!"#$%&'($)$%('&#($*#+$'+,!*$ '
-%($%*"'&#($*#+$',.'$%/)('
%0'1)(, '&#2#(#," '
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'

)3!)3)*)')"&'0!0)+' 10)#"$#..(45,$#,"' $,'+,51%0' '
&%.%"&)"$'6,7"'(+,$$'$,' 1*,&!+%'&,+!5%"$('

'

#"'$*,&!+$#," '

"< !&+&)"&$C&%85@#(5)4$L50R#)h9-,1(4$G1'#()-'$R26$%-'$2$)"#$!#O&%$
e#R1%,&)Q$X331(#$-3$)"-6#'2-'$
1< L'&04$Z'&2]%Q$G#/5)4$L50R#)$h$9-,1(4$Q$X331(#$-3$)"-6#'2-'$$
b< B-5')2#4$_b&,)*&2Q$G#/5)4$e#R1%,&)16#$G1'#()-'Q$X331(#$-3$)"#$H-6#'2-'
]< I-%#$J%/&'f&Q$G#/5)4$K#('#)&'4$-3$K)&)#Q$X331(#-3)"#$K#('#)&'4$-3$K)&)#
,< i#1)"$S2R'&*Q$G#()1-2%$G161%1-2$G1'#()-'Q$X331(#$-3$)"#$K#('#)&'4-3K)&)#
B"'1%)12&$T0]12#R&$G1'#()-'Q$X331(#$-3$)"#$K#('#)&'4-3K)&)#

Proposed Search Terms:

H#2#'&,$7#01%)'1()12R$;I&25&'4$@?Q$?D?@$)-$X()-$#'$@FQ$?D?@M>

- 7#01%)'1()Y$X7$R#"'4*&20#'Y$#X7$')1-2Y $
- UK#2&)#$L1,,^{W}X7$UKL^{W}X7$KL<L>$X7WX7$K?@DD$X7$?&2$.[=$?@D@M$X7$
B?@F=$X7$-2R'#%%1-2&[,$&2M$X7$;B-2R'#%%1-2&[,$&/ M$
- U_-5%#$L1,,$@W$X7$U_L$@W$X7$_L@$X7WX7$_?=@^$X7$_?=@^$X7$-5%#$[?$
/,&2M$X7 $_-5%#$[?$&/ M$
- UK#2&)#$L1,,$\W$X7$UKL$\W$X7$KL\$X7$UK<L<$\W$X7$K?@DD$X7$K?@^j$X7$
/,&2M$X7$;K#2&)#$[?$&/ M$
- UK#2&)#$L1,,$`W$X7$UKL$`W$X7$KL`$X7$UK<L<$`W$X7$J?@DD$X7$J?@D^$X7$;/,&2$.
?@D^M$X7$;KLXJ$.[?$/,&2M$X7$;UK)&)#$L-&'0$-3$J05(&)1-2W$.[?$*&/M$X7$
&/M$X7$;UK)&)#$L-&'0$-3$J05(&)1-2W$.[?$&/M
- ;B-2R'#%%Y$X7$_-5%#$X7$K#2&)Y$X7$e#R1%,&)YM$.[?D$;01%)'1()%$X7$*&/Y$X7$+-520
X7$/,&2Y$X7$&//-')1-2Y$-'$'#&//-')1-2YM$$
- ;_533*&2$X7$_52)#'M$.[?D$;01%)'1()Y$X7$*&/Y$X7$+-520&'Y$X7$/,&2Y$X7$/'-/-%Y$X7$
&//-')1-2Y$X7$'#&//-')1-2Y$X7$B-2R'#%%$YM
- G1%)'1()Y$.[@D$;*&/$X7$+-520&'Y$X7$/,&2$X7$/'-/-%Y$X7$&//-')1-2Y$X7$'#&//-')1-2Y$
X7$U.-']12R$R'-5/W$M
- G1%)'1()Y$.[@D$;_1%/&21(Y$X7$e&)12Y$X7$K/&21%"$X7$g#O1(&2Y$X7$L,&(]Y$X7$T3'1(
X7$T%1&2Y$X7$."1)#Y$X7$T2R,-Y$X7$1(-2Y$X7$*12-'1Y$X7$-//-')52$YM
- U*&b-'1)4W$X7$U*&b-'1)4$*12-'1)4W$X7$U*&b-'1)4W$X7$U*&b-'1)4W$X7$U*12-'1)4$
*&b-'1)4W$X7$ggG$
- /-,&'1fY$.[@D$;'&(#$X7$'&(1&,Y$X7$$6$)YM
- +,-(Y$.[@D$6-$Y
- UK/&21%"$K5'2&*#W$X7$KKC7$X7$KK!X$X7$UB1)1f#2$6-5,&2R$&W$X7$BCT9$
X7$_BCT9$X7$LBCT9$X7$U6-)12R$&R#$/-/5,&)1-2W$X7$CT9$X7$_CT9$X7$LCT9
- ;U)&+5,&)1-2$01%)'1()W$X7$C!G$X7$/'#(12()M$.[@D$;%/,1)Y$X7$01610Y$X7$(5)Y$X7$01%
X7$*&/$X7$+-520&'Y$X7$+-'0#'Y$X7$&//-')1-2Y$X7$'#&//-')1-2YM
- ;7&(#$X7$7&(1&,Y$X7$C7T$X7$UC-)12R$71R")%$T()W$X7$UK#()1-2$?W$X7$79CM$.[@D$
;1*/&()Y$X7$#33#()Y$X7$%)50Y$X7$&2&,4%1%$X7$(&,(5,&)Y$X7$/'-b#()Y$X7$'#/-')Y$X7$
&501)Y$X7$#%)1*&)Y$X7$/'-b#()Y$X7$*#*-YM

- ;01%)'1()Y$X7$'#01%)'1()YM$.[?D$;UB-2%)1)5)1-2W$X7$!9G$T(2R$X7$C7T$X7$ UK#()1-2$?W$X7$;01%('1*12&)Y$.[=$12)#2)YM$X7$;01%('1*12&)Y$.[=$'#%5,)YM$X7$;01%('1*12&)Y$.[=$/5'/-%#M$X7$H12R,#%$X7$#3&($X7$7C$X7$7LC$X7$ U*12-'1)4$(-"#%YW$X7$UR#-R(&/'&()YW$X7$01%/&'1)Y$X7$%5//'#%%1-2$X7$;U*&b-'1)4W$U%12R#*+#'$01%)'1()WM$X7$T,3-'0$X7$;;G'Y$X7$7&204$X7$ 7&20-,/"M$.[\$K)#6#2%-M
- 7#/-')Y$.[=$;7JG$X7$9T7M$
- ;9&1'Y$X7$/1)YM$.[?D$;12(5*+#2)Y$X7$,#R1%,&)Y$X7$'#/Y$X7$B-2R'#%%YM
- K"&/#31,#Y$X7$%'&/#$31,#W$X7$[31(#31,#$X7$U+,-(]$3$,#W
- ;B#2%5%$X7$TBKM$UT*#'1(&2$B-**521)4$K5'6#4W$X7$TBKM$TVG$;R'-.Y$X7$@D$;01%)'1()Y$X7$_-5%#$X7$ B-2R'#%%$YM
- ;B#2%5%$X7$U!#O&%$G#*-R'&/"1($B#2)#'W$X7$!GB$X7$U!#O&%$/-/5,&)1-2$#%)1*&)#%$ /'-R'&*W$X7$UT*#'1(&2$B-**521)4$K5'6#4W$X7$TBKMTVG;R'-.Y$X7$ 0'-/Y$X7$0#(,12Y$X7$("&2R#Y$X7$(-52)$X7$(-52)%$X7$#25*#'&)Y$X7$#%)1*&)Y$X7$ 0#61&)Y$X7$10#&,$X7$'&(#$X7$'&(1&,Y$X7$#)"21(Y$X7$2&)1-2&,Y$X7$,&2R5&R#$X7$ *12-'1)4$X7$(1)1f#2$X7$1**1R'&2)Y$X7$L,&(]$X7$T3'1(&2$X7$_1%/&21($X7$e&)12Y$X7$ K/&21%"$X7$g#O1(&2$X7$T%1&2$X7$."1)#Y$X7$T2R,-YM
- ;75,#Y$X7$U,#R1%,&)16#$(-52%#,W$X7$/'-(#05'UM$X7$1%)'1()12R$B-**1))##W$X7$ UK#2&)#$K/#(1&,$B-**1))##$-2$7#01%)'1()12RWM
- ;k!#O&%$e#R1%,&)16#$B-52(1,k$X7$!eBM$N[@DD$;01%)'1()Y$X7$*&/$X7$+-520&'Y$X7$ &//-')1-2Y$X7$'&(#$X7$(1&,Y$X7$L,&(]$X7$T3'1(&2$X7$_1%/&21($X7$e&)12Y$X7$ K/&21%"$X7$g#O1(&2$X7$T%1&2$X7$."1)#Y$X7$T2R,-Y$X7$#)"21(Y$X7$2&)1-2&,Y$X7$,&2R5&R#$X7$*12-'1)4$X7$(1)1f#2Y$X7$1**1R'&2)Y$X7$/&))#'2Y$X7$/&')1%&2$X7$/&')4$ X7$7#/5+,1(&2Y$X7$G#*-('&)1(Y$X7$k6-)#'$'#R)1Y$X7$M&
- Z-,)f $ $

