

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-
GBL-BMK

**DECLARATION OF RYAN SPEAR IN SUPPORT OF PLAINTIFFS’
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

I, Ryan Spear, swear under penalty of perjury that the following is true and correct.

1. I am a counsel with the law firm of Perkins Coie LLP in Seattle, Washington.

I am one of the attorneys representing the Plaintiffs in this matter.

2. On April 8, 2015 and again on April 13, 2015, counsel for Plaintiffs and counsel for Intervenor-Defendants met and conferred via telephone in an attempt to resolve their disputes regarding Intervenor-Defendants’ claims of privilege.

3. Attached as Exhibit A is an excerpt of a true and correct copy of a transcript of a February 24, 2015 hearing before this Court in this matter.

4. Attached as Exhibit B is a true and correct copy of Plaintiffs' First Requests for Production of Documents to Intervenor-Defendants, dated March 5, 2015.

5. Attached as Exhibit C is a true and correct copy of Intervenor-Defendants' privilege log, dated March 26, 2015.

6. Attached as Exhibit D is a true and correct copy of Intervenor-Defendants' supplemental privilege log, dated April 10, 2015.

7. Attached as Exhibit E is a true and correct copy of a joint letter from Plaintiffs' counsel and Intervenor-Defendants' counsel to delegates of the Virginia House of Delegates. The joint letter was sent by Intervenor-Defendants to 29 delegates whose communications Intervenor-Defendants have withheld on legislative privilege grounds.

8. Attached as Exhibit F is a true and correct copy of the written responses received by Plaintiffs' counsel in response to the joint letter attached as Exhibit E.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief and that this declaration was executed on the 13th day of April, 2015, in Seattle, Washington.

DATED: April 13, 2015

/s/ Ryan Spear
Ryan Spear

EXHIBIT A

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

GOLDEN BETHUNE-HILL, et al.

vs.

VIRGINIA STATE BOARD OF
ELECTIONS, et al.

:
:
: Civil Action No.

: 3:14CV852
:
:

: February 24, 2015
:
:

COMPLETE TRANSCRIPT OF THE CONFERENCE CALL
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

Abha Khanna, Esquire
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Counsel for the plaintiff

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Richmond, Virginia 23219
Counsel for the defendants

Peppy Peterson, RPR
Official Court Reporter
United States District Court

1 APPEARANCES: (cont'g)

2 Katherine L. McKnight, Esquire

3 E. Mark Braden, Esquire

4 Jennifer M. Walrath, Esquire

5 Baker & Hostetler, LLP

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7 Suite 1100

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9 Counsel for the intervenor defendants

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1 MR. TROY: No, sir. Well, Your Honor, I don't
2 know the answer to that, because Mr. Braden indicates he
3 represents the speaker and the House of Delegates as an
4 entity but not necessarily every member of the House of
5 Delegates is -- I thought that was his position.

6 MR. BRADEN: And that is -- this is Mark Braden.
7 That is our position. We simply do not know whether these
8 12 members -- it would be our view that absent them
9 waiving legislative privilege, it would be unlikely that
10 we could depose them. So it's really a question, in our
11 mind, as to the scope of discovery, as to the scope of the
12 proposed or likely evidentiary presentation by the
13 plaintiff.

14 THE COURT: Well, is it correct or not correct
15 that the individual delegates were consulted by the people
16 who drew -- responsible for drawing up the district and --

17 MR. BRADEN: The answer --

18 THE COURT: Excuse me. And that those people
19 actually provided their views on whether the district was
20 appropriate or not?

21 MR. BRADEN: Mark Braden. I believe in most
22 cases, that factually is correct. I do not know about all
23 of the districts, but I do believe for most, if not all,
24 the individual members, as part of the legislative
25 process, were consulted in the drawing of the plan, yes.

1 THE COURT: And there are 12 of those people;
2 right?

3 MR. BRADEN: That are 12 of those, yes.

4 THE COURT: And they are not represented in this
5 action even though they are current members of the House
6 of Delegates?

7 MR. BRADEN: We represent the House of Delegates.
8 We do not necessarily represent any individual member
9 other than the speaker.

10 THE COURT: How can you represent the House of
11 Delegates and not represent the 12 delegates therein whose
12 seats are being challenged? I'm having trouble with that.

13 MR. BRADEN: Well, the issue is, I believe, the
14 notion of whether or not we would actually represent their
15 interests and whether they would wish us to represent
16 them. The reality, of course, in this case, is that there
17 is the elephant in the room and the donkey in the room
18 which is this is a very partisan matter, so the interest
19 of the individual members of the house who might be of a
20 different party than the majority who voted for it might
21 have a different interest than the actual House of
22 Delegates.

23 Clearly, the House of Delegates has an interest
24 in preserving the plan that it passed. That does not
25 necessarily mean each individual member of the House

1 shares that individual interest.

2 THE COURT: Well, have they been asked whether
3 they -- or do you know whether those 12 people want
4 representation or are going to appear by counsel at all?

5 MR. BRADEN: I have not spoken to any of the
6 actual 12 members, although we have discussed that with
7 the speaker and do intend to contact them, but we are not
8 presently representing them.

9 THE COURT: How many of the 12 are Democrats and
10 how many are Republicans and how many Independents?

11 MR. BRADEN: Mark Braden. I believe all of the
12 12 are members of the Democratic Party. I believe that's
13 correct.

14 MR. TROY: Your Honor, Tony Troy. Some of them,
15 I can think of one or two examples, were not in office
16 when the 2011 plan was adopted. One specific is due this
17 year, and the seat that was previously held, that person
18 is now in the state Senate.

19 THE COURT: But they're all Democrats; is that
20 right?

21 MR. TROY: Your Honor, Tony Troy. I believe that
22 is correct.

23 THE COURT: Well, is there any reason you all
24 can't talk to these people?

25 MR. TROY: Your Honor, Tony Troy. I just wanted

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
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Plaintiffs,

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VIRGINIA HOUSE OF DELEGATES, et al.

Intervenor-Defendants.

Civil Action No. 3:14-cv-852-REP-GBL-
BMK

**PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO
INTERVENOR-DEFENDANTS**

TO: VIRGINIA HOUSE OF DELEGATES AND SPEAKER WILLIAM J. HOWELL
AND TO: Katherine Lea McKnight, Effrem Mark Braden, and Jennifer Marie Walrath,

attorneys for Intervenor-Defendants

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs hereby request that Intervenor-Defendants produce the documents described below at the offices of 700 13th St NW #600, Washington, DC 20005, on or before March 20, 2015.

DEFINITIONS AND INSTRUCTIONS

1. Except as specifically defined below, the terms used in these Requests for Production shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

2. The singular includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

3. “2011 Virginia Redistricting” means any activity relating to the Virginia General Assembly’s efforts to draw and adopt Virginia House of Delegates districts in 2010 and 2011.

4. “2011 Virginia House of Delegates Plan” means the redistricting plan passed by the General Assembly in 2011 that proposed new House of Delegates districts for the Commonwealth of Virginia, codified as Va. Code Ann. § 24.2-304.03.

5. “General Assembly” means any current or former member of the Virginia General Assembly, the Virginia House of Delegates, the Senate of Virginia, and their current and former staff members, agents, employees, consultants, experts, and personnel, and including but not limited to employees of the Virginia Division of Legislative Services and their agents, consultants, experts, and personnel.

6. “Virginia House of Delegates” means any current or former member of the Virginia House of Delegates, and their current and former staff members, agents, employees, consultants, experts, and personnel, and including but not limited to employees of the Virginia Division of Legislative Services and their agents, consultants, experts, and personnel.

7. “Section 5 Submission” means the submission Virginia sent to the U.S. Department of Justice, pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C.

§ 1973c, relating to the redistricting of Virginia’s House of Delegates districts that occurred in 2011.

