

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

OHIO A. PHILIP RANDOLPH INSTITUTE,)
LEAGUE OF WOMEN VOTERS OF OHIO,)
LINDA GOLDENHAR, DOUGLAS BURKS,)
SARAH INSKEEP, CYNTHIA LIBSTER,)
KATHRYN DEITSCH, LUANN BOOTHE,)
MARK JOHN GRIFFITHS, LAWRENCE)
NADLER, CHITRA WALKER, RIA MEGNIN,)
ANDREW HARRIS, AARON DAGRES,)
ELIZABETH MYER, ERIN MULLINS, TERESA)
THOBABEN, and CONSTANCE RUBIN,)

Plaintiffs,)

v.)

JOHN KASICH, Governor of Ohio,)
JON HUSTED, Secretary of State of Ohio,)
RYAN SMITH, Speaker of the Ohio House of)
Representatives, and LARRY OBHOF, President)
of the Ohio Senate, in their official capacities,)

Defendants.)

**PLAINTIFFS' CASE
SCHEDULE STATEMENT**

No. 1:18-cv-00357

Judge Timothy S. Black
Judge Karen Nelson Moore
Judge Michael H. Watson
Magistrate Judge Karen L. Litkovitz

Plaintiffs' proposed schedule provides for a discovery cutoff at the end of this year and a trial in February 2019. This schedule permits expedited Supreme Court review and an order directing Defendants to put in place a new map of congressional districts in time to meet Ohio's statutory schedule for the 2020 elections.

Most immediately: Plaintiffs seek leave to serve a tailored initial set of Rule 34 Requests for Production of Documents and Rule 33 Interrogatories on June 15, 2018 along with third party document subpoenas pursuant to Rule 45.¹ Plaintiffs further request that the Rule 26(f) conference take place on June 26, such that additional discovery and Rule 26 disclosures can proceed promptly.

I. The Need for Expedition: the Accelerated Ohio 2020 Election Schedule.

In presidential election years, all primary elections in Ohio are held on the second Tuesday after the first Monday in March. Ohio Rev. Code § 3501.01(E)(2). Absent a change in law, the 2020 primary elections will be held on March 10, 2020, and candidates will be required to file declarations of candidacy on or about December 11, 2019. *See id.* § 3513.05.

Once this Court issues a final order, there is an appeal as of right to the Supreme Court pursuant to 28 U.S.C. § 1253. A review of the two partisan gerrymandering cases heard by the Supreme Court in the current term reveals that oral argument was set approximately seven months after the notice of appeal was filed. *See Gill v. Whitford*, No. 16-1611 (notice of appeal filed February 24, 2017, and oral argument held October 3, 2017); *Benisek v. Lamone*, No. 17-333 (notice of appeal filed August 25, 2017, and oral argument held March 28, 2018). And of course, a decision only issues several months after oral argument.

¹ Exhibits A and B are the discovery requests Plaintiffs intend to serve on Defendant John Kasich. The discovery requests that will be served on the other Defendants in this matter are substantively identical.

Obtaining a Supreme Court decision on a new congressional district map before December 2019 will require expedition.

II. Plaintiffs' Scheduling Proposal.

Accordingly, Plaintiffs propose the following schedule in this matter.²

Date	Event
June 15, 2018	Discovery commences. Plaintiffs serve their first set of document requests and interrogatories and Rule 45 document subpoenas.
June 26, 2018	Rule 26(f) conference.
July 9, 2018	Defendants' deadline for responding to the Complaint.
December 21, 2018	Close of discovery.
January 18, 2019	Cut off for supplemental discovery regarding the results of the 2018 election. Deadline for pre-trial filings.
January 25, 2019	Final pre-trial conference.
February 4 - 18, 2019	Trial.

III. This Court May Order Expedited Discovery in this Case.

Courts have permitted expedited discovery on a showing of good cause. *Arista Records, LLC v. Does 1-15*, No. 2:07-cv-450, 2007 WL 5254326, at *2 (S.D. Ohio Nov. 5, 2007) (Watson, J.); *see also Luxottica Retail N. Am., Inc. v. Vision Serv. Plan*, No. 1:14-CV-581, 2014 WL 4626015, at *3-*4 (S.D. Ohio Sept. 12, 2014) (Black, J.) (stating that “expedited discovery may be granted upon a showing of good cause,” although noting a split in the district courts).