_#&'12R%$&20$95+,1($B-**#2)%$;I&25&'4$@?Q$?D?@$)-$X()-$#'$@FQ$?D?@M>$

- ;_#&'12R$X7$*##)Y$X7$.1)2#%%Y$X7$0#+&)Y$X7$0#&)%$21#$X7$)%)1$X7$ 2-)1(#$X7$/'-(#%%Y$X7$-5)'#&("$X7$/'#%%$X7$(-**Y$X7$*&']Y$X7$&*#20Y$X7$%1R2YM$.[?D$;;01%)'1()Y$.[=$;2#.$X7$/'-/-%Y$X7$/,&2YMM$X7$*&/$X7$+-520&'Y$X7$ X7$#&//-')1-2Y$X7$UK#2&)#$L1,,^{W}X7UKL^WX7$UK<L<^W$X7$U_-5%#$L1,,$@W$X7$ @W$X7$_L@$X7$L<@W$X7$U9,&2$P@D@W
- 7#01%)'1()Y$.[?D$;U!#O&%$95+,1($9-,1(4$Z-520&)1-2W$X7$!99Z$X7$U!#O&%$G#*-R'&/"1(B-2)#'W$X7$!GB$X7$U!'5#$)"#$C-)#W$X7$!!CM
- 7#01%)'1()Y$.[?D$;12(61$X7$'#85#%)$X7$(-2%10#'Y$X7$)#%)1*M
- 7#01%)'1()Y$.[?D$;&*#20Y$X7$(-2%10#'Y$X7$'5,#Y$X7$0#,#R&)YM
- 7#01%)'1()Y$.[?D$;7#/5+,1(&2Y$X7$U9&')4W$X7$V77!$X7$79X9M$

$

_1%)-'4-3G1%('1*12&)1-2$;I&25&'4$@Q$?D@$D$)-$/'#%#2)M

- C-)Y$.[?D$61-,&)Y$X7$01%('1*12&)Y$X7$;12)#2)Y$.[=$01%('1*12&)Y$X7$;12)#2)Y$.[=$
  /5'/-%#M$X7$;01%('1*12Y$.[=$#33#()M$X7$;01%('1*12&)Y$.[=$'#%5,)%$X7$01%/&'1)Y$X7$
  %5//'#%%1$2M

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X)"#'$;I&25&'4$@Q$?D@F$)-$)"#$'#%#2)M>

- ;L1,,Y$X7$R1%$X7$/'-/-%YM$.[?D$;'&(#$X7$'&(1&,Y$X7$'&(1%Y$X7$%,&6#'4$X7$U('1)1(&,$
  '&(#$)"#-'4W$XB7!$X7$L,&(]$X7$T3'1(&2$X7$_1%/&21($X7$e&)12Y$X7$K/&21%"$X7$
  g#O1(&2$X7$T%1&2$X7$."1)#Y$X7$T2R,-Y$X7$#)"21(Y$X7$2&)1-2&,Y$X7$,&2R5&R#$X7$
  *12-'1)4$X7$(1)1f#2Y$X7$1**1R'&2)Y$X7$/&))#'2Y$X7$#,#()1-2Y$X7$+&1,
  520-(5*#2)#0$X7$1,,#R&Y$.[=$1**1R'YM
- ;TR'##*# 2)Y$X7$&"&2R#*#2)$X7$(-2)'&()Y$X7$&4$%#'61(#Y$X7$#2R&R$Y$X7
  U#*/,-4YW$-'$(-2%5,)Y$X7$'#/'#%#2)Y$X7$'#)#2)1-2$X7$'#)&12Y$X7$&))-'2#4$X7$,&.4#'M$
  TVG$;01%)'1()Y$X7$*&/$X7$+-520&'Y$X7$&//-')1-2Y$X7$1-2Y$X7$g1("&#,$
  L#%)W$X7$L&')-2$X7$Z-,)f$X7$1-2&,)$7#/5+,1(&2$7#01%)'1()12R$!'5%)W$X7$V77!$X7$
  U7#/5+,1(&2$9&W$K7$HX9M$
- C-)Y$.[?D$;&(1&,$X7$#)"21(Y$X7$*12-'1)Y$X7$,&2R5&R#$X7$L,&(]$X7$T3'1(&2$X7$
  _1%/&21($X7$,&)12Y$X7$K/&21%"$X7$g#O1(&2$X7$T%1&2$X7$."1)#$X7$T2R,-$X7$
  1**1R'&2)Y$X7$(1)1f#2Y$X7$K7&21%"$.[=$K5'2&W$K7$520-(5*#2)#0$X7$1,,#R&Y$.[=$
  1**1R'YM$

$

Exhibit L

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Tuesday, May 17, 2022 at 5:09:43 PM Eastern Daylight Time
From: Jack DiSorbo
To: David Fox
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits: 157,575
Total Hits + F: 240,096

GENERAL REDISTRICTING:

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552

("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134
(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879

Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215

Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711
Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the

other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed

to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;

Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Exhibit M

Date: Thursday, June 9, 2022 at 9:55:10 PM Eastern Daylight Time

From: David Fox

To: Jack DiSorbo

CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP

(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net;

martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org

<sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385

(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744

bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134

(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879
Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764

Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711

Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit N

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Tuesday, June 14, 2022 at 11:22:49 AM Eastern Daylight Time
From: Jack DiSorbo
To: David Fox
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits: 147,693
Total Hits + F: 231,708

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223

District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917

(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa
((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335
Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count

Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964

Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different

than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134
(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879

Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215

Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711
Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the

other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed

to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
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From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;

Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit O

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Tuesday, June 14, 2022 at 11:38:38 AM Eastern Daylight Time
From: David Fox
To: Jack DiSorbo
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits: 147,693
Total Hits + F: 231,708

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223

District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917

(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa
((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335
Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count

Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964

Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different

than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134
(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879

Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215

Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711
Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the

other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed

to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;

Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit P

Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Wednesday, June 22, 2022 at 8:07:34 PM Eastern Daylight Time
From: David Fox
To: Jack DiSorbo
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

Jack, in the interest of bringing search terms for the SOS documents to a close, we'll agree to sharply reduce the "other" category to the following single search string:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo)

We expect that is a much narrower search.

If you have objections to any of the other search terms and counts, please let us know promptly which specific terms you object to. Meanwhile, please begin to review documents that hit on any terms you do not object to—there is absolutely no reason for further delay at this point.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Tuesday, June 14, 2022 at 11:38 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson

<fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits: 147,693
Total Hits + F: 231,708

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR	1,886	4,385

Randolph) w/4 Stevenson))		
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
[illegible]		

(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa
((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335
Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count

Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964

Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different

than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134
(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879

Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215

Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711
Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the

other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

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Office of the Attorney General
Work: (512) 936-1067
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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed

to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>;

Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
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Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit Q

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Friday, June 24, 2022 at 12:52:46 AM Eastern Daylight Time
From: Jack DiSorbo
To: David Fox
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

David,

Thank you for your email. I will have these new search terms run on our SOS documents and report hit counts.

In the meantime, I find it necessary to reiterate our objections regarding the three other search topics (General Redistricting, Hearing & Public Comments, and History of Discrimination). As I said in multiple previous conversations, though these hit counts are closer to being reasonable (as compared to the 300,000 original hits), they are still unduly burdensome and disproportionate to the needs of the case. The full search terms and hit counts are reproduced at the end of this email for reference.

We do not agree to these three search topics under the current proposed search terms. In addition, I am unsure how to interpret your comment "there is absolutely no reason for further delay at this point." If there has been any delay regarding SOS documents, it has been on the part of the plaintiffs, not Defendants.

The United States sent their initial requests for production to Defendants on January 12th, 2022. Defendants timely served objections and responses to those documents, and made their first production in response to those requests. STATE-REDISTRICTING_000001 to STATE-REDISTRICTING_000394. Although lawyers for the United States indicated they would send proposed search terms, they did not do so along with their initial requests.

The United States eventually sent initial proposed search terms on March 2nd. It was determined that there was a minor syntax error with the terms, leading to several back and forth communications with counsel over the next few days. Defendants provided hit counts for those search terms, with the total hits plus family being 324,107. Counsel for Defendants, United States, LULAC, NAACP, and Abuabara plaintiffs met to confer on these search terms and other discovery subjects on March 18th. (Meanwhile, the Abuabara plaintiffs sent their first set of document requests on March 17th).

At the March 18th meet and confer, Defendants objected to the hit counts as being

unduly burdensome and disproportionate to the needs of the case. Counsel for the United States expressly told counsel for Defendants that they were not pressing their requests to the Secretary of State at the time. No counsel for the private plaintiffs objected to this directive, or otherwise added remarks.

On March 29th, of Defendants' own accord, I followed up by email with all counsel that were present on the March 18th call. I reminded the parties that the requests were pending, and reiterated that revised search terms were needed. In pertinent part, the email provided as follows: "Regarding the SOS emails, in the meet and confer, we agreed that plaintiffs don't intend for Defendants to review the 324,000 records. And as Dan directed, we are not presently reviewing these recording according to DOJ's initial proposed search terms for responsiveness to the DOJ subpoena [RFPs]. Whenever we receive amended search terms, or limitations on the present terms, we would be happy to discuss a mutually acceptable volume of records for review." I did not receive a response to this email.

On April 18th, Defendants timely responded to the Abuabara plaintiffs' requests for production. You then requested to meet and confer regarding those responses and objections. We did so on April 22nd, and on April 25th, you sent us a letter memorializing that call from your perspective. In that letter, you explain that we discussed the search terms for the SOS documents, and that you would follow up with revised search terms. That same day, I responded to your email, and reiterated, among other things, the need for revised search terms.