8. “Map” includes all drawings of partial or whole maps or of individual districts or portions thereof, as well as associated data and shape files for partial or whole maps or for individual districts or portions thereof and the underlying demographic, political, and geographic data related to the maps.

9. “Meeting” includes any public or private, official or unofficial, transcribed or non-transcribed gathering, conference, or communication of or between two or more individuals.

10. The word “documents” is used in its customary broad sense and includes all written, typed, printed, recorded or graphic statements, emails, communications or other matter, however produced or reproduced, and whether or not now in existence, in your possession, custody or control, including: writings; emails; bulletins; notices; maps; draft maps; Word documents; PDFs; spreadsheets; studies; analyses; tabulations; reports; reviews; agreements; contracts; communications, including intracompany communications, letters or other correspondence; messages; telegrams; telexes; cables; electronically stored information; memoranda; records; notes; reports; summaries; sound recordings or transcripts of personal or telephone conversations; meetings; conferences or interviews; telephone toll records; diaries; desk calendars; appointment books; forecasts; accountants’ work papers; drawings; graphs; charts; diagrams; blueprints; tables; indices; pictures; photographs; films; phonograph records; tapes; microfilm; microfiche; charges; ledgers; accounts; cost sheets; financial statements or reports; statistical or analytical records; minutes or records of board of directors, committee or other meetings or conferences; reports or summaries of investigations; opinions or reports or summaries of investigations; opinions or reports of consultants; appraisals; reports or summaries

of negotiations; books; brochures; pamphlets; circulars; trade letters; press releases; newspaper and magazine clippings; stenographic, handwritten or any other notes; notebooks; projections; working papers; checks, front and back; check stubs or receipts; invoice vouchers; tape data sheets or data processing cards and discs or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced; and any other document, writing or other data compilation of whatever description, including but not limited to any information contained in any computer although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonable usable form, and all drafts and non-identical copies of the foregoing.

11. The term “electronically stored information” means information stored in or on any electronic medium or device, including computers, network servers, computer hard drives, e-mails, voicemails, CDs, DVDs, tapes, websites, intranet, extranet, databases, Personal Digital Assistants (PDAs), mobile phones, smart phones, flash drives, thumb drives and USB drives, whether portable or not, regardless of the software or application used to generate or store the document, data, information or item.

12. The word “communication” means any transmission or exchange of information between two or more persons orally or in writing and includes, without limitation, any conversation or discussion, whether face-to-face or by means of any telephone, telegraph, telecopies, electronic, or other media, and any exchange of information or words by any electronic or written means.

13. The phrase “related to” shall mean, without limitation, directly or indirectly constituting, evidencing, concerning, regarding, mentioning, discussing, describing, commenting

upon, referring to, pertaining to, being connected with or reflecting upon the stated subject matter.

14. “And” and “or” shall be construed conjunctively or disjunctively as necessary to bring within the scope of these requests information that might otherwise be construed as being outside their scope. The use of the words “including” shall be construed to mean “without limitations.”

15. “You,” “your” or any similar word or phrase includes each individual or entity responding to these discovery requests and, where applicable, each affiliated entity of each such person or entity and all persons acting on its or their behalf.

16. These discovery requests shall be deemed continuing so as to require supplemental responses if you obtain further documents or information after the time your responses are served.

17. File folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents.

18. Documents attached to each other should not be separated.

19. Documents shall be produced in Tagged Image File Format (“TIFF”), single page, black and white (or in color, if necessary for any given document or its content to be readable), dithered (if appropriate), at 300 x 300 dpi resolution and 8½ x 11 inch page size, except for documents requiring different resolution or page size to make them readable. Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship. In addition, each TIFF document shall also be produced with a data load file in Concordance delimited format (*.dat), indicating (at a minimum) appropriate unitization of the documents, including beginning and ending production numbers

for (a) each document set, and (b) each attachment within each document set. The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents that are not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

20. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above, and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared driver or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

21. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for, then:

- a. Produce all such documents as are available to you without undertaking what you contend to be an unreasonable request;
- b. Describe with particularity the efforts made by you or on your behalf to produce such documents, including, without limitation, identification of persons consulted, description of files, records and documents reviewed, and identification of each person who participated in the gathering of such documents, with specification of the amount of time spent and the nature of work done by such person; and
- c. State with particularity the grounds upon which you contend that additional efforts to produce such documents would be unreasonable.

22. With respect to any document withheld from production on a claim of privilege or work product protection, please provide a written privilege log identifying each document individually and containing all information required by Rule 26(b)(5) of the Federal Rules of Civil Procedure.

23. Unless otherwise provided in an individual Request, the date range for all document should be from January 1, 2010 to the present.

24. Please produce all documents requested below to the extent not already produced by you in response to the FOIA request of Marc. E. Elias sent in or around January 2015.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all maps and draft maps related to the 2011 Virginia Redistricting, including but not limited to all maps, draft maps, and alternative iterations of Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 in the 2011 Virginia House of Delegates Plan.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce all communications between or among the Virginia House of Delegates, including but not limited to those members who represent or represented Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95, related to the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all communications between, among, or with the Virginia House of Delegates and any other individual or entity, including, without limitation, political organizations, lobbyists, political operatives, consultants, constituents, voters, and government officials, related to the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all documents and communications related to the black or African-American population, including but not limited to the Black Voting Age Population, of current, former, or proposed Virginia House of Delegates districts or any single current, former, or proposed Virginia House of Delegates district, between January 1, 2010, and April 28, 2011.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce all documents and communications that reference, refer or relate to a minimum black population or Black Voting Age population in one or more current, former, or proposed Virginia House of Delegates districts between January 1, 2010, and April 28, 2011, including but not limited to all documents regarding the necessity, requirement or advisability of a baseline or minimum Black Voting Age population in individual districts.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce all documents and communications that reference, refer or relate to race or ethnicity as a consideration, factor, or criterion, with regard to the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce all documents, records, and information related to the Section 5 Submission, including without limitation communications by or to current or former Virginia House of Delegates members, and their staff members, agents, employees, consultants, advisors, experts, and personnel and communications by or to the U.S. Department of Justice.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce all communications between the Virginia House of Delegates and any and all local, statewide, or national Republican groups, including without limitation the Republican National Committee, National Republican Congressional Committee, Republican State Leadership Committee, Republican Legislative Campaign Committee, current or former members of the local, state, or national Republican group, their staff members, agents, employees, consultants, advisors, experts, and personnel, related to the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce all public statements made by the Virginia House of Delegates related to the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce all documents related to the 2011 Virginia Redistricting, including without limitation all emails, letters, notes, press releases, and other documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce all documents related to the 2011 Virginia House of Delegates Plan, or any alternate House of Delegates Plan considered by the Virginia House of Delegates, including without limitation all emails, letters, notes, press releases, and other documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Please produce all documents used in preparation of, referenced or identified in, related to, reviewed, or otherwise forming the foundation of each and every answer to the interrogatories served concurrently with this discovery request.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Please produce all documents regarding redistricting criteria, factors, or considerations that were used, considered, or applied in drawing the 2011 Virginia House of Delegates Plan and/or any individual district.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce all document related to or reflecting an analysis of racial voting patterns with respect to the 2011 Virginia House of Delegates Plan, including without limitation any documents related to or reflecting a racial polarized voting analysis and any documents related to or reflecting an analysis of retrogression under or in relation to Section 5 of the Voting Rights Act.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce all documents (including without limitation transcripts, minutes, video recordings, and notes) related to any meeting held regarding the 2011 Virginia Redistricting.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce all documents related to any testimony you expect from any individual identified in response to Interrogatory No. 14.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce all communications with any expert witness identified in Interrogatory No. 14 with respect to the 2011 Virginia Redistricting, the 2011 Virginia House of Delegates Plan, *Page v. Virginia State Board of Elections*, No. 3:13-cv-678, or the present case (Civil Action No. 3:14-cv-852-REP-GBL-BMK), including, without limitation, communications involving current or former members of the Virginia House of Delegates, their staff members, agents, employees, consultants, advisors, experts, attorneys, and personnel before or after the present case was filed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce all documents listed or referenced in your Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1), including all documents listed or referred to in any supplement to your Initial Disclosures pursuant to Fed. R. Civ. P. 26(e)(1).