Courts in partisan gerrymandering cases have recognized the need for expedited discovery prior to the response to the complaint. Thus, in *Agre v. Wolf*, a challenge to Pennsylvania's map as an unconstitutional partisan gerrymander, the complaint was filed October 2, 2017, the Rule 16 conference was held on October 10, and discovery was permitted by October 13—even though the answer or responsive pleading was not due until due October

² Plaintiffs anticipate providing a more detailed scheduling proposal as part of the Rule 26(f) Report, addressing issues such as expert disclosures and pre-trial filings.

24. See Pretrial Scheduling Order, *Agre v. Wolf*, No. 2:17-cv-4392 (E.D. Pa. Oct. 10, 2017), ECF No. 20; see also Order, *Agre v. Wolf*, No. 2:17-cv-4392 (E.D. Pa. Oct. 25, 2017), ECF No. 47 (denial of defendants' motion for reconsideration, in relevant part, by three judge panel).³

IV. The Anticipated SCOTUS Ruling Does Not Provide a Reason To Delay Discovery.

Contrary to Defendants' contention, courts hearing partisan gerrymandering cases have declined to delay the proceedings because *Gill* and *Benisek* are pending before the Supreme Court. See Memorandum Opinion, *Common Cause v. Rucho*, No. 16-cv-01164 (M.D.N.C. Sept. 8, 2017), ECF No. 86; Order Denying Request to Stay, *League of Women Voters of Michigan v. Johnson*, No. 17-cv-14148 (E.D. Mich. Mar. 14, 2018), ECF No. 35; see also Defs.' Mot. for Review and Reconsideration of Scheduling Order at 6, *Agre v. Wolfe*, No. 2:17-cv-4392 (E.D. Pa. Oct. 16, 2017), ECF No. 31 (arguing that "the alleged underlying constitutional violations that form the foundation for the purported civil rights claims are identical to the constitutional claims asserted in *Gill*"), and Order, *Agre v. Wolfe*, No. 2:17-cv-4392 (E.D. Pa. Oct. 25, 2017), ECF No. 47 (rejecting this argument without discussion).

In the unlikely event that the Supreme Court's decision in *Gill* provides a basis for blocking discovery in whole or in part, Plaintiffs' proposed schedule provides Defendants with an opportunity to raise such an objection at the Rule 26(f) conference (which will follow such a decision) and in their discovery responses (which are not due until July). Plaintiffs' proposal, however, permits the process of resolving such issues to move forward expeditiously.

³ Copies of docket entries cited in this Case Schedule Statement are available upon request.

Date: June 11, 2018

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Respectfully submitted,

/s/ Freda J. Levenson, trial attorney

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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that Plaintiffs' Case Schedule Statement was served on Steven T. Voigt and Nicole M. Koppitch via ECF.

/s/ Freda J. Levenson
Trial Attorney for Plaintiffs

Exhibits in Support of Plaintiffs' Case Schedule Statement

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

OHIO A. PHILIP RANDOLPH INSTITUTE,)
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Plaintiffs,)
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v.)
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JOHN KASICH, Governor of Ohio,)
JON HUSTED, Secretary of State of Ohio,)
RYAN SMITH, Speaker of the Ohio House of)
Representatives, and LARRY OBHOF, President)
of the Ohio Senate, in their official capacities,)
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Defendants.)

**PLAINTIFFS’ FIRST SET OF
INTERROGATORIES**

No. 1:18-cv-00357

Judge Timothy S. Black
Judge Karen Nelson Moore
Judge Michael H. Watson
Magistrate Judge Karen L. Litkovitz

**PLAINTIFFS’ FIRST SET OF INTERROGATORIES TO
DEFENDANT JOHN KASICH**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs hereby request that Defendant John Kasich, in his capacity as Governor for the State of Ohio, answer the following interrogatories fully under oath.

DEFINITIONS

1. “You,” “Your,” or “Governor” means Defendant John Kasich, in his official capacity as Governor for the State of Ohio, his predecessors and successors in their official

capacities as Governor for the State of Ohio and all persons acting, or purporting to act, on Defendant's behalf, including but not limited to Defendant's agents and employees.

2. "Concerning," "Reflecting," "Regarding," and "Relating to" are used in the broadest possible sense and mean, in whole or in part, addressing, analyzing, constituting, containing, commenting, in connection with, dealing, discussing, describing, embodying, evidencing, identifying, pertaining, referring, reporting, stating, or summarizing.

