

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., et al.,

Plaintiffs,

v.

Case No: 2022 CA 0666

CORD BYRD, in his official capacity
as Florida Secretary of State, et al.,

Defendants.

_____ /

**DEFENDANT SECRETARY OF STATE'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS FROM PLAINTIFFS**

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, Defendant, CORD BYRD ("Defendant"), by and through undersigned counsel, hereby serves this First Request for Production upon Plaintiffs.

INSTRUCTIONS

A. These requests apply to all documents in Plaintiffs' possession, custody or control (including documents Plaintiffs have the effective power or authority to obtain) at the present time, and to those documents in the possession, custody or control of Plaintiffs' agents, employees, representatives, investigators, or attorneys. These requests shall be deemed continuing and shall apply to documents that come into the possession, custody or control of any of the foregoing persons or entities after the date of initial production.

B. The requested documents include all attachments, enclosures, explanatory notes or memoranda, and any other material that accompanied the requested materials. If the specific document elicited a response, that is also to be identified and produced. If the document

was itself a response, the document(s) to which it is responding is also to be identified and produced.

C. In producing documents requested herein, please produce documents in full, without abridgement, abbreviation or expurgation of any sort.

D. In producing documents requested herein, please sequentially number the pages produced and precede the numbers with a unique prefix.

E. If a document is called for under more than one request, it should be produced in response to the first request with a notice appended to it stating the other request(s) to which it is claimed that such document is responsive.

F. Please produce for inspection and copying each copy and draft of a responsive document that differs in any way from the original document or from any other copy or draft.

G. With respect to any document that is requested but which has been lost or destroyed, provide in writing the following information for each missing document:

- i. the identity of the document;
- ii. the nature of the document (e.g., letter, draft, computer file);
- iii. the identity of the person(s) who created or originated the document;
- iv. the identity of the person(s) who received a copy of the document;
- v. the dates on which the document was created and/or distributed;
- vi. a brief description of what happened to the document; and
- vii. a brief description of the subject matter of the document.

H. If You object to any request because of a privilege, please provide the information required by Rule 1.280(b)(6) of the Florida Rules of Civil Procedure.

I. In responding to these Requests for Production, you must make a diligent search of your records and of other papers and materials in your possession or available to you or your representatives. If these Requests for Production cannot be complied with in full, comply to the maximum extent possible and specify the reason for your inability to comply with the remainder.

J. Pursuant to Florida Rule of Civil Procedure 1.350, you may either produce the documents as they are kept in the usual course of business or organize and label the documents to correspond with the categories in these Requests for Production. If you produce the documents as they are kept in the usual course of business, the documents so produced must include any files, file envelopes, file folders, file separators, file boxes, file tabs, labels and/or any other form or organizational or descriptive device or indicator that relates to the manner in which the documents are kept in the usual course of business (the "Filing Materials"). If, on the other hand, you produce the documents to correspond with the categories in these Requests for Production, you also must produce the aforementioned Filing Materials and provide sufficient descriptions of them to permit the determination of which documents would, in the usual course of business, be filed with or in such specific Filing Material(s).

K. The singular shall be deemed to include the plural, and the masculine gender to include the feminine or neuter, where the context or circumstances so require or permit. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

L. Unless specifically noted otherwise, the relevant time frame of these Requests for Production shall be from January 1, 2017 until the date upon which the responses thereto are due, and as may be later supplemented, in accordance with the Florida Rules of Civil Procedure.

M. These Requests for Production are continuing in nature so that if, after answering, you acquire additional responsive knowledge or information, Defendant directs that you serve supplemental answers after acquiring such additional knowledge or information.

DEFINITIONS

When used in these requests, the following definitions shall apply:

A. "Person" includes any natural person, firm, association, organization, partnership, business, trust, corporation, governmental or public entity, or any other form of legal entity.

B. "Document" shall mean all documents, electronically stored information, and tangible things, including without limitation all written and graphic matter and all other means of recording information, whether written, transcribed, taped, filmed, microfilmed, or in any other way produced, reproduced, or recorded, and including but not limited to: originals, drafts, computer-sorted and computer-retrievable information, copies and duplicates that are marked with any notation or annotation or otherwise differ in any way from the original, correspondence, memoranda, reports, notes, minutes, contracts, agreements, books, records, checks, vouchers, invoices, purchase orders, ledgers, diaries, logs, calendars, computer printouts, computer disks, card files, lists of persons attending meetings or conferences, sketches, diagrams, calculations, evaluations, analyses, directions, work papers, press clippings, sworn or unsworn statements, requisitions, manuals or guidelines, audit work papers, financial analyses, tables of organizations, charts, graphs, indices, advertisements and

promotional materials, audited and unaudited financial statements, trade letters, trade publications, newspapers and newsletters, photographs, emails, electronic or mechanical records, facsimiles, telegrams and telecopies, and audiotapes. Each draft, annotated, or otherwise non-identical copy is a separate Document within the meaning of this term. Documents shall also include any removable sticky notes, flags, or other attachments affixed to any of the foregoing, as well as the files, folder tabs, and labels appended to or containing any documents. Documents expressly include all Electronic Records and written Communications.

