFFS’ RESPONSES TO REQUESTS FOR ADMISSION

“Requests for admission are intended to save litigants time and money, which would otherwise have to be spent unnecessarily to prove certain facts at trial, or to establish certain facts through complex and costly discovery procedures, such as interrogatories, depositions, or document requests.” *Concerned Citizens of Belle Haven v. Belle Haven Club*, 223 F.R.D. 39, 44 (D. Conn. 2004). Requests for admissions “serve the expedient purpose of eliminating ‘the necessity of proving essentially undisputed and peripheral issues of fact.’” *Wigler v. Elec. Data Sys. Corp.*, 108 F.R.D. 204, 205 (D. Md. 1985) (quoting *Syracuse Broadcasting Corp. v. Newhouse*, 271 F.2d 910, 917 (2d Cir. 1959)). “Their proper, strategic use saves time, trouble, and expense for the court and the litigants.” *Id.* (quotation omitted). The Northern District of New York

offers a thorough analysis of the purpose and procedures attendant to requests for admission under the Federal Rules of Civil Procedure:

Discovery pleadings are expected to elicit and expound upon the facts of the matters, whereas, the Requests for Admission essentially, and hopefully, limit the factual issues in the case. Considering that one purpose for such Requests is to narrow the issues of the case, a “weeding out of the facts” if you will, they are designed to reduce trial effort and promote litigation efficiency.

Henry v. Champlain Enter., Inc., 212 F.R.D. 73, 77 (N.D.N.Y. 2003). With the discovering party obligated to propound simple, direct and unambiguous requests, “[t]he responding party is expected to admit unless they disagree with the request, then he or she must deny or object. That denial must be forthright, specific and unconditional.” *Id.* (quotation omitted). With regard to objections, “these objections must be directed and specifically related to a specific request. *General objections without any reference to a specific request to admit are meritless.*” *Id.* (emphasis added) (citing *Diederich v. Dep’t of Army*, 132 F.R.D. 614, 616 (S.D.N.Y. 1990).

In response to each and every Request for Admission served by House Defendants, Plaintiffs interposed a boilerplate objection purporting to “incorporate by reference” eleven (11) separate “Continuing Objections” and then for the sheer majority of requests, further respond with additional objections or claim to “lack[] sufficient information to truthfully admit or deny” the requests. As to the blanket “**OBJECTION**” purporting to “incorporate by reference the Continuing Objections” in response to all fifty-five (55) Requests for Admission, the objections should be ignored completely. “This global guard tactic is greatly frowned upon and in the scheme of things are found ‘substantially without merit.’” *Henry*, 212 F.R.D. at 80 (quoting *Diederich*, 132 F.R.D. at 616).

Separate from the boilerplate objections, there is an obvious inadequacy in the purported “reasonable investigation” that resulted in the inability to truthfully admit or deny as asserted by one or both Plaintiffs in response to 47 of the 55 Requests for Admission. Exemplified by SC

NAACP’s response to Request for Admission (“RFA”) No. 9, wherein each Plaintiff was asked to “[a]dmit that Plaintiff Scott does not reside in any of the Challenged Districts.” Plaintiffs responded:

OBJECTION: Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT: Mr. Scott ADMITS that he does not live in state House districts 7, 8, 9, 11, 41, 43, 51, 54, 55, 57, 59, 60, 63, 67, 70, 72, 73, 74, 75, 76, 77, 78, 79, 90, 91, 93, 95, 101, and 105.

SPECIFIC RESPONSE OF SC NAACP: After reasonable inquiry, SC NAACP lacks sufficient information to truthfully admit or deny the request because it does not have access to information sufficient to confirm Mr. Scott’s place of residence.

Exhibit C (Pls’ Resp. to RFA) at No. 9. One can hardly conjure a more inadequate response than that of SC NAACP to RFA No. 9. While Rule 36 allows for a party to assert lack of knowledge or information as a basis for failing to admit or deny a request, the Rule provides this is *only* where “the information it knows *or can readily obtain* is insufficient to enable it to admit or deny.” Fed. R. Civ. P. 36(a)(4) (emphasis added). Plaintiffs are *jointly represented* by—on most recent count—at least twenty-three (23) attorneys. Rule 36 requires the responding party “to make a reasonable inquiry, a reasonable effort, to secure information that is readily available from persons and documents within the responding party’s relative control.” *Henry*, 212 F.R.D. at 78. Indeed, readily obtainable information regarding Plaintiff Scott’s place of residence clearly would include the response immediately preceding SC NAACP’s response to the Request. It is apparent from review of Plaintiffs’ Responses to RFA Nos. 1 through 10, 14 through 27, 30 through 35, 37 through 50, and 52, 54 and 55, that Plaintiffs did not undertake a reasonable inquiry or effort to “secure information that is readily available from persons and documents within [Plaintiffs’] relative control.” *Id.*

Plaintiffs' responses are also deficient in numerous instances because Plaintiffs assert the Requests include "undefined terms" where such terms were, in fact, defined in the Definitions that precede the Requests or are terms that are used throughout Plaintiffs' pleadings and/or are words of common understanding. For example, Definitions provided by House Defendants include the terms "cracked," "packed," and "BVAP" (**Exhibit D**, House Defs' RFA to Pls), terms which notably are also used throughout Plaintiffs' complaint filings (ECF No. 154 at ¶¶ 6, 9, 10, 68, 74, 105, 112, etc.), and were defined terms in Plaintiffs' own Interrogatories to Defendants. Despite these specific definitions included and available to Plaintiffs, SC NAACP and Scott improperly refused to sufficiently answer Request Nos. 23, 24, 26, and 41. *See Marchand v. Mercy Med. Ctr.*, 22 F.3d 933, 938 (9th Cir. 1994) ("[T]o aid the quest for relevant information parties should not seek to evade disclosure by quibbling and objection. They should admit to the fullest extent possible, and explain in detail why other portions of a request may not be admitted . . . [I]f [a] party [is] unable to agree with [the] exact wording of [a] request for admission, it should agree to an alternate wording or stipulation."); *Menoken v. Springer*, No. CV 03-1775 (HHK/AK), 2008 WL 11388553, at *5–6 (D.D.C. June 17, 2008) (finding plaintiff's objection on the ground of vagueness because of an undefined term disingenuous and directing plaintiff respond); *Phoenix Four, Inc. v. Strategic Res. Corp.*, No. 05 CIV.4837(HB), 2006 WL 1517583, at *2 (S.D.N.Y. June 2, 2006) (instructing plaintiff to respond to RFAs with its understanding that the undefined words were used in the same way as plaintiff uses them in its amended complaint); *Lane v. ABS*, No. CIV. A. 98-1516, 1999 WL 820196, at *1–2 (E.D. Pa. Sept. 30, 1999) (instructing defendant to admit or deny the RFA after setting forth defendant's definitions of the terms).

Also with regard to multiple RFAs, Plaintiffs interposed unreasonable and improper objections claiming expertise or legal knowledge is required, which is blatantly erroneous. Still

other responses incorrectly assert the Request “requests that Plaintiffs admit the truth of a legal conclusion.” *See e.g. Exhibit C* at Nos. 15, 23, and 24. In response to seventeen (17) Requests⁴, Plaintiffs lodged this objection with citation to *Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005). Plaintiffs doubled down in their consultation response, claiming the discovery requests “ask Plaintiffs to admit legal conclusions concerning constitutional or redistricting principles without regard to the facts of any particular case (at times in the form of a hypothetical)”. *Exhibit C* at No. 3. Plaintiffs misunderstand the law applicable to Rule 36. The Fourth Circuit’s reasoning in *Adventis* has, in fact, been the basis for *rejecting* the very position espoused by Plaintiffs. In *Wagner v. St. Paul Fire & Marine Ins. Co.*, 238 F.R.D. 418 (N.D. W. Va. 2006), the district court explained “Rule 36(a) specifically allows a party to serve a request for admission concerning ‘the application of law to fact.’ As the Fourth Circuit stated, ‘The purpose of such admissions is to narrow the array of issues before the court, and thus expedite both the discovery process and the resolution of the litigation.’” *Wagner*, 238 F.R.D. at 423 (quoting *Adventis*, 124 F. App’x at 172). In that matter, the requests for admissions were “a straightforward application of law to fact. It asks the Plaintiffs to admit that if a certain factual situation is found to exist, a certain legal outcome results. This is precisely the kind of request contemplated by Rule 36(a).” *Id.* at 423-24. Exactly on point here, House Defendants’ RFAs Nos. 23 and 24, for example, ask Plaintiffs to admit that a voting district that has had its BVAP decreased (or increased) as a result of a redistricting has not necessary been “cracked” (or “packed”). These are precisely the kind of requests that *Wagner* explains comports with *Adventis*.

Finally, several of Plaintiffs’ responses are improper in that they include qualifying answers that go beyond the requested admission. Examples of Plaintiffs’ responses that are

⁴ Referenced Requests are Nos. 15, 20, 23, 24, 26, 27, 28, 29, 31, 37, 39, 44, 46, 48, 49, 52, 53.

deficient in this regard include RFA Nos. 12, 13, 17, 29, 30, 31, 32, 33, 34, 35, 36, 50, and 51. In each of these instances, one or both Plaintiffs interject issues not raised by the Requests. “Where an issue had been raised in the request, a qualification meeting that issue was proper; otherwise, it was not.” *U.S. ex rel. Bibby v. Mortgage Investors Corp.*, 323 F.R.D. 424, 430 (N.D. Ga. 2017). “Plaintiff should not unnecessarily complicate its Response by indicating it cannot admit or deny things that it is not being asked to admit or deny.” *City of Ann Arbor Empl. Ret. Sys. v. Sonoco Prod. Co.*, No.: 4:08-2348-TLW-SVH, 2011 WL 13199217 (D.S.C. Feb. 17, 2011).

II. PLAINTIFFS’ ANSWERS TO INTERROGATORIES

Detailed in House Defendants’ Consultation Letter at **Exhibit A**, many of the deficiencies described with regard to Plaintiffs’ responses to the Requests for Admission are mirrored in the answers of both SC NAACP and Scott to House Defendants’ First Set of Interrogatories (“INTs”), particularly the blanket incorporation of numerous “Continuing Objections” without any means to ascertain the parts of each question subject to which any or all said objections are intended to apply. **Exhibit E** (SC NAACP Ans. to INT); **Exhibit F** (Scott Ans. to INT). “All objections must be stated with specificity . . . Mere recitation of familiar litany that interrogatory is overly broad, burdensome, oppressive, and irrelevant does not suffice as a specific objection.” *Wagner*, 238 F.R.D. at 422. “[S]uch “boilerplate” language in a discovery objection cannot overcome the broad scope of discovery as contemplated by Rule 26.” *Ashmore v. Williams*, No. 8:15-cv-03633-JMC, 2017 WL 2437082 at *4 (D.S.C. June 6, 2017).

As to Plaintiff Scott, even assuming his voluntary abandonment of the constitutional challenges to House Districts enacted by H. 4493 is sufficient to avoid response to properly

propounded discovery,⁵ his answers to INT Nos. 5, 6, and 9 are insufficient and improper. In answering INT No. 5, Plaintiff Scott arbitrarily narrows the question to only such persons “he personally engaged,” which does not fully answer the Interrogatory. Plaintiff Scott’s refusal to answer INT No. 6 on the basis of privilege is similarly insufficient and improper. Finally, his answer to INT No. 9 is so vague and qualified that it is non-responsive. *See Wagner*, 238 F.R.D. at 429 (finding answer non-responsive where plaintiff only alleged “wrongful behavior rather than facts showing it”).

As to Plaintiff SC NAACP, to the extent meaningful responses can be found, the answers are largely non-responsive and self-serving.⁶

Federal Rule of Civil Procedure 33(c) provides that ‘An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact.’ Indeed, parties may use interrogatories to ‘ask questions regarding: evidence on which an opposing party bases some specific contention; a position taken by a party and an explanation or defense for that position with respect to how the law applies to the facts; and the legal basis for, or theory behind, some specific contention.’

Wagner, 238 F.R.D. at 428 (quoting Fed. R. Civ. P. 33(c) and *ACLU v. Gonzales*, 237 F.R.D. 120, 123 (E.D.Pa. 2006)).

Expounding on the deficiencies identified in **Exhibit A**, SC NAACP should be compelled to provide responsive answers to INT Nos. 4, 5, and 7. First, in objecting to INT No. 4, Plaintiff

⁵ Scott included in his answer to Interrogatory No. 1: “Mr. Scott is not serving as a plaintiff alleging that certain South Carolina House Districts are racially gerrymandered in violation of the Fourteenth Amendment of the U.S. Constitution or that H. 4493 was enacted with a discriminatory intent in violation of the Fourteenth and Fifteenth Amendments of the U.S. Constitution.” **Exhibit F** at No. 9.

⁶ It is also fundamentally improper that SC NAACP refused to answer numerous Requests for Admission on the basis that “legal or expert knowledge” was required (*see e.g. Exhibit D* at Nos. 19, 23, 38), but then offers a dissertation on associational protections in discussion of irrelevant judicial precedent in answer to Interrogatory No. 4. **Exhibit E** at No. 4. This sort of gamesmanship is improper.

SC NAACP merely references its retained expert's report and cites a 1958 decision with no bearing on the types of claims presented in this case. SC NAACP's vague reliance upon a "disconcerting history of retaliation" against NAACP from at least 50 years ago is not a sufficient answer or a valid basis for objection. *See Veasey v. Abbott*, 830 F.3d 216, 232 (5th Cir. 2016) (stating that "the most relevant 'historical' evidence is relatively recent history, not long-past history.>").

Second, the vague nature of SC NAACP's "response" to INT No. 5 effectively renders it non-responsive. The Interrogatory requests that SC NAACP "describe in detail each conversation...you have had with each of your members...*that reside in any of the Challenged Districts.*" **Exhibit E** at No. 4 (emphasis added). This Interrogatory clearly requests a detailed response about conversations regarding the Challenged Districts in this case, yet SC NAACP's response is a vague summary of general discussions that the SC NAACP has with *all* members. The answer fails to provide the requested detail or specifics, and simply states the SC NAACP "discuss[es] a variety of issues that impact Black people . . ." *See id.*

Separately and in addition, SC NAACP should be compelled to fully and fairly answer INT No. 9, as failure to do so, particularly on the grounds of privilege, makes a mockery of the discovery ruling secured by Plaintiffs that invades and violates the legislative privilege held by elected House Representatives.

III. PLAINTIFFS SHOULD BE COMPELLED TO PRODUCE DOCUMENTS

A. Plaintiffs' Claims of Privilege Are Unavailing and Insufficient

Just days ago, Plaintiffs secured an order of this Court (ECF No. 153) that would require House Defendants to lay bare the internal deliberative process and affairs of duly elected lawmakers with no role in this lawsuit solely because an associational plaintiff has challenged fewer than one-third of the 124 House Districts that were redrawn following the 2020 Census,

recently enacted in H. 4493. The sweeping elimination of legislative privilege was made despite the continuing (and increasing) indication that Plaintiff SC NAACP lacks standing to pursue such challenge, and the repeated refusal of Plaintiffs to fairly engage in a reasoned and fair discovery process. Seemingly emboldened by the recent privilege ruling, Plaintiffs recently ignored the Court's instruction to meet and confer on House Defendants' privilege log entries and instead summarily advised the Court they are entitled to each and every document, identified as privileged by House Defendants (save for one begrudging allowance of attorney/client privilege). (ECF No. 155).

Plaintiffs' generous view of their entitlement to documents and information from the House Defendants is entirely inconsistent with their responses to House Defendants' Requests for Production ("RFP"), in which Plaintiffs assert privilege in one way or another in response to every single Request. **Exhibit G** (Pls' Resp. to RFP). House Defendants have no way to know what documents Plaintiffs have—or do not have—or have withheld based on the written responses. The voluminous nature of the responses is particularly troubling given the paucity of documents produced by either Plaintiff⁷. As noted earlier, and despite the discovery challenges lodged against House Defendants, Plaintiffs did not provide a privilege log of any kind until nearly midnight on Friday, February 11, 2022. While House Defendants are working to assess the privilege log as quickly as possible, it is noteworthy that Plaintiffs have assailed nearly every claim of privilege made by House Defendants while simultaneously themselves asserting attorney/client and work

⁷ Plaintiff SC NAACP made a single production of documents on February 3, 2022, representing approximately 23 documents and Plaintiff Scott made a single production of documents on February 10, 2022, representing approximately 123 documents. In both productions, the Plaintiffs included multiple copies of the same documents, including multiple copies of the letters submitted by SC NAACP and its coalition friends to the House and Senate during the redistricting process in late 2021.

product privileges for materials dating as far back at 2018. **Exhibit H** (Pls' Priv. Logs) at Nos. 5-6, 9, 70-72. It also appears Plaintiffs have asserted attorney/client privilege and attorney work product for communications from a non-lawyer (*Id.* at Nos. 5 & 70 (communications from Eleanor Lightsey)) and attorney/client privilege for communications between Plaintiff Scott and an unknown third party "don [tmbdab@aol.com]" (*Id.* at Nos. 14, 15, 35, 36, 67, 68, 69), without sufficient information to demonstrate the privilege claimed is applicable. "The party asserting the privilege must identify the elements of the applicable privilege and demonstrate that each element is present for each document for which they claim the existence of a privilege." *U.S. v. Town of Irmo, S.C.*, No. 3:18-cv-03106, 2020 WL 1025686 at *6 (Mar. 3, 2020).

With regard to the single page production log with entries numbered 1 through 8, there is no indication Plaintiffs are entitled to any protection for the noted documents and communications. Not only is there no privilege identified by "NAACP v. Alabama,"⁸ but the irreverence of Plaintiffs' suggestion that discoverable documents should be withheld because attendees at a meeting "were promised anonymity" cannot be ignored. Each and every elected Representative that participated in the map drawing process and devoted their time and effort to evaluating the difficult issues that population changes presented in House Districts expected confidentiality and protection of their mental impressions. Plaintiffs should not be permitted to have it both ways.

Separately and importantly, the Court is faced with a blatant waiver of attorney/client privilege that necessitates significant supplementation by Plaintiffs of all discovery responses in

⁸ Plaintiffs have referenced or cited the 1958 case of *National Ass'n for A of C P v. Alabama*, 357 U.S. 449 (1958) ("NAACP") in countless filings and even during President Murphy's deposition. Plaintiffs' reliance is misguided. "The First Amendment qualified privilege [plaintiffs] seek to invoke, unlike the attorney-client privilege, for example, is not an absolute bar against disclosure." *Perry v. Schwarzenegger*, 264 F.R.D. 576, 579 (N.D.Cal. 2009) (extensive discussion of *NAACP* and related progeny that issued "from the civil rights struggles of the 1950s").

this case. “Any disclosure inconsistent with maintaining the confidential nature of the attorney-client relationship waives the attorney-client privilege.” *United States v. Jones*, 696 F.2d 1069, 1072 (4th Cir. 1982). Like in *Jones*, attorney-client communications were waived where the clients “publicized portions of the legal opinions in brochures and other printed material.” 696 F.2d at 1073. Evidenced for example by **Exhibit I** hereto, Plaintiff SC NAACP in its Reapportionment Committee meeting minutes publicized the legal advice of its attorneys⁹ (Adriel I. Cepeda Derieux, ACLU, and Leah Aden, LDF) such that waiver of the attorney-client privilege is proper here. A waiver of the attorney-client privilege “extends to all other communications relating to the same subject matter.” *Id.* at 1072 (citing *In re Sealed Case*, 676 F.2d 793, 808-09 (D.C. Cir. 1982)).

Here, these meeting minutes reflect legal advice regarding redistricting challenges and strategies provided in the presence of third parties, to include representatives from at least six other organizations. Such voluntary disclosures on the part of Plaintiff SC NAACP and persons now serving as attorneys in this case was in the presence of non-privileged third parties and thus constitutes waiver of any attorney-client privilege. *See R.I. Seekonk Holdings, LLC v. McInerney*, No. CV 04-11682-NMG, 2007 WL 9797498, at *2 (D. Mass. Feb. 13, 2007) (concluding the Town of Seekonk “waived its attorney-client privilege for all communications relating to the issues discussed in the released minutes . . . ”); *Chinnici v. Cent. Dupage Hosp. Ass’n*, No. 89 C 07752, 1991 WL 127606, at *1 (N.D. Ill. July 10, 1991) (describing an instance when “voluntary disclosure of their attorney’s advice with respect to the special meeting minutes worked as a waiver of the attorney-client privilege ‘as to all other communications on that subject.’”). The same is true for communications and information set forth on Plaintiffs’ privilege log, as it appears from the

⁹ It is unclear if or when the relationship of attorney and client was established by any of the 23 attorneys appearing on Plaintiffs’ communications in this case, and Plaintiffs refused to respond to RFP No. 38. **Exhibit G**.

sparse information provided that third persons were included on receipt of purportedly privileged communications, such that any privilege protection is unwarranted. **Exhibit I** at Nos. 16-18, 46-49, 52-60. Plaintiffs are engaging in a forbidden practice that should not be allowed. “The attorney-client privilege cannot be used as both a sword and a shield.” *Sedillos v. Bd. of Ed. Of Sch. Dist. No. 1 in City and County of Denver*, 313 F. Supp. 2d 1091, 1093 (D.D.Colo. 2004).

B. Plaintiffs Have Not Produced Responsive Documents

“The scope of discovery permitted by Rule 26 is designed to provide a party with information reasonably necessary to afford a fair opportunity to develop its case.” *Town of Irmo, S.C.*, 2020 WL 1025686 at *2 (citing *Nat’l Union Fire Ins. Co. of Pittsburgh, P.A. v. Murray Sheet Metal Co., Inc.*, 967 F.2d 980, 983 (4th Cir. 1992)). House Defendants detail deficiencies in Plaintiffs’ responses to Requests for Production in the Consultation Letter at **Exhibit A**, and as explained therein, Plaintiffs’ deficient responses warrant an order compelling compliance with the discovery rules. Indeed, the insufficiency of Plaintiffs’ responses, given the need for expediency in discovery, appears disingenuous—asserting in the written responses that “SC NAACP will search files” and produce “non-privileged documents, if any”—not only reveals it did not engage in the requisite search prior to the deadline to respond, but has repeatedly unilaterally limited the scope of the request without regard to House Defendants’ rights to conduct discovery of the associational plaintiff (and not just its President¹⁰). **Exhibit G** at Nos. 4, 10, 29, 30, 31, 32, 33, 34, 37, 42, 43. Responses merely offering “vague assurance that the requested documents will be

¹⁰ It was revealed during the deposition of SC NAACP’s President, Brenda Murphy, that she was only asked for a specific and limited number of documents to be produced in discovery, and she was not asked for any other documents nor had she reviewed the discovery requests served on SC NAACP. (ECF No. 151-2 (Depo. Tr. B. Murphy, pp. 18-19, 219, 235)). Her deposition on Friday, February 4, was two days after service of Plaintiff SC NAACP’s written responses (February 2, 2022) and its only document production to date (February 3, 2022).

produced ‘in the future at a mutually agreeable time and place’” are insufficient and “assures continued wrangling” between the parties. *Jayne H. Lee, Inc. v. Flagstaff Indus. Corp.*, 173 F.R.D. 651, 655 (D. Md. 1997).

Again, while every RFP response is materially insufficient, another recurrent theme of the objections includes that certain requests were “improper contention discovery.” **Exhibit G** at Nos. 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 35, 39, 40, 41. Plaintiffs include in each response citation to an unpublished opinion of the Middle District of Tennessee, which in fact contradicts Plaintiffs’ suggestion that requests directed to allegations of a complaint are improper or disallowed. *Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 n.3 (M.D. Tenn. Nov. 30, 2020) (acknowledging defendant “is of course, entitled to seek discovery of documents that support the allegations of Plaintiffs’ complaint”). Furthermore, any suggestion that the carefully drafted discovery propounded by House Defendants represents “mindlessly generated” requests of the sort discussed in *Martinez* is entirely inaccurate. Accordingly, Plaintiffs’ objections to House Defendants’ RFPs as “improper contention discovery” are themselves improper.