3. "Describe," "state," and "set forth" mean to indicate fully and unambiguously each relevant fact of which You have knowledge.

4. "Ohio congressional map" shall refer to the Ohio congressional maps drawn as a result of the 2010 Census and reapportionment of seats, including the maps adopted in HB 319 and HB 369, as well as any alternative or draft maps. This definition includes maps of one or more individual districts as well as maps that encompass the entire state.

5. "Person(s)" shall refer not only to natural persons, but also without limitation to firms, partnerships, corporations, associations, unincorporated associations, organizations, businesses, trusts, government entities, and/or any other type of legal entities. All references to a person also include that person's agents, employees (whether part-time or full-time), and representatives.

INSTRUCTIONS

The following instructions apply to each interrogatory contained herein:

1. Each interrogatory shall be answered separately and fully, and shall be signed under oath by an authorized representative who has knowledge thereto. Should an interrogatory contain subdivisions, a separate and full answer shall be provided for each subdivision.

3. All documents identified in response to these interrogatories shall designate the interrogatory to which it is responsive and identify the Bates number of the page(s) on which the answer to the interrogatory may be found.

4. If you object to any part of an interrogatory, set forth the basis for your objection and respond to all parts of the request to which you do not object. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or any extensions thereof, shall be waived. All objections must be made with particularity and must set forth all the information upon which you intend to rely in response to any motion to compel.

5. All objections must state with particularity whether and in what manner the objection is being relied upon as a basis for limiting the scope of response or the production of any documents. If you are withholding responsive information pursuant to any general objection, you must so expressly indicate. If, in answering any interrogatory, you claim any ambiguity in interpreting either the interrogatory or a definition or instruction applicable thereto, such claim shall not be used by you as a basis for refusing to respond; rather, you shall set forth as part of your response the language deemed to be ambiguous and the interpretation used in responding to the interrogatory.

6. In answering these interrogatories, furnish all information, however obtained, including hearsay, that is available to you, including information in your actual or constructive possession, or in the actual or constructive possession of your attorneys, experts, officers, directors, employees, accountants, consultants, and anyone else acting on your behalf or subject to your control. If any interrogatory seeks information about a topic for which you lack direct knowledge, you must provide all information containing any estimate or approximation, whether internally generated or provided to you by a third party.

7. If you cannot answer all or part of any interrogatory after exercising due diligence to secure the full information to do so, you shall state and answer to the extent possible, specifying your inability to answer the remainder; stating whatever information or knowledge you have concerning the unanswered portion; and detailing what you did in attempting to secure the unknown information.

8. If any privilege is claimed as a basis for not providing any information responsive to these interrogatories, (i) state the specific grounds for the claim of privilege; (ii) identify the date of the privileged Communication or information and the parties participating in the privileged Communication or privy to the privileged information (denoting all attorneys with an asterisk “*”); and (iii) describe the nature of the Communication or information with sufficient detail to assess the claim of privilege. Additionally, for any information withheld under a claim of attorney work-product protection, identify with particularity the specific litigation or regulatory proceeding that was anticipated or pending to which such information relates. For any document withheld on the basis of privilege, you shall comply with the privilege log requirement, as specified in Federal Rule of Civil Procedure 26(b)(5).

9. Whenever necessary to bring within the scope of an interrogatory a response that might otherwise be construed to be outside its scope, the following constructions should be applied:

- a. Construing the terms “and” and “or” in the disjunctive or conjunctive, as necessary, to make the interrogatory more inclusive;
- b. Construing the singular form of any word to include the plural and the plural form to include the singular;

- c. Construing the past tense of a verb to include the present tense and the present tense to include the past tense;
 - d. Construing the masculine form to include the feminine form and vice versa;
 - e. Construing the term “date” to mean the exact day, month and year if ascertainable; if not, the closest approximation that can be made by means of relationship to other events, locations, or matters; and
 - f. Construing negative terms to include the positive and vice versa.
10. These interrogatories are continuing in nature, up to and during the course of trial.
11. Information sought by these interrogatories that Defendant obtains after serving his answer must be disclosed promptly to counsel for Plaintiffs by supplementary answer or answers.
12. All requests to identify a person in the following interrogatories are to be answered by providing sufficient information to enable the undersigned counsel to contact the person by telephone, mail, and email, and to serve legal documents on such person. If such person is a natural person, state his or her:
- a. Full name;
 - b. Present or last known business and residential address, including telephone numbers;
 - c. Present or last known employer, occupation, or job title;
 - d. Email address; and
 - e. Relationship between such person and any Defendant.
13. If an interrogatory requests the identity of a person other than a natural person (*e.g.*, a corporation, partnership, or limited liability company), state its:
- a. Full name or designation;