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Please produce all documents that allegedly support any of the affirmative defenses listed in Intervenor-Defendants' Answer in in this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Please produce all documents related to any potential testimony from any person who you may call, plan to call, or expect to call as a witness at the trial of this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Please produce any documents relating to, referencing, or explaining the political goals of the 2011 Virginia Redistricting, including without limitation any documents relating to, referencing, or explaining any goal to disadvantage Democratic officeholders or candidates or advantage Republican candidates or incumbents and any documents relating to, referencing, or explaining that the goal was *not* to disadvantage Democratic officeholders or otherwise provide more advantageous districts for Republican candidates or incumbents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Please produce any documents and communications relating to, referencing, analyzing, or explaining the political performance of one or more current, former, or proposed Virginia House of Delegates districts.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Please produce any documents explaining, discussing, or referencing the Voting Rights Act as applied to one or more current, former, or proposed Virginia House of Delegates districts or any part of the 2011 Virginia House of Delegates Plan.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Please produce all documents relating to, referencing, or explaining the potential for retrogression with respect to one or more current, former, or proposed Virginia House of Delegates districts, including all documents relating to, referencing, or explaining what, if anything, was done to prevent retrogression.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Please produce all documents produced or other materials provided by Intervenor-Defendants to Defendants in or related to the present case.

RESPONSE:

DATED: March 5, 2015

By: /s/ John K. Roche

John K. Roche (VSB# 68594)
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Attorneys for Plaintiffs

RULE 26(g) CERTIFICATION

I have read the foregoing responses and objections to these requests for production and certify that, to the best of my knowledge, information and belief, formed after a reasonably inquiry, they comply with the requirements of Federal Rule of Civil Procedure 26(g)(1)(B).

DATED this _____ day of _____, 20__.

By: _____

CERTIFICATE OF SERVICE

On March 5, 2015, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the above discovery requests.

VIA ELECTRONIC MAIL

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Attorneys for Defendants

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

DATED this 5th day of March, 2015.