Three weeks later, on May 13th, you responded to my April 25th email, attaching revised proposed search terms. I responded to your email on May 17th, reporting hit counts for the revised search terms. The total hits were 240,096 plus family, being not substantially reduced from the hit counts from the original proposed search terms. I explained that these hit counts were still unduly burdensome and disproportionate to the needs of the case, especially in light of the limited relevance to the underlying issues. You responded to ask a clarifying question regarding the scope of the hit counts, and I responded the same day (May 17th).

Again, counsel for the Abuabara plaintiffs delayed in sending revised search terms. You sent revised search terms on June 9th—a full twenty-three days after my last email. I responded on June 14th, attaching the hit counts on the revised terms. The total hits plus family were 231,708, hardly reduced from the previous 240,096. You responded on June 14th that you would revert back with amended terms. And then a week later, on June 21st, you sent revised terms for the "Other" category only. I am responding to that email now.

This record clearly demonstrates that Defendants timely responded to inquiries from counsel to the United States, Abuabara plaintiffs, and other plaintiff groups. By contrast, counsel for the Abuabara plaintiffs has consistently delayed in responding to Defendants' emails. No party provided search terms in between my courtesy March 29th reminder email and Defendants' responses and objections to the Abuabara plaintiffs'

requests for production on April 18th (20 days). Counsel for the Abuabara plaintiffs waited 18 days after our April 25th meet and confer to send revised search terms on May 13th. Counsel then waited twenty-three days after my May 17th email to respond with amended search terms on June 9th. And finally counsel waited an additional seven days after my June 14th email to send revised terms on June 21st.

It is evident that the documents in the possession of the Secretary of State are not a priority for plaintiffs. And rightly so—Defendants have consistently objected to these requests on the basis that the SOS documents have little to no relevance to plaintiffs' claims. Moreover, you are the only person who has raised this issue with me since counsel for the United States directed Defendants not to review the SOS documents. I have no indication from any other party that they need or even want these documents.

The total hit counts plus family for the three search groups (i.e., not including the "Other" group) is 51,026. You are asking Defendants to review these—plus any in the revised "Other" category—in the three weeks before discovery closes. That is unreasonable, unduly burdensome, and disproportionate to the needs of the case. The request is all the more unreasonable in light of the tremendous volume of other work being done. Defendants will take or defend over fifty depositions between now and the close of discovery. Our expert disclosures are due on July 18. And then Defendants will take depositions of plaintiffs' experts (of which there are twenty-one). Dispositive motions follow after that. And it should also be noted that Defendants' responsive pleadings to the seven amended complaints are due on July 1. It is unduly burdensome, at this late stage, to ask Defendants to divert the substantial resources necessary to review over 50,000 largely irrelevant documents.

We have a history of working well together in this litigation, and it is my hope that can continue here. We cannot agree to conduct the search as presently proposed. But the interest of resolving this subject, Defendants offer to search a random sample of 125 documents for each of the four search groups, for a total of 500 documents, and for any responsive documents to be produced before the July 15 close of fact discovery.

Please let me know your position on Defendants' offer so, if you accept, we can prepare the search and begin the review. Please note that we cannot begin this search until all plaintiffs agree that the search as we propose will satisfy all obligations with respect to document requests to the Secretary of State.

Sincerely, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Most recent search terms and hit counts reproduced below.

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073

("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387

(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family

Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

From: David Fox <dfox@elias.law>
Sent: Wednesday, June 22, 2022 7:08 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, in the interest of bringing search terms for the SOS documents to a close, we'll agree to sharply reduce the "other" category to the following single search string:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo)

We expect that is a much narrower search.

If you have objections to any of the other search terms and counts, please let us know promptly which specific terms you object to. Meanwhile, please begin to review documents that hit on any terms you do not object to—there is absolutely no reason for further delay at this point.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Tuesday, June 14, 2022 at 11:38 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	147,693
Total Hits + F:	231,708

GENERAL REDISTRICTING (20220517):

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa

((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335

Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count

Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964
Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten

<Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com;

chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223

District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917

(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134

(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879
Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764

Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711

Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit R

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Monday, June 27, 2022 at 11:06:02 PM Eastern Daylight Time
From: Jack DiSorbo
To: David Fox
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

David,

I understand the ask for a more specific objection. But our objection goes more to the overall hit count than it does to any one particular string. It is our position that the 50,000 hits its an unduly burdensome volume of documents to search at this stage. That is why we cannot begin searching these documents now; we cannot commit to beginning a search when we do not agree on what constitutes a reasonable ceiling. We would ask that you send revised terms (or suggest other limits, like priority custodians, date limits, etc.) designed to lower those hits. If it helps, I can say that we find the strings that yield the most hit counts the most objectionable.

I am happy to discuss further if helpful, but the most important thing for Defendants is that the present hit-count total is too high given the other circumstances of the case.

Jack

From: David Fox <dfox@elias.law>
Sent: Friday, June 24, 2022 1:39 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, it's really neither here nor there, but we weren't at the March 18 meet and confer. I know your March

29 email said we were there, and I am told some other private plaintiffs were there, but we were not.

Regardless: We've consistently worked in good faith to narrow our requests and we're willing to continue to do so. But we need a more specific objection. Which of the search terms do you believe are still overbroad? And for the many of our search terms that are exceedingly narrow, with just a few hundred hits each including families (and even fewer unique hits), we don't see why your objections to *other* search terms should hold up your review of documents.

I understand your office took the rest of the day off. Please let me know when on Monday you can discuss.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Friday, June 24, 2022 at 1:33 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I respond to your email to correct several misrepresentations.

As to your first point, counsel for the Abuabara plaintiffs were both present at the March 18th meet and confer, and copied on the March 29th reminder email. It is incorrect to say that communications before "mid-April" have nothing to do with your clients.

As to your second point, you inappropriately imply that Defendants delayed in sending their amended responses the Abuabara plaintiffs requests for productions. As you know full well, the Abuabara plaintiffs sent additional requests for production on May 3rd. In the interest of efficiency, I suggested to you that we provided a consolidated response to the first and second requests, incorporated the subjects we discussed on our meet and confer. You agreed to this proposal, and we timely provided those responses on June 2. This was agreement, not delay.

As to your fourth point, I sense we may truly have miscommunicated on this issue. I said that the hit counts for the first three search groups was better than before, but I did not communicate that they were acceptable. I regret if you misunderstood this, but I have been entirely clear in later communications that we do not agree to those terms.

Nor should it surprise you that we have not begun reviewing these documents. At every juncture, I have reminded plaintiffs that we are not reviewing these documents, and stressed the need for amended search terms. Any contrary understanding on your part is contradicted by our record of communication.

I respectfully ask that you consider Defendants proposal with the other interested plaintiff groups, or propose an alternative. I too remain hopeful we can work this out.

Jack

From: David Fox <dfox@elias.law>
Sent: Friday, June 24, 2022 9:07 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Your recounting of the history of our discussion of these requests leaves much out. I won't exhaustively respond here, aside from a few significant points:

1. Your complaints about events between January and mid-April, before you had served responses to

the Abuabara Plaintiffs' document requests, including complaints about communications in which my clients were not involved and meet and confers to which we were not invited, have nothing to do with my clients.

2. As we discussed at our April 22 meet and confer, your initial responses to our document requests raised numerous unacceptable threshold objections that would have made search terms largely irrelevant. During that meet and confer, you agreed to re-examine your positions on many of those objections. Yet you did not provide revised positions on those threshold objections until 41 days later on June 2, when you responded to our second set of document requests.
3. You insisted on April 22 that any search terms be agreed upon by all eight groups of plaintiffs in these consolidated actions, including the United States, despite our distinct claims. We have been happy to accommodate that request, even though the rules entitle each plaintiff in these consolidated cases to their own discovery requests. But coordination among eight groups of plaintiffs with distinct interests and claims obviously prolongs the amount of time required to craft and revise search terms, and increases the breadth of the necessary terms.
4. On May 19—more than a month ago—you agreed by phone that the hit counts for all but one category of the search terms we proposed on May 17 were largely reasonable. And while you changed your tune a month later (on June 14) and protested that those hit counts are still too high, you have never explained which of those terms you believe are too broad or why. I asked you on June 14—the same day you first raised continuing objections—to explain which particular terms you thought were too broad, and asked for a conference that day or the next. You never responded and still have not responded to that request.

Given that history, I am surprised to learn that you have not even begun to review documents responsive to at least the search terms in the first three categories, which we proposed on May 17 and to which you have never articulated any particularized objection. While you complain generally about the hit counts, reviewing a total of ~50,000 documents is not unreasonable in litigation of this significance, particularly when those numbers do not reflect any deduplication that is certain to substantially reduce the total number.

All of that said: we have no interest whatsoever in unnecessarily burdening Defendants with reviewing and producing irrelevant documents. You can see what documents are hitting our search terms; we cannot. If some of the terms are pulling in substantial numbers of irrelevant documents and you have reasonable suggestions for narrowing the terms to exclude such documents, we are happy to discuss them. Your proposal to review only a "random sample" of 500 documents as a complete discharge of your production responsibilities in this case, however, is unacceptable.

Please let me know when you are available to discuss today. I am hopeful that we can work this out.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Friday, June 24, 2022 at 12:52 AM

To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Thank you for your email. I will have these new search terms run on our SOS documents and report hit counts.

In the meantime, I find it necessary to reiterate our objections regarding the three other search topics (General Redistricting, Hearing & Public Comments, and History of Discrimination). As I said in multiple previous conversations, though these hit counts are closer to being reasonable (as compared to the 300,000 original hits), they are still unduly burdensome and disproportionate to the needs of the case. The full search terms and hit counts are reproduced at the end of this email for reference.