- b. Legal classification (*e.g.*, corporation, partnership, limited liability company);
 - c. State of incorporation or registration;
 - d. Complete address of its principal place of business;
 - e. Any other information reasonably necessary to permit efficient contact with the entity; and
 - f. Any relationship between the entity and any Defendant.
14. If an interrogatory requests the identity of a written document or statement, state:
- a. The type of document or statement (*e.g.*, memorandum, email, spreadsheet, presentation, etc.);
 - b. The full name of the author or creator;
 - c. The title of the document or, if the document is untitled, the file name of the document;
 - d. The date that the document bears or, if undated, the date that it was created;
 - e. The full name of each person that received the document or that was carbon copied or blind carbon copied on the document; and
 - f. All Bates numbers marked on the document.
15. If an interrogatory requests the identity of a communication, state:
- a. the identity of the persons that participated in the communication;
 - b. the method of communication (*e.g.*, email, letter, verbal communication, etc.);
 - c. the date and time of the communication;
 - d. the duration of the communication; and

e. the subject of the communication.

16. Unless otherwise specified, these Interrogatories pertain to the period from January 1, 2011 through December 31, 2011 (“the Relevant Period”). However, notwithstanding this time limitation or any other time limitation stated in a particular request, responsive answers must be supplied for any longer period and/or as reasonably required to cover any events that you contend to be relevant in any way to the subject matter of this litigation.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each individual who provided any non-secretarial assistance in the redistricting of the Ohio congressional maps in 2011, and, for each such person, identify or describe that person’s: (i) current employer, if that person is a natural person; (ii) employer at the time of the person’s involvement in the redistricting of the Ohio congressional map, if that person is a natural person; (iii) that person’s role in the redistricting of the Ohio congressional map.

Respectfully submitted,

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EXHIBIT B

**UNITED STATES DISTRICT COURT
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ANDREW HARRIS, AARON DAGRES,)	
ELIZABETH MYER, ERIN MULLINS, TERESA)	
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Plaintiffs,)	
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v.)	
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JOHN KASICH, Governor of Ohio,)	
JON HUSTED, Secretary of State of Ohio,)	
RYAN SMITH, Speaker of the Ohio House of)	
Representatives, and LARRY OBHOF, President)	
of the Ohio Senate, in their official capacities,)	
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Defendants.)	

**PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION OF
DOCUMENTS**

No. 1:18-cv-00357

Judge Timothy S. Black
Judge Karen Nelson Moore
Judge Michael H. Watson
Magistrate Judge Karen L. Litkovitz

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT JOHN KASICH**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned case hereby submit their First Request for Production of Documents to Defendant John Kasich, in his official capacity as the Governor for the State of Ohio.

Plaintiffs request that Defendant produce the following Documents and things herein requested within thirty (30) days at the offices of the ACLU of Ohio, 4506 Chester Avenue, Cleveland, OH 44103, or at such place as may be agreed upon by counsel. Each Document request is subject to the Definitions and Instructions set forth below.

DEFINITIONS

1. “You,” “Your,” or “Governor” means Defendant John Kasich, in his official capacity as Governor for the State of Ohio, his predecessors and successors in the official capacities as Governor for the State of Ohio and all persons acting, or purporting to act, on Defendant’s behalf, including but not limited to Defendant’s agents and employees.

2. “Associated with” shall mean employed by, under contract with, acting as the agent of, representing, or otherwise affiliated with an organization or person.

3. “Communication” is used in the broadest possible sense and means every conceivable manner or means of disclosure, transfer or exchange of oral or written information between one or more persons, entities, devices, platforms or systems.

4. “Complaint” shall mean the Complaint for injunctive and declaratory relief filed by Plaintiffs in the above-captioned case on May 23, 2018, and any subsequently filed amended complaints in the above-captioned cases.

5. “Concerning,” “Reflecting,” “Regarding,” and “Relating to” are used in the broadest possible sense and mean, in whole or in part, addressing, analyzing, constituting, containing, commenting, in connection with, dealing with, discussing, describing, embodying, evidencing, identifying, pertaining to, referring to, reporting, stating, or summarizing.