/s/ John K. Roche

EXHIBIT C

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
1	John Morgan, Consultant, Virginia House of Delegates	Mike Mellis, Esq., Attorney in the Office of the Virginia Attorney General; Michael Carvin, Esq.; John Gore, Esq.		3/13/2014	partial draft	Attorney Client; Work Product	Email communication between legal counsel and testifying expert regarding draft expert report in redistricting litigation.
2					Report of John B. Morgan-partial-draft.docx	Attorney Client; Work Product	Draft report of testifying expert transmitted from testifying expert to legal counsel in redistricting litigation.
3	John Morgan, Consultant, Virginia House of Delegates	Mike Mellis, Esq., Attorney in the Office of the Virginia Attorney General; Michael Carvin, Esq.; John Gore, Esq.		3/14/2014	draft	Attorney Client; Work Product	Email communication between legal counsel and testifying expert regarding draft expert report in redistricting litigation.
4					Report of John B. Morgan-draft.docx	Attorney Client; Work Product	Draft expert report of testifying expert transmitted from testifying expert to legal counsel in redistricting litigation.
5	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	John Morgan, Consultant, Virginia House of Delegates; Clark Bensen, Consultant, Republican Members of Virginia House of Delegates; Steve Ellis, Consultant, Virginia House of Delegates		4/19/2011	Redistricting Update	Attorney Client	Email communication between consultants engaged in redistricting and legal counsel advising House Republicans regarding and reflecting legal advice concerning redistricting.
6	Delores L McQuinn, Member, Virginia House of Delegates	Delores L McQuinn, Member, Virginia House of Delegates		10/17/2011	Constituent [sic] Letter 2011 revised 4.10.2011	Legislative	Email communication of member of the House of Delegates transmitting constituent letter regarding redistricting.
7					Constituent [sic] Letter 2011 revised 4.10.2011.docx	Legislative	Attachment to email communication of member of the House of Delegates transmitting constituent letter regarding redistricting.
8	Jeion Ward, Member, Virginia House of Delegates	Russell Wade, Staff, Virginia House of Delegates		4/15/2011	Fw: Governor McDonnell Acts on Redistricting Legislation	Legislative	Email communication between staff of the House of Delegates and member of the House of Delegates regarding redistricting.
9					Letter to HOD on HB 5001.pdf	Legislative	Attachment to email communication between staff of the House of Delegates and member of the House of Delegates regarding redistricting.
10	Russell Wade, Staff, Virginia House of Delegates	Jeion Ward, Member, Virginia House of Delegates		4/15/2011	Fw: Governor McDonnell Acts on Redistricting Legislation	Legislative	Email communication between staff of the House of Delegates and member of the House of Delegates regarding redistricting.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
11					Letter to HOD on HB 5001.pdf	Legislative	Attachment to email communication between staff of the House of Delegates and member of the House of Delegates regarding redistricting.
12	Jeion Ward, Member, Virginia House of Delegates	Jeion Ward, Member, Virginia House of Delegates		11/25/2013	Fwd: Racial Gerrymandering Suit in Lynchburg	Legislative	Email communication of member of the House of Delegates regarding redistricting litigation.
13					Alexander W Bell.vcf	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
14					ATT0001.htm	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
15					Docket No. 1 -- Complaint -- 15oct13.pdf	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
16					ATT0002.htm	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
17					Docket No. 1-1 -- Exhibit A -- 15oct13.pdf	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
18					ATT0003.htm	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
19					Docket No. 1-2 -- Exhibit B -- 15oct13.pdf	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
20					ATT0004.htm	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
21					Docket No. 5 -- Order designating the 3 judge panel -- 18oct13.pdf	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
22					ATT0005.htm	Legislative	Attachment to email communication of member of the House of Delegates regarding redistricting litigation.
23	Kirk Cox, Member, Virginia House of Delegates	Kirk Cox, Member, Virginia House of Delegates		4/4/2011	For Bill	Legislative	Email communication between staff of House of Delegates and member of the House of Delegates regarding redistricting hearing.
24					Public Hearing on Redistricting.doc	Legislative	Staff notes attached to email communication between staff of House of Delegates and member of the House of Delegates regarding redistricting hearing.
25				5/12/2011	Preclearance Memorandum.pdf	Attorney Client	Memorandum from legal counsel to the Virginia Republican Party providing legal advice regarding redistricting attached to email communication with clients.
26	Sharon Crouch Steidel, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		3/1/2011	Floor Voting Record	Legislative	Email communication between staff and member of the House of Delegates regarding voting related to redistricting.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
27					james2011floorvotes.pdf	Legislative	Attachment to email communication between staff and member of the House of Delegates regarding voting related to redistricting.
28	Matthew James, Member, Virginia House of Delegates	Kim Rollins, Staff, Virginia House of Delegates		5/24/2011	Re: Fw: Phone Conference, US Department of Justice	Legislative	Email communications between staff and member of the House of Delegates regarding preclearance.
29	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		4/15/2011	Fw: Governor McDonnell Acts on Redistricting Legislation	Legislative	Email communication between staff and member of House of Delegates regarding redistricting.
30					Letter to HOD on HB 5001.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting.
31	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		5/24/2011	Phone Conference, US Department of Justice	Legislative	Email communication between staff and member of the House of Delegates regarding preclearance.
32	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		5/24/2011	Fw: Phone Conference, US Department of Justice	Legislative	Email communication between staff and member of the House of Delegates regarding preclearance.
33	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		5/25/2011	Re: Fw: Phone Conference, US Department of Justice	Legislative	Email communication between staff and member of the House of Delegates regarding preclearance.
34	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		5/26/2011	Fw: Interview with Department of Justice	Legislative	Email communication between staff and member of the House of Delegates regarding preclearance.
35	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		6/7/2011	Fw: Precincts/DPVA Video and Weekly Top 5 - June 3, 2011	Legislative	Email communication between staff and member of the House of Delegates regarding redistricting.
36	Kim Rollins, Staff, Virginia House of Delegates	Matthew James, Member, Virginia House of Delegates		6/20/2011	Fw:	Legislative	Email communication between staff and member of the House of Delegates regarding preclearance.
37	Jennifer McClellan, Member, Virginia House of Delegates	Kirk Showalter, General Registrar, City of Richmond	Betsy Carr, Member, Virginia House of Delegates; Lawrence Haake, General Registrar, Chesterfield County; Delores McQuinn, Member, Virginia House of Delegates	4/5/2011	Re: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
38	Jennifer McClellan, Member, Virginia House of Delegates	Kirk Showalter, General Registrar, City of Richmond	Betsy Carr, Member, Virginia House of Delegates; Lawrence Haake, General Registrar, Chesterfield County; Delores McQuinn, Member, Virginia House of Delegates	4/5/2011	Re: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
39	Jennifer McClellan, Member, Virginia House of Delegates	Kirk Showalter, General Registrar, City of Richmond		4/5/2011	Re: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
40	Jennifer McClellan, Member, Virginia House of Delegates	Kirk Showalter, General Registrar, City of Richmond		4/5/2011	Re: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
41	Jennifer McClellan, Member, Virginia House of Delegates	Kirk Showalter, General Registrar, City of Richmond	Lawrence Haake, General Registrar, Chesterfield County; Kent Stigall, Staff, Virginia General Assembly	4/8/2011	Re: HB5001 as passed Senate	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
42	Abbey Philips, Staff, Virginia House of Delegates	Jennifer McClellan, Member, Virginia House of Delegates		12/12/2013	FW: Lynchburg Racial Gerrymandering Lawsuit	Legislative	Email communication between staff and member of House of Delegates regarding redistricting litigation.
43					Alexander W Bell.vcf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
44					Docket No. 1 -- Complaint -- 15oct13.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
45					Docket No. 1-1 -- Exhibit A -- 15oct13.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
46					Docket No. 1-2 -- Exhibit B -- 15oct13.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
47					Docket No. 5 -- Order designating the 3 judge panel -- 18oct13.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
48					Docket No. 15 -- Order Dismissing Case without Prejudice -- 25nov13.pdf	Legislative	Attachment to email communication between staff and member of House of Delegates regarding redistricting litigation.
49	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates	Betsy Carr, Member, Virginia House of Delegates; Lawrence Haake, General Registrar, Chesterfield County; Delores McQuinn, Member, Virginia House of Delegates	4/5/2011	RE: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
50	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates	Betsy Carr, Member, Virginia House of Delegates; Lawrence Haake, General Registrar, Chesterfield County; Delores McQuinn, Member, Virginia House of Delegates	4/5/2011	RE: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
51	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates		4/5/2011	RE: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
52	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates	Betsy Carr, Member, Virginia House of Delegates; Lawrence Haake, General Registrar, Chesterfield County; Delores McQuinn, Member, Virginia House of Delegates	4/5/2011	RE: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
53	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates		4/5/2011	RE: Redistricting plan comments	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
54	Kirk Showalter, General Registrar, City of Richmond	Jennifer McClellan, Member, Virginia House of Delegates	Lawrence Haake, General Registrar, Chesterfield County; Kent Stigall, Staff, Virginia General Assembly	4/8/2011	RE: HB5001 as passed Senate	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
55	Lawrence Haake, General Registrar, Chesterfield County	Kirk Showalter, General Registrar, City of Richmond; Jennifer McClellan, Member, Virginia House of Delegates	Kent Stigall, Staff, Virginia General Assembly	4/8/2011	RE: HB5001 as passed Senate	Legislative	Email communications between members of the House of Delegates and Richmond and Chesterfield government employees gathering information as part of the redistricting process.
56				5/18/2014	Page v. SBE: Outline Of Direct Examination Of John Morgan	Attorney Client; Work Product	Draft outline of trial testimony of testifying expert prepared by legal counsel for redistricting litigation.
57				5/16/2014	Page v. SBE: Outline Of Direct Examination Of John Morgan	Attorney Client; Work Product	Draft outline of trial testimony of testifying expert prepared by legal counsel for redistricting litigation.
58				5/12/2014	Page v. SBE: Outline Of Direct Examination Of John Morgan	Attorney Client; Work Product	Draft outline of trial testimony of testifying expert prepared by legal counsel for redistricting litigation.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
59	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Nardo, Staff, Virginia House of Delegates; Chris Jones, Member, Virginia House of Delegates; Robert Bell, Member, Virginia House of Delegates; Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates		2/26/2011	Response to Toscano Process Inquiries	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates reflecting legal advice regarding redistricting.
60					20110226 Toscano Response-DRAFT 1.doc	Attorney Client	Attachment to email communication between legal counsel to Republican members of the House of Delegates reflecting legal advice regarding redistricting.
61					20110221 Toscano Redistricting letter.pdf	Attorney Client	Attachment to email communication between legal counsel to Republican members of the House of Delegates reflecting legal advice regarding redistricting.
62	Paul Nardo, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Jones, Member, Virginia House of Delegates; Robert Bell, Member, Virginia House of Delegates; Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates	3/2/2011	Re: TIME SENSITIVE - Response to Toscano Redistricting Process Inquiries	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and Republican members and staff of the House of Delegates seeking legal advice regarding redistricting.
63	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates	Chris Jones, Member, Virginia House of Delegates	3/2/2011	Fwd: Response to Toscano Process Inquiries	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and Republican members and staff of the House of Delegates seeking legal advice regarding redistricting.
64					20110226 Toscano Response-DRAFT 1.doc	Attorney Client	Attachment to email communication between legal counsel to Republican members of the House of Delegates and Republican members and staff of the House of Delegates seeking legal advice regarding redistricting.
65					20110221 Toscano Redistricting letter.pdf	Attorney Client	Attachment to email communication between legal counsel to Republican members of the House of Delegates and Republican members and staff of the House of Delegates seeking legal advice regarding redistricting.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
66	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Nardo, Staff, Virginia House of Delegates; Paul Haughton, Staff, Virginia House Republican Campaign Committee		5/10/2011	AG Files Redistricting Plans for Pre-Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and Republican staff and members of the House of Delegates providing legal advice concerning preclearance.
67	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General	Chris Jones, Member, Virginia General Assembly		10/18/2013	Confidential- Response to Request for Information	Attorney Client; Work Product	Email communication between Deputy Attorney General with the Office of the Virginia Attorney General and member of the House of Delegates providing information in anticipation of redistricting litigation.
68	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General; Chris Jones, Member, Virginia House of Delegates		10/18/2013	RE: Confidential- Response to Request for Information	Attorney Client; Work Product	Email communications between Deputy Attorney General with the Office of the Virginia Attorney General and member of the House of Delegates providing information in anticipation of redistricting litigation.
69	Scott Maddrea, Staff, Virginia House of Delegates	Members of the House Committee on Privileges and Elections		3/24/2011	Committee on Privileges and Elections	Legislative	Email communication between members of the House of Delegates and staff of the Virginia General Assembly regarding redistricting.
70					House district criteria 3-24-11.doc	Legislative	Attachment of draft criteria to email communication between members of the House of Delegates and staff of the Virginia General Assembly regarding redistricting.
71	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Jones, Member, Virginia General Assembly		4/10/2011	Re: FW: Richmond Free Press inquiry re: redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and Republican member of the House of Delegates seeking legal advice regarding redistricting.
72	Joe May, Member, Virginia House of Delegates	Robert Bell, Member, Virginia House of Delegates; Chris Jones, Member, Virginia House of Delegates		4/18/2011	33rd House District	Legislative	Email communication between members of the House of Delegates regarding redistricting.
73					2011-04_Redistricting_Gov_McDonnell.pdf	Legislative	Attachment to email communication between members of the House of Delegates regarding redistricting.
74	Joe May, Member, Virginia House of Delegates	Robert Bell, Member, Virginia House of Delegates; Chris Jones, Member, Virginia House of Delegates		4/18/2011	Boundary Request Change - Clarke County	Legislative	Email communication between members and staff of the House of Delegates regarding redistricting.
75					2011-04_Redistricting_Gov_McDonnell.pdf	Legislative	Attachment to email communication between members and staff of the House of Delegates regarding redistricting.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
76	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General	Kent Stigall, Staff, Virginia General Assembly	Jane Perkins, Esq., Attorney in the Office of the Virginia Attorney General; Chris Jones, Member, Virginia House of Delegates; Henry Chambers, Jr., Esq., Attorney in the Office of the Virginia Attorney General; Earle Getchell, Esq., Attorney in the Office of the Virginia Attorney General	5/19/2011	Virginia Redistricting--Request of DOJ	Attorney Client	Email communications between Deputy Attorney General in the Office of the Virginia Attorney General as legal counsel to the Virginia General Assembly and members and staff of the Virginia General Assembly regarding preclearance.
77	Kent Stigall, Staff, Virginia General Assembly	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General	Jane Perkins, Esq., Attorney in the Office of the Virginia Attorney General; Chris Jones, Member, Virginia House of Delegates; Henry Chambers, Jr., Esq., Attorney in the Office of the Virginia Attorney General; Getchell, Earle Getchell, Esq., Attorney in the Office of the Virginia Attorney General; Jack Austin, Staff, Virginia General Assembly; Mary Spain, Staff, Virginia General Assembly	5/19/2011	Re: Virginia Redistricting--Request of DOJ	Attorney Client	Email communications between Deputy Attorney General in the Office of the Virginia Attorney General as legal counsel to the Virginia General Assembly and members and staff of the Virginia General Assembly regarding preclearance.
78					2010 vtds.xls	Attorney Client	Attachment to email communications between staff of the Office of the Virginia Attorney General as legal counsel to the Virginia General Assembly and members and staff of the Virginia General Assembly regarding preclearance.
79					2010 vtds.csv	Attorney Client	Attachment to email communications between staff of the Office of the Virginia Attorney General as legal counsel to the Virginia General Assembly and members and staff of the Virginia General Assembly regarding preclearance.