We do not agree to these three search topics under the current proposed search terms. In addition, I am unsure how to interpret your comment "there is absolutely no reason for further delay at this point." If there has been any delay regarding SOS documents, it has been on the part of the plaintiffs, not Defendants.

The United States sent their initial requests for production to Defendants on January 12th, 2022. Defendants timely served objections and responses to those documents, and made their first production in response to those requests. STATE-REDISTRICTING_000001 to STATE-REDISTRICTING_000394. Although lawyers for the United States indicated they would send proposed search terms, they did not do so along with their initial requests.

The United States eventually sent initial proposed search terms on March 2nd. It was determined that there was a minor syntax error with the terms, leading to several back

and forth communications with counsel over the next few days. Defendants provided hit counts for those search terms, with the total hits plus family being 324,107. Counsel for Defendants, United States, LULAC, NAACP, and Abuabara plaintiffs met to confer on these search terms and other discovery subjects on March 18th. (Meanwhile, the Abuabara plaintiffs sent their first set of document requests on March 17th).

At the March 18th meet and confer, Defendants objected to the hit counts as being unduly burdensome and disproportionate to the needs of the case. Counsel for the United States expressly told counsel for Defendants that they were not pressing their requests to the Secretary of State at the time. No counsel for the private plaintiffs objected to this directive, or otherwise added remarks.

On March 29th, of Defendants' own accord, I followed up by email with all counsel that were present on the March 18th call. I reminded the parties that the requests were pending, and reiterated that revised search terms were needed. In pertinent part, the email provided as follows: "Regarding the SOS emails, in the meet and confer, we agreed that plaintiffs don't intend for Defendants to review the 324,000 records. And as Dan directed, we are not presently reviewing these recording according to DOJ's initial proposed search terms for responsiveness to the DOJ subpoena [RFPs]. Whenever we receive amended search terms, or limitations on the present terms, we would be happy to discuss a mutually acceptable volume of records for review." I did not receive a response to this email.

On April 18th, Defendants timely responded to the Abuabara plaintiffs' requests for production. You then requested to meet and confer regarding those responses and objections. We did so on April 22nd, and on April 25th, you sent us a letter memorializing that call from your perspective. In that letter, you explain that we discussed the search terms for the SOS documents, and that you would follow up with revised search terms. That same day, I responded to your email, and reiterated, among other things, the need for revised search terms.

Three weeks later, on May 13th, you responded to my April 25th email, attaching revised proposed search terms. I responded to your email on May 17th, reporting hit counts for the revised search terms. The total hits were 240,096 plus family, being not substantially reduced from the hit counts from the original proposed search terms. I explained that these hit counts were still unduly burdensome and disproportionate to the needs of the case, especially in light of the limited relevance to the underlying issues. You responded to ask a clarifying question regarding the scope of the hit counts, and I responded the same day (May 17th).

Again, counsel for the Abuabara plaintiffs delayed in sending revised search terms. You sent revised search terms on June 9th—a full twenty-three days after my last email. I responded on June 14th, attaching the hit counts on the revised terms. The total hits plus family were 231,708, hardly reduced from the previous 240,096. You responded on June 14th that you would revert back with amended terms. And then a week later, on June 21st, you sent revised terms for the "Other" category only. I am responding to that

email now.

This record clearly demonstrates that Defendants timely responded to inquiries from counsel to the United States, Abuabara plaintiffs, and other plaintiff groups. By contrast, counsel for the Abuabara plaintiffs has consistently delayed in responding to Defendants' emails. No party provided search terms in between my courtesy March 29th reminder email and Defendants' responses and objections to the Abuabara plaintiffs' requests for production on April 18th (20 days). Counsel for the Abuabara plaintiffs waited 18 days after our April 25th meet and confer to send revised search terms on May 13th. Counsel then waited twenty-three days after my May 17th email to respond with amended search terms on June 9th. And finally counsel waited an additional seven days after my June 14th email to send revised terms on June 21st.

It is evident that the documents in the possession of the Secretary of State are not a priority for plaintiffs. And rightly so—Defendants have consistently objected to these requests on the basis that the SOS documents have little to no relevance to plaintiffs' claims. Moreover, you are the only person who has raised this issue with me since counsel for the United States directed Defendants not to review the SOS documents. I have no indication from any other party that they need or even want these documents.

The total hit counts plus family for the three search groups (i.e., not including the "Other" group) is 51,026. You are asking Defendants to review these—plus any in the revised "Other" category—in the three weeks before discovery closes. That is unreasonable, unduly burdensome, and disproportionate to the needs of the case. The request is all the more unreasonable in light of the tremendous volume of other work being done. Defendants will take or defend over fifty depositions between now and the close of discovery. Our expert disclosures are due on July 18. And then Defendants will take depositions of plaintiffs' experts (of which there are twenty-one). Dispositive motions follow after that. And it should also be noted that Defendants' responsive pleadings to the seven amended complaints are due on July 1. It is unduly burdensome, at this late stage, to ask Defendants to divert the substantial resources necessary to review over 50,000 largely irrelevant documents.

We have a history of working well together in this litigation, and it is my hope that can continue here. We cannot agree to conduct the search as presently proposed. But the interest of resolving this subject, Defendants offer to search a random sample of 125 documents for each of the four search groups, for a total of 500 documents, and for any responsive documents to be produced before the July 15 close of fact discovery.

Please let me know your position on Defendants' offer so, if you accept, we can prepare the search and begin the review. Please note that we cannot begin this search until all plaintiffs agree that the search as we propose will satisfy all obligations with respect to document requests to the Secretary of State.

Sincerely, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Most recent search terms and hit counts reproduced below.

GENERAL REDISTRICTING (20220517):

Total Hits: 14,909
Total Hits +F: 24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073

("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387

(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family

Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

From: David Fox <dfox@elias.law>
Sent: Wednesday, June 22, 2022 7:08 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, in the interest of bringing search terms for the SOS documents to a close, we'll agree to sharply reduce the "other" category to the following single search string:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo)

We expect that is a much narrower search.

If you have objections to any of the other search terms and counts, please let us know promptly which specific terms you object to. Meanwhile, please begin to review documents that hit on any terms you do not object to—there is absolutely no reason for further delay at this point.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: David Fox <dfox@elias.law>
Date: Tuesday, June 14, 2022 at 11:38 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	147,693
Total Hits + F:	231,708

GENERAL REDISTRICTING (20220517):

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
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"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
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(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
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Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa

((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335

Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count

Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964
Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten

<Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com;

chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223

District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917

(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134

(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879
Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764

Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711

Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
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(202) 968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Exhibit S

Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs
Date: Wednesday, July 6, 2022 at 2:15:53 PM Eastern Daylight Time
From: Jack DiSorbo
To: David Fox
CC: Ryan Kercher, Patrick Sweeten, Will Thompson, Ari Herbert, mark@markgaber.com, SMcCaffity@textrial.com, nperales@MALDEF.org, garybledsoe@sbcglobal.net, martin.golando@gmail.com, gainesjesse@ymail.com, fmenendez@maldef.org, Quesada@textrial.com, chad@brazilanddunn.com, robert@notzonlaw.com, aharris@aclutx.org, noor@scsj.org, Francesca Gibson, Daniel.Freeman@usdoj.gov, Abha Khanna, Timothy.F.Mellett@usdoj.gov, erosenberg@lawyerscommittee.org, Rich Medina, pchaudhuri@lawyerscommittee.org, Kevin Hamilton, sfgold@lawyerscommittee.org, jgonzalez@malc.org, sserna@maldef.org, Renea Hicks (rhicks@renea-hicks.com), Courtney Corbello, Munera Al-Fuhaid

David,

Following up on our conversation from yesterday. We discussed the most recent search terms, and agreed that I would provide a specific counterproposal today. That proposal is as follows. I would ask that you please confer with the other plaintiffs and consider whether we can avoid motion practice and resolve this dispute informally.

After consulting internally, and despite the impending close of fact discovery, Defendants offer to search a total of 2,500 documents—five times more than our initial offer. We propose to do so in one of two ways. Please note that the numbers below **include de-duplication**.

First, Defendants could search a random sample of plaintiffs' most recent proposed search terms. With plaintiffs' most recent terms (including the new terms for the Other category), the unique hits plus family are as follows:

i. General. 24,681 hits.
ii. Hearings. 6,079 hits.
iii. History. 20,266 hits.
iv. Other. 8,707 hits.

Using 2,500 hits as the denominator, we would propose to draw the random sample according to the proportion of the hits. That equates to a random sample as follows:

i. General. 1050 hits.
ii. Hearings. 250 hits.
iii. History. 850 hits.
iv. Other. 350 hits.

Second, Defendants propose a new search. This search (i) limits the date range to 01/01/2021 to 10/25/2021 for all searches, (ii) limits the custodians to the four most frequently-hit people: Election Internet, Kristy Hart, Christina Adkins, and Keith Ingram, and (iii) makes certain amendments to the search terms. Those new terms are

reproduced at the end of this email.

This new search yields a total unique hit count plus family of 34,122. The distribution is as follows:

i. General. 17,133 hits.
ii. Hearings. 6,079 hits.
iii. History. 2,203 hits.
iv. Other. 8,707 hits.

Dividing these hits proportionally across the search yields a sample as follows:

i. General. 1,250 hits.
ii. Hearings. 450 hits.
iii. History. 150 hits.
iv. Other. 650 hits.