6. “Describe,” “state,” and “set forth” mean to indicate fully and unambiguously each relevant fact of which You have knowledge.

7. “District” shall refer to Ohio congressional districts, and shall not refer to state legislative districts.

8. “Document” is used in the broadest possible sense to mean anything which may be within the meaning of Rule 34 of the Federal Rules of Civil Procedure, and includes without

limitation any written, printed, typed, photocopied, photographed, recorded or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, data, pictures, sounds or symbols, or any combination thereof. “Document” includes without limitation, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, accounts, analytical records, reports and/or summaries of investigations, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes of minutes of meetings or communications, electronic mail/messages and/or “e-mail,” text messages, social media communications, voice mail messages, instant messaging, questionnaires, surveys, charts, graphs, photographs, films, tapes, disks, data cells, print-outs of information stored or maintained by electronic data processing or word processing equipment, all other data compilations from which information can be obtained (by translation, if necessary, by You through detection devices into usable form), including, without limitation, electromagnetically sensitive storage media such as CDs, DVDs, memory sticks, floppy disks, hard disks and magnetic tapes, and any preliminary versions, as well as drafts or revisions of any of the foregoing, whether produced or authored by a plaintiff or anyone else. The term “Document(s)” includes the defined term “Electronically Stored Information,” which is defined below.

9. “Electronically Stored Information” or “ESI” shall include, but not be limited to, any and all electronic data or information stored on a computing device. Information and data is considered “electronic” if it exists in a medium that can only be read through the use of computing device. This term includes but is not limited to databases; all text file and word processing Documents (including metadata); presentation Documents; spreadsheets; graphics,

animations, and images (including but not limited to JPG, GIF, BMP, PDF, PPT, and TIFF files); email, email strings, and instant messages (including attachments, logs of email history and usage, header information and “deleted” files); email attachments; calendar and scheduling information; cache memory; Internet history files and preferences; audio; video, audiovisual recordings; voicemail stored on databases; networks; computers and computer systems; computer system activity logs; servers; archives; back-up or disaster recovery systems; hard drives; discs; CDs; diskettes; removable drives; tapes; cartridges and other storage media; printers; scanners; personal digital assistants; computer calendars; handheld wireless devices; cellular telephones; pagers; fax machines; and voicemail systems. This term includes but is not limited to onscreen information, system data, archival data, legacy data, residual data, and metadata that may not be readily viewable or accessible, and all file fragments and backup files.

10. “HB 319” shall refer to Ohio House Bill 319 passed by the 129th General Assembly on September 20, 2011, and signed into law by You on September 26, 2011.

11. “HB 369” shall refer to Ohio House Bill 369 passed by the 129th General Assembly on December 14, 2011, and signed into law by You on December 15, 2011.

12. “Meeting” shall refer not only to in-person meetings, but also to telephonic and video conference meetings.

13. “Ohio congressional map” shall refer to the Ohio congressional maps drawn as a result of the 2010 Census and reapportionment of seats, including the maps adopted in HB 319 and HB 369, as well as any alternative, proposed, or draft maps. This definition includes maps of one or more individual districts as well as maps that encompass the entire state.

14. “Person(s)” shall refer not only to natural persons, but also without limitation to firms, partnerships, corporations, associations, unincorporated associations, organizations,

businesses, trusts, government entities, and/or any other type of legal entities. All references to a person also include that person's agents, employees (whether part-time or full-time), and representatives.

15. "Possession" means Your immediate possession, including items held by agents and employees, and any and all other principals or assigns, as well as constructive possession by virtue of Your ability to retrieve the aforesaid Document or information.

INSTRUCTIONS

1. Unless otherwise specified, these Requests for Production seek Documents created in, or in any way covering, utilized during, in effect, or relating to any time during the period from January 1, 2011 through December 31, 2011 ("the Relevant Period").

However, notwithstanding this time limitation or any other time limitation stated in a particular request, responsive Documents must be supplied for any longer period and/or as reasonably required to cover any events that you contend to be relevant in any way to the subject matter of this litigation.

2. You are to produce entire Documents including all attachments, cover letters, memoranda, and appendices, as well as the file, folder tabs, and labels appended to or containing any Documents. Copies which differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) should be produced separately. Please produce all electronically-stored Documents in electronic, machine-readable form, together with sufficient Documentation of variable names and descriptions and any other information necessary to interpret and perform calculations on such data.

3. If You object to any part of a Request, set forth the basis for Your objection and respond to all parts of the Request to which You do not object.