Doc #	From	To	cc	Date	Subject	Privilege Type	Privilege Description
80	Kent Stigall, Staff, Virginia General Assembly	Wesley Russell, Esq., Deputy Attorney General, Office of the Virginia Attorney General	Jane Perkins, Esq., Attorney in the Office of the Virginia Attorney General; Chris Jones, Member, Virginia House of Delegates; Henry Chambers, Jr., Esq., Attorney in the Office of the Virginia Attorney General; Getchell, Earle Getchell, Esq., Attorney in the Office of the Virginia Attorney General; Jack Austin, Staff, Virginia General Assembly; Mary Spain, Staff, Virginia General Assembly	5/19/2011	Re: Virginia Redistricting--Request of DOJ	Attorney Client	Email communications between Deputy Attorney General in the Office of the Virginia Attorney General as legal counsel to the Virginia General Assembly and members and staff of the Virginia General Assembly regarding preclearance.

EXHIBIT D

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
81	Joseph Morrissey, Member, Virginia House of Delegates	Heidi Schlicher, Staff, Virginia House of Delegates			1/1/2011	possible list	Legislative	Email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
82						2011 - Possible Redistrict.xls	Legislative	Attachment to email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
83	Joseph Morrissey, Member, Virginia House of Delegates	Heidi Schlicher, Staff, Virginia House of Delegates			2/7/2011	Redistricting	Legislative	Email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
84						2011 - Possible Redistrict.xls	Legislative	Attachment to email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
85	Joseph Morrissey, Member, Virginia House of Delegates	Robin Crane, Constituent			4/18/2011	Re: Doj Redistricting Comments	Legislative	Email communications between member of the House of Delegates and constituent regarding redistricting.
86						Letter to Governor McDonnell on Redistricting.doc	Legislative	Attachment to email communications between member of the House of Delegates and constituent regarding redistricting.
87	Lionell Spruill, Member, Virginia House of Delegates	Susan Johnston Rowland, Staff, Virginia House of Delegates			6/17/2013	Fwd: A Letter to Delegate Rosalyn Dance	Legislative	Email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
88						Letter to Dance Post Election.doc	Legislative	Attachment to email communication between member of House of Delegates and staff of House of Delegates regarding redistricting.
89						ATT00001.htm	Legislative	Attachment to email communication between member of House of Delegates and staff of House of Delegates regarding redistricting.
90	Lionell Spruill, Member, Virginia House of Delegates	Susan Johnston Rowland, Staff, Virginia House of Delegates			6/17/2013	Fwd: A Letter to Delegate Rosalyn Dance	Legislative	Email communication between member of the House of Delegates and staff of the House of Delegates regarding redistricting.
91						Letter to Dance Post Election.doc	Legislative	Attachment to email communication between member of House of Delegates and staff of House of Delegates regarding redistricting.
92						ATT00001.htm	Legislative	Attachment to email communication between member of House of Delegates and staff of House of Delegates regarding redistricting.
93	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Bob Marshall, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and member of House of Delegates regarding redistricting.
94						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
95	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Chris Peace, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
96						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
97	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Dan Marshall, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between members of the House of Delegates and staff of the House of Delegates regarding redistricting.
98						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
99	Scott Maddrea, Staff, Virginia House of Delegates			Dave Albo, Member, Virginia House of Delegates	3/24/2011	Committee on Privileges and Elections	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
100						House district criteria 3-24-11.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
101	Scott Maddrea, Staff, Virginia House of Delegates			Dave Albo, Member, Virginia House of Delegates	3/24/2011	Committee on Privileges and Elections	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
102						House district criteria 3-24-11.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
103	Dave Albo, Member, Virginia House of Delegates	Dave Albo, Member, Virginia House of Delegates			3/24/2011	Fw: Committee on Privileges and Elections	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
104						House district criteria 3-24-11.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
105	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Ed Scott, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
106						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
107	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Gregory Habeeb, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
108						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
109	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		James M LeMunyon, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
110						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
111	Margaret Graham, Staff, Virginia House of Delegates	James (Jimmie) Massie, Member, Virginia House of Delegates			4/18/2011	Fw: Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communications between staff of House of Delegates and members of House of Delegates regarding redistricting.
112						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
113	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Scott Lingamfelter, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
114						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
115	Scott Lingamfelter, Member, Virginia House of Delegates	Rick Hendrix, Vice Chairman, Prince William County Electoral Board			12/17/2011	Re: Re[2]: Split Precincts	Legislative	Email communication between member of House of Delegates and Prince William government employee regarding redistricting.
116	Andrew Clark, Staff, Virginia House of Delegates	Rick Hendrix, Vice Chairman, Prince William County Electoral Board			12/18/2011	Re: Re[4]: Split Precincts	Legislative	Email communication between staff of House of Delegates and Prince William government employee regarding redistricting.
117	Andrew Clark, Staff, Virginia House of Delegates	Rick Hendrix, Vice Chairman, Prince William County Electoral Board			12/28/2011	Re: Re[4]: Split Precincts	Legislative	Email communication between staff of House of Delegates and Prince William government employee regarding redistricting.
118	Scott Lingamfelter, Member, Virginia House of Delegates	Scott Lingamfelter, Member, Virginia House of Delegates			10/10/2014	fyi...FW: College Redistricting Competition drew black-majority district without illegal 'packing'	Legislative	Email communication of member of House of Delegates regarding redistricting.
119						W&Mlaw-Congress map.jpg	Legislative	Attachment to email communication of member of House of Delegates regarding redistricting.
120						WLMLaw-Congress.pdf	Legislative	Attachment to email communication of member of House of Delegates regarding redistricting.
121	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Dan Marshall, Member, Virginia House of Delegates	4/27/2011	REMINDER - Caucus Meeting	Legislative	Email communication between staff of House of Delegates and member of House of Delegates regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
122	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Brenda Pogge, Member, Virginia House of Delegates	4/18/2011	Speaker News Release - Howell Statement on Today's House P&E's Unanimous Passage of New Redistricting Legislation	Legislative	Email communication between staff of House of Delegates and member of House of Delegates regarding redistricting.
123						2011-418 - Speaker News Release - Howell Statement on Today's Passage of New Redistricting Legislation by House Privileges & Elections Committee.doc	Legislative	Attachment to email communication between staff of House of Delegates and member of House of Delegates regarding redistricting.
124	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Brenda Pogge, Member, Virginia House of Delegates	4/27/2011	REMINDER - Caucus Meeting	Legislative	Email communication between staff of House of Delegates and member of House of Delegates regarding redistricting.
125	Jack Austin, Staff, Virginia General Assembly	Richard Washburne, General Registrar, Albermarle County	Robert Bell, Member, Virginia House of Delegates; David J Toscano, Member, Virginia House of Delegates; Larry Davis, Albermarle County Attorney		3/29/2011	Re: Albermarle County Voter Reg. - Request re Redistricting - HOD 57 and HOD 58	Legislative	Email communications between staff of House of Delegates and member of House of Delegates and Albermarle government employees regarding redistricting.
126	Richard Washburne, General Registrar, Albermarle County	Jack Austin, Staff, Virginia General Assembly	Robert Bell, Member, Virginia House of Delegates; David J Toscano, Member, Virginia House of Delegates; Larry Davis, Albermarle County Attorney		3/29/2011	RE: Albermarle County Voter Reg. - Request re Redistricting - HOD 57 and HOD 58	Legislative	Email communications between staff of House of Delegates and member of House of Delegates and Albermarle government employees regarding redistricting.
127	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		Scott Lingamfelter, Member, Virginia House of Delegates	4/27/2011	REMINDER - Caucus Meeting	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
128	Amy Saucier, Staff, Virginia House of Delegates	T. Scott Garrett, Member, Virginia House of Delegates			4/25/2011	Newsletter	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
129						11ReconveneNewsletter.docx	Legislative	Attachment to email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
130	Paul Nardo, Staff, Virginia House of Delegates	Paul Nardo, Staff, Virginia House of Delegates		T. Scott Garrett, Member, Virginia House of Delegates	4/27/2011	REMINDER - Caucus Meeting	Legislative	Email communication between staff of House of Delegates and members of House of Delegates regarding redistricting.
131					3/29/2011	Redistricting Release Talking Points	Attorney Client	Draft talking points regarding redistricting prepared by legal counsel to Republican members of the House of Delegates.
132	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	William Howell, Speaker, Virginia House of Delegates; Kirk Cox, Member, Virginia House of Delegates; Robert Bell, Member, Virginia House of Delegates			2/3/2011	Pre-Clearance of Redistricting Plans	Attorney Client	Memorandum from legal counsel to Republican members of the House of Delegates to clients reflecting legal advice regarding redistricting and preclearance.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
133	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			6/8/2011	RE: Checking In	Attorney Client	Email communications between legal counsel to the Republican Caucus of the House of Delegates and their client seeking and reflecting legal advice concerning preclearance.
134	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			6/8/2011	Checking In	Attorney Client	Email communications between legal counsel to the Republican Caucus of the House of Delegates and their client seeking legal advice on preclearance issues.
135	Paul Haughton, Staff, Virginia House Republican Campaign Committee	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			6/8/2011	Redistricting update	Attorney Client	Email communication between consultants to the Republican Caucus of the House of Delegates seeking legal advice regarding preclearance.
136	Leslie Rutledge, Associate Counsel, Republican National Committee	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			9/14/2011	RE: Convention Financing	Attorney Client Common Interest	Email communication between legal counsel to Republican legislators regarding and in anticipation of redistricting litigation.
137	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate; Dalton Oldham, Legal Counsel, Republican Members of the Virginia House of Delegates			5/16/2011	Running Under Old Lines in MS	Attorney Client Common Interest	Email communication between legal counsel to the Republican Caucus of the House of Delegates and legal counsel to the Virginia Senate regarding redistricting.
138	John O'Bannon, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/11/2011	Re: AG Files Redistricting Plans for Pre-Clearance	Attorney Client	Email communications between legal counsel to the Republican Caucus of the House of Delegates and client providing legal advice regarding preclearance.
139	Carrie Vance, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/26/2011	RE: FW: US Dept of Justice Meeting	Attorney Client	Email communications between member and staff of the House of Delegates and legal counsel and consultant to the Republican Caucus of the House of Delegates seeking legal advice regarding preclearance.
140	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Nardo, Staff, Virginia House of Delegates; Paul Haughton, Staff, Virginia House Republican Campaign Committee			5/10/2011	AG Files Redistricting Plans for Pre-Clearance	Attorney Client	Email communication from legal counsel to the Republican Caucus of the House of Delegates to clients regarding preclearance.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
141	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			5/16/2011	RE: Running Under Old lines in MS	Attorney Client Common Interest	Email communication between legal counsel to Republican members of the House of Delegates and Republican members of the Virginia Senate regarding redistricting.