We believe that a 2,500 hit count is a reasonable compromise in light of the limited probative value of these documents, and the burden of searching them in light of the many depositions, motion practice, and other tasks that are going on. (Though we maintain our position that a lower hit count would be more reasonable.) Furthermore, we propose a sampling approach instead of revising terms because it will most faithfully capture the focus of the search terms—instead of substantially revising the terms to reduce the hit counts to a reasonable number.

I am available if you would like to discuss. I appreciate your efforts to work together to resolve our conflict.

Jack

Jack DiSorbo
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Work: (512) 936-1067
Cell: (713) 628-7407
Jack.DiSorbo@oag.texas.gov

Revised proposed search terms:

General:

- "House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)
- "majority-minority" OR "majority minority" OR "minority-majority" OR

"minority majority" OR MMD

- "Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)
- "Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)
- "Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)
- "Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP
- ("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")
- (Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)
- (Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)
- (district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))
- (Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)
- (Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)
- (Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)
- (Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")
- bloc* w/10 vot*
- District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)
- District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")

- Foltz
- polariz* w/10 (race OR racial* OR vot*)
- Report* w/3 (RED OR PAR)
- Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"

Hearings

- (Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")
- Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)
- Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)
- Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)
- Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)

History:

- Vot* W/5 violat* OR discriminat* OR (intent* W/3 discriminat*) OR (discriminat* W/3 purpose) OR (discrimin* W/3 effect) OR (discriminat* W/3 (results OR disparit* OR suppression))

Other:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo))

From: David Fox <dfox@elias.law>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

We would be willing to try to further narrow search terms if we knew you were prepared to review a reasonable number of documents. Your proposal of 500 documents total isn't a reasonable starting point for discussion. If you have a significantly higher proposal, we'll listen and consider it. Otherwise, it's clear to us that the court is going to have to resolve this one.

The terms we intend to ask the Court to impose include our substantially narrowed "other" string. I recognize that you have not yet provided a hit count for that string, which I sent almost two weeks ago. Given your 500-documents-only position, we don't think that hit count will affect our motion. Even if there are zero hits, I take it you would say the total hits are far too high, right? Still, if you can get us a hit count, we'd appreciate it.

In terms of narrowing search terms, we've significantly narrowed them already. If there are particular strings that are overinclusive (again, you can see the documents they're hitting, we cannot), we're more than happy to try to further narrow them. But your objection has been to the total hit count, and you've refused to single out any particular strings as overinclusive. We think the hit count is reasonable, and we aren't going to keep blindly trying to reduce it when you have not said you'd be willing to review any meaningful number of documents.

Why don't we talk at 2 pm ET / 1 pm CT and see if we think there's any prospect for resolving this? Let me know if that works and I'll send an invite.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, July 5, 2022 at 12:24 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina

<rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

A few questions. My email of 06/27/2022 explains our position that search terms that yield unique hit counts in excess of 50,000 are unduly burdensome in light of the SOS's not having any role in redistricting and other relevant circumstances. Are plaintiffs willing to propose terms that will come under that volume? And if so, is there a minimum volume plaintiffs are willing to accept? As I explained before, Defendants remain willing to work with plaintiffs, but we can't do so without that information.

When you say the most recent search terms, do you mean to most recent string for the Other category? I have not yet be able to acquire hit counts for that string, but was aiming to have them by end of day today. But those hits will certainly affect the conversation.

So far as other search limitations, I can only reiterate my past suggestions: Limit the date ranges for your searches, select priority custodians, amend search terms, and any other methods calculated to better obtain the information plaintiffs seek. In previous correspondences, you have not addressed those proposals. Is it plaintiffs' position that there are no limitations you are willing to make for these searches?

I would prefer to avoid presenting the Court with this dispute, and I am sure plaintiffs would as well. I continue to believe we can obtain a mutually agreeable resolution. I am also available to discuss today.

Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, July 5, 2022 10:56 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, as we have been unable to resolve this issue, we plan to file a motion to compel today requesting an order that you review SOS documents using our most recent set of proposed search terms.

I am available today and happy to discuss if you think we may be able to resolve this, or if you have any additional information to provide in response to my various questions below (e.g., the maximum number of search term hits you'll accept, particular terms to which you object, or suggestions of narrower terms based on your access to the underlying documents). Otherwise, we will note your opposition to the motion.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, June 27, 2022 at 11:06 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I understand the ask for a more specific objection. But our objection goes more to the overall hit count than it does to any one particular string. It is our position that the 50,000 hits its an unduly burdensome volume of documents to search at this stage. That is why we cannot begin searching these documents now; we cannot commit to beginning a search when we do not agree on what constitutes a reasonable ceiling. We would ask that you send revised terms (or suggest other limits, like priority custodians, date limits, etc.) designed to lower those hits. If it helps, I can say that we find the strings that yield the most hit counts the most objectionable.

I am happy to discuss further if helpful, but the most important thing for Defendants is that the present hit-count total is too high given the other circumstances of the case.

Jack

From: David Fox <dfox@elias.law>
Sent: Friday, June 24, 2022 1:39 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, it's really neither here nor there, but we weren't at the March 18 meet and confer. I know your March 29 email said we were there, and I am told some other private plaintiffs were there, but we were not.

Regardless: We've consistently worked in good faith to narrow our requests and we're willing to continue to do so. But we need a more specific objection. Which of the search terms do you believe are still overbroad? And for the many of our search terms that are exceedingly narrow, with just a few hundred hits each including families (and even fewer unique hits), we don't see why your objections to *other* search terms should hold up your review of documents.

I understand your office took the rest of the day off. Please let me know when on Monday you can discuss.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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please notify the sender immediately and delete it from your system.

From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Friday, June 24, 2022 at 1:33 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I respond to your email to correct several misrepresentations.

As to your first point, counsel for the Abuabara plaintiffs were both present at the March 18th meet and confer, and copied on the March 29th reminder email. It is incorrect to say that communications before "mid-April" have nothing to do with your clients.

As to your second point, you inappropriately imply that Defendants delayed in sending their amended responses the Abuabara plaintiffs requests for productions. As you know full well, the Abuabara plaintiffs sent additional requests for production on May 3rd. In the interest of efficiency, I suggested to you that we provided a consolidated response to the first and second requests, incorporated the subjects we discussed on our meet and confer. You agreed to this proposal, and we timely provided those responses on June 2. This was agreement, not delay.

As to your fourth point, I sense we may truly have miscommunicated on this issue. I said that the hit counts for the first three search groups was better than before, but I did not communicate that they were acceptable. I regret if you misunderstood this, but I have been entirely clear in later communications that we do not agree to those terms.

Nor should it surprise you that we have not begun reviewing these documents. At every juncture, I have reminded plaintiffs that we are not reviewing these documents, and stressed the need for amended search terms. Any contrary understanding on your part is contradicted by our record of communication.

I respectfully ask that you consider Defendants proposal with the other interested plaintiff groups, or propose an alternative. I too remain hopeful we can work this out.

Jack

From: David Fox <dfox@elias.law>
Sent: Friday, June 24, 2022 9:07 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Your recounting of the history of our discussion of these requests leaves much out. I won't exhaustively respond here, aside from a few significant points:

1. Your complaints about events between January and mid-April, before you had served responses to the Abuabara Plaintiffs' document requests, including complaints about communications in which my clients were not involved and meet and confers to which we were not invited, have nothing to do with my clients.
2. As we discussed at our April 22 meet and confer, your initial responses to our document requests raised numerous unacceptable threshold objections that would have made search terms largely irrelevant. During that meet and confer, you agreed to re-examine your positions on many of those objections. Yet you did not provide revised positions on those threshold objections until 41 days later on June 2, when you responded to our second set of document requests.
3. You insisted on April 22 that any search terms be agreed upon by all eight groups of plaintiffs in these consolidated actions, including the United States, despite our distinct claims. We have been happy to accommodate that request, even though the rules entitle each plaintiff in these consolidated cases to their own discovery requests. But coordination among eight groups of plaintiffs with distinct interests and claims obviously prolongs the amount of time required to craft and revise search terms, and increases the breadth of the necessary terms.
4. On May 19—more than a month ago—you agreed by phone that the hit counts for all but one category of the search terms we proposed on May 17 were largely reasonable. And while you changed your tune a month later (on June 14) and protested that those hit counts are still too high, you have never explained which of those terms you believe are too broad or why. I asked you on

> June 14—the same day you first raised continuing objections—to explain which particular terms you thought were too broad, and asked for a conference that day or the next. You never responded and still have not responded to that request.

Given that history, I am surprised to learn that you have not even begun to review documents responsive to at least the search terms in the first three categories, which we proposed on May 17 and to which you have never articulated any particularized objection. While you complain generally about the hit counts, reviewing a total of ~50,000 documents is not unreasonable in litigation of this significance, particularly when those numbers do not reflect any deduplication that is certain to substantially reduce the total number.

All of that said: we have no interest whatsoever in unnecessarily burdening Defendants with reviewing and producing irrelevant documents. You can see what documents are hitting our search terms; we cannot. If some of the terms are pulling in substantial numbers of irrelevant documents and you have reasonable suggestions for narrowing the terms to exclude such documents, we are happy to discuss them. Your proposal to review only a "random sample" of 500 documents as a complete discharge of your production responsibilities in this case, however, is unacceptable.

Please let me know when you are available to discuss today. I am hopeful that we can work this out.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Friday, June 24, 2022 at 12:52 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>,

Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Thank you for your email. I will have these new search terms run on our SOS documents and report hit counts.