4. If any privilege or immunity is claimed as a ground for not producing a Document or tangible thing, provide a written log describing the basis for the claim of privilege or immunity that identifies each such Document and states the ground on which each such Document is asserted to be privileged or immune from disclosure. Any attachment to an allegedly privileged or immune Document shall be produced unless you contend that the attachment is also privileged or immune from disclosure.

5. Whenever necessary to bring within the scope of a Request a response that might otherwise be construed to be outside its scope, the following constructions should be applied:

- a. Construing the terms “and” and “or” in the disjunctive or conjunctive, as necessary, to make the Request more inclusive;
- b. Construing the singular form of any word to include the plural and the plural form to include the singular;
- c. Construing the past tense of the verb to include the present tense and the present tense to include the past tense;
- d. Construing the masculine form to include the feminine form;
- e. Construing negative terms to include the positive and vice versa;
- f. Construing “include” to mean include or including “without limitation.”

6. If there are no Documents responsive to a particular category, please so state in writing. If any Documents or parts of Documents called for by this Document request have been lost, discarded, or destroyed, identify such Documents as completely as possible on a list, including, without limitation, the following information: a description of the document (author, date, to whom it was communicated, subject(s) and format), date of

disposal, manner of disposal, reason for disposal, person authorizing the disposal, and person disposing of the Document.

7. These Document Requests request Documents in Your possession, including Documents of Your employees, agents and representatives, and unless privileged, Your attorneys.

8. These Document Requests are continuing in character so as to require You to produce additional Documents if You obtain further or different information at any time before trial.

9. If there is any question as to the meaning of any part of these Requests, or an issue as to whether production of responsive Documents would impose an undue burden on You, the undersigned counsel for Plaintiffs should be contacted promptly.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents regarding or relating to the redistricting of the Ohio congressional map conducted as a result of the 2010 Census and reapportionment of seats in 2011.

REQUEST FOR PRODUCTION NO. 2:

All Documents constituting any final, proposed, or draft Ohio congressional district maps generated in 2011.

REQUEST FOR PRODUCTION NO. 3:

Any software or databases—including all Documents reflecting or relating to communications regarding such software or databases— used in the process of creating or evaluating any maps—including drafts as well as the maps adopted in HB 319 and HB 369—drafted as part of the redistricting of Ohio’s congressional maps after the 2010 Census,

including without limitation (a) any databases provided by Cleveland State University or any person associated with Cleveland State University, and (b) the Ohio Common and Unified Redistricting Database.

REQUEST FOR PRODUCTION NO. 4:

All Documents regarding or relating to any consultant or other person or organization who provided assistance, whether paid or unpaid, relating to the redistricting of the Ohio congressional map, including but not limited to (a) contracts and agreements, whether oral or written, and Documents reflecting such contracts and agreements; (b) communications with such persons relating to the Ohio congressional map or redistricting in general; (c) reports (draft or final) or analyses prepared regarding or relating to such reports or analyses; (d) information shared with such persons to assist them in their work related to the Ohio congressional map; and (e) invoices or payments submitted to/from such persons for any activities relating to congressional redistricting in Ohio in 2010-2011.

REQUEST FOR PRODUCTION NO. 5:

All Documents regarding or relating to the process by which the Ohio congressional maps ultimately adopted in HB 319 and 369 were created, including but not limited to Documents relating to (1) the prevention from disclosure or the timing of any disclosure in 2011 of any Ohio congressional maps considered during the redistricting process; (2) any location used by individuals engaged in the process of creating any Ohio congressional district maps, including a DoubleTree Hotel in Columbus, Ohio; (3) solicitations and offers of input from national Republicans; (4) solicitations and offers of input from state legislators; (5) the consideration (or lack of consideration) of the input of Ohio citizens or other persons; and (6) the consideration (or lack of consideration) of any alternative maps proposed by any other person or organization.

REQUEST FOR PRODUCTION NO. 6:

All Documents regarding or relating to the likely or possible results of elections conducted under any Ohio congressional map—including drafts and the final maps adopted as part of HB 319 and HB 369—drafted as part of the redistricting process after the 2010 Census, including but not limited to (a) any projection of likely results in elections from 2012 through the present, and (b) a comparison between the likely results and actual results in elections from 2012 through the present.