142	Carrie Vance, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/26/2011	FW: US Dept of Justice Meeting	Attorney Client	Email communications between legal counsel to Republican members of House of Delegates and client seeking legal advice regarding preclearance.
143	John O'Bannon, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/11/2011	Re: AG Files Redistricting Plans for Pre- Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding preclearance.
144	Paul Nardo, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/10/2011	Re: AG Files Redistricting Plans for Pre- Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding preclearance.
145	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	John O'Bannon, Member, Virginia House of Delegates			5/11/2011	Re: AG Files Redistricting Plans for Pre- Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding preclearance.
146	John O'Bannon, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/11/2011	Re: AG Files Redistricting Plans for Pre- Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding preclearance.
147	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	John O'Bannon, Member, Virginia House of Delegates			5/11/2011	Re: AG Files Redistricting Plans for Pre- Clearance	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding preclearance.
148	Carrie Vance, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			5/26/2011	FW: US Dept of Justice Meeting	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding preclearance.
149	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Carrie Vance, Staff, Virginia House of Delegates			5/26/2011	RE: FW: US Dept of Justice Meeting	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding preclearance.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
150	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			5/11/2011	VA submission docs	Attorney Client Common Interest	Email communication between legal counsel to Republican members of the House of Delegates and Republican members of the Virginia Senate regarding preclearance.
151	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and clients reflecting legal advice regarding redistricting litigation.
152	Paul Nardo, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/18/2011	Revised News Release	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
153	Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/17/2011	Re: Press Strategy on House Redistricting Plan	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
154	Paul Nardo, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/17/2011	Fw: Press Strategy on House Redistricting Plan	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and clients seeking legal advice regarding redistricting.
155	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/17/2011	Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
156	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/18/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding preclearance.
157	Paul Nardo, Staff, Virginia House of Delegates	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee		4/17/2011	Fw: Press Strategy on House Redistricting Plan	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
158	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/26/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
159	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
160	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
161	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
162	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate			4/18/2011	Re: Named Defendants	Attorney Client Common Interest	Email communications between legal counsel to Republican members of the House of Delegates and legal counsel to the Virginia Senate reflecting legal advice regarding redistricting litigation.
163	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/26/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
164	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
165	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/17/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
166	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Mark Braden, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			4/19/2011	Re: Virginia House Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting litigation.
167	Robert Bell, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/5/2011	Fwd: Redistricting	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
168	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Haughton, Staff, Virginia House Republican Campaign Committee			4/10/2011	Re: FW: How to alienate your base through poor communication	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client reflecting legal advice regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
169	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/5/2011	RE: Advice Redux	Attorney Client Common Interest	Email communication between legal counsel to Republican members of the House of Representatives and legal counsel to Republican members of the Virginia Senate reflecting and seeking legal advice regarding redistricting.
170	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates			4/10/2011	Fwd: Richmond Free Press inquiry re: redistricting	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates concerning client request for legal advice regarding redistricting.
171	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/5/2011	RE: Advice Redux	Attorney Client Common Interest	Email communications between legal counsel to Republican members of the House of Delegates and legal counsel to Republican members of the Virginia Senate regarding redistricting.
172	Paul Haughton, Staff, Virginia House Republican Campaign Committee	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/10/2011	FW: How to alienate your base through poor communication	Attorney Client	Email communication between legal counsel to the Republican members of the House of Delegates and client regarding redistricting.
173	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Michael Carvin, Esq.			4/4/2011	Virginia House Republicans	Attorney Client	Email communication between legal counsel to Republican members of House of Delegates and attorney seeking legal advice regarding redistricting.
174	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate			4/4/2011	Advice Redux	Attorney Client Common Interest	Email communication between legal counsel to Republican members of the House of Delegates and legal counsel to the Republican members of the Virginia Senate regarding redistricting.
175	Susan Clark, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/10/2011	FW: Richmond Free Press inquiry re: redistricting	Attorney Client	Email communication between legal counsel to the Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
176	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Michael Carvin, Esq.			4/5/2011	More Data	Attorney Client	Email communication from legal counsel to Republican members of the House of Delegates to outside counsel seeking legal advice regarding redistricting.
177	Robert Bell, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/3/2011	Fwd: House Precinct Splits	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
178	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/4/2011	RE: misc	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to Republican members of the House of Delegates seeking information for the purpose of giving legal advice.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
179	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			4/4/2011	misc	Attorney Client	Email communication from legal counsel to Republican members of the House of Delegates seeking information from consultant to Republican members of the House of Delegates for the purpose of giving legal advice.
180	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Jones, Member, Virginia House of Delegates; Robert Bell, Member, Virginia House of Delegates; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates; John Morgan, Consultant, Republican Members of the Virginia House of Delegates; Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates			4/2/2011	Governor's Redistricting Commission Report	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and clients regarding redistricting.
181	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates			4/4/2011	Re: misc	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to Republican members of the House of Delegates seeking information for the purposes of giving legal advice regarding redistricting.
182	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates			3/31/2011	Commission Map	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates seeking legal advice regarding redistricting.
183	Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			3/31/2011	RE: Commission Map	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates reflecting legal advice regarding redistricting.
184	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates			3/31/2011	RE: Commission Map	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates reflecting legal advice regarding redistricting.
185	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			3/22/2011	RE: Regression Fodder	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to the Republican members of the House of Delegates collecting data in connection with providing legal advice regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
186	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Peace, Member, Virginia House of Delegates			3/24/2011	Re:	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client regarding redistricting.
187	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Peace, Member, Virginia House of Delegates			3/24/2011	Re:	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client regarding redistricting.
188	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates			3/22/2011	RE: Regression Fodder	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to the Republican members of the House of Delegates collecting data in connection with providing legal advice regarding redistricting.
189	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Jackson Miller, Member, Virginia House of Delegates			3/23/2011	Effective Date	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client reflecting legal advice regarding redistricting.
190	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			3/22/2011	RE: Regression Fodder	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to the Republican members of the House of Delegates collecting data in connection with providing legal advice regarding redistricting.
191	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			3/22/2011	RE: Regression Fodder	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to the Republican members of the House of Delegates collecting data in connection with providing legal advice regarding redistricting.
192	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Chris Peace, Member, Virginia House of Delegates			3/24/2011	Re:	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client regarding redistricting.
193	Chris Peace, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			3/24/2011	Re:	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
194	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Clark Bensen, Consultant, Republican Members of the Virginia House of Delegates; Dalton Oldham, Esq., Legal Counsel, Republican Members of the Virginia House of Delegates			3/21/2011	Regression Fodder	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and consultant to the Republican members of the House of Delegates collecting data in connection with providing legal advice regarding redistricting.
195	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates			3/9/2011	Virginia MM Plan	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegate seeking legal advice regarding redistricting.
196	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates; John Morgan, Consultant, Republican Members of the Virginia House of Delegates			2/25/2011	Virginia MM Districts	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and consultant to Republican members of the House of Delegates seeking legal advice of outside counsel to Republican members of the House of Delegates.
197	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Dalton Oldham, Esq., Legal Counsel to Republican Member of Virginia House of Delegates			2/23/2011	Tomorrow	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates seeking legal advice regarding redistricting.
198	Jason Torchinsky, Esq., Legal Counsel, Republican Members of the Virginia Senate	Jasen Eige, Esq., Legal Counsel, Virginia Governor ; Jill Holtzman, Member, Virginia Senate; Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			2/23/2011	FW: Redistricting and the Justice Department	Attorney Client Common Interest	Email communication between legal counsel advising Republican members of the House of Delegates, Republican members of the Virginia Senate, and the Governor and client regarding redistricting.
199	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	David Albo, Member, Virginia House of Delegates			1/3/2011	Re: "Ethnic Community Seminar"	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking advice regarding redistricting.
200	David Albo, Member, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			1/3/2011	"Ethnic Community Seminar"	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client seeking legal advice regarding redistricting.
201	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Jackson Miller, Member, Virginia House of Delegates			12/23/2010	Constitution on Redistricting	Attorney Client	Email communication between legal counsel to Republican members of House of Delegates and client providing legal advice regarding redistricting.