C. “Electronic Records” shall mean the original (or identical duplicate when the original is not available) and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description inscribed by mechanical, facsimile, electronic, magnetic, digital, or other means. Electronic Records includes, by way of example and not by limitation, computer programs (whether private, commercial, or work-in-progress), programming notes and instructions, activity listings of email transmittals and receipts, output resulting from the use of any software program (including word processing documents, spreadsheets, database files, charts, graphs and outlines), electronic mail, and any and all miscellaneous files and file fragments, regardless of the media on which they reside and regardless of whether said Electronic Records exists in an active file, deleted file, or file fragment. Electronic Records include, without limitation, any and all items stored on computer memories, hard disks, diskettes and cartridges, network drives, network memory storage, archived tapes and cartridges, backup tapes, floppy disks, CD-ROMs, removable media, magnetic tapes of all types, microfiche, and any other media used for digital data storage or transmittal. Electronic Records also include

the file, folder tabs, and containers and labels appended to or associated with each original and non-identical copy.

D. “Communication” means any oral, written or electronic transmission of information, including but not limited to meetings, discussions, conversations, telephone calls, telegrams, text messages and group chats (to include WhatsApp, Telegram, Facebook Messenger, Google Chat, etc.), voicemails, memoranda, letters, emails, telecopies, telexes, conferences, messages, notes, brochures, marketing materials, presentations or seminars.

E. “Relating To,” “Related To” or “Relate(s) To” mean constituting, containing, concerning, embodying, reflecting, identifying, stating, mentioning, discussing, describing, evidencing, or in any other way being relevant to that given subject matter.

F. “Enacted Plan” means the apportionment plan enacted by the Florida Legislature on April 21, 2022, and signed into law by the Governor on April 22, 2022.

REQUESTS FOR PRODUCTION

1. Produce all documents evidencing or supporting the allegation in Paragraph 11 of the Complaint that the Enacted Plan will require Plaintiff Black Voters Matter Capacity Building Institute, Inc., “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

2. Produce all documents evidencing or supporting the allegation in Paragraph 12 of the Complaint that the Enacted Plan will require Plaintiff Equal Ground Education Fund “to divert

scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

3. Produce all documents evidencing or supporting the allegation in Paragraph 13 of the Complaint that the Enacted Plan will require Plaintiff League of Women Voters, Inc., “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

4. Produce all documents evidencing or supporting the allegation in Paragraph 13 of the Complaint that the Enacted Plan will require Plaintiff League of Women Voters Florida Education Fund, Inc., “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

5. Produce all documents evidencing or supporting the allegation in Paragraph 14 of the Complaint that the Enacted Plan will require Plaintiff Florida Rising Together “to divert scarce resources away from its other policy priorities toward efforts to give Black voters other avenues to make their voices heard where they no longer have effective representation.”

6. Produce all documents relating to the apportionment plan referred to “Proposed Map A” in the Order Granted Temporary Injunction entered on May 12, 2022, including but not limited to all documents utilized or referred to by Dr. Steven Ansolabehere in developing “Proposed Map A.”

Dated: July 15, 2022

Bradley R. McVay (FBN 79034)
brad.mcvay@dos.myflorida.com
Ashley Davis (FBN 48032)
ashley.davis@dos.myflorida.com
stephanie.buse@dos.myflorida.com
FLORIDA DEPARTMENT OF STATE
R.A. Gray Building

500 S. Bronough St.
Tallahassee, FL 32399
(850) 245-6536

/s/ Mohammad O. Jazil
Mohammad O. Jazil (FBN 72556)
mjazil@holtzmanvogel.com
Gary V. Perko (FBN 855898)
gperko@holtzmanvogel.com
Michael Beato (FBN 1017715)
mbeato@holtzmanvogel.com
zbennington@holtzmanvogel.com
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK
119 S. Monroe St. Suite 500
Tallahassee, FL 32301
(850) 270-5938

Counsel for the Secretary of State

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record through the Florida Courts E-Filing Portal, on July 15, 2022.

/s/ Mohammad O. Jazil
Mohammad O. Jazil