CONCLUSION

Based on the foregoing, an immediate order assessing the insufficiency of Plaintiffs’ discovery responses and requiring prompt compliance in accordance with the Federal Rules of Civil Procedure should issue.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

/s/ Mark C. Moore

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February 13, 2022
Columbia, South Carolina

*Attorneys for James H. Lucas, Chris Murphy, and
Wallace H. Jordan*

Exhibit A

February 4, 2022

VIA ELECTRONIC MAIL ONLY

Christopher J. Bryant, Esq.
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chris@boroughsbryant.com

**Re: South Carolina State Conference of the NAACP, et al., v.
McMaster, et al.
Case No. 3:21-cv-03302-JMC-TJH-RMG**

Dear Chris,

Thank you for Plaintiff The SC NAACP (“SC NAACP”) and Plaintiff Taiwan Scott’s (“Scott”) (collectively at times, “Plaintiffs”) written responses and answers to the discovery served by our clients, Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan (“House Defendants”), in the above-referenced case. Having performed an initial review of the responses, a copy of which we have attached for your convenience, we felt it prudent to consult with you as soon as possible to address the below issues pursuant to Rules 37(a) and 11 of the Federal Rules of Civil Procedure, in hopes of resolving the below deficiencies quickly and without the assistance of the Court. While there are a number of other issues that will still need to be addressed for specific responses, in the interest of expediency, House Defendants have identified several broad deficiencies upon initial review that warrant more immediate attention.

Boilerplate Objections

First, Plaintiff SC NAACP and Plaintiff Scott objected to each and every one of the Interrogatories and Requests for Production on the basis that they were “overly broad, unduly burdensome, and not proportional to the needs of the case.” As to many of the Interrogatories, Plaintiff SC NAACP and Plaintiff Scott refused to lodge any answer whatsoever, asserting only the same blanket objections as to all or most of the Interrogatories. Plaintiffs similarly “incorporate by reference the Continuing

Austin
Charleston
Charlotte
Columbia
Greensboro
Greenville
Bluffton / Hilton Head
Myrtle Beach
Raleigh

Objections” as to each and every one of the Requests for Admission, nonetheless interposing a response to most of them. The nearly identical objection based on breadth, undue burden, and proportionality was also lodged in response to nearly every Request for Production.

It is well-settled in the District of South Carolina, like in many others, that boilerplate objections are “meaningless” and should be deemed “meritless.” *Curtis v. Time Warner Ent.-Advance/Newhouse P’ship*, 2013 WL 2099496, at *2 (D.S.C. May 14, 2013); *see also United States v. Town of Irmo*, S.C., 2020 WL 1025686, at *5 (D.S.C. Mar. 3, 2020) (“Parties are prohibited from asserting conclusory, boilerplate objections that fail to explain the precise grounds that make the request objectionable.”) As Judge Anderson explained in *Curtis*:

The parties shall not recite a formulaic objection followed by an answer to the request. It has become common practice for a party to object on the basis of [vagueness, proportionality, or undue burden] and then state that, “notwithstanding the above,” the party will respond to the discovery request, subject to or without waiving such objection. Such an objection and answer preserves nothing and serves only to waste the time and resources of both the parties and the court. Further, such practice leaves the requesting party uncertain as to whether the question has actually been fully answered or whether only a portion of the question has been answered.

2013 WL 2099496 at *2. While it is not uncommon to see a number of these broad objections in discovery responses, a repetitive parroting for nearly every propounded request is insufficient under the Rules. It is unclear to House Defendants the extent to which information has been withheld in response to each of the Interrogatories, the Requests for Admission, and the Requests for Production, and whether Plaintiffs are responding to all or part of each of the discovery requests. Please promptly provide supplemental responses with the requested information as to each of House Defendants’ discovery requests or otherwise amend the responses to comport with the discovery rules.

Information Asserted to be in the Custody or Control of House Defendants

Plaintiff SC NAACP further objected to Interrogatories 1 through 10 on the basis that each “seeks information that is in the possession, custody, or control of the House Defendants.” Plaintiff Scott lodged the same objection to Interrogatories 1, 3, and 4. Plaintiffs also asserted the same objection as to Requests for Production Nos. 3, 4, 5, 8, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, and 35.

Federal courts have “unambiguously stated that this exact objection is insufficient to resist a discovery request.” *Jackson v. W. Va. Univ. Hosps., Inc.*, 1:10-CV-107, 2011 WL 1831591, at *2 (N.D. W. Va. May 12, 2011) (collecting cases finding the same). Production through discovery requests insures both parties to the litigation will be working from the same documents at depositions or at trial, that there is a certification by counsel that the document produced is the document that will be relied upon, and that experts will be able to rely on a common set of documents. *Id.* at *3. These protections do not exist with respect to documents not produced in discovery. Furthermore, as to each of the above Interrogatories and Requests for Production, it is not clear to House Defendants what information and documents, if any, have been withheld on the basis of this objection, which highlights the deficiency of this type of response. For example, Plaintiffs lodged such an objection in response to Request for Production No. 8, which asks for “[a]ll documents you intend to rely upon at trial or use to question any witness during a deposition.” An objection to production on the basis that “information” is “in the possession, custody, or control of House Defendants” is inappropriate without the accompanying identification of such responsive information. Please supplement and respond accordingly to each of these discovery requests.

Proper Custodians for Investigation

It appears that Plaintiff SC NAACP has limited its intention to search for responsive documents in response to Request for Production Nos. 4, 10, 29, 30, 31, 32, 33, 34, 37, 42, and 43 to “files related to the redistricting cycle at issue and files in the possession of its President”. As you know, FRCP 34(a)(1) provides that “[a] party may serve on any other party a request within the scope of Rule 26(b): (1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party’s possession, custody, or control.” The limitation of the search described in these objections does not comport with the Plaintiff organization’s obligations under Rule 34. Plaintiff SC NAACP is required to search for all responsive documents in the SC NAACP’s possession, custody, or control. Accordingly, all such responses should be revised and responsive documents produced following a proper search as described herein.

Legal Conclusions

Continuing Objection No. 7 contained within both Plaintiff SC NAACP’s and Plaintiff Scott’s Interrogatory answers states “Plaintiff objects to each Interrogatory to the extent it seeks a legal conclusion or requires Plaintiff to formulate a legal conclusion to fully respond.” This Continuing Objection, setting aside the boilerplate nature, is improper pursuant to FRCP 33(a)(2), which specifically states “[a]n interrogatory is not objectionable merely because it asks for an opinion or contention

that relates to the fact or the application of law to fact...” Though Plaintiffs have not lodged this objection to any of the individual Interrogatories, it is unclear what information, if any, has been withheld based on this improper objection.

As to Request for Admission Nos. 15, 20, 23, 24, 26, 27, 28, 29, 31, 37, 39, 44, 46, 48, 49, 52, and 53, Plaintiffs objected on the basis that each of these Requests for Admission “requests that Plaintiffs admit the truth of a legal conclusion.” To the contrary, such Requests are appropriate pursuant to FCRP 36, which allows request for an admission to an ultimate fact, and an application of law to fact. *See, e.g., In re Carney*, 258 F.3d 415, 418 (5th Cir. 2001). In *Adventis*, the case cited by Plaintiffs to support their objection, the holding in fact was that the district court was bound by the parties’ Rule 36 admission, stating “once a matter that is properly the subject of an admission under Rule 36(b) has been admitted during discovery, the district court is not free to disregard that admission.” *Adventis, Inc. v. Consolidated Property Holdings, Inc.*, 124 Fed. Appx. 169, 172–173 (4th Cir. 2005). As such, the requests for admission in dispute, which requested the other party to admit that the trademarks in question were confusingly similar, was properly the subject of a Rule 36 admission.

Plaintiffs similarly object to Requests for Production Nos. 3, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 31, 35 “on the ground that [they] require[] Plaintiff to formulate a legal conclusion to respond.” Request No. 3 is for “[a]ll non-privileged documents and communications, whether written, electronically stored or recorded (including audio) in your possession, custody, or control related to any claim or defense in this case.” House Defendants cannot conceive of any possible construction of this Request that would require Plaintiffs to formulate a legal conclusion to respond, let alone that would render this Request objectionable on such grounds. Please promptly supplement Plaintiffs’ responses and produce the requested information.

Protective Order

As to Request for Production No. 7, which requests [a]ny memoranda, affidavits, or other reports or opinions you have received from any expert witness,” Plaintiffs responded, after asserting a number of boilerplate objections identical to its responses to other Requests, by stating “once an appropriate protective order is entered in this action, SC NAACP will produce all sources and materials relied upon by its experts.” Inexplicably, Plaintiffs produced no documents in response to this Request nor any other Request with its written responses, despite never proposing such order or disclosing an intent to withhold production until the entry of such order. House Defendants find this position disingenuous, particularly given a confidentiality order was earlier drafted by House Defendants and circulated to Plaintiffs for comment on

January 24, 2022, and Plaintiffs' few comments were incorporated and the order submitted on February 3, 2022. The absence of a protective order was not a good faith reason to withhold production of documents, especially as House Defendants have produced and continue to produce documents on a rolling basis as soon as they have been practicably available regardless of the finalization of the confidentiality order. House Defendants simply marked documents that will be subject to the order as "Confidential" in order to quickly turn them over due to the expedited nature of this action. While we have subsequently received approximately 200 pages of production (produced in duplicate) from Plaintiffs, please promptly supplement any remaining documents that were needlessly withheld based on the confidentiality order.

Contention Discovery

In response to each of the Requests for Production Nos. 12-13, 16-26, 28-31, 35, and 35-59, Plaintiffs lodged an objection "on the ground that it constitutes improper contention discovery." While House Defendants disagree as to the characterization of each one of these requests as "improper contention discovery," as the Requests were limited, specifically crafted questions, this objection is not sufficient to allow House Defendants to ascertain what deficiency Plaintiffs assert exist such that the parties can meaningfully confer in order to facilitate a response.

Mutual Exchange of Anticipated Trial Exhibits

In response to Request for Production No. 8, Plaintiffs refused to produce any documents on the basis that, along with a number of boilerplate objections, "Plaintiffs agree to meet and confer with House Defendants concerning the parameters of a mutual exchange of anticipated trial exhibits or other materials that the parties intend to submit to the Court." Contrary to Plaintiffs' assertions, the Request is not "premature" prior to the exhibit disclosure deadline required under the Court's scheduling order, nor are House Defendants obligated to "meet and confer" for a "mutual exchange"—the response is not a valid reason to refuse the discovery. While Plaintiffs are not required to identify which documents and portions of documents they intend to attempt to introduce at trial, Plaintiffs are not entitled to withhold relevant documents they anticipate using at trial under the shield of the scheduling order. Because it is not clear the extent to which documents have been withheld in response to this Request, please produce all responsive documents accordingly.

Privilege Log

Perhaps most perplexing in light of Plaintiffs' Motion to Compel, Plaintiffs did not produce any privilege log whatsoever or even indicate a privilege log is forthcoming.

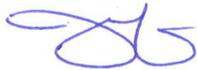
Christopher J. Bryant, Esq.
February 4, 2022
Page 6

The vast majority of Plaintiffs' discovery responses lodge an objection indicating they are withholding documents on the basis of privilege. Please promptly produce a privilege log so that it can be discerned what documents are in the possession of Plaintiffs and withheld for privilege so that the claim can be assessed as provided in the discovery rules.

As noted at the outset, House Defendants are continuing to review Plaintiffs' discovery responses and will further consult in good faith on additional deficiencies as they are identified.

We appreciate your attention to the issues raised herein, and look forward to receipt of Plaintiffs' supplemental responses and responsive documents. If Plaintiffs do not intend to produce the requested information, please advise by 12:00 p.m. on Wednesday, February 9, 2022, so that the appropriate relief can be sought from the Court by way of motion.

Very truly yours,



Jennifer J. Hollingsworth
Attachments

cc: Counsel of Record

Exhibit B



Christopher J. Bryant
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February 10, 2022

VIA EMAIL

Jennifer J. Hollingsworth
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Columbia, SC 29202

RE: *The South Carolina State Conference of the NAACP v. McMaster* (3:21-cv-03302)

Dear Jennifer,

On behalf of Plaintiffs in the above-captioned matter, the following is a response to your February 4, 2022 letter concerning Plaintiffs' objections and responses to the House Defendants written discovery requests.

Boilerplate Objections

Plaintiffs do not agree with House Defendants' characterization of their objections, and Defendants' citation to the language contained in Plaintiffs' objections is incomplete. Where Plaintiffs specifically objected to requests on the ground that they were "overly broad, unduly burdensome, and not proportional to the needs of the case," Plaintiffs stated the reasons for their objections. For example, House Defendants' RFP 4 seeks "[a]ll written or recorded statements or affidavits, including drafts thereof, from persons who are known or believed to be witnesses to the facts of this case." Although the RFP seeks statements from witnesses or potential witnesses in this case, the RFP is not limited to such individuals' statements concerning the subject matter of this case. Plaintiffs objected to producing "statements or affidavits from witnesses or potential witnesses without regard to the subject matter of this case." By contrast, certain of Defendants' responses to Plaintiffs' RFPs interposed an overbreadth or proportionality objection without explaining the objection. *See, e.g.*, Defendants' Response to Plaintiffs' RFP 2 ("House Defendants object to this Request on the grounds that it is overly broad, unduly burdensome, and purports to command House Defendants to produce documents in a manner not proportional to the needs of this case or that are outside the possession, custody, or control of House Defendants or are publicly or equally available to Plaintiffs.").

In general, Plaintiffs and House Defendants responded to discovery requests using a similar format—both included general and specific objections. Although House Defendants state they are unclear the extent to which information has been withheld, Plaintiffs' responses are consistent and clear in identifying instances in which Plaintiffs are standing on objections. To

the extent that House Defendants have questions about specific responses, Plaintiffs are willing to meet and confer to explain what, if anything, has been withheld.

Information Asserted to be in the Custody or Control of House Defendants

Although House Defendants suggest a party may not object to discovery requests on the ground that the request seeks information outside the party's possession, custody, and control, House Defendants asserted that very objection repeatedly in their own responses to discovery:

- House Defendants objected generally to the Plaintiffs' Interrogatories to the extent they sought information "already within the Plaintiffs' possession, custody, or control . . ." and objected to each of the interrogatories to the extent they sought information in the "possession, custody, or control of third parties."
- House Defendants objected generally to the Plaintiffs' RFPs to the extent "outside the possession, custody, or control of House Defendants or that is publicly or equally available to Plaintiffs or in the possession, custody, or control of third parties."
- House Defendants objected Plaintiffs' RFPs 1, 2, 3, 7 to the extent such requests sought documents "outside the possession, custody, or control of House Defendants or are publicly or equally available to Plaintiffs outside the possession, custody, or control of House Defendants or are publicly or equally available to Plaintiffs."

Plaintiffs do not understand how Defendants' concern squares with their own objections.

Plaintiffs cannot produce any document or information that is exclusively within the possession, custody, or control of the House Defendants. And Plaintiffs have not withheld from production any document in their possession, custody, or control on the ground that it is also in the possession, custody, or control of the House Defendants. Given that the House Defendants produced nearly 40 years of South Carolina Legislative Manuals (constituting more than 25,000 pages) at least 20 years of which are readily available online, we understand that House Defendants' productions are not limited to materials exclusively within the House Defendants' possession, custody, or control—if our understanding is incorrect and any such materials have been withheld, please advise immediately so that we can discuss.

Proper Custodians for Investigation

Contrary to your suggestion, Plaintiff SC NAACP is not required to search for and produce "all responsive documents in the SC NAACP's possession, custody, or control." To the extent an RFP is not objectionable, Plaintiff SC NAACP is required to conduct a reasonable search. With one exception, each RFP cited in House Defendants' letter—RFPs 4, 10, 29, 30, 31, 32, 33, 34, 42, and 43—is tied to the current redistricting cycle, in nearly each instance explicitly, and therefore Plaintiffs believe that a search by SC NAACP in its "files related to the redistricting cycle at issue" i.e., "the current redistricting cycle," as stated in the House Defendants' RFPs, is reasonable. As to RFP 37, which focuses on organizational documents, Plaintiff SC NAACP is willing to amend its response.

Legal Conclusions

Plaintiffs agree that, as stated in Rule 36, a party may request that another party admit “the application of law to fact.” Fed. R. Civ. P. 36(a)(1)(A). House Defendants’ letter appears to reflect confusion concerning Plaintiffs’ citation to *Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005). Plaintiffs cited that case for the basic proposition that “[u]nder Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but *not matters of law.*” *Adventis*, 124 F. App’x at 172 (emphasis added). House Defendants have propounded numerous RFAs that ask Plaintiffs to admit legal conclusions concerning constitutional or redistricting principles without regard to the facts of any particular case (at times in the form of a hypothetical), including the RFAs that House Defendants have identified in their letter:

- Request 15: “Admit that an opportunity district in which Black voters would have the ability to influence elections could occur when BVAP < 30%.”
- Request 20: “Admit that voting districts need to be bizarrely shaped at time to be fair.”
- Request 23: “Admit that a voting district that has had its BVAP decreased through the redistricting process has not necessarily been ‘cracked.’”
- Request 24: “Admit that a voting district that has had its BVAP increased through the redistricting process has not necessarily been ‘packed.’”
- Request 26: “Admit that a voting district with a supermajority BVAP has not necessarily been ‘packed’ by virtue of its supermajority BVAP.”
- Request 28: “Admit that White voters have the right to not have their votes intentionally diluted.”
- Request 29: “Admit that Hispanic voters have the right to not have their votes intentionally diluted.”
- Request 39: “Admit that failure to maximize the number of majority-minority districts does not give rise to a violation of § 2 of the Voting Rights Act.”
- Request 44: “Admit that the U.S. Supreme Court has not created a 10% maximum population deviation standard, below which all redistricting decisions are deemed constitutional.”
- Request 46: “Admit that separating a group of voters who share a community of interest is not necessarily indicative of intentional dilution of the group’s voting strength.”

- Request 48: “Admit that incumbency protection can be a legitimate factor in districting.”
- Request 49: “Admit that the intent of a single legislator is not properly imputed to the entire South Carolina Legislature.”

House Defendants’ RFAs that are noted above seek the admission of a legal conclusion without regard to facts, and therefore are improper. As to the remainder of RFAs cited in House Defendants’ letter (and several of those cited above), Plaintiffs did not stand on their objections.

Plaintiffs objections to House Defendants’ RFPs 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, , 26, 28, 30, 31, 35 are below under the heading “Contention Discovery.”

House Defendants’ RFP 3 seeks “[a]ll non-privileged documents and communications, whether written, electronically stored or recorded (including audio) in your possession, custody, or control related to any claim or defense in this case -- in other words it seeks all documents related to any claim or defense in this case. Plaintiffs objected to RFP 3 on the ground that the request is so broad that it appears to subsume all other requests. As explained in Plaintiffs’ responses, “Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and the specific information sought by House Defendants beyond what is sought in other Requests and beyond what Plaintiffs have otherwise agreed to produce.” Plaintiffs remain willing to discuss.

Protective Order

House Defendants have requested that Plaintiffs supplement any remaining documents that were withheld because a confidentiality order has not been entered. Plaintiffs have not withheld from production any documents on the basis that a confidentiality order has not been entered.

Contention Discovery

Rule 34 requires that a Request describe with “reasonable particularity each item or category of items.” A discovery request that requests all documents related to a particular claim does not satisfy Rule 34. As explained in the case Plaintiffs cited in their Objections and Responses to House Defendants’ RFPs, *Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020), to which House Defendants’ letter does not respond: “Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”¹

¹ Although House Defendants’ letter cites RFPs 36-38, 42-43, Plaintiffs did not object to those RFPs on the grounds that they constitute improper contention discovery. In addition, although House Defendants propounded 43 RFPs, House Defendants’ letter cites as deficient Plaintiffs’ response to RFPs 44-59.

House Defendants have served numerous RFPs that either “plug a pleading’s allegations into boilerplate requests,” *Martinez*, 2020 WL 7027504, at *6, and request all documents “supporting” or “evidencing” the Amended Complaint’s allegations, or rather than identify items with “reasonable particularity,” seek documents “related to” an entire claim or defense:

- Request 12: “All documents and communications related to the first cause of action in your Amended Complaint (Racial Gerrymandering in Violation of the Fourteenth Amendment).”
- Request 13: “All documents and communications related to the second cause of action in your Amended Complaint (Intentional Discrimination in Violation of the Fourteenth and Fifteenth Amendments of the U.S. Constitution).”
- Request 16: “All documents and communications supporting your allegation that H. 4493 was motivated by a discriminatory purpose. (See, e.g., Am. Compl. at ¶ 4).”
- Request 17: “All documents and communications supporting your allegation that the Challenged Districts in H. 4493 were adopted with a racially discriminatory intent to discriminate against Black voters. (See, e.g., Am. Compl. at ¶ 170).”
- Request 18: “All documents and communications supporting your allegation that H. 4493 will have a discriminatory impact on Black South Carolinians. (See, e.g., Am. Compl. at ¶ 171).”
- Request 19: “For each Challenged District, produce all documents and communications supporting your allegation that the House Defendants used race as the predominant factor in creating the Challenged District. (See, e.g., Am. Compl. at ¶ 4).”
- Request 20: “For each Challenged District, produce all documents and communications supporting your allegation that the race predominated over traditional redistricting principles, such as compactness, contiguity, and respect for political subdivisions or communities. (See, e.g., Am. Compl. at ¶ 164).”
- Request 21: “Produce all documents and communications supporting your allegation that Black voters were either “packed” or “cracked” for the purpose of diluting their vote in each of the Challenged Districts. (See, e.g., Am. Compl. at ¶¶ 4-5).”
- Request 22: “All documents and communications evidencing and demonstrating one or more of your members and constituents would have individual standing to bring your claims in each and evidence Challenged District. (See Am. Compl. at ¶¶ 16-18).”
- Request 23: “All documents and communications supporting your allegation that your members and constituents currently live in each and every Challenged District. (See Am. Compl. at ¶ 18).”

- Request 24: “All documents and communications supporting your allegation that your members include registered voters in each and every Challenged District. (See Am. Compl. at ¶ 18).”
- Request 25: “All documents and communications supporting your allegation that your members have been or will continue to be harmed by H. 4493. (See Am. Compl. at ¶ 18).”
- Request 26: “All documents and communications establishing the identity and residential address of each of your members who currently lives in any of the Challenged Districts. (See, e.g., Am. Compl. at ¶ 18).”
- Request 28: “All documents and communications supporting your allegations related to the harms allegedly suffered by your members and constituents. (See, e.g., Am. Compl. at ¶¶ 20-21).”
- Request 29: “All documents and communications supporting your allegation that the redistricting hearings held by the House Redistricting Ad Hoc Committee were largely inaccessible to the public. (See, e.g., Am. Compl. at ¶ 67).”
- Request 30: “All documents and communications supporting your allegations that individuals were unable to attend a public hearing held by the House Redistricting Ad Hoc Committee (remotely or in person) due to COVID-19 concerns, work, or family obligations. (See, e.g., Am. Compl. at ¶ 68).”
- Request 31: “All documents and communications evidencing concerns raised by members of the public related to a lack of transparency during the redistricting process or the lack of a meaningful opportunity for the public to review posted maps. (See, e.g., Am. Compl. at ¶ 79).”
- Request 35: “All documents and communications supporting your allegation that inaction of the House Defendants creates the imminent risk of confusion prior to the current candidate declaration deadline in March 2022 and possibly the June 2022 primaries. (See, e.g., Am. Compl. at ¶ 177).”
- Request 39: “All documents and communications evidencing that SC NAACP’s members and constituents are unable to communicate their concerns to current members of Congress or congressional candidates. (See, e.g., Am. Compl. at ¶ 20a).”
- Request 41: “All documents and communications evidencing that SC NAACP members and constituents who are hindered from contributing financially to Congressional candidates until Congressional districts are reapportioned. (See, e.g., Am. Compl. at ¶ 20c).”

Plaintiffs disagree with House Defendants’ assertion that “each one of these requests . . . were limited, specifically crafted questions.”

Moreover, Rule 26 requires parties to take into consideration “the parties’ relative access to relevant information,” Fed. R. Civ. P. 26(b)(1), and it requires the serving party to certify that the RFPs “not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation,” Fed. R. Civ. P. 26(g)(1)(A)(B)(ii). Plaintiffs’ claims and allegations—and Defendants’ RFPs citing them—focus overwhelmingly on *House Defendants’ actions and intent*. Setting aside that House Defendants’ RFPs are exceedingly duplicative, their demands and in particular their repeated threats to file a motion to compel based on supposed deficiencies in Plaintiff Taiwan Scott and Plaintiff SC NAACP’s searches of their own files for evidence of House Defendants intent is inconsistent with Rule 26.