In the meantime, I find it necessary to reiterate our objections regarding the three other search topics (General Redistricting, Hearing & Public Comments, and History of Discrimination). As I said in multiple previous conversations, though these hit counts are closer to being reasonable (as compared to the 300,000 original hits), they are still unduly burdensome and disproportionate to the needs of the case. The full search terms and hit counts are reproduced at the end of this email for reference.

We do not agree to these three search topics under the current proposed search terms. In addition, I am unsure how to interpret your comment "there is absolutely no reason for further delay at this point." If there has been any delay regarding SOS documents, it has been on the part of the plaintiffs, not Defendants.

The United States sent their initial requests for production to Defendants on January 12th, 2022. Defendants timely served objections and responses to those documents, and made their first production in response to those requests. STATE-REDISTRICTING_000001 to STATE-REDISTRICTING_000394. Although lawyers for the United States indicated they would send proposed search terms, they did not do so along with their initial requests.

The United States eventually sent initial proposed search terms on March 2nd. It was determined that there was a minor syntax error with the terms, leading to several back and forth communications with counsel over the next few days. Defendants provided hit counts for those search terms, with the total hits plus family being 324,107. Counsel for Defendants, United States, LULAC, NAACP, and Abuabara plaintiffs met to confer on these search terms and other discovery subjects on March 18th. (Meanwhile, the Abuabara plaintiffs sent their first set of document requests on March 17th).

At the March 18th meet and confer, Defendants objected to the hit counts as being unduly burdensome and disproportionate to the needs of the case. Counsel for the United States expressly told counsel for Defendants that they were not pressing their requests to the Secretary of State at the time. No counsel for the private plaintiffs objected to this directive, or otherwise added remarks.

On March 29th, of Defendants' own accord, I followed up by email with all counsel that were present on the March 18th call. I reminded the parties that the requests were pending, and reiterated that revised search terms were needed. In pertinent part, the email provided as follows: "Regarding the SOS emails, in the meet and confer, we agreed that plaintiffs don't intend for Defendants to review the 324,000 records. And as

Dan directed, we are not presently reviewing these recording according to DOJ's initial proposed search terms for responsiveness to the DOJ subpoena [RFPs]. Whenever we receive amended search terms, or limitations on the present terms, we would be happy to discuss a mutually acceptable volume of records for review." I did not receive a response to this email.

On April 18th, Defendants timely responded to the Abuabara plaintiffs' requests for production. You then requested to meet and confer regarding those responses and objections. We did so on April 22nd, and on April 25th, you sent us a letter memorializing that call from your perspective. In that letter, you explain that we discussed the search terms for the SOS documents, and that you would follow up with revised search terms. That same day, I responded to your email, and reiterated, among other things, the need for revised search terms.

Three weeks later, on May 13th, you responded to my April 25th email, attaching revised proposed search terms. I responded to your email on May 17th, reporting hit counts for the revised search terms. The total hits were 240,096 plus family, being not substantially reduced from the hit counts from the original proposed search terms. I explained that these hit counts were still unduly burdensome and disproportionate to the needs of the case, especially in light of the limited relevance to the underlying issues. You responded to ask a clarifying question regarding the scope of the hit counts, and I responded the same day (May 17th).

Again, counsel for the Abuabara plaintiffs delayed in sending revised search terms. You sent revised search terms on June 9th—a full twenty-three days after my last email. I responded on June 14th, attaching the hit counts on the revised terms. The total hits plus family were 231,708, hardly reduced from the previous 240,096. You responded on June 14th that you would revert back with amended terms. And then a week later, on June 21st, you sent revised terms for the "Other" category only. I am responding to that email now.

This record clearly demonstrates that Defendants timely responded to inquiries from counsel to the United States, Abuabara plaintiffs, and other plaintiff groups. By contrast, counsel for the Abuabara plaintiffs has consistently delayed in responding to Defendants' emails. No party provided search terms in between my courtesy March 29th reminder email and Defendants' responses and objections to the Abuabara plaintiffs' requests for production on April 18th (20 days). Counsel for the Abuabara plaintiffs waited 18 days after our April 25th meet and confer to send revised search terms on May 13th. Counsel then waited twenty-three days after my May 17th email to respond with amended search terms on June 9th. And finally counsel waited an additional seven days after my June 14th email to send revised terms on June 21st.

It is evident that the documents in the possession of the Secretary of State are not a priority for plaintiffs. And rightly so—Defendants have consistently objected to these requests on the basis that the SOS documents have little to no relevance to plaintiffs' claims. Moreover, you are the only person who has raised this issue with me since

counsel for the United States directed Defendants not to review the SOS documents. I have no indication from any other party that they need or even want these documents.

The total hit counts plus family for the three search groups (i.e., not including the "Other" group) is 51,026. You are asking Defendants to review these—plus any in the revised "Other" category—in the three weeks before discovery closes. That is unreasonable, unduly burdensome, and disproportionate to the needs of the case. The request is all the more unreasonable in light of the tremendous volume of other work being done. Defendants will take or defend over fifty depositions between now and the close of discovery. Our expert disclosures are due on July 18. And then Defendants will take depositions of plaintiffs' experts (of which there are twenty-one). Dispositive motions follow after that. And it should also be noted that Defendants' responsive pleadings to the seven amended complaints are due on July 1. It is unduly burdensome, at this late stage, to ask Defendants to divert the substantial resources necessary to review over 50,000 largely irrelevant documents.

We have a history of working well together in this litigation, and it is my hope that can continue here. We cannot agree to conduct the search as presently proposed. But the interest of resolving this subject, Defendants offer to search a random sample of 125 documents for each of the four search groups, for a total of 500 documents, and for any responsive documents to be produced before the July 15 close of fact discovery.

Please let me know your position on Defendants' offer so, if you accept, we can prepare the search and begin the review. Please note that we cannot begin this search until all plaintiffs agree that the search as we propose will satisfy all obligations with respect to document requests to the Secretary of State.

Sincerely, Jack

Jack DiSorbo
Assistant Attorney General, Special Litigation Unit
Office of the Attorney General
Work: (512) 936-1067
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Jack.DiSorbo@oag.texas.gov

Most recent search terms and hit counts reproduced below.

GENERAL REDISTRICTING (20220517):

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fan
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

From: David Fox <dfox@elias.law>
Sent: Wednesday, June 22, 2022 7:08 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack, in the interest of bringing search terms for the SOS documents to a close, we'll agree to sharply reduce the "other" category to the following single search string:

- ((Vot* W/5 (turnout * OR regist*)) W/10 (Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo)

We expect that is a much narrower search.

If you have objections to any of the other search terms and counts, please let us know promptly which specific terms you object to. Meanwhile, please begin to review documents that hit on any terms you do not object to—there is absolutely no reason for further delay at this point.

Thanks,

David

David R. Fox
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(202) 968-4546

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From: David Fox <dfox@elias.law>

Date: Tuesday, June 14, 2022 at 11:38 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack.

We'll try to further narrow the "Other" category.

With respect to the remaining categories, please let me know when you're available to discuss today or tomorrow. Those hit counts seem reasonable to me, especially because they do not (as I understand it) reflect any deduplication or consolidation of email threads. But if there are particular terms that you believe are pulling in large numbers of irrelevant documents, we're certainly happy to discuss narrowing particular terms.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, June 14, 2022 at 11:22 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Counsel,

We have run the most recently amended proposed search term. The results are summarized as follows.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	147,693
Total Hits + F:	231,708

GENERAL REDISTRICTING (20220517):

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam

(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223
District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074

District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917
(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape file* OR "shape file" OR		

Shapefile" OR shape-file" OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS (20220517):

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854
Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION (20220517):

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER (20220613):

Total Hits: 141,320
Total Hits +F: 225,148

Keyword String	Hits	Hits + Fa

((Vot* W/5 (turnout OR pattern* OR regist* OR elect*)) AND (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish W/3 Surname) OR undocumented OR (illegal* W/3 immigr*)))	68,509	133,9
(district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)	74,195	131,2
(Bill* OR legis* OR propos*) W/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* W/3 immigr*))	33,963	74,4
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR employ* OR consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	13,955	35,6

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Elections Internet	100,400
Christina Adkins	96,728
Kristi Hart	89,708
Keith Ingram	83,343
Lillian Eder	56,645
Melanie Best	55,239
Tiffany Owens	51,083
Heidi Martinez	47,270
Chuck Pinney	43,335

Krystine Ramon	42,762
Lena Proft	39,139
Kate Fisher	36,807
Emily Harwell	30,653
Julie Nanyes	15,025
Alexandra Hill	9,655
Andre Montgomery	9,452
Tamara Schoonmaker	7,229
Texas Secretary of State	506
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764
Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count

Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count
Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count

Elections Internet	98,851
Christina Adkins	94,592
Kristi Hart	88,155
Keith Ingram	81,400
Lillian Eder	55,468
Melanie Best	54,130
Tiffany Owens	50,664
Heidi Martinez	46,483
Chuck Pinney	42,551
Krystine Ramon	42,131
Lena Proft	38,376
Kate Fisher	36,194
Emily Harwell	30,335
Julie Nanyes	14,964
Alexandra Hill	9,605
Andre Montgomery	9,403
Tamara Schoonmaker	7,091
Texas Secretary of State	506
NULL	24

As you can see, the new terms did not significantly affect the overall hit count. To reiterate, these terms generate a total of 147,693 hits (231,708 including family members). I think we can agree that this number is still too high. We would ask that plaintiffs please suggest revised search terms.