Doc #	From	To	cc	bcc	Date	Subject	Privilege Type	Privilege Description
202	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Haughton, Staff, Virginia House Republican Campaign Committee			12/11/2010	Re: budget	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client concerning seeking legal advice regarding redistricting.
203	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Katie Alexander Murray, Agent of Chris Marston, Esq.			12/9/2010	Re: RPV Leadership Roster	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and his agent regarding collection of information in connection with providing legal advice regarding redistricting.
204	Paul Nardo, Staff, Virginia House of Delegates	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee			11/11/2010	Redistricting - What Va Constitution says	Attorney Client	Email communication between legal counsel to Republican members of the House of Delegates and client regarding redistricting.
205	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee	Paul Nardo, Staff, Virginia House of Delegates			11/11/2010	Re: Redistricting - What Va Constitution says	Attorney Client	Email communications between legal counsel to Republican members of the House of Delegates and client reflecting legal advice regarding redistricting.
206	Paul Nardo, Staff, Virginia House of Delegates	Martin Kent, Chief of Staff, Virginia Governor	Chris Marston, Esq., Legal Counsel, Virginia House Republican Campaign Committee		10/15/2010	RE: Transportation Work Group - House Members	Attorney Client Common Interest	Email communication between staff of Republican member of the House of Delegates and staff of the Governor regarding redistricting and reflecting advice of counsel.