Mutual Exchange of Anticipated Trial Exhibits

House Defendants’ Request 8 seeks “[a]ll documents you intend to rely on at trial or use to question any witness during a deposition.” Among other ways in which the Request is objectionable, the question of which exhibits Plaintiffs currently “intend to rely on” at trial is a request for protected work product.

House Defendants have stated that “it is not clear the extent to which documents have been withheld in response to this Request [RFA 8].” Subject to and without objections, including work product or any protection, Plaintiffs confirm they have not withheld any documents on the grounds that they may use them as an exhibit at trial.

Privilege Log

Defendants statement that Plaintiffs did not “even indicate a privilege log is forthcoming” is incorrect. Plaintiffs’ Objections and Responses to House Defendants’ RFPs, Plaintiffs SC NAACP’s Objections and Responses to House Defendants’ Interrogatories, and Plaintiff Taiwan Scott’s Objections and Responses to House Defendants’ Interrogatories each stated that “Plaintiffs will log privileged documents in accordance with their obligations under the Federal Rules or agreement between the parties.” On February 9, 2022, Plaintiffs further advised that they intend to produce a privilege log this week.

* * *

To the extent not resolved by the response above, as stated in prior correspondence, Plaintiffs remain available to discuss any concerns raised in your February 4, 2022 letter.

Sincerely,



Christopher J. Bryant
cc: Counsel of Record

Exhibit C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE
A. RANKIN, in his official capacity as
Chairman of the Senate Judiciary
Committee; JAMES H. LUCAS, in his
official capacity as Speaker of the House of
Representatives; CHRIS MURPHY, in his
official capacity as Chairman of the House
of Representatives Judiciary Committee;
WALLACE H. JORDAN, in his official
capacity as Chairman of the House of
Representatives Elections Law
Subcommittee; HOWARD KNAPP, in his
official capacity as interim Executive
Director of the South Carolina State Election
Commission; JOHN WELLS, Chair,
JOANNE DAY, CLIFFORD J. EDLER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as members of the
South Carolina Election Commission,

Defendants.

**Case No. 3-21-cv-03302-JMC-
TJH-RMG**

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO DEFENDANTS
JAMES H. LUCAS, CHRIS
MURPHY, AND WALLACE H.
JORDAN'S FIRST SET OF
REQUESTS FOR ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rule of Civil Procedure, the South Carolina State Conference of the NAACP (“SC NAACP”) and Taiwan Scott (together, “Plaintiffs”) hereby object and respond to Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan’s (“House Defendants”) First Set of Requests for Admission (“Requests” or “RFAs”).

PRELIMINARY STATEMENT

Plaintiffs’ objections and responses contained herein (“Objections and Responses”) are based on information reasonably available to Plaintiffs at this time. Plaintiffs reserve the right to amend and/or supplement their Objections and Responses based on new information obtained in discovery or otherwise in the course of this action.

Information contained in any Objections and Responses pursuant to these Requests is not an admission or acknowledgement by Plaintiff that such information is relevant to any claim or defense in this action; is without prejudice to Plaintiffs’ right to contend at any trial or in any other proceeding, in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and is without prejudice to or waiver of any objection to any future use of such information.

Specific objections to each separate Request are made below. Additionally, Plaintiffs makes certain continuing objections to the Requests, also listed below (“Continuing Objections”). These Continuing Objections, including with respect to the definitions and instructions, are incorporated by reference into all of the responses made with respect to each separate Request. Plaintiffs’ responses to each individual Request are submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection in any response below is neither intended as, nor shall in any way be deemed, a waiver of any Continuing

Objection or of any other specific objection made herein or that may be asserted at a later date.

CONTINUING OBJECTIONS

Plaintiffs incorporate each of the following Continuing Objections in their response to each Request. In addition to these Continuing Objections, Plaintiffs may also state specific objections to Requests where appropriate, including objections that are not generally applicable to all the Requests. By setting forth such specific objections, Plaintiffs do not intend to limit or restrict their Continuing Objections. To reduce duplication, Plaintiffs assert their Continuing Objections and specific objections to Requests collectively, and each objection should be imputed to both Mr. Scott and to SC NAACP.

1. Plaintiffs object to each Request to the extent it imposes on Plaintiffs any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable order of the Court.
2. Plaintiffs object to each Definition, Instruction, or Request to the extent it seeks production of documents or information subject to the attorney-client privilege, the work-product protection doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law. Each Request has been read to exclude discovery of such privileged information. Inadvertent production of any such information does not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information or document, nor does inadvertent production waive the right of Plaintiffs to object to the use of any such information in any proceeding.
3. Plaintiffs object to each Request to the extent it seeks information that is not relevant to any party's claims or defenses. *See* Rule 26(b)(1).
4. Plaintiffs object to each Request to the extent it is not proportional to the needs of

the case, “considering the importance of the issues at stake in the action . . . the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *See* Rule 26(b)(1).

5. Plaintiffs object to each Request to the extent that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control.

6. Plaintiffs object to each Request to the extent it seeks a legal conclusion or requires Plaintiffs to formulate a legal conclusion to fully respond.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS’ INSTRUCTIONS

1. Plaintiffs objects to Instructions 1, 4, and 5 to the extent they impose on Plaintiffs any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable Order of the Court or agreement between the parties.

2. Plaintiffs object to Instruction 2 to the extent that it purports to impose upon Plaintiffs any obligations that are broader than or inconsistent with the Federal Rules or any Order of this Court. Plaintiffs will log privileged documents in accordance with their obligations under the Federal Rules or agreement between the parties.

3. Plaintiffs object to Instruction 3 on the ground that it does not define the “relevant time period.”

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS’ DEFINITIONS

By submitting these Objections and Responses, Plaintiffs do not adopt House Defendants’ purported definition of words and phrases contained in the Instructions to House Defendants’ Requests. Plaintiff interprets all words contained in the Requests in accordance

with their ordinary and customary meanings.

1. Plaintiffs object to the definitions “SC NAACP” and “Plaintiff Scott” on the ground that they are overly broad, unduly burdensome, and not proportional to the needs of the case to the extent they purport to require Plaintiff Taiwan Scott to respond on behalf of “all other similarly situated persons” and purport to require Plaintiff SC NAACP to respond on behalf of “its employees, agents, officers, directors, representatives, consultants, accountants” as well as “anyone acting on SC NAACP’s behalf” without regard to the to this action. Plaintiffs object to the definitions of “SC NAACP” and “Plaintiff Scott” to the extent they purport to require Plaintiffs to reveal information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. For purposes of these Objections and Responses, Plaintiff Taiwan Scott responds only on his own behalf, and Plaintiff SC NAACP responds only on its own behalf.

2. Plaintiffs object to the definitions of “persons” and “persons” on the ground that they are vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent they include “without limitation” any natural person as well as “any [] governmental or non-governmental entity.”

REQUESTS FOR ADMISSION

REQUEST NO. 1:

Admit that SC NAACP is not a person.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

DENY. The Requests define "person" or "persons" to include "without limitation, natural persons, corporations, associations, unincorporated associations, partnerships, and any other governmental or non-governmental entity." SC NAACP is a 501(c)(4) organization and a non-governmental entity.

REQUEST NO. 2:

Admit that SC NAACP is not a corporation.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's

organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT.

REQUEST NO. 3:

Admit that SC NAACP is not a limited liability company.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT.

REQUEST NO. 4:

Admit that SC NAACP is not a partnership.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT.

REQUEST NO. 5:

Admit that SC NAACP is not an unincorporated association.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object on the ground that the undefined term “unincorporated association” is vague and ambiguous.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP’s organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

DENY. SC NAACP is unincorporated, and it is an association, as well as a 501(c)(4) organization.

REQUEST NO. 6:

Admit that SC NAACP’s Federal Employer Identification Number (“EIN”) is 23-7028846.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT

REQUEST NO. 7:

Admit that SC NAACP's Federal EIN is 57-0327661.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

DENY.

REQUEST NO. 8:

Admit that SC NAACP is not a state subsidiary of an entity formed or organized in New York named the "National Association for the Advancement of Colored People".

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he does not have access to information regarding SC NAACP's organizational documents.

SPECIFIC RESPONSE OF SC NAACP:

DENY. Plaintiff SC NAACP is a nonprofit, nonpartisan membership organization in South Carolina. The South Carolina NAACP is a state subsidiary of the National Association for the Advancement of Colored People ("NAACP"), a national civil rights organization. The South Carolina NAACP was chartered in 1939 and is the oldest civil rights group in South Carolina.

REQUEST NO. 9:

Admit that Plaintiff Scott does not reside in any of the Challenged Districts.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott ADMITS that he does not live in state House districts 7, 8, 9, 11, 41, 43, 51, 54, 55, 57, 59, 60, 63, 67, 70, 72, 73, 74, 75, 76, 77, 78, 79, 90, 91, 93, 95, 101, and 105.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, SC NAACP lacks sufficient information to truthfully admit or deny the request because it does not have access to information sufficient to confirm Mr. Scott's place of residence.

REQUEST NO. 10:

Admit that Plaintiff Scott does not intend to file as a candidate for political office in South Carolina in 2022.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott ADMITS that he presently does not have plans to file as a candidate for political office in South Carolina in 2022 but DENIES that he has ruled out the prospect of filing as a candidate for political office in 2022.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, SC NAACP lacks sufficient information to truthfully admit or deny the request because it does not have information regarding Mr. Scott's future intentions, or how those intentions may change over time.

REQUEST NO. 11:

Admit that SC NAACP approached Plaintiff Scott to become a plaintiff in the instant matter.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

DENY. SC NAACP did not approach Mr. Scott to become a plaintiff in the instant matter. Prior to and other than his participation in the instant matter, Mr. Scott has no affiliation with the SC NAACP.

SPECIFIC RESPONSE OF SC NAACP:

DENY. SC NAACP did not approach Mr. Scott to become a plaintiff in the instant

matter.

REQUEST NO. 12:

Admit that SC NAACP has not identified an individual member or constituent that currently resides in each of the Challenged Districts in the Amended Complaint.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott ADMITS that the Amended Complaint in this action does not identify specific names of members of the SC NAACP that currently reside in each of the Challenged Districts but lacks sufficient information to truthfully admit or deny the request to the extent it requires him to make a judgment about whether federal pleading standards have met because he lacks familiarity with the federal pleading standards.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that the Amended Complaint in this action does not identify the specific names of members of the SC NAACP that currently reside in each of the Challenged Districts but DENIES that the SC NAACP lacks members in any of the Challenged Districts and DENIES that federal pleading standards require the identification of such individuals.

REQUEST NO. 13:

Admit that the allegations of the Amended Complaint do not identify any individual person who lives in each of the Challenged Districts.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing

Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott ADMITS that the Amended Complaint in this action does not identify the specific names of individuals who live in each of the Challenged Districts but lacks sufficient information to truthfully admit or deny the request to the extent it requires him to make a judgment about whether federal pleading standards have met because he lacks familiarity with the federal pleading standards.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that the Amended Complaint in this action does not identify the specific names of individuals who live in each of the Challenged Districts but DENIES that the SC NAACP lacks members in any of the Challenged Districts and that federal pleading standards require the identification of such individuals.

REQUEST NO. 14:

Admit that democrats currently represent 13 of 14 of the most underpopulated voting districts in South Carolina's state legislative voting districts put in place by enactment of the legislation comprising Act No. 72 of 2011 and Act No. 75 of 2011.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object on the ground that House Defendants have not defined the term "underreported voting districts" and so it is vague and ambiguous. Plaintiffs further object to this interrogatory on the ground that House Defendants fail to identify which of the "voting districts" to which they are referring.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because his not familiar with what defendants characterize as the 14 most underpopulated voting districts in South Carolina’s state legislative voting districts or with the legislation comprising Act No. 72 of 2011 and Act No. 75 of 2011, or what deviation standard defendants use to determine over/under population.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP DENIES that “democrats currently represent 13 of 14 of the most underpopulated voting districts” because House Defendants fail to identify by what standard they are making this assertion and because the Request lacks clarity. Plaintiff SC NAACP is willing to meet and confer to understand the information House Defendants are seeking.

REQUEST NO. 15:

Admit that an opportunity district in which Black voters would have the ability to influence elections could occur when BVAP < 30%.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object on the ground that House Defendants have not defined the term “opportunity district” and so it is vague and ambiguous. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted). Plaintiffs further respond that

whether a district provides an ability of Black voters to elect or otherwise influence elections for House districts is fact-specific and entails more conditions than the Black voting-age population of a district such as information about the voting patterns of the electorate.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney and expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal or expert knowledge.

REQUEST NO. 16:

Admit that false positives are possible when using statistical measures of Compactness.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal and expert knowledge.

REQUEST NO. 17:

Admit that the House Defendants provided race-neutral explanations in its Motion to Dismiss, ECF No. 91, for actions the Plaintiffs allege in the Amended Complaint were predominately based on race.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer or an expert. From a lay person's perspective, Mr. Scott ADMITS that House Defendants provided some explanations in its Motion to Dismiss, ECF No. 91, for why Challenged Districts were drawn but otherwise DENIES that any such post-hoc explanations bear on the House Defendants' intent in enacting H. 4493 or otherwise bear on the validity of the Plaintiffs' claims in this action.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal and expert information and knowledge. From a lay person's perspective, the SC NAACP ADMITS that House Defendants provided some explanations in its Motion to Dismiss, ECF No. 91, for why Challenged Districts were drawn but otherwise DENIES that any such post-hoc explanations that were not contemporaneously discussed in public sessions of the legislature bear on the House Defendants' intent in enacting H. 4493 or otherwise bear on the validity of the Plaintiffs' claims in this action.

REQUEST NO. 18:

Admit that there is no universally-accepted standard of statistical measure of

compactness whereby a voting district is deemed not to be compact based on that statistical measure.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because a response requires legal and expert knowledge.

REQUEST NO. 19:

Admit that factors, such as geography, may make a voting district appear irregularly shaped.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request. Plaintiffs object on the ground that the undefined terms “geography” and “irregularly shaped” are vague and ambiguous.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal and expert knowledge.

REQUEST NO. 20:

Admit that voting districts need to be bizarrely shaped at time to be fair.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object on the ground that the undefined terms “bizarrely shaped” and “fair” are vague and ambiguous. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

DENY.

REQUEST NO. 21:

Admit that a voting district's bizarre shape can arise from a "political motivation."

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object on the ground that the undefined terms "bizarre shape" and "political motivation" is vague and ambiguous.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because of the undefined terms in the request and because he is not a lawyer or an expert knowledgeable about the intricacies of developing maps and the redistricting process.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because of the undefined terms in the request and because this request requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request.

REQUEST NO. 22:

Admit that any voting district line moved during the redistricting process necessarily increases the voting power of a voting bloc and dilutes the voting power of a competing voting bloc.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object on the ground that the undefined term “voting bloc” is vague and ambiguous.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because the request is vague and ambiguous with several undefined terms such as “a voting bloc” and “dilutes.” Further, Mr. Scott is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because the request is vague and ambiguous with several undefined terms such as “a voting bloc” and “dilutes.” Further, responding to this request requires legal and expert knowledge about voting patterns.

REQUEST NO. 23:

Admit that a voting district that has had its BVAP decreased through the redistricting process has not necessarily been “cracked.”

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because the request has several undefined terms such as “BVAP” and “cracked.” Further, Mr. Scott he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because the request has several undefined terms such as “BVAP” and “cracked.” Further, a response to this request requires legal and expert knowledge.

REQUEST NO. 24:

Admit that a voting district that has had its BVAP increased through the redistricting process has not necessarily been “packed.”

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries

admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because the request has several undefined terms such as “BVAP” and “packed.” Further, Mr. Scott is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because the request has several undefined terms such as “BVAP” and “packed.” Further, a response to this request requires legal and expert knowledge.

REQUEST NO. 25:

Admit that SC NAACP packed Black voters into House District 7 in the map that SC NAACP submitted to the Redistricting Ad Hoc Committee on October 8, 2021.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the map that SC NAACP submitted to the Redistricting Ad Hoc Committee on October 8, 201, and he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

DENY.

REQUEST NO. 26:

Admit that a voting district with a supermajority BVAP has not necessarily been “packed” by virtue of its supermajority BVAP.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted). Plaintiffs also object to the Request on the ground that the term “supermajority” is vague and ambiguous.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because there are several undefined terms such as a “supermajority BVAP” and “packed.” Further, Mr. Scott is not an attorney or expert or otherwise in possession of knowledge

concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because the request has several undefined terms such as “supermajority BVAP” and “packed.” Further, a response to this request requires legal and expert knowledge.

REQUEST NO. 27:

Admit that evidence that Black voters constitute even a supermajority in one district while amounting to less than a plurality in a neighboring district will not, by itself, suffice to prove that South Carolina considerations of race predominated the drawing of the district lines when the evidence also shows a high correlation between race and party preference.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that the hypothetical “evidence that Black voters constitute even a supermajority in one district while amounting to less than a plurality in a neighboring district” is vague and ambiguous. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because there are several undefined terms such as “supermajority” and

“plurality” and “high correlation” and “race predominated” and “considerations of race.”

Further, Mr. Scott is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because there are several undefined terms such as “supermajority” and “plurality” and “high correlation” and “race predominated” and “considerations of race.” Further, this request requires legal and expert knowledge to respond.

REQUEST NO. 28:

Admit that White voters have the right to not have their votes intentionally diluted.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

ADMIT. To the extent the request suggests that, in order to comply with the Constitution and other laws, that any people or groups must have their votes intentionally diluted, Mr. Scott DENIES.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT. To the extent the request suggests that, in order to comply with the U.S. Constitution and other laws, that any people or groups must have their votes intentionally diluted, the SC NAACP DENIES.

REQUEST NO. 29:

Admit that Hispanic voters have the right to not have their votes intentionally diluted.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

ADMIT. To the extent the request suggests that, in order to comply with the U.S. Constitution and other laws, that any people or groups must have their votes intentionally diluted, Mr. Scott DENIES.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT. To the extent the request suggests that, in order to comply with the U.S. Constitution and other laws, that any people or groups must have their votes intentionally diluted, Mr. Scott DENIES.

REQUEST NO. 30:

Admit that the Redistricting Ad Hoc Committee and the Judiciary Committee provided at least 24-hours' notice before conducting each and every redistricting-related hearing and meeting in 2021.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the schedule of redistricting process.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that the Redistricting Ad Hoc Committee and the Judiciary Committee provided at least 24-hours' notice (barely) before conducting each and every redistricting-related hearing and meeting in 2021 but DENIES that this was meaningful or sufficient time to comprise testimony and evaluate maps in that timeframe.

REQUEST NO. 31:

Admit that the allegations of the Amended Complaint do not specifically identify any individual Plaintiff (i.e., a person) who has been personally subjected to a racial classification in each of the Challenged Districts.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request to the extent that the term "racial classification" is vague, ambiguous, and requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc.*

v. Consol. Prop. Holdings, Inc., 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because there are several undefined terms such as a “racial classification.” Further, Mr. Scott is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that the Amended Complaint in this action does not identify the specific names of individuals who have been “personally subjected to a racial classification in each of the Challenged Districts” but DENIES that federal pleading standards require the Amended Complaint to identify such individuals.

REQUEST NO. 32:

Admit that the House Defendants considerations of race are not prohibited in redistricting decisions.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

ADMIT that House Defendants can be race conscious in redistricting decisions. The SC NAACP DENIES that the House Defendants considered race during the redistricting cycle in a way that was constitutional or lawful.

REQUEST NO. 33:

Admit that the Redistricting Ad Hoc Committee accepted input from the public through electronic and hard copy means.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the input that the Redistricting Ad Hoc Committee accepted.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP DENIES that accepting input from the public through electronic and hard copies means allowed the redistricting process to be sufficient.

REQUEST NO. 34:

Admit that the Redistricting Ad Hoc Committee posted to the South Carolina House

of Representatives Redistricting 2021 website at least one map that evidenced a change coinciding with feedback received from the public.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because this request does not identify a change with respect to what and also because he is not familiar with the public input that the Redistricting Ad Hoc Committee considered.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not identify a change with respect to what and is otherwise vague and ambiguous. The SC NAACP ADMITS that there were various House maps proposed and each maps had different features but DENIES that the different features necessarily reflect incorporation of public feedback.

REQUEST NO. 35:

Admit that SC NAACP participated in the redistricting process in South Carolina by providing testimony to the Redistricting Ad Hoc Committee.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott lacks knowledge and familiarity to respond to whether the SC NAACP provided testimony to the Redistricting Ad Hoc Committee.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that its President provided testimony to the Redistricting Ad Hoc Committee but DENIES that SC NAACP was permitted to participate meaningfully in the redistricting process., and further DENIES that this participation means that any input from the SC NAACP or any other member of the public was actually incorporated into any enacted maps.

REQUEST NO. 36:

Admit that the public participated in the redistricting process in South Carolina by providing testimony to the Redistricting Ad Hoc Committee throughout the process.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Mr. Scott ADMITS that members of the public provided testimony to the Redistricting Ad Hoc Committee but DENIES that the public was permitted to participate meaningfully in the redistricting process, and further DENIES that this participation means that any input from any member of the public was actually incorporated into any enacted maps.

SPECIFIC RESPONSE OF SC NAACP:

SC NAACP ADMITS that members of the public provided testimony to the Redistricting Ad Hoc Committee, including the SC NAACP, but DENIES that the public was permitted to participate meaningfully in the redistricting process, and further DENIES that this participation

means that any input from any Chief member of the public was actually incorporated into any enacted maps.

REQUEST NO. 37:

Admit that an Equal Protection Clause analysis remains the same irrespective of the race burdened or benefitted by a particular statute, law, or decision.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal knowledge to truthfully admit or deny the request.

REQUEST NO. 38:

Admit that the maps submitted by SC NAACP prioritized race over traditional race-neutral considerations – such as compactness, contiguity, and respect for political subdivisions or communities.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the undefined terms in this request such as “prioritized race” or “traditional race-neutral considerations” or “compactness, contiguity, and respect for political subdivisions or communities.” Further, Mr. Scott is not familiar with the maps submitted by SC NAACP, and he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because the request includes undefined terms such as “prioritized race” and “traditional race-neutral considerations” and “compactness, contiguity, and respect for political subdivisions or communities.” Further, the SC NAACP lacks the legal and expert knowledge to respond to this request.

REQUEST NO. 39:

Admit that failure to maximize the number of majority-minority districts does not give rise to a violation of § 2 of the Voting Rights Act.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a

legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because this request does not define what a “majority-minority” district is or what it means to “maximize the number of majority-minority districts” and he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not define what a “majority-minority” district is or what it means to “maximize the number of majority-minority districts” and it requires legal and expert knowledge to respond.

REQUEST NO. 40:

Admit the redistricting plan enacted by H. 4493 increases the number of majority-minority House Districts as compared to if the prior enacted map had been used with the most recent Decennial Census P.L. 94-171 Redistricting Data.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or

deny the request because this request does not define what “majority-minority” is/means, he is not familiar with the prior enacted map or the recent Decennial Census P.L. 94-171 Redistricting Data, , he is not a lawyer or an expert familiar with the intricacies of redistricting and developing maps

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not define what “majority-minority” is/means, a response to this request requires legal and expert knowledge and familiarity with the intricacies of redistricting and developing maps. The SC NAACP is aware that the recently enacted House maps has a few more districts in which Black voters comprise the majority of House districts than the House plan proposed by the SC NAACP during the redistricting process but the Enacted plan has fewer districts overall that will allow Black voters the change to elect their preferred candidates than the SC NAACP proposed map.

REQUEST NO. 41:

Admit the redistricting plan enacted by H. 4493 provides for thirty (30) House Districts with a BVAP of 38% or greater.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because this request does not indicate what racial category is used to compute the BVAP indicated by this request, he is not familiar with the BVAP of each House District in

the plan enacted by H. 4493, and he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because House Defendants have not defined the term “BVAP” and so it is vague and ambiguous. The SC NAACP is willing to meet and confer regarding House Defendants’ understanding of “BVAP.”