In addition, I think there is disagreement regarding the other three sets of terms. Together, those three searches yield 26,043 hits (51,026 including family members). These searches by themselves presents an unduly burdensome volume of documents to search, especially given the their low probative value, given that the Secretary of State is not involved in the legislative redistricting process. To be sure, in our meet and confer, we agreed that the parties were "getting closer" to a reasonable amount. But we in no way agreed that the hits for the first three searches were reasonable.

Of course, we will be happy to consider revised proposed terms.

Sincerely, Jack DiSorbo

From: Jack DiSorbo
Sent: Friday, June 10, 2022 7:55 AM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

I will run these amended hit counts for the "other" category and revert back with results as soon as I can.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Thursday, June 9, 2022 8:55 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

Thank you again for sending the below hit report and information.

As I mentioned on the phone a few weeks ago, we think that the hit counts for everything except the "other" section seem reasonable, particularly since they do not yet reflect de-duplication and do not reflect the use of email threading. For purposes of SOS custodians, private plaintiffs and DOJ are all prepared to accept these those terms.

In an attempt to narrow the "other" section, we propose the following replacement strings for that section:

1. (Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain*) AND ("Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP).
2. (district* OR map OR boundar* OR apportion* OR reapportion*) AND (consultant OR attorney OR lawyer OR engag* OR contract* OR invoice OR service*)
3. ((Vot* w/5 turnout) OR (vot* w/5 pattern*) OR (vot* w/5 regist*) OR (vot* w/5 elect*)) w/10 (racial OR ethnic* OR minorit* OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))
4. (Bill* OR legis* OR propos*) w/10 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR minorit* OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))

Could you please let us know if those reduce the hit counts?

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 6:46 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten

<Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com <chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@MALDEF.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

1. The unique hit counts descriptor is actually reporting something a little different than deduplication. It is identifying the number of hits for each string that do not have a hit for any of the other strings. The unique string hit count helps inform which strings are most strongly impacting the overall hit count.

2. The counts below do not reflect the use of email threading because we do not have that capability at this time.

Best, Jack

From: David Fox <dfox@elias.law>
Sent: Tuesday, May 17, 2022 4:21 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com;

chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. This is helpful, and we will review.

A few technical questions to help us understand this report:

1. I take it the "unique hits" number reflects de-duplication? What is the extent of that de-duplication? In particular, are you de-duplicating across all search strings or just within the set of documents responsive to each search string? If you're de-duplicating across search strings, how are you deciding which search string to report a document as a "unique hit" for, where it is responsive to multiple strings?
2. Do the below counts reflect the use of email threading so that email threads are counted only as one document and reviewed only once (except where there is unique content in particular messages within the thread)? If not, why not?

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Tuesday, May 17, 2022 at 5:09 PM
To: David Fox <dfox@elias.law>
Cc: Ryan Kercher <Ryan.Kercher@oag.texas.gov>, Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>, mark@markgaber.com <mark@markgaber.com>, SMcCaffity@textrial.com <SMcCaffity@textrial.com>, nperales@MALDEF.org <nperales@MALDEF.org>, garybledsoe@sbcglobal.net <garybledsoe@sbcglobal.net>, martin.golando@gmail.com <martin.golando@gmail.com>, gainesjesse@ymail.com <gainesjesse@ymail.com>, fmenendez@maldef.org <fmenendez@maldef.org>, Quesada@textrial.com <Quesada@textrial.com>, chad@brazilanddunn.com

<chad@brazilanddunn.com>, robert@notzonlaw.com <robert@notzonlaw.com>, aharris@aclutx.org <aharris@aclutx.org>, noor@scsj.org <noor@scsj.org>, Francesca Gibson <fgibson@elias.law>, Daniel.Freeman@usdoj.gov <Daniel.Freeman@usdoj.gov>, Abha Khanna <akhanna@elias.law>, Timothy.F.Mellett@usdoj.gov <Timothy.F.Mellett@usdoj.gov>, erosenberg@lawyerscommittee.org <erosenberg@lawyerscommittee.org>, Rich Medina <rmedina@elias.law>, pchaudhuri@lawyerscommittee.org <pchaudhuri@lawyerscommittee.org>, Kevin Hamilton <KHamilton@perkinscoie.com>, sfgold@lawyerscommittee.org <sfgold@lawyerscommittee.org>, jgonzalez@malc.org <jgonzalez@malc.org>, sserna@maldef.org <sserna@maldef.org>, Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

We have run the private plaintiffs' joint proposed search terms against the documents we collected from the Secretary of State. The result are summarized below, organized by the four topics presented in the search terms. We have provided the hits for each string within each topic, as well as the hits for the custodians, again according to topic.

SUMMARY:

OVERALL HIT COUNT:

Total Hits:	157,575
Total Hits + F:	240,096

GENERAL REDISTRICTING:

Total Hits:	14,909
Total Hits +F:	24,681

Keyword String	Hits	Hits + Fam
(Congress* OR House OR Senat* OR Legislat*) w/20 (districts OR map* OR boundar* OR plan* OR apportion* or reapportion*)	4,237	7,654
Redistrict* OR gerrymander* OR reapportion*	5,212	7,552
("tabulation district" OR VTD OR precinct) w/10 (split* OR divid* OR cut* OR district* OR map OR boundar* OR border* OR apportion* OR reapportion*)	3,222	7,223

District* w/10 (map OR boundar* OR plan OR propos* OR apportion* OR reapportion* OR "working group")	2,922	5,881
(district* OR redistrict*) w/20 ("Constitution" OR "Voting Rights Act" OR VRA OR "Section 2" OR (discriminat* w/3 intent*) OR (discriminat* w/3 result*) OR (discriminat* w/3 purpose) OR Gingles OR "senate factors" OR RPV OR RBV OR "minority cohes*" OR "geograph* compact*" OR disparit* OR suppression OR ("majority" w/6 "single-member district") OR Alford OR ((Dr* OR Randy OR Randolph) w/4 Stevenson))	1,886	4,385
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR "American Community Survey" OR ACS) AND (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enumerat* OR estimat* OR deviat* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)	2,068	4,073
("Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic* OR "voter registrat*")	835	2,173
(Race OR Racial* OR VRA OR "Voting Rights Act" OR "Section 2" OR RPV) w/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR audit* OR estimat* OR project* OR memo*)	955	2,074
District* w/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR white* OR Anglo* OR coalition* OR minori* OR opportun*)	751	1,900
(Huffman OR Hunter) w/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion* OR reapportion* OR Congress*)	819	1,361
"Senate Bill 7" OR "SB 7" OR SB7 OR "S.B. 7" OR E2100 OR E2106 OR (plan w/3 2106) OR (SBOE w/2 plan) OR ("State Board of Education" w/2 plan) OR (SBOE w/2 map) OR ("State Board of Education" w/2 map)	644	917

(Census OR ACS OR "American Community Survey") w/10 (district* OR House OR Congress*)	407	796
(Pair* OR pit*) w/20 (incumbent* OR legislat* OR rep* OR Congress*)	540	744
bloc* w/10 vot*	341	631
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR MMD	193	495
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVAP OR BCVAP OR "voting age population" OR VAP OR HVAP OR BVAP	191	420
"House Bill 1" OR "HB 1" OR HB1 OR "H.B. 1" OR H2100 OR H2316 OR (House w/2 plan) OR (House w/2 map)	256	387
(Rule* OR "legislative counsel" OR procedur*) AND ("Redistricting Committee" OR "Senate Special Committee on Redistricting")	230	338
"Senate Bill 4" OR "SB 4" OR SB4 OR "S.B. 4" OR S2100 OR S2168 OR (Senate w/2 plan) OR (Senate w/2 map)	180	288
"Senate Bill 6" OR "SB 6" OR SB6 OR "S.B. 6" OR C2100 OR (plan w/3 2101) OR C2193 OR (Congressional w/2 plan) OR (Congressional w/2 map)	174	256
Foltz	54	145
Shapefile* OR shape-file* OR "shape file" OR blockfile OR block-file OR "block file"	68	114
polariz* w/10 (race OR racial* OR vot*)	30	59
Report* w/3 (RED OR PAR)	28	45

HEARINGS & PUBLIC COMMENTS:

Total Hits: 3,222
Total Hits + F: 6,079

Keyword String	Hits	Hits + Fam
(Hearing OR meet* OR witness* OR debat* OR deadline* OR testim* OR testif* OR notice OR process* OR outreach OR press OR comm* OR mark* OR amend* OR sign*) w/20 ((district* w/3 (new OR propos* OR plan*)) OR map OR boundar* OR apportion* OR reapportion* OR "Senate Bill 6" OR "SB6" OR "S.B.6" OR "House Bill 1" OR "HB 1" OR HB1 OR "H.B.1" OR "Plan 2101")	2,483	4,854

Redistr* w/20 (amend* OR consider* OR rule* OR delegat*)	996	1,828
Redistr* w/20 (invit* OR request OR consider OR testif* OR testim*)	330	589
Redistr* w/20 (Republican* OR "Party" OR NRRT OR RPT OR GOP)	260	332
Redistrict* w/20 ("Texas Public Policy Foundation" OR TPPF OR "Texas Demographic Center" OR TDC OR "True the Vote" OR TTV)	6	6

HISTORY OF DISCRIMINATION:

Total Hits: 7,912
Total Hits +F: 20,266

Keyword String	Hits	Hits + Family
Vot* w/20 violat* OR discriminat* OR (intent* w/3 discriminat*) OR (discriminat* w/3 purpose) OR (discrimin* w/3 effect) OR (discriminat* w/3 results OR disparit* OR suppression)	7,912	20,266

OTHER:

