

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GLORIA PERSONHUBALLAH, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 3:13-cv-678
	)	
JAMES B. ALCORN, et al.,	)	
	)	
Defendants.	)	

**AGREED SUBMISSION REGARDING SPECIAL MASTER’S  
RELIANCE ON DLS EMPLOYEES FOR TECHNICAL ASSISTANCE**

On October 2, 2015, the Court convened a telephonic hearing with the parties to discuss Special Master Bernard Grofman’s request to rely on employees of the Virginia Division of Legislative Services (DLS) to provide technical assistance in preparing his report and recommendation, as authorized by this Court’s appointment order. *See* ECF No. 241 at 3. After determining that the Special Master’s proposal was acceptable to all parties, provided that their communications and working papers remain strictly confidential, the Court directed that the parties submit a draft order specifying the terms of the proposed arrangement.

In accordance with the Court’s direction, the parties submit the proposed order attached as Exhibit 1. Counsel for Plaintiffs and counsel for Intervenor-Defendants join counsel for Defendants in requesting that the Court enter this order.

Respectfully submitted,

JAMES B. ALCORN, CLARA BELLE WHEELER  
and SINGLETON MCALLISTER, in their official  
capacities as members of the Virginia State Board of  
Elections

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2015, I electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the counsel of record for the parties.

By:                   /s/                    
Trevor S. Cox

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**[PROPOSED] ORDER**

On September 25, 2015, the Court appointed Dr. Bernard Grofman as special master to assist and advise the Court with regard to a redistricting remedy and authorized him to employ assistants “as necessary to carry out his duties under this appointment” (ECF 241). The Special Master has proposed that employees of the Virginia Division of Legislative Services (DLS) provide that assistance and three individual employees of DLS have been identified to provide that assistance: Jack Austin, Kent Stigall, and Julie Smith. The parties and DLS do not object to the Special Master’s reliance on these three specific DLS employees for technical assistance, provided that each of these individuals sign oaths of confidentiality in the form attached to this order and that the confidentiality of their working papers and communications is protected.

Accordingly, it is hereby ORDERED that:

1. The Special Master is authorized to rely on DLS employees Austin, Stigall, and Smith to provide any technical assistance he may require to carry out his duties under his appointment.

2. DLS employees Austin, Stigall and Smith, prior to receiving confidential information or providing assistance to the Special Master, must execute an oath of confidentiality in the form appended to this Order and deliver the signed original to the Special Master and a copy to counsel for Defendants, who shall promptly serve a copy on counsel for the other parties.

3. The Special Master, Mr. Austin, Mr. Stigall, and Ms. Smith are hereafter prohibited from communicating by electronic mail with one another in connection with their assignment. They may communicate in writing only by facsimile transmission (that does not utilize electronic mail), by U.S. Mail, or by third-party commercial carrier. Nothing in this Order is intended to prohibit the Special Master, Mr. Austin, Mr. Stigall, or Ms. Smith from communicating with one another by telephone.

4. Mr. Austin, Mr. Stigall, and Ms. Smith must take all reasonable steps to safeguard the security and confidentiality of their working papers, communications, and materials created in connection with their assistance to the Special Master from disclosure to any third-parties, including without limitation other DLS employees or any other individuals employed by the Commonwealth of Virginia.

5. Notwithstanding any contrary requirement of Virginia law, Mr. Austin, Mr. Stigall, and Ms. Smith may not disclose any working papers, communications, or materials created in connection with that assistance, and upon notification by the Special Master that their assignment is completed, such DLS employees must destroy their working papers, communications, and materials in their possession that were created in connection with assisting the Special Master.

The Clerk is directed to send a copy of this Order to the Special Master.

It is SO ORDERED.

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For the Court  
Robert E. Payne  
United States District Judge

Richmond, Virginia  
Date: October \_\_, 2015

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**OATH OF CONFIDENTIALITY**

I, \_\_\_\_\_, declare that the following is true:

1. I am employed by the Virginia Division of Legislative Services (DLS).
2. DLS has authorized me to provide technical assistance and support to the Special Master in this case, Dr. Bernard Grofman, with regard to his work for the Court in preparing and recommending a proposed remedial redistricting plan for Virginia’s eleven congressional districts.
3. I agree to assist Dr. Grofman to the best of my abilities. I also promise to keep strictly confidential any and all information, whether oral, electronic or paper, related to my work with Dr. Grofman, including but not limited to (a) data, emails, spreadsheets, shapefiles, block equivalency files, and other notes or working papers of any kind, and (b) my communications with Dr. Grofman, his assistants, or court personnel of any kind (collectively “Confidential Information”), and not to discuss with others (including, without limitation, other DLS or state government employees not directly assisting Dr. Grofman) any Confidential Information, including, without limitation, the substance or details of my assistance to Dr. Grofman in this matter.

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

Dated: \_\_\_\_\_