REQUEST NO. 42:

Admit the redistricting plan enacted by H. 4493 limits the overall range of deviation from the ideal population to less than five percent, or a relative deviation in excess of plus or minus two and one-half percent for each South Carolina House District.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the overall range of deviation or the relative deviation for each South Carolina House District.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request, lacking knowledge about the specific under and over population permitted for each South Carolina House District. Based on the SC NAACP’s advocacy during the legislative process, the SC NAACP is aware that there was discussion about the appropriate

population deviation that the House plan should have and concerns that a low population deviation might harm Black voters because of a potential undercount of Black people by the Census.

REQUEST NO. 43:

Admit the redistricting plan enacted by H. 4493 is comprised of House Districts with contiguous territory when accepting that contiguity by water does not render the territory noncontiguous.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because this request does not define “contiguous” or “noncontiguous” or what “contiguity by water” means He is not a lawyer or expert familiar with the intricacies of redistricting and developing maps.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not define “contiguous” or “noncontiguous” or what “contiguity by water” means. This request also requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request.

REQUEST NO. 44:

Admit that the U.S. Supreme Court has not created a 10% maximum population deviation standard, below which all redistricting decisions are deemed constitutional.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer or expert familiar with the intricacies of redistricting and developing maps.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request.

REQUEST NO. 45:

Admit that voters are not limited to being part of only one community of interest.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or

deny the request because this request does not define what a “community of interest” is. Further, he is not a lawyer or expert familiar with the intricacies of redistricting and developing maps.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not define what a “community of interest” is. Further, this request requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request.

REQUEST NO. 46:

Admit that separating a group of voters who share a community of interest is not necessarily indicative of intentional dilution of the group’s voting strength.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because this request does not define what a “community of interest” is. Further, he is not a lawyer or expert familiar with the intricacies of redistricting and developing maps.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because this request does not define what a “community of interest” is. Further, this

request requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request.

REQUEST NO. 47:

Admit that the voting population in South Carolina is one in which race and political affiliation are highly correlated.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object on the ground that the undefined term “highly correlated” is vague and ambiguous.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not an attorney or expert or otherwise in possession of knowledge concerning the Request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal and expert knowledge. From a lay perspective, the SC NAACP is aware that there is a history that explains why certain racial groups align with certain political parties, Black voters typically vote for candidates from the Democratic party, there is a perception that Black voters typically support Democratic candidates, there are elections in which white voters fail to vote for Black candidates in any meaningful numbers regardless of their political affiliation.

REQUEST NO. 48:

Admit that incumbency protection can be a legitimate factor in districting.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer or expert familiar with the intricacies of redistricting and developing maps.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires legal knowledge and familiarity with the intricacies of redistricting and developing maps to truthfully admit or deny the request. The SC NAACP is aware that incumbent legislators may develop maps to protect their ability to be re-elected.

REQUEST NO. 49:

Admit that the intent of a single legislator is not properly imputed to the entire South Carolina Legislature.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing

Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App'x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires familiarity legal knowledge to truthfully admit or deny the request.

REQUEST NO. 50:

Admit that the U.S. Census Bureau’s release of Decennial Census P.L. 94-171 Redistricting Data was delayed by several months due, in part, to the COVID-19 pandemic.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the specific extent of delays in the release Decennial Census P.L. 94-171 Redistricting Data or the causes of such delays.

SPECIFIC RESPONSE OF SC NAACP:

The SC NAACP ADMITS that the Census Bureau released data later than in previous decades due in part to delays associated with the pandemic, but also attempts by the previous administration to not count all people in the decennial census, as well as underfund the decennial Census count, and the House Defendants delay in its consideration of the map. The SC NAACP DENIES that the delay in the Census Bureau's data release justifies the redistricting process or the resulting maps.

REQUEST NO. 51:

Admit that the U.S. Census Bureau released the Decennial Census P.L. 94-171 Redistricting Data in its final format on September 16, 2021.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

ADMIT.

SPECIFIC RESPONSE OF SC NAACP:

Admit. The SC NAACP admits that the Census Bureau did release two forms of data that included information about the racial makeup of South Carolina's population later than expected for various reasons such as the pandemic, but also attempts by the previous administration to not

count all people in the decennial census, as well as underfund the decennial Census count.

REQUEST NO. 52:

Admit that the federal district court in the District of South Carolina rejected racial discrimination claims asserted as to South Carolina’s state legislative and congressional redistricting plans put in place by enactment of the legislation comprising Act No. 72 of 2011 and Act No. 75 of 2011.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer. The decision in any such cases is the best indicator of the court’s view of the legality of those plans.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires familiarity legal knowledge to truthfully admit or deny the request. The decision in any such cases is the best indicator of the court’s view of the legality of those plans.

REQUEST NO. 53:

Admit that in 2012 the federal district court in the District of South Carolina concluded, and the U.S. Supreme Court affirmed, that South Carolina’s state legislative and congressional redistricting plans were constitutional.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it requests that Plaintiffs admit the truth of a legal conclusion. *See Adventis, Inc. v. Consol. Prop. Holdings, Inc.*, 124 F. App’x 169, 172 (4th Cir. 2005) (“Under Rule 36, the parties to litigation may request from their adversaries admissions regarding purely factual matters or the application of law to facts, but not matters of law.”) (citations omitted).

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not a lawyer. The decision in any such cases is the best indicator of the court’s view of the legality of those plans.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires familiarity legal knowledge to truthfully admit or deny the request. The decision in any such cases is the best indicator of the court’s view of the legality of those plans.

REQUEST NO. 54:

Admit that there is no express language showing discriminatory intent within the

text of H. 4493.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the full text of H. 4493. Mr. Scott further lacks the legal knowledge to truthfully admit or deny the request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires familiarity with the full text of Act No. 117 of 2021. The SC NAACP further lacks the legal knowledge to truthfully admit or deny the request.

REQUEST NO. 55:

Admit that there is no express language showing discriminatory intent within the text of Act No. 117 of 2021.

OBJECTION:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

After reasonable inquiry, Mr. Scott lacks sufficient information to truthfully admit or deny the request because he is not familiar with the full text of Act No. 117 of 2021. Mr. Scott further lacks the legal knowledge to truthfully admit or deny the request.

SPECIFIC RESPONSE OF SC NAACP:

After reasonable inquiry, the SC NAACP lacks sufficient information to truthfully admit or deny the request because it requires familiarity with the full text of Act No. 117 of 2021. The SC NAACP further lacks the legal knowledge to truthfully admit or deny the request.

Dated: February 2, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Christopher Bryant
Christopher Bryant

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-JMC-TJH-
RMG

**FIRST SET OF REQUESTS FOR
ADMISSION TO PLAINTIFFS BY
DEFENDANTS JAMES H. LUCAS,
CHRIS MURPHY, AND WALLACE H.
JORDAN**

Defendants James H. Lucas (in his official capacity as Speaker of the South Carolina House of Representatives), Chris Murphy (in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee), and Wallace H. Jordan (in his official capacity as

Chairman of the South Carolina House of Representatives Redistricting Ad Hoc Committee) (collectively, the “**House Defendants**”), by and through their undersigned counsel and pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby propound and serve the following Requests for Admission upon Plaintiff The South Carolina State Conference of the NAACP (“**SC NAACP**”) and Plaintiff Taiwan Scott (“**Plaintiff Scott**”) (collectively at times, “**Plaintiffs**”) to be answered separately, in writing, and under oath, within thirty (30) days from the date of service of these requests, and to supplement such answers as required by Rule 26(e) of the Federal Rules of Civil Procedure. Failure to respond or object to these requests within thirty (30) days of service shall constitute an admission to each request.

DEFINITIONS

1. The term “SC NAACP” refer to Plaintiff The South Carolina State Conference of the NAACP, its employees, agents, officers, directors, representatives, consultants, accountants, and attorneys or anyone purporting to act on SC NAACP’s behalf, including any person who served in any such capacity at any time during the relevant time period where specified.

2. The term “Plaintiff Scott” refers to Plaintiff Taiwan Scott, on behalf of himself and all other similarly situated persons.

3. The term “Plaintiffs” is a collective reference to SC NAACP and Plaintiff Scott.

4. The term “Complaint” refers to Plaintiffs’ Amended Complaint filed on December 23, 2021.

5. The term “Challenged Districts” refers to South Carolina House Districts 7, 8, 9, 11, 41, 43, 51, 54, 55, 57, 59, 60, 63, 67, 70, 72, 73, 74, 75, 76, 77 ,78, 79, 90, 91, 93, 101, and 105 in H. 4493 as identified in Paragraph 9 of the Complaint.

6. The terms “person” and “persons” include without limitation, natural persons, corporations, associations, unincorporated associations, partnerships, and any other governmental or non-governmental entity.

7. The terms “representative” and “representatives” mean a present and former director, officer, employee, agent, attorney, accountant, or any other person acting on behalf of the designated person.

8. The term “including” shall mean “including, but not limited to.”

9. “Documents” as used herein shall be construed to the full extent of Fed. R. Civ. P. 34, and shall include every original and every non-identical copy of any original of all mechanically written, handwritten, typed or printed material, electronically stored data, microfilm, microfiche, sound recordings, films, photographs, videotapes, slides, and other physical objects or tangible things of every kind and description containing stored information, including but not limited to, transcripts, letters, correspondence, notes, memoranda, tapes, records, telegrams, electronic mail, facsimiles, periodicals, pamphlets, brochures, circulars, advertisements, leaflets, reports, research studies, test data, working papers, drawings, maps, sketches, diagrams, blueprints, graphs, charts, diaries, logs, manuals, agreements, contracts, rough drafts, analyses, ledgers, inventories, financial information, bank records, receipts, books of account, understandings, minutes of meetings, minute books, resolutions, assignments, computer printouts, purchase orders, invoices, bills of lading, written memoranda or notes of oral communications, and any other tangible thing of whatever nature.

10. The terms “communication” and “communications” shall mean all meetings, interviews, conversations, conferences, discussions, correspondence, messages, telegrams, telefax, electronic mail, mailgrams, telephone conversations, and all oral, written, and electronic

expressions or other occurrences whereby thoughts, opinions, information, or data are transmitted between two or more persons.

11. The term “cracked” shall refer to the state of a voting district in which a group of voters are divided among multiple districts, so that they fall short of a majority in each.

12. The term “packed” shall refer to the state of a voting district in which a group of voters are highly concentrated, so they win that district by a large margin, “wasting” many votes that would improve their chances in others.

13. The term “BVAP” shall refer to Black voting-age percentage of voting-age population.

14. The words “and” and “or” shall be construed disjunctively or conjunctively to bring within the scope of each Interrogatory all responses which otherwise might be construed to be outside the scope of an interrogatory.

INSTRUCTIONS

1. Unless you properly object to a request, you must, under Federal Rule of Civil Procedure 36, admit, specifically deny, or state in detail why you cannot truthfully admit or deny each of the following requests based on knowledge and information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys. If you do not respond to each of these requests within thirty (30) days, the requests will be deemed admitted under Federal Rule of Civil Procedure 36.

2. If you object or refuse to answer any request for admission on the ground that the answer reflects or would reveal the substance of a confidential or privileged communication, identify:

- a. The nature of the privilege claimed;

- b. The person who made the communication, whether oral or in writing;
- c. If the communication was oral, all persons present while the communication was made;
- d. If the communication was written, the author, addressees, and any other recipients;
- e. The relationship of the author of the communication to each recipient;
- f. The relationship of the persons present to the person who made the communications;
- g. The date and place of the communication; and
- h. The general subject matter of the communication.

3. Unless otherwise specified, these requests for admission are limited to the relevant time period.

4. These requests for admission are continuing in nature. If you receive or otherwise become aware of information that would change your answer to any of these requests for admission after you have served your response, you must comply with Federal Rules of Civil Procedure 26(e) and 36(b) and Local Civ. Rule 5.01 (D.S.C.) by promptly supplementing your answers or filing the appropriate motion.

5. Answers to these requests for admission shall be served upon the undersigned attorneys within thirty (30) days of service of these requests.

REQUESTS FOR ADMISSION

- 1. Admit that SC NAACP is not a person.
- 2. Admit that SC NAACP is not a corporation.
- 3. Admit that SC NAACP is not a limited liability company.

4. Admit that SC NAACP is not a partnership.
5. Admit that SC NAACP is not an unincorporated association.
6. Admit that SC NAACP's Federal Employer Identification Number ("EIN") is 23-7028846.
7. Admit that SC NAACP's Federal EIN is 57-0327661.
8. Admit that SC NAACP is not a state subsidiary of an entity formed or organized in New York named the "National Association for the Advancement of Colored People".
9. Admit that Plaintiff Scott does not reside in any of the Challenged Districts.
10. Admit that Plaintiff Scott does not intend to file as a candidate for political office in South Carolina in 2022.
11. Admit that SC NAACP approached Plaintiff Scott to become a plaintiff in the instant matter.
12. Admit that SC NAACP has not identified an individual member or constituent that currently resides in each of the Challenged Districts in the Amended Complaint.
13. Admit that the allegations of the Amended Complaint do not identify any individual person who lives in each of the Challenged Districts.
14. Admit that democrats currently represent 13 of 14 of the most underpopulated voting districts in South Carolina's state legislative voting districts put in place by enactment of the legislation comprising Act No. 72 of 2011 and Act No. 75 of 2011.
15. Admit that an opportunity district in which Black voters would have the ability to influence elections could occur when BVAP < 30%.
16. Admit that false positives are possible when using statistical measures of compactness.

17. Admit that the House Defendants provided race-neutral explanations in its Motion to Dismiss, ECF No. 91, for actions the Plaintiffs allege in the Amended Complaint were predominately based on race.

18. Admit that there is no universally-accepted standard of statistical measure of compactness whereby a voting district is deemed not to be compact based on that statistical measure.

19. Admit that factors, such as geography, may make a voting district appear irregularly shaped.

20. Admit that voting districts need to be bizarrely shaped at time to be fair.

21. Admit that a voting district's bizarre shape can arise from a "political motivation."

22. Admit that any voting district line moved during the redistricting process necessarily increases the voting power of a voting bloc and dilutes the voting power of a competing voting bloc.

23. Admit that a voting district that has had its BVAP decreased through the redistricting process has not necessarily been "cracked."

24. Admit that a voting district that has had its BVAP increased through the redistricting process has not necessarily been "packed."

25. Admit that SC NAACP packed Black voters into House District 7 in the map that SC NAACP submitted to the Redistricting Ad Hoc Committee on October 8, 2021.

26. Admit that a voting district with a supermajority BVAP has not necessarily been "packed" by virtue of its supermajority BVAP.

27. Admit that evidence that Black voters constitute even a supermajority in one district while amounting to less than a plurality in a neighboring district will not, by itself, suffice to prove

that South Carolina considerations of race predominated the drawing of the district lines when the evidence also shows a high correlation between race and party preference.

28. Admit that White voters have the right to not have their votes intentionally diluted.

29. Admit that Hispanic voters have the right to not have their votes intentionally diluted.

30. Admit that the Redistricting Ad Hoc Committee and the Judiciary Committee provided at least 24-hours' notice before conducting each and every redistricting-related hearing and meeting in 2021.

31. Admit that the allegations of the Amended Complaint do not specifically identify any individual Plaintiff (i.e., a person) who has been personally subjected to a racial classification in each of the Challenged Districts.

32. Admit that the House Defendants considerations of race are not prohibited in redistricting decisions.

33. Admit that the Redistricting Ad Hoc Committee accepted input from the public through electronic and hard copy means.

34. Admit that the Redistricting Ad Hoc Committee posted to the South Carolina House of Representatives Redistricting 2021 website at least one map that evidenced a change coinciding with feedback received from the public.

35. Admit that SC NAACP participated in the redistricting process in South Carolina by providing testimony to the Redistricting Ad Hoc Committee.

36. Admit that the public participated in the redistricting process in South Carolina by providing testimony to the Redistricting Ad Hoc Committee throughout the process.

37. Admit that an Equal Protection Clause analysis remains the same irrespective of the race burdened or benefitted by a particular statute, law, or decision.

38. Admit that the maps submitted by SC NAACP prioritized race over traditional race-neutral considerations – such as compactness, contiguity, and respect for political subdivisions or communities.

39. Admit that failure to maximize the number of majority-minority districts does not give rise to a violation of § 2 of the Voting Rights Act.

40. Admit the redistricting plan enacted by H. 4493 increases the number of majority-minority House Districts as compared to if the prior enacted map had been used with the most recent Decennial Census P.L. 94-171 Redistricting Data.

41. Admit the redistricting plan enacted by H. 4493 provides for thirty (30) House Districts with a BVAP of 38% or greater.

42. Admit the redistricting plan enacted by H. 4493 limits the overall range of deviation from the ideal population to less than five percent, or a relative deviation in excess of plus or minus two and one-half percent for each South Carolina House District.

43. Admit the redistricting plan enacted by H. 4493 is comprised of House Districts with contiguous territory when accepting that contiguity by water does not render the territory noncontiguous.

44. Admit that the U.S. Supreme Court has not created a 10% maximum population deviation standard, below which all redistricting decisions are deemed constitutional.

45. Admit that voters are not limited to being part of only one community of interest.

46. Admit that separating a group of voters who share a community of interest is not necessarily indicative of intentional dilution of the group's voting strength.

47. Admit that the voting population in South Carolina is one in which race and political affiliation are highly correlated.

48. Admit that incumbency protection can be a legitimate factor in districting.

49. Admit that the intent of a single legislator is not properly imputed to the entire South Carolina Legislature.

50. Admit that the U.S. Census Bureau's release of Decennial Census P.L. 94-171 Redistricting Data was delayed by several months due, in part, to the COVID-19 pandemic.

51. Admit that the U.S. Census Bureau released the Decennial Census P.L. 94-171 Redistricting Data in its final format on September 16, 2021.

52. Admit that the federal district court in the District of South Carolina rejected racial discrimination claims asserted as to South Carolina's state legislative and congressional redistricting plans put in place by enactment of the legislation comprising Act No. 72 of 2011 and Act No. 75 of 2011.

53. Admit that in 2012 the federal district court in the District of South Carolina concluded, and the U.S. Supreme Court affirmed, that South Carolina's state legislative and congressional redistricting plans were constitutional.

54. Admit that there is no express language showing discriminatory intent within the text of H. 4493.

55. Admit that there is no express language showing discriminatory intent within the text of Act No. 117 of 2021.

s/ Mark C. Moore

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January 19, 2022
Columbia, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

s/ Mark C. Moore
Mark C. Moore

Exhibit E

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as
Chairman of the Senate Judiciary Committee;
JAMES H. LUCAS, in his official capacity as
Speaker of the House of Representatives;
CHRIS MURPHY, in his official capacity as
Chairman of the House of Representatives
Judiciary Committee; WALLACE H.
JORDAN, in his official capacity as
Chairman of the House of Representatives
Elections Law Subcommittee; HOWARD
KNAPP, in his official capacity as interim
Executive Director of the South Carolina
State Election Commission; JOHN WELLS,
Chair, JOANNE DAY, CLIFFORD J.
EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

**Case No. 3-21-cv-03302-JMC-
TJH-RMG**

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO DEFENDANT
JAMES H. LUCAS, CHRIS
MURPHY, AND WALLACE H.
JORDAN'S FIRST SET OF
INTERROGATORIES TO
PLAINTIFF SOUTH CAROLINA
STATE CONFERENCE OF THE
NAACP**

Pursuant to Rules 26 and 33 of the Federal Rule of Civil Procedure, the South Carolina State Conference of the NAACP (“SC NAACP”) hereby objects and responds to Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan’s (“House Defendants”) First Set of Interrogatories (the “Interrogatories”).

PRELIMINARY STATEMENT

Collectively, Plaintiff’s objections contained herein and the forthcoming substantive responses (“Objections and Responses”) are based on information reasonably available to Plaintiff at this time. Plaintiff reserves the right to amend and/or supplement their Objections and Responses based on new information obtained in discovery or otherwise in the course of this action.

Information contained in any Objections and Responses pursuant to these Interrogatories is not an admission or acknowledgement by Plaintiff that such information is relevant to any claim or defense in this action; is without prejudice to Plaintiff’s right to contend at any trial or in any other proceeding, in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and is without prejudice to or waiver of any objection to any future use of such information.

Specific objections to each separate Interrogatory are made below. Additionally, Plaintiff makes certain continuing objections to the Interrogatories, also listed below (“Continuing Objections”). These Continuing Objections, including with respect to the definitions and instructions, are incorporated by reference into all of the responses made with respect to each separate Interrogatory. Plaintiff’s response to each individual Interrogatory is submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection in any response

below is neither intended as, nor shall in any way be deemed, a waiver of any Continuing Objection or of any other specific objection made herein or that may be asserted at a later date.

CONTINUING OBJECTIONS

Plaintiff incorporates each of the following Continuing Objections in its response to each Interrogatory. In addition to these Continuing Objections, Plaintiff may also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all the Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict its Continuing Objections.

1. Plaintiff objects to each Interrogatory to the extent it imposes on Plaintiff any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable order of the Court.

2. Plaintiff objects to each Definition, Instruction, or Interrogatory to the extent it seeks production of documents or information subject to the attorney-client privilege, the work-product protection doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law. Each Interrogatory has been read to exclude discovery of such privileged information. Inadvertent production of any such information does not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information or document, nor does inadvertent production waive the right of Plaintiff to object to the use of any such information in any proceeding.

3. Plaintiff objects to each Interrogatory to the extent it seeks information that is not relevant to any party's claims or defenses. *See* Rule 26(b)(1).

4. Plaintiff objects to each Interrogatory to the extent it is not proportional to the needs of the case, "considering the importance of the issues at stake in the action . . . the parties'

relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." *See* Rule 26(b)(1).

5. Plaintiff objects to each Interrogatory to the extent it seeks discovery of electronically stored information that is not reasonably accessible due to undue burden or cost, in violation of Rule 26(b)(2)(B).

6. Plaintiff objects to each Interrogatory to the extent that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control.

7. Plaintiff objects to each Interrogatory to the extent it seeks a legal conclusion or requires Plaintiff to formulate a legal conclusion to fully respond.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS' INSTRUCTIONS

1. Plaintiff objects to Instructions 1-8 to the extent they impose on Plaintiff any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable Order of the Court or agreement between the parties.

2. Plaintiff objects to Instruction 6 to the extent that it purports to impose upon Plaintiff any obligations that are broader than or inconsistent with the Federal Rules or any Order of this Court. Plaintiff will log privileged documents in accordance with their obligations under the Federal Rules or agreement between the parties.

3. Plaintiff objects to the definitions in Instruction 8 to the extent they render each Interrogatory irrelevant, vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS' DEFINITIONS

By submitting these Objections and Responses, Plaintiff does not adopt House Defendants' purported definition of words and phrases contained in the Instructions to House Defendants' Interrogatories. Plaintiff interprets all words contained in the Interrogatories in accordance with their ordinary and customary meanings.