Total Hits: 152,571
Total Hits +F: 235,304

Keyword String	Hits	Hits + Family
(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ*" or consult* OR represent* OR retention OR retain* OR attorney OR lawyer) AND (district* OR map OR boundar* OR apportion* OR reapportion* OR "Michael Best" OR Barton OR Foltz OR "National Republican Redistricting Trust" OR NRRT OR "Republican Party" OR GOP)	92,879	153,246
Vot* w/20 (racial OR ethnic* OR minorit* OR language OR Black OR African OR Hispanic OR latin* OR Spanish OR Mexican OR Asian OR white OR Anglo OR immigrant* OR citizen* OR (Spanish w/3 Surname) OR undocumented OR (illegal* w/3 immigr*))	59,186	120,134

(Bill* OR legis* OR propos*) w/20 (race OR racial* OR racis* OR slavery OR "critical race theory" OR CRT OR Black OR African OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR pattern* OR election* OR bail* OR undocumented OR (illegal* w/3 immigr*))	49,169	93,268

CUSTODIANS

OVERALL HIT COUNT:

Custodian	Doc Count
Christina Adkins	99,696
Elections Internet	99,598
Kristi Hart	95,035
Keith Ingram	86,558
Lillian Eder	57,424
Melanie Best	56,691
Tiffany Owens	52,478
Heidi Martinez	47,733
Chuck Pinney	44,424
Krystine Ramon	42,879
Lena Proft	39,775
Kate Fisher	37,132
Emily Harwell	32,917
Julie Nanyes	15,210
Alexandra Hill	9,761
Andre Montgomery	9,454
Tamara Schoonmaker	7,469
NULL	24

GENERAL REDISTRICTING:

Custodian	Doc Count
Christina Adkins	10,764

Keith Ingram	9,438
Kristi Hart	8,931
Elections Internet	8,119
Melanie Best	6,025
Lillian Eder	5,364
Krystine Ramon	5,272
Lena Proft	5,111
Heidi Martinez	4,776
Kate Fisher	4,697
Chuck Pinney	3,910
Tiffany Owens	3,188
Emily Harwell	1,665
Julie Nanyes	689
Tamara Schoonmaker	219
Alexandra Hill	49
NULL	5
Andre Montgomery	2

HEARINGS & PUBLIC COMMENTS:

Custodian	Doc Count
Christina Adkins	3,251
Keith Ingram	2,943
Melanie Best	2,215
Heidi Martinez	2,087
Krystine Ramon	1,958
Lena Proft	1,834
Elections Internet	1,742
Kristi Hart	1,713
Chuck Pinney	1,434
Kate Fisher	852
Tiffany Owens	617
Lillian Eder	387
Emily Harwell	241
Tamara Schoonmaker	91
Julie Nanyes	23
Alexandra Hill	1

HISTORY OF DISCRIMINATION:

Custodian	Doc Count

Christina Adkins	13,387
Keith Ingram	12,264
Elections Internet	10,311
Kristi Hart	5,266
Melanie Best	4,677
Heidi Martinez	4,599
Chuck Pinney	4,465
Lena Proft	4,461
Krystine Ramon	3,739
Tiffany Owens	3,465
Kate Fisher	3,373
Lillian Eder	2,387
Tamara Schoonmaker	1,926
Emily Harwell	1,840
Andre Montgomery	969
Julie Nanyes	920
Alexandra Hill	778
NULL	2

OTHER:

Custodian	Doc Count
Christina Adkins	98,404
Elections Internet	98,393
Kristi Hart	93,947
Keith Ingram	85,272
Lillian Eder	56,466
Melanie Best	55,966
Tiffany Owens	52,164
Heidi Martinez	47,252
Chuck Pinney	43,983
Krystine Ramon	42,442
Lena Proft	39,356
Kate Fisher	36,829
Emily Harwell	32,656
Julie Nanyes	15,147
Alexandra Hill	9,711

Andre Montgomery	9,447
Tamara Schoonmaker	7,355
NULL	24

As you can see, the overall hit counts are still substantially too broad. There are a number of steps we can take to help narrow this list. We could, for example:

i. Limit date ranges;
ii. Establish priority custodians;
iii. Establish priority topics;
iv. Alter strings within the topics; and/or
v. Limit family member entries.

One specific note, the "Other" category appears to be garnering the most hits. That is likely due in part to the broad manner in which the search is written. For instance, the first string catches any entry that contains both ("Lawyer" OR "Attorney") AND ("Map" OR "District"). I suspect these and other similar combinations are catching a lot of entries that aren't narrowly tailored to the information you're looking for. You and the rest of the plaintiffs may very well have other solutions, to which we are happy to listen.

On a different subject, thank you for coordinating these proposed search terms with the other private plaintiff groups. In addition, Defendants would like to remind that any search terms must also agreed upon by the United States. We do not see a reason why search terms should be different across the private plaintiffs and the United States, and I'm sure you can understand that reviewing these documents two times (for what would certainly be almost the same entries) would be highly duplicative and burdensome.

Sincerely, Jack DiSorbo

Jack DiSorbo
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Jack.DiSorbo@oag.texas.gov

From: David Fox <dfox@elias.law>
Sent: Friday, May 13, 2022 9:35 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; mark@markgaber.com; SMcCaffity@textrial.com; nperales@MALDEF.org; garybledsoe@sbcglobal.net; martin.golando@gmail.com; gainesjesse@ymail.com; fmenendez@maldef.org; Quesada@textrial.com; chad@brazilanddunn.com; robert@notzonlaw.com; aharris@aclutx.org; noor@scsj.org; Francesca Gibson <fgibson@elias.law>; Daniel.Freeman@usdoj.gov; Abha Khanna <akhanna@elias.law>; Timothy.F.Mellett@usdoj.gov; erosenberg@lawyerscommittee.org; Rich Medina <rmedina@elias.law>; pchaudhuri@lawyerscommittee.org; Kevin Hamilton <KHamilton@perkinscoie.com>; sfgold@lawyerscommittee.org; jgonzalez@malc.org; sserna@maldef.org; Renea Hicks (rhicks@renea-hicks.com) <rhicks@renea-hicks.com>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack,

I hope you're well. Two things:

First, attached to this email are a revised set of proposed search terms on behalf of all private plaintiffs. We've endeavored to tighten and narrow these to try to reduce the number of false positives that were generated with DOJ's proposed terms. Please let us know your position on them.

Second, I am following up on the various matters discussed in our April 25 letter, on which you had agreed to get back to us. Please let me know when we can expect a response.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 25, 2022 at 6:11 PM
To: David Fox <dfox@elias.law>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

David,

Defendants are always happy to meet and confer to help this case proceed smoothly. We are in receipt of your letter, which sets forth a summary of our conversation from the Voto Latino plaintiffs' perspective. In addition, we are in the process of internally discussing the topics we discussed on Friday afternoon, and will promptly address those we committed to following up on.

We will also look out for a message from y'all later this week regarding these topics. As I said on Friday, though, any discussion relating to search terms for Secretary of State documents will likely have limited utility unless you have also consulted with counsel for the United States, LULAC, Texas NAACP, and Fair Maps. Those groups have also sent RFPs to the SOS, and we have consistently communicated to those groups that uniform (or at least largely overlapping) search terms will be necessary in order to ensure the document search and review is not unduly burdensome.

Finally, we will also look for your supplemental RFPs, which you intend to issue in light of the amended Voto Latino complaint, which adds claims regarding Texas House districts.

Best, Jack

Jack DiSorbo
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From: David Fox <dfox@elias.law>
Sent: Monday, April 25, 2022 2:04 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Jack and Courtney, thank you for talking the time to talk on Friday. Please see the attached letter.

Thanks,

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: David Fox <dfox@elias.law>
Date: Wednesday, April 20, 2022 at 10:02 AM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. 2:00 pm central time works for us; I will send an invite shortly.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Wednesday, April 20, 2022 at 9:23 AM
To: David Fox <dfox@elias.law>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Aria Branch <abranch@elias.law>, Ari Herbert <Ari.Herbert@oag.texas.gov>, Kevin Hamilton <KHamilton@perkinscoie.com>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>
Subject: RE: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Hi David,

Happy to confer on the responses. I'm covered up Thursday. How does Friday early afternoon look? Around 2:00 or 3:00 pm CST would work. Please let me know if that doesn't work on your end, and I can look at alternatives.

Best, Jack

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From: David Fox <dfox@elias.law>
Sent: Tuesday, April 19, 2022 8:06 PM
To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Aria Branch <abranch@elias.law>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kevin Hamilton <KHamilton@perkinscoie.com>; rhicks@renea-hicks.com; Abha Khanna <akhanna@elias.law>
Subject: Re: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Thanks, Jack. Please let us know your availability for a meet-and-confer call regarding these responses on Thursday and Friday of this week. We are relatively flexible.

David

David R. Fox
Elias Law Group LLP
(202) 968-4546

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Date: Monday, April 18, 2022 at 8:43 PM
To: David Fox <dfox@elias.law>, rhicks@renea-hicks.com <rhicks@renea-hicks.com>, Abha Khanna <akhanna@elias.law>, abranch@perkinscoie.com <abranch@perkinscoie.com>, Kevin Hamilton <KHamilton@perkinscoie.com>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Courtney Corbello <Courtney.Corbello@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: LULAC v. Abbott, No. 3:21-cv-259, Responses to RFPs

Good evening Counsel,

Attached are Defendants' responses and objections to the Voto Latino Plaintiffs' first set of document requests. You should have receive a message earlier today inviting you to access documents responsive to these requests.

Sincerely, Jack DiSorbo

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