REQUEST FOR PRODUCTION NO. 7:

All Documents relating to any statement made by any person in 2010 and/or 2011 regarding or relating his/her objective(s) or hopes in the redistricting of the Ohio congressional map, including for example and without limitation (a) that using partisan voting data to create “safe” congressional districts could reduce the cost of conducting congressional campaigns; and (b) the desire to preserve 12 Republican members in the Ohio delegation to the United States House of Representatives.

REQUEST FOR PRODUCTION NO. 8:

All Documents regarding or relating to any reasons why any member or group of members of the Ohio General Assembly voted in favor of or against HB 319 and/or HB 369.

REQUEST FOR PRODUCTION NO. 9:

All Documents regarding or relating to any proposed or actual change between the congressional maps set forth in HB 319 and HB 369.

REQUEST FOR PRODUCTION NO. 10:

All Documents regarding or relating to the consideration of any factors in creating any draft or final versions of the Ohio congressional map, including but not limited to (a)

compactness; (b) contiguity; (c) population equality; (d) incumbency protection; (e) competitiveness; (f) preservation of communities of interest; (g) likelihood of election outcomes; (h) past election outcomes, either collectively or singularly; (i) Voting Rights Act compliance; (j) location of political campaign contributors; (k) location of the home of any potential candidate for Congress; and (l) location of any county, municipal, or other political boundary.

REQUEST FOR PRODUCTION NO. 11:

All Documents constituting, regarding, or relating to any data or indices used in the process of creating or evaluating any maps—including drafts as well as the maps adopted in HB 319 and HB 369—drafted as part of the redistricting of Ohio’s congressional maps after the 2010 Census, including but not limited to (a) prior election results, either singularly or collectively; (b) information provided by POLIDATA; (c) the Cook Partisan Voting Index; or (d) Block Equivalency Files.

REQUEST FOR PRODUCTION NO. 12:

All communications, and Documents regarding or relating to such communications, with any person regarding the redistricting of the Ohio congressional maps, after the 2010 Census, including but not limited to Adam Kincaid, John Morgan, Matt Schuler, Mike Dittoe, Troy Judy, William Batchelder, Clark Bensen, John Boehner, Thomas Niehaus, Mark Braden, Heather Mann, Ray DiRossi, Jon Husted, Thomas Hofeller, Thomas Whatman, Kevin DeWine, Chris Jankowski, Tom Reynolds, Ed Gillespie, Michael Lenzo, any person associated with any member of the Ohio General Assembly, any person associated with the Republican State Leadership Committee (“RSLC”), any person associated with the National Republican Congressional Committee (“NRCC”), any person associated with the State Government

Leadership Foundation (“SGLF”), or any person associated with the Republican National Committee (“RNC”).

REQUEST FOR PRODUCTION NO. 13:

All Documents regarding or relating to any conference, meeting, or training concerning the topic of redistricting in 2010 or 2011, including but not limited to (a) agendas; (b) minutes or notes; (c) any Document provided to participants prior to, at or after the event; (d) invitations; (e) invoices or requests for reimbursement; (f) participation lists; and (g) communications relating to the meeting, conference, or training.

REQUEST FOR PRODUCTION NO. 14:

All Documents regarding or relating to the REDistricting Majority Project (“REDMAP”), including but not limited to a 2010 presentation titled “Congressional Redistricting: Drawing the Maps for the Next Five Elections.”

REQUEST FOR PRODUCTION NO. 15:

All Documents responding to, relating to, or regarding to a letter from Chris Jankowski, which is attached as Exhibit A hereto, which was Exhibit 430 to the Thomas Hofeller Deposition in *Dickson v. Rucho*, No. 11 CVS 16896 (N.C. Super. Ct. June 28, 2012).

REQUEST FOR PRODUCTION NO. 16:

All Documents regarding or relating to any specific congressional district, either in isolation or collectively with other congressional districts, reflected in any Ohio congressional maps enacted pursuant to HB 319 and/or HB 369 or any drafts or alternative Ohio congressional maps that were not ultimately enacted, including but not limited to Documents concerning (a) the shape of the district; (b) the likely electoral outcomes in that district; (c) the impact on the incumbent in that district; (d) the “split” of all or part of that district; (e) the reasons why the

district was created in the manner that it was; (f) the impact of any change to that district; (g) the similarity of that district to the congressional map that had been in place as of December 31, 2010; (h) the impact the district would have on any incumbents, including those who did not represent that district at the time; and (i) the impact the map has on the competitiveness of the district.

Respectfully submitted,

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