1. Plaintiff objects to the definitions "you" and "your" on the ground that they purport to require Plaintiff to produce information outside its knowledge, possession, custody, or control. Plaintiff objects to the definitions of "you" and "your" to the extent they purport to request information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. For purposes of these Objections and Responses, Plaintiff responds only on behalf of the SC NAACP.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who you believe has knowledge of facts relevant to any of the allegations in the Complaint or any of the defenses raised by the House Defendants, and describe in detail your understanding of the facts of which they have knowledge.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiff objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify "each person who you believe has knowledge of facts relevant to any of the allegations" in the Complaint or any of the defenses raised by House Defendants, and to "describe in detail" the facts of which they have knowledge. Plaintiff objects to this Interrogatory to the extent it

seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows: SC NAACP identifies the following individual who may have information with respect to SCNAACP's claims in this action:

1. Individuals and subchapters identified as Plaintiffs in this action and individuals and subchapters affiliated with Plaintiffs SC NAACP and Taiwan Scott who have general knowledge or information regarding (i) South Carolina's redistricting process and the state's history of redistricting; and (ii) South Carolina's voting population, including voting patterns and demographics, including, and who maybe contacted through Plaintiffs' undersigned counsel:
 - a. Executive leadership of the South Carolina State Conference of the NAACP, including Brenda Murphy, President; and
 - b. Taiwan Scott.
2. Individuals identified as Defendants in this action, who have general knowledge or information regarding (i) South Carolina's redistricting process and the state's history of redistricting; and (ii) South Carolina's voting population, including voting patterns and demographics, including, and who maybe contacted through Plaintiffs' undersigned counsel, including:
 - a. Henry D. McMaster, in his official capacity as Governor of South Carolina;
 - b. Thomas C. Alexander, in his official capacity as Chairman of the Senate Judiciary Committee;
 - c. Luke A. Rankin, in his official capacity as Chairman of the Senate Judiciary Committee;
 - d. Representative James H. Lucas, in his official capacity as Speaker of the South Carolina House of Representatives;
 - e. Chris Murphy, in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee;

- f. Representative Wallace H. Jordon, in his official capacity as Chairman of the South Carolina House of Representatives Elections Law Subcommittee;
 - g. Howard Knapp, in his official capacity as interim Executive Director of the South Carolina State Election Commission;
 - h. John Wells in his official capacity as a member of the South Carolina State Election Commission;
 - i. Joanne Day in her official capacity as a member of the South Carolina State Election Commission;
 - j. Clifford J. Edler in his official capacity as member of the South Carolina State Election Commission;
 - k. Linda McCall in her official capacity as a member of the South Carolina State Election Commission; and
 - l. Scott Moseley in his official capacity as member of the South Carolina State Election Commission.
3. Members of the South Carolina State House of Representatives, 223 Blatt Building, 1105 Pendleton Street, Columbia, SC 29201, who may have information regarding the South Carolina redistricting process and the South Carolina voting population, including, but not limited to:
- a. Representative Justin T. Bamberg;
 - b. Representative Beth E. Bernstein;
 - c. Representative Wendy C. Brawley;
 - d. Representative Neal A. Collins;
 - e. Representative Jason Elliot;
 - f. Representative Jerry N. Govan, Jr.;
 - g. Representative John Richard C. King;
 - h. Representative Patricia Moore Henegan; and
 - i. Representative Wm. Weston J. Newton.
4. Staff members for the South Carolina State House of Representatives, including but not limited to, staff members for the Judiciary Committee, Elections Law Subcommittee, and House Redistricting Ad Hoc Committee who may have information regarding: (i) the 2020 South Carolina redistricting process; (ii) South Carolina's history of redistricting; (iii) the district map drawn for the South Carolina State House of Representatives; and (iv) South Carolina's voting population, including, but not limited to:
- a. Patrick Dennis, General Counsel/Chief of Staff to Speaker Lucas

- b. Thomas Hauger, Sarah Grace Williamson, Joleigh “Eliza” Deguit, Megan Goyak, Daniel Ingley, and Sebastian Bass
5. Third-party organizations focused on redistricting, including their members, employees, and agents, who may have information regarding the redistricting process in South Carolina, including, but not limited to:
 - a. Adam Kincaid, Executive Director, the National Republican Redistricting Trust, 1750 Tysons Boulevard, Suite 1500, McLean, VA, 22102, (703) 245-8020;
 - b. Lynn Teague, Vice President for Issues and Action, League of Women Voters of South Carolina, PO Box 845, Columbia, SC 29202, (803) 556-9802; and
 - c. Frank Rainwater, Executive Director, South Carolina Revenue and Fiscal Affairs Office, 100 Assembly Street, Rembert Dennis Building, Suite 421, Columbia, SC 29201, (803) 734-3793.
6. Expert witnesses, who have information regarding the manner in which the House district map was drawn and the voting population within each drawn district, identified or to be identified pursuant to the Court’s Scheduling Order regarding expert discovery.
7. Any other witnesses identified by any party in this litigation in initial disclosures or in any other discovery responses.

President Murphy should be contacted through counsel for Plaintiffs in this action.

SC NAACP further states that Defendants (and their employees, agents, and representatives) and all other witnesses who have been previously identified in this action have knowledge of facts with respect to this lawsuit.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 2:

Identify each person that assisted or participated in the drafting, review or editing of the letters submitted to one or more of the House Defendants during the 2021 redistricting cycle on which you are a signatory party, and for each such person, describe in detail the manner of assistance or participation.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “each person that assisted or participated in the drafting, review or editing of the letters submitted to one or more of the House Defendants during the 2021 redistricting cycle on which you are a signatory party” and to “describe in detail the manner of assistance or participation.” Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

As Defendants are aware, on October 8, 2021, the SC NAACP submitted one proposed state House map to the House during the redistricting cycle which was developed in consultation with the undersigned counsel for the SC NAACP and feedback from organizational leadership like executive members and/or Branch presidents. Accompanying that House map, and in addition to it, the SC NAACP submitted letters or provided verbal or written testimony in consultation with the undersigned counsel for the SC NAACP and feedback from organizational leadership like executive members and/or Branch presidents before the House committees considering redistricting both before, during, and after the Legislature considered state House maps, including on:

- August 9, 2021 to the SC House Redistricting Ad Hoc Committee
(<https://www.naacpldf.org/news/ldf-sends-letter-to-the-south-carolina-house->

redistricting-ad-hoc-committee-about-their-obligations-under-section-2-of-the-voting-rights-act-and-the-constitution/)

- August 30, 2021 to the SC House Redistricting Ad Hoc Committee
(<https://www.naacpldf.org/wp-content/uploads/Follow-Up-Letter-to-SC-House-Redistricting-Ad-Hoc-Committee-8-30-21.pdf>)
- September 27, 2021 to the SC House Redistricting Ad Hoc Committee
(<https://www.naacpldf.org/news/ldf-sends-follow-up-letters-to-south-carolina-house-and-senate-redistricting-subcommittees-urging-transparency-in-the-redistricting-process/>)
- November 10, 2021 to the SC House Redistricting Ad Hoc Committee
(<https://www.naacpldf.org/news/ldf-submits-testimony-to-south-carolina-house-and-senate-redistricting-subcommittees/>)
- November 15, 2021 to the House Redistricting Ad Hoc Committee
(<https://www.naacpldf.org/news/ldf-submits-testimony-to-south-carolina-house-and-senate-redistricting-subcommittees/>)
- November 30, 2021 to the SC House (<https://www.naacpldf.org/news/ldf-sends-letters-to-the-south-carolina-association-of-counties-and-house-judiciary-committee-concerning-redistricting/>)

Members of the undersigned counsel for SC NAACP provided draft letters and testimony to SC NAACP who reviewed, provided comments, and also delivered comments and testimony.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 3:

Describe in detail all communications you have had with any other party, consultant, expert, technical advisor, or other similar person connected in any way to this litigation regarding

redistricting matters in South Carolina.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “[d]escribe in detail all communications you have had with any other party, consultant, expert, technical advisor, or other similar person connected in any way to this litigation regarding redistricting matters in South Carolina.” Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

The SC NAACP has not hired any expert or technical advisor to develop the map it proposed to the House. It has from time to time consulted with Dr. John Ruoff about the House redistricting process. The SC NAACP has regularly engaged with its organizational leadership (e.g., executive leadership and Branch presidents), members, and constituents regarding the House redistricting process and proposed maps. It has also engaged with members of the Legislature, including by providing written and verbal testimony to the various committees. It also regularly engaged with a coalition of SC partners like the SC League of Women Voters, SC AFL-CIO, SC National Action Network, SC Southern Christian Leadership Conference, and SC Progressive Network to discuss and strategize about the post 2020 redistricting process and proposed state House maps. The SC NAACP has engaged with undersigned counsel to understand, strategize, provide written comments and testimony and review proposed

redistricting maps for the state House to ensure that state House maps do not discriminate against Black voters.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 4:

Provide a list or otherwise identify by name and address all “members and constituents” of SC NAACP as described in the Complaint and specifically identify for each person which House District he/she/they lives in.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “identify by name and address all ‘members and constituents’ of SC NAACP.” SC NAACP further objects to this Interrogatory to the extent it seeks disclosure of the identity of its membership or volunteers that is protected by *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly), or that otherwise infringes upon SC NAACP’s or its members’ or volunteers’ right to privacy under federal, state, and any other applicable laws. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

The NAACP has a long history of being the target of racist attacks as a result of its

advocacy for people of color and its fight against segregation and white supremacy both in South Carolina and across the South. After its successful role in *Brown v. Board of Education*, the state of South Carolina “resisted desegregation” and “orchestrated the effective banishment of the organization . . . using old laws aimed to combat the Ku Klux Klan and other white supremacist groups, and using alterations of old barratry and champerty laws.” Bagley Expert Report at 5. In furtherance of its goal to undermine and weaken the mission of the NAACP, the state of South Carolina “called on the NAACP to produce membership rolls.” *Id.* The NAACP refused to follow the state’s directive “knowing that this would form the basis for economic reprisal.” *Id.* at 5-6. As a result of the NAACP’s refusal to produce membership rolls, the state of South Carolina, “charged the organization with being a foreign corporation that had not met the requirements for doing business in the state as such and had been instead soliciting plaintiffs.” *Id.* at 6. Due to this, “[a] state court imposed a fine that the organization could not hope to pay and refused it the administrative means to rectify the situation even if it could.” *Id.* In light of similar actions taken by Southern states, the Supreme Court held in *NAACP v. Alabama* that “[c]ompell[ing] [the] disclosure of membership in an organization engaged in advocacy of particular beliefs” would violate the NAACP’s constitutional right to freedom of assembly. 357 U.S. 449, 462 (1958). Due to this disconcerting history of retaliation against the NAACP by state of South Carolina, including the House Defendants’ predecessors, vis-à-vis having possession of the names of the NAACP’s members and constituents, the NAACP declines to provide a list of its members and constituencies to the House Defendants at this time.

Moreover, consistent with the First Amended Complaint, the SC NAACP is a statewide nonprofit, nonpartisan membership civil rights organization. It has 77 branches of adult members

across South Carolina, including at least one branch in each of the state's 46 counties.¹ Together, the South Carolina NAACP has more than 13,000 members across all 46 counties, who are predominantly but not exclusively Black people. Its membership also includes other racial and ethnic minority residents, as well white South Carolinians. The SC NAACP's members include registered voters in the Challenged Districts.

SC NAACP is willing to meet and confer concerning the scope of this Interrogatory and the specific information sought by House Defendants.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 5:

Describe in detail each conversation, discussion, meeting, call, conference, or any other similar encounter you have had with each of your members and/or constituents that reside in any of the Challenged Districts.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require

Plaintiff to “[d]escribe in detail each conversation, discussion, meeting, call, conference, or any

¹ The SC NAACP is a “state wide political caucus” that “the purpose of endorsing candidates for political office who will be responsible to the needs of the blacks and other minorities and poor people.” *Ala. Legislative Black Caucus v. Alabama*, 575 U.S. 254, 269-70 (2015) (citations, internal quotations, internal edits omitted). These statements “support an inference that the organization has members in all of the State’s majority-minority districts, other things being equal, which is sufficient to meet the Conference’s burden of establishing standing. That is to say, it seems highly likely that a ‘statewide’ organization with members in ‘almost every county,’ the purpose of which is to help ‘blacks and other minorities and poor people,’ will have members in each majority-minority district.” *Id.* at 270.

other similar encounter you have had with each of your members and/or constituents that reside in any of the Challenged Districts,” including without regard to the subject matter of this action. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

As part of its organizational mission and regular functions, the SC NAACP regularly communicates and meets with its organizational executive leadership, leadership of its Branches, members, and constituents to discuss a variety of issues that impact Black people and other people who have been historically discriminated against—by government and private entities—and continue to be discriminated against into the present in South Carolina. These communications involve issues of education, housing, health care access, political participation, police reform, business development, transportation and infrastructure access, access to land ownership, and more.

SC NAACP is willing to meet and confer concerning the scope of this Interrogatory and the specific information sought by House Defendants.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 6:

Describe in detail all facts that form the basis by which you determined that 37.53% is sufficient to elect or influence the election of a Black-preferred candidate in your proposed House District 7, including any communications, documents, analyses, reports, or any other material.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to describe “all facts” that form the basis for the determination that 37.53% is sufficient to elect or influence the election of a Black-preferred candidate in proposed House District 7, “including any communications, documents, analyses, reports, or any other material.” Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff’s knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

SC NAACP refers House Defendants to the First Amended Complaint, specifically paragraphs 112-23, and the expert reports submitted by Drs. Duchin (Section 4.1), Liu (e.g., Parts IV, V VI.2 (pp. 10-12)), and Ragusa (Section #4). Having the BVAP in House District 7 at 37.5% “provides that Black voters have a chance of electing or influencing the election of the candidate of their choice.” First Am. Compl. ¶ 117.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 7:

Describe in detail all facts that form the basis by which you determined that Black voters are unnecessarily packed into each of these House Districts: 51, 59, 70, 73, 74, 76, 77, 79, 90,

101.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to detail “all facts” that form the basis for the determination that Black voters are unnecessarily packed into House Districts: 51, 59, 70, 73, 74, 76, 77, 79, 90, 101. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff’s knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

SC NAACP refers House Defendants to the First Amended Complaint and the expert reports submitted by Drs. Duchin, Imai, Liu, Ragusa, and Bagley.

| Cluster | Complaint | Expert Reports |
|--|------------------|---|
| State House District 51 (Sumter County) | ¶¶ 129-33 | Imai Section V.B Liu p. 13 Duchin Section 4.3 Ragusa Section #2 Bagley pp. 10-11, 16-19 |
| State House Districts 59 and 101 (Florence County and Williamsburg County) | ¶¶ 141-47 | Imai Section V.E Liu pp. 14-15 Duchin Section 4.5 Ragusa Section #2 Bagley pp. 10-11, 16-19 |
| State House Districts 70, 73, 74, 76, 77, 79 (Richland | ¶¶ 148-54 | Imai Section V.F Liu pp. 15-16 |

| | | |
|---|-----------|---|
| County) | | Duchin Section 4.6 Ragusa Section #2 Bagley pp. 10-11, 16-19 |
| State House Districts 90 (Orangeburg County) | ¶¶ 155-59 | Imai Section V.D Liu pp. 16-17 Duchin Section 4.7 Ragusa Section #2 Bagley pp. 10-11, 16-19 |

Fact evidence and witness testimony will be disclosed consistent with the case scheduling order and at trial.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 8:

Describe in detail all factors, beginning with the predominant factor, that resulted in the proposed House District 7 set forth in the Complaint, and explain how race is not the predominant factor. Include in your response all communications, documents, analyses, reports, or any other material that corroborates your response.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

The SC NAACP considered the following criteria when proposing House District 7: the U.S. Constitution; federal law; 2020 Census data, including racial demographic data; recent statewide and county-level voting patterns, including racially polarized voting patterns; how past and newly proposed districts may perform for voters; communities of interest and other redistricting principles like contiguity, compactness, and any incumbent protection; and, incorporation of community members' feedback. Answering further, SC NAACP refers House Defendants to the Amended Complaint, specifically paragraphs 112-119, 121-23, and the expert reports submitted by Drs. Duchin (Section 4.1), Imai (Section V.C), Liu (e.g., Parts IV, V VI.2 (pp. 10-12)), and Ragusa (Section #1).

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 9:

Identify each and every person involved in drawing the map presented in the Amended Complaint and who were involved in making decisions regarding the placement of district lines.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “each and every person involved in drawing the map presented in the Amended Complaint and who were involved in making decisions regarding the placement of district lines.” Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable

privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

The First Amended Complaint does not contain a map as described by this Interrogatory. SC NAACP is willing to meet and confer concerning the scope of this Interrogatory and the specific information sought by House Defendants.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 10:

Describe in detail the criteria used to draw each map that you submitted or caused to be submitted to the Redistricting Ad Hoc Committee of the House of Representatives and the Court, which includes describing for each map, separately, the criteria used to draw each map. Such criteria would include, but not be limited to, criteria related to pairing incumbents.

RESPONSE TO INTERROGATORY NO. 10:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information

that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

As conveyed in the submission letter to House (<https://www.naacpldf.org/wp-content/uploads/Letter-to-H-Redistricting-Ad-Hoc-Comm-Submitting-Congressional-and-House-Maps-10-8-21.pdf>), the SC NAACP considered the following criteria when drawing maps for the Redistricting Ad Hoc Committee of the House of Representatives: the U.S. Constitution; federal law; 2020 Census data, including racial demographic data; recent statewide and county-level voting patterns, including racially polarized voting patterns; how past and newly proposed districts may perform for voters; communities of interest and other redistricting principles like contiguity, compactness, and any incumbent protection; and, incorporation of community members' feedback.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

INTERROGATORY NO. 11:

Describe in detail the organization of the “South Carolina State Conference of the NAACP,” including, but not limited to, the date of formation or organization, whichever is applicable, and under which National Association for the Advancement of Colored People corporate entity (please include the legal name of that entity and the State where that entity was formed or organized) is the “South Carolina State Conference of the NAACP” aligned.

RESPONSE TO INTERROGATORY NO. 11:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to “in

detail” the organization of the “South Carolina State Conference of the NAACP.

Subject to and without waiving the foregoing objections, SC NAACP answers as follows:

SC NAACP is a 501(c)(4) organization. The SC NAACP is a state subsidiary of the National Association for the Advancement of Colored People (“NAACP”), which was founded in 1909. The NAACP is the nation’s largest and oldest civil rights grassroots organization. The NAACP is organized into state or state area and local units, known as conferences, chapters and branches, all of which are part of the NAACP. Every member of a state or local unit is also a member of the NAACP. The South Carolina NAACP, a state conference of the NAACP, was chartered in 1939 and is the oldest civil rights group in South Carolina.

Plaintiff reserves the right to amend and/or supplement its response to this Interrogatory.

Dated: February 2, 2022

Respectfully submitted,

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Stuart Naifeh**
Raymond Audain**
John S. Cusick**
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Christopher Bryant
Christopher Bryant

Exhibit F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as
Chairman of the Senate Judiciary Committee;
JAMES H. LUCAS, in his official capacity as
Speaker of the House of Representatives;
CHRIS MURPHY, in his official capacity as
Chairman of the House of Representatives
Judiciary Committee; WALLACE H.
JORDAN, in his official capacity as
Chairman of the House of Representatives
Elections Law Subcommittee; HOWARD
KNAPP, in his official capacity as interim
Executive Director of the South Carolina
State Election Commission; JOHN WELLS,
Chair, JOANNE DAY, CLIFFORD J.
EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

**Case No. 3-21-cv-03302-JMC-
TJH-RMG**

**PLAINTIFF TAIWAN SCOTT'S
OBJECTIONS AND RESPONSES
TO DEFENDANTS JAMES H.
LUCAS, CHRIS MURPHY, AND
WALLACE H. JORDAN'S FIRST
SET OF INTERROGATORIES TO
PLAINTIFF TAIWAN SCOTT**

Pursuant to Rules 26 and 33 of the Federal Rule of Civil Procedure, Plaintiff Taiwan Scott hereby objects and responds to Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan's ("House Defendants") First Set of Interrogatories (the "Interrogatories").

PRELIMINARY STATEMENT

Collectively, Plaintiff's objections contained herein and in the forthcoming substantive responses ("Objections and Responses") are based on information reasonably available to Plaintiff at this time. Plaintiff reserves the right to amend and/or supplement his Objections and Responses based on new information obtained in discovery or otherwise in the course of this action.

Information contained in any Objections and Response pursuant to these Interrogatories is not an admission or acknowledgement by Plaintiff that such information is relevant to any claim or defense in this action; is without prejudice to Plaintiff's right to contend at any trial or in any other proceeding, in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and is without prejudice to or waiver of any objection to any future use of such information.

Specific objections to each separate Interrogatory are made below. Additionally, Plaintiff makes certain continuing objections to the Interrogatories, also listed below ("Continuing Objections"). These Continuing Objections, including with respect to the definitions and instructions, are incorporated by reference into all of the responses made with respect to each separate Interrogatory. Plaintiff's response to each individual Interrogatory is submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection in any response below is neither intended as, nor shall in any way be deemed, a waiver of any Continuing

Objection or of any other specific objection made herein or that may be asserted at a later date.

CONTINUING OBJECTIONS

Plaintiff incorporates each of the following Continuing Objections in its response to each Interrogatory. In addition to these Continuing Objections, Plaintiff may also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all the Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict its Continuing Objections.

1. Plaintiff objects to each Interrogatory to the extent it imposes on Plaintiff any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable order of the Court.

2. Plaintiff objects to each Definition, Instruction, or Interrogatory to the extent it seeks production of documents or information subject to the attorney-client privilege, the work-product protection doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law. Each Interrogatory has been read to exclude discovery of such privileged information. Inadvertent production of any such information does not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information or document, nor does inadvertent production waive the right of Plaintiff to object to the use of any such information in any proceeding.

3. Plaintiff objects to each Interrogatory to the extent it seeks information that is not relevant to any party's claims or defenses. *See* Rule 26(b)(1).

4. Plaintiff objects to each Interrogatory to the extent it is not proportional to the needs of the case, "considering the importance of the issues at stake in the action . . . the parties' relative access to relevant information, the parties' resources, the importance of the discovery in

resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *See* Rule 26(b)(1).

5. Plaintiff objects to each Interrogatory to the extent it seeks discovery of electronically stored information that is not reasonably accessible due to undue burden or cost, in violation of Rule 26(b)(2)(B).

6. Plaintiff objects to each Interrogatory to the extent that it seeks information that is outside Plaintiff’s knowledge, possession, custody, or control.

7. Plaintiff objects to each Interrogatory to the extent it seeks a legal conclusion or requires Plaintiff to formulate a legal conclusion to fully respond.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS’ INSTRUCTIONS

1. Plaintiff objects to Instructions 1-10 to the extent they impose on Plaintiff any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable Order of the Court or agreement between the parties.

2. Plaintiff objects to Instructions 2, 5, 6 on the ground that they purport to impose obligations that are inconsistent with or beyond those imposed by Federal Rule of Civil Procedure 33.

3. Plaintiff objects to Instruction 7 to the extent that it purports to impose upon Plaintiffs any obligations that are broader than or inconsistent with the Federal Rules or any Order of this Court. Plaintiffs will log privileged documents in accordance with their obligations under the Federal Rules or agreement between the parties

4. Plaintiff objects to the definitions in Instruction 9 to the extent they render each Interrogatory irrelevant, vague and ambiguous, overly broad, unduly burdensome, and not

proportional to the needs of the case.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS' DEFINITIONS

By submitting these Objections and Responses, Plaintiff does not adopt House Defendants' purported definition of words and phrases contained in the Instructions to House Defendants' Interrogatories. Plaintiff interprets all words contained in the Interrogatories in accordance with their ordinary and customary meanings.

1. Plaintiff objects to the definitions "you", "your", and "Scott" on the ground that they are overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to respond on behalf of "all other similarly situated persons, any representatives, consultants, accountants, and attorneys or anyone purporting to act on Scott's behalf, including any person who served in any such capacity at any time during the relevant time period where specified." Plaintiff objects to the definitions of "you", "your", and "Scott" on the ground that they purport to require Plaintiff to produce information outside his knowledge, possession, custody, or control. Plaintiff objects to the definitions of "you", "your", and "Scott" to the extent they purport to request information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. For purposes of these Objections and Responses, Plaintiff responds only on his own behalf.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who you believe has knowledge of facts relevant to any of the allegations in the Complaint or any of the defenses raised by the House Defendants, and describe in detail your understanding of the facts of which they have knowledge.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “each person who you believe has knowledge of facts relevant to any of the allegations” in the Complaint or any of the defenses raised by House Defendants, and to “describe in detail” the facts of which he has knowledge. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff’s knowledge, possession, custody, or control. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott refers House Defendants to, and incorporates by reference, Plaintiffs’ initial disclosures. Persons who may have knowledge of facts relevant to Plaintiffs’ allegations or House Defendants’ defenses include:

1. Individuals and subchapters identified as Plaintiffs in this action and individuals and subchapters affiliated with Plaintiffs SC NAACP and Taiwan Scott who have general knowledge or information regarding (i) South Carolina’s redistricting process and the state’s history of redistricting; and (ii) South Carolina’s voting population, including voting patterns and demographics, including, and who maybe contacted through Plaintiffs’ undersigned counsel, including:
 - a. Executive leadership of the South Carolina State Conference of the NAACP, including Brenda Murphy, President; and
 - b. Taiwan Scott.

2. Individuals identified as Defendants in this action, who have general knowledge or information regarding (i) South Carolina's redistricting process and the state's history of redistricting; and (ii) South Carolina's voting population, including voting patterns and demographics, including, and who may be contacted through Plaintiffs' undersigned counsel:
 - a. Henry D. McMaster, in his official capacity as Governor of South Carolina;
 - b. Thomas C. Alexander, in his official capacity as Chairman of the Senate Judiciary Committee;
 - c. Luke A. Rankin, in his official capacity as Chairman of the Senate Judiciary Committee;
 - d. Representative James H. Lucas, in his official capacity as Speaker of the South Carolina House of Representatives;
 - e. Chris Murphy, in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee;
 - f. Representative Wallace H. Jordon, in his official capacity as Chairman of the South Carolina House of Representatives Elections Law Subcommittee;
 - g. Howard Knapp, in his official capacity as interim Executive Director of the South Carolina State Election Commission;
 - h. John Wells in his official capacity as a member of the South Carolina State Election Commission;
 - i. Joanne Day in her official capacity as a member of the South Carolina State Election Commission;
 - j. Clifford J. Edler in his official capacity as member of the South Carolina State Election Commission;
 - k. Linda McCall in her official capacity as a member of the South Carolina State Election Commission; and
 - l. Scott Moseley in his official capacity as member of the South Carolina State Election Commission.
3. Members of the South Carolina State House of Representatives, 223 Blatt Building, 1105 Pendleton Street, Columbia, SC 29201, who may have information regarding the South Carolina redistricting process and the South Carolina voting population, including, but not limited to:
 - a. Representative Justin T. Bamberg;
 - b. Representative Beth E. Bernstein;
 - c. Representative Wendy C. Brawley;
 - d. Representative Neal A. Collins;

- e. Representative Jason Elliot;
 - f. Representative Jerry N. Govan, Jr.;
 - g. Representative John Richard C. King;
 - h. Representative Patricia Moore Henegan; and
 - i. Representative Wm. Weston J. Newton.
4. Staff members for the South Carolina State House of Representatives, including but not limited to, staff members for the Judiciary Committee, Elections Law Subcommittee, and House Redistricting Ad Hoc Committee who may have information regarding: (i) the 2020 South Carolina redistricting process; (ii) South Carolina's history of redistricting; (iii) the district map drawn for the South Carolina State House of Representatives; and (iv) South Carolina's voting population, including, but not limited to:
 - a. Patrick Dennis, General Counsel/Chief of Staff to Speaker Lucas
 - b. Thomas Hauger, Sarah Grace Williamson, Joleigh "Eliza" Deguit, Megan Goyak, Daniel Ingley, and Sebastian Bass .
 5. Third-party organizations focused on redistricting, including their members, employees, and agents, who may have information regarding the redistricting process in South Carolina, including, but not limited to:
 - a. Adam Kincaid, Executive Director, the National Republican Redistricting Trust, 1750 Tysons Boulevard, Suite 1500, McLean, VA, 22102, (703) 245-8020;
 - b. Lynn Teague, Vice President for Issues and Action, League of Women Voters of South Carolina, PO Box 845, Columbia, SC 29202, (803) 556-9802; and
 - c. Frank Rainwater, Executive Director, South Carolina Revenue and Fiscal Affairs Office, 100 Assembly Street, Rembert Dennis Building, Suite 421, Columbia, SC 29201, (803) 734-3793.
 6. Expert witnesses, who have information regarding the manner in which the House district map was drawn and the voting population within each drawn district, identified or to be identified pursuant to the Court's Scheduling Order regarding expert discovery.
 7. Any other witnesses identified by any party in this litigation in initial disclosures or in any other discovery responses.

Mr. Scott should be contacted through counsel for Plaintiffs in this action.

Mr. Scott is no longer alleging that South Carolina's U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution

under Count Three of Plaintiff's Second Amended Complaint. As a result, Mr. Scott will not identify any person who may have knowledge of the facts relevant Count Three.

Mr. Scott is not serving as a plaintiff alleging that certain South Carolina House Districts are racially gerrymandered in violation of the Fourteenth Amendment of the U.S. Constitution or that H. 4493 was enacted with a discriminatory intent in violation of the Fourteenth and Fifteenth Amendments of the U.S. Constitution.

Plaintiff reserves the right to amend and/or supplement his response to this Interrogatory.

INTERROGATORY NO. 2:

Identify in which House District you resided prior to the enactment of H. 4493 and in which House District you reside now, following the enactment of H. 4493.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify "each person that assisted or participated in the drafting, review or editing of the letters submitted to one or more of the House Defendants during the 2021 redistricting cycle on which you are a signatory party" and to "describe in detail the manner of assistance or participation." Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Prior to and following the enactment of H. 4493, Mr. Scott has resided in House

District 123.

Plaintiff reserves the right to amend and/or supplement his response to this Interrogatory.

INTERROGATORY NO. 3:

Identify all elections that you have voted in since 2010.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to identify “all” elections that he has voted in since 2010. Plaintiff objects to this Interrogatory on the ground that the information is available to the House Defendants from sources other than Plaintiffs, such as the South Carolina Election Commission, for which responding to the Interrogatories would be more convenient, less expensive, or less burdensome than responding would be for Plaintiffs.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott has voted in the majority of statewide elections since 2010. Among others, in recent elections, Mr. Scott has voted in elections for the South Carolina House and Senate, U.S. House of Representatives and Senate, and President, as well as various local elections.

Plaintiff reserves the right to amend and/or supplement his response to this Interrogatory.

INTERROGATORY NO. 4:

Describe in detail how your right to associate had been infringed upon by the actions of the House Defendants.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiff object to this Interrogatory on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff objects to this Interrogatory on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Plaintiff objects to this Interrogatory to the extent it seeks a legal conclusion rather than facts. Discovery is ongoing and this Interrogatory seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott is no longer alleging that South Carolina's U.S. Congressional Districts are malapportioned in violation of his rights under the First and Fourteenth Amendments of the U.S. Constitution under Count Three of Plaintiffs' Second Amended Complaint. As a result, this claim is moot and Mr. Scott will not be providing a response to this Interrogatory.

INTERROGATORY NO. 5:

Describe in detail all communications you have had with any other party, consultant, expert, technical advisor, or other similar person connected in any way to this litigation regarding redistricting matters in South Carolina.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiff objects to this Interrogatory on the ground that it is overly broad, unduly burdensome,

and not proportional to the needs of the case. Plaintiff objects to this Interrogatory on the ground that the undefined terms “consultant, expert, technical advisor, or other similar person” render this Interrogatory vague, overly broad, unduly burdensome, and not proportional to the needs of the case.

Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff will not describe any communications protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott does not recall any communications with any consultant, expert, or technical advisor that he personally engaged in regarding redistricting matters in South Carolina.

Plaintiff reserves the right to amend and/or supplement his response to this Interrogatory.

INTERROGATORY NO. 6:

Describe in detail your involvement with the identification of claims and development of allegations as set forth in your Complaint.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiff objects to this Interrogatory on the ground that it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

INTERROGATORY NO. 7:

Describe in detail your involvement the proposed House District plan submitted by the SC NAACP.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to “[d]escribe in detail our involvement the proposed House District plan submitted by the SC NAACP.” Plaintiff objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott had no involvement in the proposed House District plan submitted by the SC NAACP.

INTERROGATORY NO. 8:

Describe in detail your relationship with the SC NAACP.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiff to “[d]escribe in detail your relationship with the SC NAACP.” Plaintiff objects to this

Interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

Mr. Scott is a co-Plaintiff with SC NAACP in this action. Mr. Scott is not a member of the SC NAACP or otherwise affiliated with the organization.

INTERROGATORY NO. 9:

Describe in detail how you came to be a named Plaintiff in this case.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiff object to this Interrogatory on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiff objects to this Interrogatory on the ground that it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiff will not describe any communications protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Mr. Scott answers as follows:

In advance of or during the course of the redistricting process, and based on his experiences with past discrimination at the hands of South Carolina officials and private actors, Mr. Scott became concerned that the redistricting process would result in harm to him and other Black voters, and he subsequently decided to become a named Plaintiff in this case.

Dated: February 2, 2022

Respectfully submitted,

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John S. Cusick**
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Christopher Bryant
Christopher Bryant

Exhibit G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE
A. RANKIN, in his official capacity as
Chairman of the Senate Judiciary
Committee; JAMES H. LUCAS, in his
official capacity as Speaker of the House of
Representatives; CHRIS MURPHY, in his
official capacity as Chairman of the House
of Representatives Judiciary Committee;
WALLACE H. JORDAN, in his official
capacity as Chairman of the House of
Representatives Elections Law
Subcommittee; HOWARD KNAPP, in his
official capacity as interim Executive
Director of the South Carolina State Election
Commission; JOHN WELLS, Chair,
JOANNE DAY, CLIFFORD J. EDLER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as members of the
South Carolina Election Commission,

Defendants.

Case No. 3-21-cv-03302-JMC-
TJH-RMG

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO DEFENDANTS
JAMES H. LUCAS, CHRIS
MURPHY, AND WALLACE H.
JORDAN'S FIRST SET OF
REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rule of Civil Procedure, the South Carolina State Conference of the NAACP (“SC NAACP”) and Taiwan Scott (together, “Plaintiffs”) hereby object and respond to Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan’s (“House Defendants”) First Set of Requests for Production (“Requests” or “RFPs”).

PRELIMINARY STATEMENT

Plaintiffs’ objections and responses contained herein (“Objections and Responses”) are based on information reasonably available to Plaintiffs at this time. Plaintiffs reserve the right to amend and/or supplement their Objections and Responses based on new information obtained in discovery or otherwise in the course of this action.

Information contained in any Objections and Responses pursuant to these Requests is not an admission or acknowledgement by Plaintiffs that such information is relevant to any claim or defense in this action; is without prejudice to Plaintiffs’ right to contend at any trial or in any other proceeding, in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and is without prejudice to or waiver of any objection to any future use of such information.

Specific objections to each separate Request are made below. Additionally, Plaintiffs makes certain continuing objections to the Requests, also listed below (“Continuing Objections”). These Continuing Objections, including with respect to the definitions and instructions, are incorporated by reference into all of the responses made with respect to each separate Request. Plaintiffs’ responses to each individual Request are submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection in any response below is neither intended as, nor shall in any way be deemed, a waiver of any Continuing

Objection or of any other specific objection made herein or that may be asserted at a later date.

CONTINUING OBJECTIONS

Plaintiffs incorporate each of the following Continuing Objections in their response to each Request. In addition to these Continuing Objections, Plaintiffs may also state specific objections to Requests where appropriate, including objections that are not generally applicable to all the Requests. By setting forth such specific objections, Plaintiffs do not intend to limit or restrict its Continuing Objections.

1. Plaintiffs object to each Request to the extent it imposes on Plaintiffs any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable order of the Court.

2. Plaintiffs object to each Definition, Instruction, or Request to the extent it seeks production of documents or information subject to the attorney-client privilege, the work-product protection doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law. Each Request has been read to exclude discovery of such privileged information. Inadvertent production of any such information does not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information or document, nor does inadvertent production waive the right of Plaintiffs to object to the use of any such information in any proceeding.

3. Plaintiffs object to each Request to the extent it seeks information that is not relevant to any party's claims or defenses. *See* Rule 26(b)(1).

4. Plaintiffs object to each Request to the extent it is not proportional to the needs of the case, "considering the importance of the issues at stake in the action . . . the parties' relative access to relevant information, the parties' resources, the importance of the discovery in

resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *See* Rule 26(b)(1).

5. Plaintiffs object to each Request to the extent it seeks discovery of electronically stored information that is not reasonably accessible due to undue burden or cost, in violation of Rule 26(b)(2)(B).

6. Plaintiffs object to each Request to the extent that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control.

7. Plaintiffs object to each Request to the extent it seeks a legal conclusion or requires Plaintiffs to formulate a legal conclusion to fully respond.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS’ INSTRUCTIONS

1. Plaintiffs object to Instructions 1-9 to the extent they impose on Plaintiffs any obligations that are inconsistent with or beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or any applicable Order of the Court or agreement between the parties.

2. Plaintiffs object to Instruction 6 to the extent that it purports to impose upon Plaintiffs any obligations that are broader than or inconsistent with the Federal Rules or any Order of this Court. Plaintiffs will log privileged documents in accordance with their obligations under the Federal Rules or agreement between the parties

3. Plaintiffs object to the definitions in Instruction 7 to the extent it render the Requests irrelevant, vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case.

CONTINUING OBJECTIONS TO HOUSE DEFENDANTS’ DEFINITIONS

By submitting these Objections and Responses, Plaintiffs do not adopt House

Defendants’ purported definition of words and phrases contained in the Instructions to House Defendants’ Requests. Plaintiffs interpret all words contained in the Requests in accordance with their ordinary and customary meanings.

1. Plaintiffs object to the definitions “SC NAACP” and “Plaintiff Scott” on the ground that they are overly broad, unduly burdensome, and not proportional to the needs of the case to the extent they purport to require Plaintiff Taiwan Scott to respond on behalf of “all other similarly situated persons” and purport to require Plaintiff SC NAACP to respond on behalf of “its employees, agents, officers, directors, representatives, consultants, accountants” as well as “anyone acting on SC NAACP’s behalf” without regard to the to this action. Plaintiffs object to the definitions of “SC NAACP” and “Plaintiff Scott” to the extent they purport to require Plaintiffs to reveal information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. For purposes of these Objections and Responses, Plaintiff Taiwan Scott responds only on his own behalf, and Plaintiff SC NAACP responds only on its own behalf.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All documents, photographs, plats, sketches, or information of any kind, identified, referenced, referred to or relied on in answering the House Defendants’ First Set of Interrogatories.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly

burdensome, and not proportional to the needs of the case. Plaintiffs object to this Request on the ground that it is duplicative of Request No. 2. Plaintiffs object to this Request on the ground that it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, Plaintiffs agree to produce any non-privileged documents referenced in their responses to House Defendants' interrogatories.

REQUEST NO. 2:

All non-privileged documents or other information referenced or reviewed in the preparation of the answers to the House Defendants' First Set of Interrogatories, or otherwise relied upon by you or your attorneys in answering House Defendants' First Set of Interrogatories.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs object to this Request to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, Plaintiffs agree to produce any documents referenced in their responses to House Defendants' interrogatories.

REQUEST NO. 3:

All non-privileged documents and communications, whether written, electronically stored or recorded (including audio), in your possession, custody, or control related to any claim or defense in this case.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll non-privileged documents” related to “any claim or defense in this case.” Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request to the extent it is duplicative of other Requests. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and the specific information sought by House Defendants beyond what is sought in other Requests and beyond what Plaintiffs have otherwise agreed to produce.

REQUEST NO. 4:

All written or recorded statements or affidavits, including drafts thereof, from

persons who are known or believed to be witnesses to the facts of this case.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce statements or affidavits from witnesses or potential witnesses without regard to the subject matter of this case. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs' knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that constitute recorded statements or affidavits for persons he knows or believes to be witnesses to the facts of this case, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-

privileged documents, if any, that constitute recorded statements or affidavits.

REQUEST NO. 5:

All documents provided to, considered by, or relied upon by any expert or consultant you intend to call as an expert witness at trial.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiff's knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will produce all sources and materials relied upon by its experts.

REQUEST NO. 6:

Copies of all files in Plaintiffs' possession, custody, or control used in or generated by any GIS, statistics, programming, or word-processing software or web application (i.e. Maptitude, ArcGIS, R, SPSS, Microsoft Excel, Python, Microsoft Word, Dave's Redistricting) to analyze or draw or in analyzing or drawing maps related to South Carolina house or congressional districts including, but not limited to, files containing or consisting of maps,

macros, vector or raster data; voter or election data; or layers, labels, or settings files (to include themes or styles).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “all files” used or generated to analyze or draw maps related to South Carolina districts. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and the specific information sought by House Defendants beyond what is sought in other Requests and beyond what Plaintiffs have otherwise agreed to produce.

REQUEST NO. 7:

Any memoranda, affidavits, or other reports or opinions you have received from any expert witness.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require

Plaintiffs to produce “[a]ny memoranda, affidavits, or other reports or opinions” received from any expert witness. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will produce all sources and materials relied upon by its experts .

REQUEST NO. 8:

All documents you intend to rely upon at trial or use to question any witness during a deposition.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs object to this on the Ground that it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiff’s knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the parameters of a mutual exchange of anticipated trial exhibits or other materials that the parties intend to submit to the Court.

The Request is premature and Plaintiffs will provide this information at time exhibit disclosure is required under the Court’s scheduling order.

REQUEST NO. 9:

All documents received from a third party in response to a subpoena or public records request relating to this case.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Subject to and without waiving the foregoing objections, Plaintiffs state that they do not have possession of any non-privileged documents that reflect documents received from a third party in response to a subpoena or public records request relating to this case, so they do not have documents to produce in response to this Request..

REQUEST NO. 10:

All documents and communications related to the current redistricting cycle and/or your claims in this case between you and any member of South Carolina House of Representatives, including but not limited to emails, text messages, social media communications, and other written or electronically stored correspondence.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents and communications” related to the current redistricting cycle and/or any claim

or defense in this case between Plaintiffs and any member of South Carolina House of Representatives. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents reflecting communications between SC NAACP and any member of the South Carolina House of Representatives related to the current redistricting cycle, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents that reflect communications between SC NAACP and any member of the South Carolina House of Representatives related to the current redistricting cycle. The SC NAACP is not in possession of documents that have not been already provided to House Defendants in the form of comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle. The SC NAACP is not in possession of any email, text messages, or email communications between it and members of the South Carolina House of Representatives.

REQUEST NO. 11:

All non-privileged documents and communications between you and any third party

related to any claims or defenses in this case, or any relief you seek in this case.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll non-privileged documents and communications” with third parties related to “any claim or defense in this case, or any relief you seek in this case.” Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and the specific information sought by House Defendants beyond what is sought in other Requests and beyond what Plaintiffs have otherwise agreed to produce.

REQUEST NO. 12:

All documents and communications related to the first cause of action in your Amended Complaint (Racial Gerrymandering in Violation of the Fourteenth Amendment).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” related to the first cause of action in the First Amended Complaint. Plaintiffs

object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ first cause of action in its First Amended Complaint have already been provided by the SC NAACP and can be found in the SC NAACP’s comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants’ possession. Relevant documents can also be found in Plaintiffs’ expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 13:

All documents and communications related to the second cause of action in your Amended Complaint (Intentional Discrimination in Violation of the Fourteenth and Fifteenth

Amendments of the U.S. Constitution).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” related to the second cause of action in the First Amended Complaint.

Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ second cause of action in its First Amended Complaint have already been provided by the SC NAACP and can be found in the SC NAACP’s comments, letters, and maps that were

submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession. Relevant documents can also be found in Plaintiffs' expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 14:

All documents and communications related to the third cause of action in your Amended Complaint (Violation of the First and Fourteenth Amendments of the U.S. Constitution).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 15:

All documents and communications supporting your allegation that the U.S. Congressional districts remain malapportioned. (See, e.g., Am. Compl. at ¶ 2).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that South Carolina's U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 16:

All documents and communications supporting your allegation that H. 4493 was motivated by a discriminatory purpose. (See, e.g., Am. Compl. at ¶ 4).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that H. 4493 was motivated by a discriminatory purpose. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client

privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs' knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs' allegation in its First Amended Complaint that H. 4493 was motivated by a discriminatory purpose have already been provided by the SC NAACP and can be found in the SC NAACP's comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession. Relevant documents can also be found in Plaintiffs' expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 17:

All documents and communications supporting your allegation that the Challenged Districts in H. 4493 were adopted with a racially discriminatory intent to discriminate against Black voters. (See, e.g., Am. Compl. at ¶ 170).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that the Challenged Districts were adopted with a racially discriminatory intent. Plaintiffs object to this Request on the ground that it requires

Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this request as duplicative of Request No. 16. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ allegation in its First Amended Complaint that the Challenged Districts in H. 4493 were adopted with a racially discriminatory intent to discriminate against Black voters have already been provided by the SC NAACP and can be found in the SC NAACP’s comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants’ possession. Relevant documents can also be found in Plaintiffs’ expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 18:

All documents and communications supporting your allegation that H. 4493 will have a discriminatory impact on Black South Carolinians. (See, e.g., Am. Compl. at ¶ 171).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that H. 4493 will have a discriminatory impact on Black South Carolinians. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ allegation in its First Amended Complaint that H. 4493 will have a discriminatory

impact on Black South Carolinians have already been provided by the SC NAACP and can be found in the SC NAACP's comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession. Relevant documents can also be found in Plaintiffs' expert reports, particularly the expert reports of Dr. Moon Duchin, Dr. Kosuke Imai, Dr. Joseph Bagley, Dr. Baodong Liu, and Dr. Jordan Ragusa, that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 19:

For each Challenged District, produce all documents and communications supporting your allegation that the House Defendants used race as the predominant factor in creating the Challenged District. (See, e.g., Am. Compl. at ¶ 4).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce for "each Challenged District" "all documents" supporting the allegation that House Defendants used race as the predominant factor in creating the Challenged District. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) ("Requests for production that simply plug a pleading's allegations into boilerplate requests can be almost mindlessly generated, and can be

used to impose great burdens on opponents, and do not meet Rule 34's requirement that requests describe with reasonable particularity each item or category of items to be inspected.") (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs' knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs' allegation in its First Amended Complaint that the House Defendants used race as the predominant factor in creating the Challenged District have already been provided by the SC NAACP and can be found in the SC NAACP's comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession. Relevant documents can also be found in Plaintiffs' expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 20:

For each Challenged District, produce all documents and communications supporting your allegation that the race predominated over traditional redistricting principles, such as compactness, contiguity, and respect for political subdivisions or communities. (See, e.g., Am. Compl. at ¶ 164).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce for “each Challenged District” “all documents” supporting the allegation that race predominated over traditional redistricting principles. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ allegation in its First Amended Complaint that race predominated over traditional redistricting principles, such as compactness, contiguity, and respect for political subdivisions or

communities have already been provided by the SC NAACP and can be found in the SC NAACP's comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession. Relevant documents can also be found in Plaintiffs' expert reports, particularly the expert reports of Dr. Moon Duchin, Dr. Kosuke Imai, and Dr. Jordan Ragusa, that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 21:

Produce all documents and communications supporting your allegation that Black voters were either "packed" or "cracked" for the purpose of diluting their vote in each of the Challenged Districts. (See, e.g., Am. Compl. at ¶¶ 4-5).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce "all documents" supporting the allegation that Black voters were either "packed" or "cracked" for the purpose of diluting their vote in each of the Challenged Districts. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) ("Requests for production that simply plug a pleading's allegations into boilerplate requests can be almost mindlessly generated, and can be

used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ allegation in its First Amended Complaint that Black voters were either “packed” or “cracked” for the purpose of diluting their vote in each of the Challenged Districts have already been provided by the SC NAACP and can be found in the SC NAACP’s comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants’ possession. Relevant documents can also be found in Plaintiffs’ expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 22:

All documents and communications evidencing and demonstrating one or more of your members and constituents would have individual standing to bring your claims in each and evidence Challenged District. (See Am. Compl. at ¶¶ 16-18).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” demonstrating that on or more members and constituents would have individual standing to bring your claims in each Challenged District. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of

assembly). Information responsive to this Request can be found in the First Amended Complaint, ECF 84 ¶¶ 16-18.

REQUEST NO. 23:

All documents and communications supporting your allegation that your members and constituents currently live in each and every Challenged District. (See Am. Compl. at ¶ 18).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that SC NAACP’s members and constituents currently live in each Challenged District. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this request as duplicative of Request No. 22. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession,

custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly).

REQUEST NO. 24:

All documents and communications supporting your allegation that your members include registered voters in each and every Challenged District. (See Am. Compl. at ¶ 18).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that SC NAACP members include registered voters in each Challenged District. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category

of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly).

REQUEST NO. 25:

All documents and communications supporting your allegation that your members have been or will continue to be harmed by H. 4493. (See Am. Compl. at ¶ 18).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents supporting your allegation that SC NAACP members have been or will be harmed by H. 4493. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it

constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, relevant documents in support of Plaintiffs’ allegation in its First Amended Complaint that our members have been or will continue to be harmed by H. 4493 have already been provided by the SC NAACP and can be found in the SC NAACP’s comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants’ possession. Relevant documents can also be found in Plaintiffs’ expert reports that have been disclosed and in its rebuttal reports that will be disclosed on February 7, 2021.

REQUEST NO. 26:

All documents and communications establishing the identity and residential address of each of your members who currently lives in any of the Challenged Districts. (See, e.g., Am. Compl. at ¶ 18).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” establishing the identity and residential address of each SC NAACP member who currently lives in any of the Challenged Districts. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization

engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly).

REQUEST NO. 27:

All documents and communications supporting your allegation that you have members who are registered voters and constituents currently living in allegedly malapportioned U.S. Congressional districts. (See Am. Compl. at ¶ 19).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that South Carolina’s U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 28:

All documents and communications supporting your allegations related to the harms allegedly suffered by your members and constituents. (See, e.g., Am. Compl. at ¶¶ 20-21).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting allegations related to the harms suffered by SC NAACP members

and constituents. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

REQUEST NO. 29:

All documents and communications supporting your allegation that the redistricting hearings held by the House Redistricting Ad Hoc Committee were largely inaccessible to the public. (See, e.g., Am. Compl. at ¶ 67).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “all documents” supporting the allegation that the redistricting hearings held by the House

Redistricting Ad Hoc Committee were largely inaccessible to the public. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that relate to the accessibility of public hearings held by the House Redistricting Ad Hoc Committee, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, regarding public access to the redistricting

hearings held by the House Redistricting Ad Hoc Committee.

REQUEST NO. 30:

All documents and communications supporting your allegations that individuals were unable to attend a public hearing held by the House Redistricting Ad Hoc Committee (remotely or in person) due to COVID-19 concerns, work, or family obligations. (See, e.g., Am. Compl. at ¶ 68).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents” supporting the allegation that individuals were unable to attend a public hearing held by the House Redistricting Ad Hoc Committee (remotely or in person) due to COVID-19 concerns, work, or family obligations. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’

knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that relate to individuals unable to attend a public hearing held by the House Redistricting Ad Hoc Committee (remotely or in person) due to COVID-19 concerns, work, or family obligations, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, regarding public access to, and attendance at, the redistricting hearings held by the House Redistricting Ad Hoc Committee.

REQUEST NO. 31:

All documents and communications evidencing concerns raised by members of the public related to a lack of transparency during the redistricting process or the lack of a meaningful opportunity for the public to review posted maps. (See, e.g., Am. Compl. at ¶ 79).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce

“[a]ll documents and communications” by “members of the public” related to the current redistricting cycle and/or any claim or defense in this case between Plaintiffs and any member of South Carolina House of Representatives. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged communications and documents evidencing concerns raised by members of the public related to a lack of transparency during the redistricting process or the lack of a meaningful opportunity for the public to review posted maps.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, regarding concerns raised by members of the public related to a lack of transparency during the redistricting process or the lack of a meaningful opportunity for the public to review posted maps.

REQUEST NO. 32:

All documents and communications evidencing the specific factors considered by

Plaintiff SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee and proposed in your Amended Complaint.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents and communications” related to the factors considered by SC NAACP while developing maps submitted to the House Redistricting Ad Hoc Committee and proposed in the First Amended Complaint. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents and communications evidencing the specific factors considered by Plaintiff SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee and proposed in your First Amended Complaint.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP agrees to search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, regarding factors considered by Plaintiff SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee and

proposed in the First Amended Complaint. The SC NAACP considered the factors laid out in the 2021 Guidelines and Criteria for Congressional and Legislative Redistricting adopted by the House Redistricting Ad Hoc Committee, *see*

<https://redistricting.schouse.gov/docs/2021%20Redistricting%20Guidelines.pdf>.

REQUEST NO. 33:

All documents and communications evidencing a prioritization of any specific factor(s) considered by you while developing the maps submitted to the House Redistricting Ad Hoc Committee and proposed in your Amended Complaint.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents and communications” related to the prioritization of factors considered by SC NAACP while developing maps submitted to the House Redistricting Ad Hoc Committee and proposed in the First Amended Complaint. Plaintiffs object to this request as duplicative of Request No. 32. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents regarding factors considered by Plaintiff SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee

and proposed in the First Amended Complaint.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, regarding factors considered by Plaintiff SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee and proposed in the First Amended Complaint. Relevant documents evidencing the factors considered by the SC NAACP while developing the maps submitted to the House Redistricting Ad Hoc Committee and proposed in Plaintiffs' Amended Complaint. have already been provided by the SC NAACP and can be found in the SC NAACP's comments, letters, and maps that were submitted to, and its testimony before, the House of Representatives related to the current redistricting cycle and therefore are already in House Defendants' possession.

REQUEST NO. 34:

All drafts of maps drawn by you or at your direction or request for any and all South Carolina House and Congressional Districts in the last twelve (12) months.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce "[a]ll drafts of maps" drawn by Plaintiffs or at their request for any South Carolina House and Congressional districts in the last 12 months. Plaintiffs object to this Request to the extent it

seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that reflect maps drawn by him or at his direction for South Carolina House and Congressional Districts in the last 12 months, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, that constitute maps drawn by SC NAACP or at its direction for any and all South Carolina House and Congressional Districts in the last 12 months.

REQUEST NO. 35:

All documents and communications supporting your allegation that inaction of the House Defendants creates the imminent risk of confusion prior to the current candidate declaration deadline in March 2022 and possibly the June 2022 primaries. (See, e.g., Am. Compl. at ¶ 177).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce

“all documents” supporting the allegation that inaction of the House Defendants creates an imminent risk of confusion prior to the current candidate deadline in March 2022 and possibly the June 2022 primaries. Plaintiffs object to this Request on the ground that it requires Plaintiffs to formulate a legal conclusion to respond. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted). Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection. Plaintiffs object to this Request on the ground that it seeks information that is outside Plaintiffs’ knowledge, possession, custody, or control. Discovery is ongoing and this Request seeks information that is in the possession, custody, or control of the House Defendants.

REQUEST NO. 36:

All documents and communications sent by you to SC NAACP members regarding the current redistricting cycle and/or the claims set forth in the First Amended Complaint. This request includes but is not limited to communications published, posted, or otherwise transmitted electronically via the Internet.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing

Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll documents and communications” sent by Plaintiffs to SC NAACP members regarding the current redistricting cycle and/or the claims in the First Amended Complaint. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that reflect communications sent by him to SC NAACP members regarding the current redistricting cycle, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections, Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly).

REQUEST NO. 37:

All organizational documents for the SC NAACP, specifically including documents

evidencing registration with the South Carolina Secretary of State and identifying the relationship, if any, with the National Association for the Advancement of Colored People (“NAACP”).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll organizational documents.” Plaintiffs object to this Request on the ground that the undefined term “organizational documents” is vague and ambiguous, rendering this Request overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged organizational documents for the SC NAACP, so he does not have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, sufficient to show SC NAACP’s organizational structure, its SC NAACP registration with the South Carolina Secretary of State, and its relationship with the

NAACP. Plaintiffs agree to meet and confer with House Defendants concerning the scope of this Request and information SC NAACP is willing to provide concerning its members consistent with *NAACP v. Alabama*, 357 U.S. 449 (1958) (holding, inter alia, that “[c]ompelled disclosure of membership in an organization engaged in advocacy of particular beliefs” violates the constitutional right to freedom of assembly).

REQUEST NO. 38:

A copy of the fee agreements you have with any and all counsel who have appeared in this litigation on your behalf.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll fee agreements you have with any and all counsel who have appeared in this litigation.”

Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

REQUEST NO. 39:

All documents and communications evidencing that SC NAACP’s members and constituents are unable to communicate their concerns to current members of Congress or congressional candidates. (See, e.g., Am. Compl. at ¶ 20a).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted).

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that South Carolina’s U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 40:

All documents and communications evidencing that any potential candidates for Congress are unable to come forward with policy platforms to be supported or opposed by you and SC NAACP’s members and constituents until they know the borders of the Congressional districts in which they reside and could seek office. (See, e.g., Am. Compl. at ¶ 20b).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted).

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that South Carolina’s U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 41:

All documents and communications evidencing that SC NAACP members and constituents who are hindered from contributing financially to Congressional candidates until Congressional districts are reapportioned. (See, e.g., Am. Compl. at ¶ 20c).

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it constitutes improper contention discovery. *See, e.g., Martinez v. First Class Interiors of Naples, LLC*, No. 3:18-CV-00583, 2020 WL 7027504, at *6 (M.D. Tenn. Nov. 30, 2020) (“Requests for production that simply plug a pleading’s allegations into boilerplate requests can be almost mindlessly generated, and can be

used to impose great burdens on opponents, and do not meet Rule 34’s requirement that requests describe with reasonable particularity each item or category of items to be inspected.”) (quotation marks and citations omitted).

Subject to and without waiving the foregoing objections, Plaintiffs are no longer alleging that South Carolina U.S. Congressional Districts are malapportioned in violation of the First and Fourteenth Amendments of the U.S. Constitution under Count Three of their Second Amended Complaint. As a result, this claim is moot and Plaintiffs will not be producing documents or communications in response to this Request.

REQUEST NO. 42:

A copy of all RPV analyses for South Carolina created, reviewed, considered or referenced by you in the last twelve (12) months, including any drafts. For versions for which native format files exist, the native files should be produced without alteration or modification.

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above. Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll RPV analyses” for South Carolina in the last 12 months. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any non-privileged documents that constitute RPV analyses, so he does not

have documents to produce in response to this Request.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP will search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged documents, if any, that constitute RPV analyses created or reviewed by SC NAACP in the last 12 months. SC NAACP relied upon analyses from the NAACP Legal Defense and Educational Fund, Inc. who contracted a consultant to do. The statewide results of which are part of the expert report of Baodong Liu.

REQUEST NO. 43:

A copy of all correspondence and documents or other information you sent to or received from any of the following organizations and/or its representatives that in any way reference, refer to or relate to the 2021 redistricting cycle in South Carolina and/or your claims in this case:

- i. League of Women Voters of South Carolina;
- ii. South Carolina Progressive Network;
- iii. NAACP Legal Defense and Educational Fund;
- iv. South Carolina Appleseed Legal Justice Center;
- v. American Civil Liberties Union;
- vi. American Civil Liberties Union of South Carolina;
- vii. South Carolina State Conference of the NAACP;
- viii. South Carolina Legislative Black Caucus; and
- ix. Democratic National Committee

RESPONSE:

Plaintiffs incorporate by reference the Continuing Objections, including the Continuing Objections to Definitions and the Continuing Objections to Instructions, set forth above.

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to require Plaintiffs to produce “[a]ll correspondence and documents” sent to or received from 9 organizations and their representatives. Plaintiffs object to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product protection doctrine, or any other applicable privilege or protection.

SPECIFIC RESPONSE OF TAIWAN SCOTT:

Subject to and without waiving the foregoing objections, Mr. Scott states that he does not have possession of any documents related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged correspondence, if any, with the above-referenced organizations relating to the 2021 redistricting cycle in South Carolina.

SPECIFIC RESPONSE OF SC NAACP:

Subject to and without waiving the foregoing objections and once an appropriate protective order is entered in this action, SC NAACP agrees to search files related to the redistricting cycle at issue in this case and files in the possession of its President and will produce non-privileged correspondence, if any, with the above-referenced organizations relating to the 2021 redistricting cycle in South Carolina.

Dated: February 2, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Christopher Bryant
Christopher Bryant

Exhibit H

Privilege Log - SC NAACP v. McMaster, Case No. 3-21-cv-03302-JMC-TJH-RMG (D.S.C.)

| Log # | Control Number | Control Beg Attach | Document Category | Author | Date Time Created | Date Time Last Modified | File Name | Privilege | Privilege Description |
|-------|------------------|--------------------|-------------------|---------------------------|-------------------|-------------------------|--|---------------------|--|
| 1 | KEY00000025 | KEY00000025 | Word Doc | Leo Murphy | 10/13/2021 19:22 | 2/2/2022 12:57 | South Carolina State Conference Updated Organizational Description for Legal Purposes.docx | AWP | Draft of organizational description of the SC State Conference of the NAACP |
| 2 | KEY00000027.0001 | KEY00000027 | Excel | NAACP Admin | 12/28/2021 11:50 | 2/1/2022 14:52 | Executive Committee.xlsx | NAACP v. Alabama | Excel containing identifying information of those who attended executive committee meetings and were promised anonymity |
| 3 | KEY00000027.0002 | KEY00000027 | Word Doc | SC State Conference NAACP | 2/2/2022 15:16 | 2/2/2022 15:16 | CROWD Training List MAY 14-16 2021.docx | AC/NAACP v. Alabama | Roster of names of those who attended CROWD training from May 14-16, 2021 |
| 4 | KEY00000027.0003 | KEY00000027 | PDF | | 2/2/2022 15:31 | 2/2/2022 15:31 | 8 7 2021 Senate Redist. Hearing Seminar Sign In.pdf | NAACP v. Alabama | Sign-in sheet of SC NAACP members who testified at the state Senate redistricting hearings seminar on August 7, 2021. Document contains identifying information. |
| 5 | KEY00000027.0004 | KEY00000027 | PDF | | 2/2/2022 15:31 | 2/2/2022 15:31 | 7 31 2021 Senate Redist. Hearing Seminar Sign In.pdf | NAACP v. Alabama | Sign-in sheet of SC NAACP members who testified at the state Senate redistricting hearings seminar on July 31, 2021. Document contains identifying information. |
| 6 | KEY00000027.0005 | KEY00000027 | PDF | | 2/2/2022 15:31 | 2/2/2022 15:31 | 7 24 2021 Senate Redist. Hearing Seminar Sign In.pdf | NAACP v. Alabama | Sign-in sheet of SC NAACP members who testified at the state Senate redistricting hearings seminar on July 24, 2021. Document contains identifying information. |
| 7 | KEY00000029.0001 | KEY00000029 | Word Doc | Eloise Fomby-Denson | 9/18/2021 14:12 | 9/20/2021 2:50 | Sewage Leak Residents.docx | NAACP v. Alabama | Document containing the grievances of members. Document contains identifying information of members. |
| 8 | KEY00000031.0001 | KEY00000031 | Word Doc | Leo Murphy | 10/13/2021 19:22 | 2/2/2022 12:57 | South Carolina State Conference Updated Organizational Description for Legal Purposes.docx | AWP | Draft of the organizational description of the SC State Conference of the NAACP |

| Privilege Log - SC NAACP v. McMaster, Case No. 3:21-cv-03302-JMC-TJH-RMG (D.S.C.) | Control Number | Control Bag Attach | Document Category | Email From | Email Sent Date | Email To | Email CC | Email BCC | Author | Date Time Created | Date Time Last Modified | File Name | Privilege | Privilege Description |
|---|-----------------|--------------------|-------------------|---|------------------|---|---|------------------|----------------|-------------------|-------------------------|--|-----------|--|
| 1 | KEY0000034 | KEY0000034 | Email | John Cusick [jcusick@naacplff.org] | 10/22/2021 17:30 | Brenda Murphy [brendamurph@gmail.com], Charles Boykin [cboykin@boxinlaws.com], JAGison@naacp.org, gtoles@fensons@gmail.com, vaalgr@wpaod.com, hgrf1f5@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [taif@hotmail.com] | Leah Aden [laden@naacplff.org], Stuart Nafieh [snafieh@naacplff.org], Raymond Audain [raudain@naacplff.org], Rick Rozos [rrozos@naacplff.org], Michelle Charles [mcharles@naacplff.org], Dale Ho [dho@aclu.org], Somli Trivedi [strivedi@aclu.org], Patricia Tan [patricia@aclu.org], Samantha Oskai [sosa@aclu.org], Sarahany@bivisc.org, Adar Boroughs [adar@boroughsbyrant.com], Chris Bryant [cbryant@boroughsbyrant.com], Freedman, John A. [john.freedman@arnoldporter.com], vS@redist [vS@redist@arnoldporter.com] | | John Cusick | | 2/2/2022 10:57 | Case Update (10).msg | AC/AWP | Confidential Attorney Client email communication providing update to litigation with attorney thoughts and impressions |
| 2 | KEY0000034.0006 | KEY0000034 | Word Doc | | | | | | Blas | 10/12/2021 13:07 | 10/22/2021 15:54 | South Carolina Restricting Talking Points DRAFT v1.docx | AWP | Attorney Work Product re South Carolina restricting litigation containing attorney thought process and impressions |
| 3 | KEY0000035 | KEY0000035 | Email | John Cusick [jcusick@naacplff.org] | 10/22/2021 17:30 | Brenda Murphy [brendamurph@gmail.com], Charles Boykin [cboykin@boxinlaws.com], JAGison@naacp.org, gtoles@fensons@gmail.com, vaalgr@wpaod.com, hgrf1f5@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [taif@hotmail.com] | Leah Aden [laden@naacplff.org], Stuart Nafieh [snafieh@naacplff.org], Raymond Audain [raudain@naacplff.org], Rick Rozos [rrozos@naacplff.org], Michelle Charles [mcharles@naacplff.org], Dale Ho [dho@aclu.org], Somli Trivedi [strivedi@aclu.org], Patricia Tan [patricia@aclu.org], Samantha Oskai [sosa@aclu.org], Sarahany@bivisc.org, Adar Boroughs [adar@boroughsbyrant.com], Chris Bryant [cbryant@boroughsbyrant.com], Freedman, John A. [john.freedman@arnoldporter.com], vS@redist [vS@redist@arnoldporter.com] | | John Cusick | | 2/2/2022 10:57 | Case Update.msg | AC/AWP | Confidential Attorney Client email communication providing update to litigation with attorney thoughts and impressions |
| 4 | KEY0000035.0006 | KEY0000035 | Word Doc | | | | | | Blas | 10/12/2021 13:07 | 10/22/2021 15:54 | South Carolina Restricting Talking Points DRAFT v1.docx | AWP | Attorney Work Product re South Carolina restricting litigation containing attorney thought process and impressions |
| 5 | KEY0000036 | KEY0000036 | Email | Eleanor Lightsey [elightsy@roadrunner.com] | 8/26/2018 15:58 | Mary Ann Bromley [maryann.bromley@gmail.com], Amy Lavine [amylavine47@gmail.com], Jmalah50@gmail.com, Jbauer@hargray.com, Alice Grant [alicegrant@gmail.com], Ann Harris [annharris@comcast.net], Barbara Catania [bcatania@yahoo.com], Barbara Schacker [barbara.schacker@gmail.com], Bob Chivarsell [bobchivarsell@aol.com], Bob Husman [bobhusman@hotmail.com], Carol Barber [cbarber@earthlink.net], Carol Horowitz [carolhwiz@gmail.com], Carole Walters [carolefwalters@gmail.com], Catherine Erdman [ceerdman@gmail.com], Catherine Forester [cforester@yahoo.com], Cindy & Russ Hudson [chicago.versions.net], Cara Seliger [carseliger@gmail.com], Carter Gibbons-Alex [cgibbons@yahoo.com], Claudia Kennedy [kenn11142@aol.com], Denise Vincent [denisevcnt46@gmail.com], Dana Helman [dm.dana.helman@gmail.com], Elizabeth Greenberg [lizze4977@aol.com], Ellen Walter [ellenw@roadrunner.com], Emily Oetler [emilypoetler@aol.com], Eric Caranar [eric@postmagazine.com], Ho Hesse [hoesse@roadrunner.com], Fran Getman [frangetman@gmail.com], Fran Robertson [franr23@aol.com], James Fletcher [jamesfletcher@gmail.com], Jan Ferrar [jan.ferrar2011@gmail.com], Janis Sanford [janis@sanford.com], Jennifer Jenkins [jenifer.jenkins@gmail.com], Jennifer Sabar [jensabarter@hotmail.com], Jerry Vagler [jerryv@roadrunner.com], Jerry Whaler [jerrywhaler2014@gmail.com], Joan Wyak [jwyak@bellsouth.net], John Erdman [jerdman@gmail.com], Karen Arms [karms@aol.com], Kathy Quirk [quirk.kathy@gmail.com], Kay Hanna [hanna.kay@att.net], Kay Kothrow [kothrow@gmail.com], Kay Sartorius [ksartorius@roadrunner.com], Linda Hall [linda.schuchall@gmail.com], Linda Owens [lindowens@gmail.com], Lisa Hull [lw3grit@gmail.com], Loretta Warden [loretta@hargray.com], Marjorie Vanderbilt [mrvanderbilt42@gmail.com], Meribeth Jones [meribethjones@gmail.com], Myla Lester [myla.lesler@gmail.com], Pamela Reading Smith [pamreading@yahoo.com], Patricia Montgomery [patmontgomery@gmail.com], Pat Jackson [pajack25@gmail.com], Paul Russel [paulrussel@aol.com], Phyllis Fricke [phfricke1977@gmail.com], Renee Mann [rmanmatt@earthlink.net], Sally McGarry [sallymcgarry@roadrunner.com], Sandy Dickson [sandydickson74@gmail.com], Sandy Stern [sastern@gmail.com], Sheila Duffy [sheiladuffy@aol.com], Sherman Baker [sherman52@gmail.com], Signe Carlson [scarlson@yahoo.com], Sue Reed [suereed@yahoo.com], Sue Yarrowood [sueyarrowood@hargray.com], Susan Torrett [s.torrett@frontier.net], Suzanne Bowman [lccw3@gmail.com], Taiwan Scott [hiborn@stanandnahn@gmail.com], Teddy Finn [teddyfinn46@gmail.com] | | Eleanor Lightsey | | 2/2/2022 10:47 | | Confidential Draft of questions for SC House of Representative Candidate Forum on Sept. 12 next msg. | AC/AWP | Confidential Attorney Client email communication re redistricting candidate forum containing attorney thought and impressions |
| 6 | KEY0000036.0001 | KEY0000036 | Word Doc | Taiwan scott [JCH-FIRST ORGANIZATION/DU-EXCHANG GE ADMINISTRATIVE GROUP/FYDIBHF23POLTY/C N-RECIPIENTS/CI-00067718 29DC56] | | | | | Blas | 8/26/2018 11:18 | 8/26/2018 11:50 | IB036 Questions for House Candidates.docx | AWP | Attorney Work Product (draft) re South Carolina restricting forum containing attorney thought process and impressions |
| 7 | KEY0000038 | KEY0000038 | Email | Taiwan scott [JCH-FIRST ORGANIZATION/DU-EXCHANG GE ADMINISTRATIVE GROUP/FYDIBHF23POLTY/C N-RECIPIENTS/CI-00067718 29DC56] | 10/20/2021 22:39 | Rosa Rasgado [rrasgado@pritchardawgroup.com], Edward Pritchard [epritchard@pritchardawgroup.com] | | | Taiwan scott | | 2/2/2022 10:57 | Federal Complaint Advice (20).msg | AC/AWP | Confidential email chain requesting and providing legal advice of counsel regarding redistricting lawsuit containing attorney thoughts and impressions |
| 8 | KEY0000039 | KEY0000039 | Email | Taiwan scott [JCH-FIRST ORGANIZATION/DU-EXCHANG GE ADMINISTRATIVE GROUP/FYDIBHF23POLTY/C N-RECIPIENTS/CI-00067718 29DC56] | 10/18/2021 22:39 | Rosa Rasgado [rrasgado@pritchardawgroup.com], Edward Pritchard [epritchard@pritchardawgroup.com] | | | Taiwan scott | | 2/2/2022 10:57 | Federal Complaint Advice.msg | AC/AWP | Confidential email chain requesting and providing legal advice of counsel regarding redistricting lawsuit containing attorney thoughts and impressions |
| 9 | KEY0000049.0001 | KEY0000049 | Word Doc | | | | | | Blas | 11/13/2018 9:42 | 11/13/2018 10:04 | ForumHouseRev111318.docx | AWP | Attorney Work Product (draft) re South Carolina restricting forum containing attorney thought process and impressions |
| 10 | KEY0000057 | KEY0000057 | Email | Leah Aden [laden@naacplff.org] | 12/4/2021 14:32 | Brenda Murphy [brendamurph@gmail.com], Taif@hotmail.com | John Cusick [jcusick@naacplff.org], Antonio Ingram [aingram@naacplff.org], Leah Aden [laden@naacplff.org] | | Leah Aden | | 2/2/2022 10:57 | PW_ECF Notification for Matter_0841-000 RE_21-cv-03802 - SC NAACP v McMaster (3).msg | AC | Confidential Attorney Client email communication updating clients on redistricting case. |
| 11 | KEY0000058 | KEY0000058 | Email | Leah Aden [laden@naacplff.org] | 12/4/2021 14:32 | Brenda Murphy [brendamurph@gmail.com], Taif@hotmail.com | John Cusick [jcusick@naacplff.org], Antonio Ingram [aingram@naacplff.org], Leah Aden [laden@naacplff.org] | | Leah Aden | | 2/2/2022 10:57 | PW_ECF Notification for Matter_0841-000 RE_21-cv-03802 - SC NAACP v McMaster.msg | AC | Confidential Attorney Client email communication updating clients on redistricting case. |
| 12 | KEY0000065 | KEY0000065 | Email | Leah Aden [laden@naacplff.org] | 10/7/2021 15:49 | Taiwan scott [taif@hotmail.com] | John Cusick [jcusick@naacplff.org], Leah Aden [laden@naacplff.org] | | Leah Aden | | 2/2/2022 10:57 | DF_SC NAACP_ACLU_ and ACLU of SC Proposed Redistricting Maps (24).msg | AC/AWP | Confidential Attorney Client email communication updating clients on redistricting case containing attorney thoughts and impressions |
| 13 | KEY0000066 | KEY0000066 | Email | Leah Aden [laden@naacplff.org] | 10/7/2021 15:49 | Taiwan scott [taif@hotmail.com] | John Cusick [jcusick@naacplff.org], Leah Aden [laden@naacplff.org] | | Leah Aden | | 2/2/2022 10:56 | DF_SC NAACP_ACLU_ and ACLU of SC Proposed Redistricting Maps.msg | AC/AWP | Confidential Attorney Client email communication updating clients on redistricting case containing attorney thoughts and impressions |
| 14 | KEY0000080 | KEY0000080 | Email | Taiwan scott [JCH-FIRST ORGANIZATION/DU-EXCHANG GE ADMINISTRATIVE GROUP/FYDIBHF23POLTY/C N-RECIPIENTS/CI-00067718 29DC56] | 10/18/2021 19:09 | Taiwan scott [lmbdab@aol.com] | | | Taiwan scott | | 2/2/2022 10:56 | Quick Question (21).msg | AC | Confidential Attorney Client email communication updating clients on redistricting case. |
| 15 | KEY0000081 | KEY0000081 | Email | Taiwan scott [JCH-FIRST ORGANIZATION/DU-EXCHANG GE ADMINISTRATIVE GROUP/FYDIBHF23POLTY/C N-RECIPIENTS/CI-00067718 29DC56] | 10/18/2021 19:09 | Taiwan scott [lmbdab@aol.com] | | | Taiwan scott | | 2/2/2022 10:56 | Quick Question.msg | AC | Confidential Attorney Client email communication updating clients on redistricting case. |
| 16 | KEY0000088 | KEY0000088 | Email | John Cusick [jcusick@naacplff.org] | 11/23/2021 11:08 | Brenda Murphy [brendamurph@gmail.com], Charles Boykin [cboykin@boxinlaws.com], JAGison@naacp.org, gtoles@fensons@gmail.com, vaalgr@wpaod.com, hgrf1f5@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [taif@hotmail.com] | Leah Aden [laden@naacplff.org], Stuart Nafieh [snafieh@naacplff.org], Raymond Audain [raudain@naacplff.org], Rick Rozos [rrozos@naacplff.org], Michelle Charles [mcharles@naacplff.org], Dale Ho [dho@aclu.org], Somli Trivedi [strivedi@aclu.org], Patricia Tan [patricia@aclu.org], Samantha Oskai [sosa@aclu.org], Sarahany@bivisc.org, Adar Boroughs [adar@boroughsbyrant.com], Chris Bryant [cbryant@boroughsbyrant.com], Freedman, John A. [john.freedman@arnoldporter.com], vS@redist [vS@redist@arnoldporter.com], Antonio Ingram [aingram@naacplff.org] | | John Cusick | | 2/2/2022 10:56 | RE Case Update (11).msg | AC/AWP | Confidential Attorney Client email communication updating clients on redistricting case containing attorney thoughts and impressions |
| 17 | KEY0000088.0001 | KEY0000088 | PDF | | | | | | Zachery Morris | 11/23/2021 11:04 | 11/23/2021 11:04 | litigation Hold SC NAACP final.pdf | AC/AWP | Attorney Client letter from counsel re "litigation hold" containing attorney thoughts and impressions |
| 18 | KEY0000088.0002 | KEY0000088 | PDF | | | | | | Zachery Morris | 11/23/2021 10:28 | 11/23/2021 10:29 | litigation Hold Scott final.pdf | AC/AWP | Attorney Client letter from counsel re "litigation hold" containing attorney thoughts and impressions |
| 19 | KEY0000089 | KEY0000089 | Email | John Cusick [jcusick@naacplff.org] | 11/23/2021 10:29 | Brenda Murphy [brendamurph@gmail.com], Charles Boykin [cboykin@boxinlaws.com], JAGison@naacp.org, gtoles@fensons@gmail.com, vaalgr@wpaod.com, hgrf1f5@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [taif@hotmail.com] | Leah Aden [laden@naacplff.org], Stuart Nafieh [snafieh@naacplff.org], Raymond Audain [raudain@naacplff.org], Rick Rozos [rrozos@naacplff.org], Michelle Charles [mcharles@naacplff.org], Dale Ho [dho@aclu.org], Somli Trivedi [strivedi@aclu.org], Patricia Tan [patricia@aclu.org], Samantha Oskai [sosa@aclu.org], Sarahany@bivisc.org, Adar Boroughs [adar@boroughsbyrant.com], Chris Bryant [cbryant@boroughsbyrant.com], Freedman, John A. [john.freedman@arnoldporter.com], vS@redist [vS@redist@arnoldporter.com], Antonio Ingram [aingram@naacplff.org] | | John Cusick | | 2/2/2022 10:56 | RE Case Update (2).msg | AC/AWP | Confidential Attorney Client email communication updating clients on redistricting case containing attorney thoughts and impressions |
| 20 | KEY0000091 | KEY0000091 | Email | Blake Denison [bdenison@scnc.com] | 11/23/2021 11:26 | John Cusick [jcusick@naacplff.org] | Adar Boroughs [adar@boroughsbyrant.com], Antonio Ingram [aingram@naacplff.org], Brenda Murphy [brendamurph@gmail.com], Charles Boykin [cboykin@boxinlaws.com], Chris Bryant [cbryant@boroughsbyrant.com], Dale Ho [dho@aclu.org], Fenster, Edward [efenster@naacpnet.org], Freedman, John A. [john.freedman@arnoldporter.com], Leah Aden [laden@naacplff.org], Michelle Charles [mcharles@naacplff.org], Patricia Tan [patricia@aclu.org], Raymond Audain [raudain@naacplff.org], Rick Rozos [rrozos@naacplff.org], Samantha Oskai [sosa@aclu.org], Somli Trivedi [strivedi@aclu.org], Stuart Nafieh [snafieh@naacplff.org], Taiwan scott [taif@hotmail.com], Sarahany@bivisc.org, JAGison@naacp.org, hgrf1f5@hotmail.com, vaalgr@wpaod.com, vaalgr@wpaod.com, vS@redist [vS@redist@arnoldporter.com] | | Blake Denison | | 2/2/2022 10:56 | RE Case Update (4).msg | AC/AWP | Confidential Attorney Client email communication updating clients on redistricting case containing attorney thoughts and impressions |

| | | | | | | | | | | | | | | | |
|----|----------------------|------------|-------|---|------------------|---|--|---|--|------------------|--|---|--|--|--|
| 47 | KEY0000136.0002 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/19/2021 21:46 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (9).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 48 | KEY0000136.0003 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/17/2021 9:40 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com], Antonio Ingram [aingram@naacpfid.org], John Cusick [jcusick@naacpfid.org] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (7).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 49 | KEY0000136.0004 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/19/2021 21:46 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (8).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 50 | KEY0000136.0010 | KEY0000136 | Email | | 10/10/2021 19:59 | don [embata@aol.com] | | Tawan scott | 1/23/2022 15:20 | 1/23/2022 15:29 | Quick Question .msg | AC | Confidential Attorney-Client email communication seeking legal advice | | |
| 51 | KEY0000136.0011 | KEY0000136 | Email | | 10/10/2021 19:59 | don [embata@aol.com] | | Tawan scott | 1/23/2022 15:20 | 1/23/2022 15:29 | Quick Question (2).msg | AC | Confidential Attorney-Client email communication seeking legal advice | | |
| 52 | KEY0000136.0012 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/17/2021 11:08 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com], Antonio Ingram [aingram@naacpfid.org] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (1).msg | AC/AWP | Confidential Attorney-Client email communication informing clients about a litigation hold that contains attorney thoughts and impressions | | |
| 53 | KEY0000136.0012.0001 | KEY0000136 | PDF | | | | | Zachery Morris | 11/23/2021 11:04 | 11/23/2021 11:04 | Litigation Hold - SC NAACP - final.pdf | AC/AWP | Attorney-Client letter from counsel re "litigation hold" containing attorney thoughts and impressions | | |
| 54 | KEY0000136.0012.0002 | KEY0000136 | PDF | | | | | Zachery Morris | 11/23/2021 10:20 | 11/23/2021 10:20 | Litigation Hold - Scott - final.pdf | AC/AWP | Attorney-Client letter from counsel re "litigation hold" containing attorney thoughts and impressions | | |
| 55 | KEY0000136.0012.0013 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/12/2021 20:29 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com], Antonio Ingram [aingram@naacpfid.org] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (3).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 56 | KEY0000136.0014 | KEY0000136 | Email | John Cusick [jcusick@naacpfid.org] | 11/12/2021 20:29 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com], Antonio Ingram [aingram@naacpfid.org] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (2).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 57 | KEY0000136.0015 | KEY0000136 | Email | Elaine Denison [elainedenison@gmail.com] | 11/12/2021 11:26 | John Cusick [jcusick@naacpfid.org] | Adar Boroughs [adar@boroughsbryant.com], Antonio Ingram [aingram@naacpfid.org], Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Chris Bryant [cbryant@boroughsbryant.com], Dale Ho [dho@acu.org], Fenster, Edward [efenster@naacpnet.org], Freedman, John A. [john.freedman@boradporter.com], Leah Aden [laden@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Patricia Yan [pyan@acu.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Samantha Osaki [sosaki@acu.org], Somli Trivedi [sotrivedi@acu.org], Stuart Nafteh [snafteh@naacpfid.org], Taiwan scott [tsaif@hotmail.com], janaeaw@bdusc.org, jagjison@scnaacp.org, hgriff56@hotmail.com, nealgrtw@aol.com, SCRedist [SCRedist@boradporter.com] | Elaine Denison | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update (4).msg | AC/AWP | Confidential Attorney-Client email chain communication updating clients on restricting case containing attorney thoughts and impressions | | |
| 58 | KEY0000136.0003 | KEY0000138 | Email | John Cusick [jcusick@naacpfid.org] | 11/17/2021 11:08 | Brenda Murphy [brendacmurf@gmail.com], Charles Boykin [cboykin@bovinlaw.com], Jagjison@scnaacp.org, et al. scnaacp.org@gmail.com, nealgrtw@aol.com, hgriff56@hotmail.com, Fenster, Edward [efenster@naacpnet.org], Taiwan scott [tsaif@hotmail.com] | Leah Aden [laden@naacpfid.org], Stuart Nafteh [snafteh@naacpfid.org], Raymond Audain [raudain@naacpfid.org], Rick Rozos [rrozos@naacpfid.org], Michelle Charles [mcharles@naacpfid.org], Dale Ho [dho@acu.org], Somli Trivedi [sotrivedi@acu.org], Patricia Yan [pyan@acu.org], Samantha Osaki [sosaki@acu.org], Lachaney@bdusc.org, Adar Boroughs [adar@boroughsbryant.com], Chris Bryant [cbryant@boroughsbryant.com], Freedman, John A. [john.freedman@boradporter.com], SCRedist [SCRedist@boradporter.com], Antonio Ingram [aingram@naacpfid.org] | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Case Update .msg | AC/AWP | Confidential Attorney-Client email communication informing clients about a litigation hold that contains attorney thoughts and impressions | | |
| 59 | KEY0000138.0001.0001 | KEY0000138 | PDF | | | | | Zachery Morris | 11/23/2021 11:04 | 11/23/2021 11:04 | Litigation Hold - SC NAACP - final.pdf | AC/AWP | Attorney-Client letter from counsel re "litigation hold" containing attorney thoughts and impressions | | |
| 60 | KEY0000138.0001.0002 | KEY0000138 | PDF | | | | | Zachery Morris | 11/23/2021 10:20 | 11/23/2021 10:20 | Litigation Hold - Scott - final.pdf | AC/AWP | Attorney-Client letter from counsel re "litigation hold" containing attorney thoughts and impressions | | |
| 61 | KEY0000138.0011 | KEY0000138 | Email | Brenda Murphy [brendacmurf@gmail.com] | 12/14/2021 14:43 | Leah Aden [laden@naacpfid.org] | | Taif@hotmail.com, John Cusick [jcusick@naacpfid.org], Antonio Ingram [aingram@naacpfid.org] | Brenda Murphy | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_FW_ECF Notification for Matter_0841-009 RE_21-cv-03302 - SC NAACP v McMaster (2).msg | AC/AWP | Confidential Attorney-Client email chain communication informing clients about a litigation hold that contains attorney thoughts and impressions | |
| 62 | KEY0000138.0016 | KEY0000138 | Email | Brenda Murphy [brendacmurf@gmail.com] | 12/14/2021 14:43 | Leah Aden [laden@naacpfid.org] | | Taif@hotmail.com, John Cusick [jcusick@naacpfid.org], Antonio Ingram [aingram@naacpfid.org] | Brenda Murphy | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_FW_ECF Notification for Matter_0841-009 RE_21-cv-03302 - SC NAACP v McMaster .msg | AC/AWP | Confidential Attorney-Client email chain communication informing clients about a litigation hold that contains attorney thoughts and impressions | |
| 63 | KEY0000138.0017 | KEY0000138 | Email | John Cusick [jcusick@naacpfid.org] | 10/12/2021 12:36 | Tawan scott [tsaif@hotmail.com], Leah Aden [laden@naacpfid.org] | | | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_LDF_SC NAACP, ACLU, and ACLU of SC Proposed Redistricting Maps (1).msg | AC/AWP | Confidential Attorney-Client email communication updating clients on restricting case containing attorney thoughts and impressions | |
| 64 | KEY0000138.0018 | KEY0000138 | Email | John Cusick [jcusick@naacpfid.org] | 10/10/2021 16:12 | Tawan scott [tsaif@hotmail.com], Leah Aden [laden@naacpfid.org] | | | John Cusick | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_LDF_SC NAACP, ACLU, and ACLU of SC Proposed Redistricting Maps (2).msg | AC/AWP | Confidential Attorney-Client email chain communication updating clients on restricting case containing attorney thoughts and impressions | |
| 65 | KEY0000138.0019 | KEY0000138 | Email | Tawan scott [tsaif@hotmail.com] | 10/10/2021 14:36 | Leah Aden [laden@naacpfid.org] | | | Tawan scott | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_LDF_SC NAACP, ACLU, and ACLU of SC Proposed Redistricting Maps (3).msg | AC/AWP | Confidential Attorney-Client email chain communication updating clients on restricting case containing attorney thoughts and impressions | |
| 66 | KEY0000138.0021 | KEY0000138 | Email | Leah Aden [laden@naacpfid.org] | 10/10/2021 14:53 | Tawan scott [tsaif@hotmail.com] | | | John Cusick [jcusick@naacpfid.org], Leah Aden [laden@naacpfid.org] | Leah Aden | 1/23/2022 15:20 | 1/23/2022 15:29 | Re_LDF_SC NAACP, ACLU, and ACLU of SC Proposed Redistricting Maps .msg | AC/AWP | Confidential Attorney-Client email chain communication updating clients on restricting case containing attorney thoughts and impressions |
| 67 | KEY0000138.0025 | KEY0000138 | Email | DON BRADHEARS [bradba@aol.com] | 10/11/2021 7:52 | Tawan scott [tsaif@hotmail.com] | | | DON BRADHEARS | 1/23/2022 15:20 | 1/23/2022 15:29 | Quick Question (8).msg | AC | Confidential Attorney-Client email communication seeking legal advice | |
| 68 | KEY0000138.0026 | KEY0000138 | Email | DON BRADHEARS [bradba@aol.com] | 10/11/2021 7:52 | Tawan scott [tsaif@hotmail.com] | | | DON BRADHEARS | 1/23/2022 15:20 | 1/23/2022 15:29 | Quick Question (7).msg | AC | Confidential Attorney-Client email communication seeking legal advice | |
| 69 | KEY0000138.0027 | KEY0000138 | Email | Tawan scott [tsaif@hotmail.com] | 10/12/2021 13:06 | DON BRADHEARS [bradba@aol.com], dravin [amthos@jhu.edu], linda.washington [linda.washington@bradhears.org] | | | Tawan scott | 1/23/2022 15:20 | 1/23/2022 15:29 | Quick Question .msg | AC | Confidential Attorney-Client email communication seeking legal advice | |

Exhibit I



SC State Conference NAACP

6111 North Main Street

Columbia, South Carolina 29203

Reapportionment Committee Meeting Minutes

Co-Chairs: Mr. Charles Boykin, Esquire
Mr. Steven Love

5:00 P.M., Monday, June 21, 2021

Call to Order and Opening Prayer. The Reapportionment Committee was called to order with an opening prayer by Co-Chair Attorney Charles Boykin at 5:00 P.M.

Welcome and Introduction of New Persons: Attorney Boykin welcomed committee members present.

Roll Call. Present were: 1) Mrs. Brenda Murphy; 2) Attorney Charles Boykin; 3) Ms. Amelia Glisson; 4) Ms. Jennifer Tague; 5) Dr. John Ruoff; 6) Ms. Elizabeth Kilgore; 7) Dr. Eloise Fomby-Denson; 8) Mr. Evans Moore; 9.) Attorney Sam Osaki; 10) Attorney Patricia Yan; 11) Attorney Steven Lance; 12) Attorney Dale Ho; 13) Mr. Charles Mann 14) Mr. Josh Asabor; 15) Mr. Ronak Patel; 16) Ms. Rachael Wyant; 17) Attorney Adriel Cepeda; 18) Attorney Leah Aden; 19) Attorney John Cusick 20) Ms. Casey Smith

Approval of June 21, 2021, Meeting Minutes. Co-Chair Boykin asked if there were any corrections or changes to the minutes, being none, Ms. Elizabeth Kilgore motioned to accept the minutes as presented, seconded by Dr. Eloise Denson, and affirmed by a majority vote of committee members present.

Overview

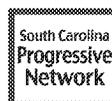
Attorney Adriel Cepeda, ACLU and Attorney Leah Aden, LDF provided an Overview of two Redistricting options for members of the committee to think about.

Attorney Cepeda stated their desire is to ensure that the SC maps that come out of this cycle are as fair and equitable as possible. SC black voter age and population (BVAP) is 26.6% voting population. It is desired for representation to be proportional to the 26.6%. The current representational gap is 12%.

Attorney Leah Aden (LDF) stated that following the 2010 Census the SC State Conference and ACLU offered a Congressional Map that included 2 majority black districts and other proposal offered. They have been studying the data (demographic and voting patterns) and looking for ways to create an additional majority black district or is that not possible.



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Attorney Charles Boykin asked would a second majority black district adversely impact the one we have and to what extent? Attorney Aden stated that they would never suggest anything that would make the existing district not perform or black voters ineffective.

Attorney Boykin then asked as a community-based organization how do we increase our return? How to better our target our message, our people, our mobilization? Attorney Aden responded that when new districts are created, and communities are aware that it is being created it does foster increased participation and awareness. She also, said that a publication information campaign should be developed around what we want to win. There should be a strategy around local branches and others to make sure they are activated to be part of this discussion.

Attorney Aden said the Census release date is no later than the end of September. Currently, they are relying on 2010 data and projections. Maps should be able to be shared by our next monthly meeting.

Attorney Cepeda, the current black majority district (Congressional District 6) could be unpacked to make surrounding districts (Congressional Districts 1&7) more competitive. Currently District 6 is made up of 56% black voters. The maps could be more competitive to close the (12%) representational gap mentioned earlier.

The difference between what Attorney Cepeda is recommending verses what Attorney Aden is recommending is that we would not be creating a second majority black district, but rather making the other districts more competitive.

Mr. Charles Mann, asked where the population shifts are occurring within the state that is adding to Attorney Cepeda methodology? Attorney Cepeda replied big shifts have occurred along the coast. Congressional District 1 is overpopulated, and Congressional District 6 is underpopulated. Dr. John Ruoff stated there are four large areas of growth, all white areas. Along the coast top and bottom, Rock Hill, Lancaster and Greenville. Attorney Aden stated that they will look at elections (county and area specific) and bring the information back for discussion.

Attorney Cepeda clarified that the unpacking he spoke of is not a strategy for a second majority black district. It would be to ensure that the current Congressional District 6 continues to perform but that District 1 or other surrounding districts are competitive.

- 1.) We don't see an obvious representational gap in the State House. Based on the 26.6% of black voters we should have 33 black representatives to be proportional and it has 34
- 2.) The Senate needs just one more seat to be held by a black candidate for it to be proportional.
- 3.) Identified Senate Districts with high black voter numbers, the concern is the legislature will move even more blacks to those districts thus making them even safer for white republican candidates. There is a concern that House Districts performing well may be targeted. Something more concrete to share later in the summer.



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President Murphy asked Dr. Ruoff how to ensure that we are all on the same page? Dr. Ruoff responded that LDF is looking at a number of local districts. Branches to start surfacing areas of concern for them. LDF and Dr. Ruoff are looking at the data, and being in touch with the ACLU, LDF on a regular basis.

Attorney Aden agreed for the need to be in contact on a regular basis. There is too much to survey, particularly on the localities so we do need to divide and conquer. They are coordinating with the State Legislative bodies. Right now, some things need to be set up and put in place to protect confidences, conversations, data and information they are preparing and potentially sharing.

President Murphy stressed the importance of a collaborative effort. Attorney Boykin reiterated that there is a solid interface between the redistricting effort and what is happening with the branches. The branches have been trained and prepared and we want to make sure the effort is coordinated. Attorney Boykin continued that the State Conference Leadership has been preparing the branches to serve in the capacity we are discussing today.

Mr. Mann, asked if local community organizations will be brought into the consensus that President Murphy referenced. Attorney Boykin stated the effort is to improve our coordination. He then suggested that at an upcoming meeting, do a general overview of what the NAACP plans and how we are working with our branches and other organizations, to allow folks such as Mr. Mann to see how they can fit in on the local level with the work that is being done.

President Murphy, questioned the need to meet more frequently.

Attorney Boykin requested for a branch representative to speak about their redistricting efforts. t. President Murphy asked Ms. Kilgore to speak at the next meeting.

Attorney Aden asked what would be the best way to meet with branches, what is a good way to tap into branches? President Murphy stated we need to identify specific district needs.

Attorney Aden asked if there was a need for training for letter writing and testimonies. Attorney Boykin stated that training on testimony and getting the community attuned to the preparation would be incredibly helpful.

Next Committee Meeting Date. Monday, July 19, 2021, at 5:00 P.M.

Closing Prayer. Closing Prayer by Co-Chair: A Charles Boykin

Adjournment. Ms. Elizabeth Kilgore motioned to adjourn, seconded by Ms. Jennifer Tague, Reappointment Committee Meeting closed at 6:00 P.M.

Respectfully submitted,
Eloise Fomby-Denson, Assistant Secretary



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Meeting Attendees Contact Information

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256.404.2061

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Mr. Evans Moore, NAACP Legal Defense and Educational Fund, Inc. emoore@naacpldf.org
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Attorney Dale Ho, ACLU, dho@aclu.org

Mr. Josh Asabor, ACLU
Ms. Rachael Wyant, NAACP Legal Defense and Educational Fund, Inc.

Mrs. Jennifer Tague, Field Director SC AFL-CIO, jtague@scaflcio.org 803.600.4751

Dr. John Ruoff, League of Women Voters-SC, Ruoff@theruoffgroup.com 803.603.3224.

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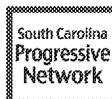
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Mr. Ronak Patel, ACLU
Ms. Casey Smith, ACLU



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