EXHIBIT E

Dear Delegate:

We respectively represent the Plaintiffs and the Virginia House of Delegates and Speaker Howell in the case of *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia. Plaintiffs have challenged House of Delegates Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 as racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment. The Virginia House of Delegates and Speaker William J. Howell (“Intervenors”) have intervened as defendants in this matter. Counsel for the Virginia House of Delegates and Speaker Howell (“Intervenors’ counsel”) do not represent you or any individual delegate other than Speaker Howell in these proceedings. **As such, you may wish to consider consulting your own legal counsel in regard to this matter.**

This letter is to notify you that, in accordance with the Court’s scheduling order, Plaintiffs have served discovery requests seeking documents within the possession, custody, or control of the Virginia House of Delegates regarding the 2011 House of Delegates redistricting process. Intervenors’ counsel have conducted searches of documents within the House’s possession, custody, or control and determined that one or more emails you have written or received are responsive to Plaintiffs’ requests.¹ This process is ongoing and Intervenors’ counsel may identify additional responsive documents after the date of this correspondence.

At this time, Intervenors are withholding these emails on the basis of legislative privilege, which belongs to individual members of a legislative body such that it is up to each individual delegate to assert or waive his/her legislative privilege. Waiver of the privilege will result in production of your responsive email communications and may result in you being called as a witness in this proceeding. Intervenors have produced certain responsive documents to and from Speaker Howell and Del. Chris Jones, who have waived legislative privilege in this case with respect to their communications and testimony.

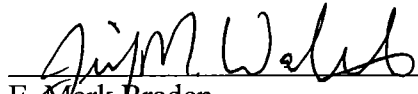
We collectively request that you inform us in writing no later than noon on April 10, 2015, whether you intend to assert or waive legislative privilege with respect to your email communications in this case.

Intervenors have taken the position that they will not produce these documents unless and until they receive from you an express waiver of legislative privilege. This means that Intervenors will not voluntarily produce your email communications unless you respond to this letter as set forth below, in writing, waiving your legislative privilege. Plaintiffs have taken the position that Intervenors must produce these documents no later than April 8, 2015 if you have not notified the Court and the parties in writing (for example, by filing a motion in this case) that you are asserting a legislative privilege. Plaintiffs intend to file a motion to compel production of these documents with the Court if Intervenors do not produce the documents by April 8th. Thus, even if you assert the legislative privilege in this case, the Court may order the Intervenors to produce your email communications to the Plaintiffs.

¹ Please contact Intervenors’ counsel if you would like to see any of the emails sent to or from you deemed responsive so far.


In the interest of an efficient resolution of this discovery issue, we ask that you respond to this letter via email to both Intervenor's counsel (at jwalrath@bakerlaw.com) and Plaintiffs' counsel (at RSpear@perkinscoie.com) at your earliest convenience, and in any event no later than **noon on April 10, 2015**, with your position.

Very truly yours,



E. Mark Braden
Jennifer M. Walrath
Katherine L. McKnight
BAKER HOSTETLER LLP
1050 Connecticut Ave NW, Suite 1100
Washington, DC 20036
Tel: (202) 861-1500
Fax: (202) 861-1783
mbraden@bakerlaw.com
jwalrath@bakerlaw.com
kmcknight@bakerlaw.com

*Attorneys for Intervenor-Defendants the Virginia
House of Delegates and Speaker William J. Howell*



Marc E. Elias
Kevin J. Hamilton
John K. Roche
Bruce V. Spiva
Abha Khanna
Ryan Spear
PERKINS COIE, LLP
700 13th St. N.W., Suite 600
Washington, D.C. 20005-3960
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MElias@perkinscoie.com
KHamilton@perkinscoie.com
JRoche@perkinscoie.com
BSpiva@perkinscoie.com
AKhanna@perkinscoie.com
RSpear@perkinscoie.com

Attorneys for Plaintiffs

EXHIBIT F

Starr, June (Perkins Coie)

From: Riley Ingram <DelRIngram@house.virginia.gov>
Sent: Friday, April 03, 2015 12:54 PM
To: Spear, Ryan M. (Perkins Coie)
Subject: House of Delegates Redistricting Plan

Dear Mr. Spear:

This email is to serve as my response in reference to the Bethune-Hill, et al.v Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK case. I wish to assert my legislative privilege and I will not be waiving my privilege in this case.

Thank you for your assistance and please let me know if you need anything further from me.

Sincerely,

Riley E. Ingram
Delegate, 62nd District
Virginia House of Delegates
DelRIngram@house.virginia.gov
804/452-2202 District Office

Starr, June (Perkins Coie)

From: Mark Cole <DelMCole@house.virginia.gov>
Sent: Friday, April 03, 2015 2:14 PM
To: Walrath, Jennifer M.
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

I am asserting my legislative privilege and will not be waiving my privilege in this case.

Sincerely,
Mark L. Cole
Delegate, 88th District
Stafford, Spotsylvania, Fredericksburg, and Fauquier

District: 540-786-3402
Fax: 804-698-6788

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Wednesday, April 1, 2015 12:15 PM
To: Mark Cole
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Cole,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[jwalrath@bakerlaw.com] | BakerHostetler[bakerlaw.com]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: Joe May <joetmay@aol.com>
Sent: Monday, April 06, 2015 10:07 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Subject: Letter of Intent (Bethune-Hill v. Virginia State Board of Elections)
Attachments: Bethune_Hill_v_SBE.pdf

See attached letter

*Joe T. May
EIT, LLC
108 Carpenter Dr.
Sterling, VA 20164
(703) 478-0700*

Joe T. May
40354 Foxfield Lane
Leesburg, VA 20175

April 6, 2014

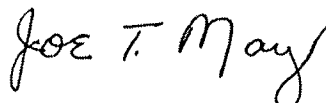
Baker Hostetler LLP
jwalrath@bakerlaw.com
Perkins Coie LLP
RSpear@perkinscoie.com

RE: *Bethune-Hill v. Virginia State Board of Elections*

To Whom It May Concern:

I am receipt of documentation regarding the above stated ligation pending in federal court. I take this means to let you know that I am asserting my legislative privilege and will not be waiving my privilege in this case.

Truly yours,

A handwritten signature in black ink that reads "Joe T. May". The signature is written in a cursive, slightly slanted style.

Joe T. May

Starr, June (Perkins Coie)

From: Dave Albo <DeIDAlbo@house.virginia.gov>
Sent: Monday, April 06, 2015 11:37 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: dave@davealbo.com
Subject: RE: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Dear Mr. Braden & Mr. Elias:

I understand that one of the parties in *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia has requested e-mails to or from me in discovery in this case. By this e-mail, I assert my Legislative Privilege and do not authorize their transfer.

Kind Regards,

David B. Albo
House of Delegates
42nd District

From: Walrath, Jennifer M. [mailto:jwalrath@bakerlaw.com]
Sent: Wednesday, April 01, 2015 12:18 PM
To: Dave Albo
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Albo,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[bakerlaw.com] | BakerHostetler[bakerlaw.com]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: Jim LeMunyon <jim.lemunyon@gmail.com>
Sent: Monday, April 06, 2015 3:23 PM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Subject: Bethune-Hill, et al. v. Virginia Board of Election

Dear Jennifer and Ryan,

Having reviewed the email message with attachment I received from your respective law firms on April 2, 2015 regarding the above referenced case, and having reviewed a single email message provided to me by Jennifer that is considered to be a subject of the attachment, and noting this email message was not written by me nor is it regarding the 67th legislative district I represent, I hereby assert my legislative privilege to NOT grant a waiver, thereby requiring this email message NOT be provided to plaintiff's counsel.

Please let me know if you have any questions.

Jim LeMunyon
Member, Virginia House of Delegates
67th District

Starr, June (Perkins Coie)

From: johnobannon@comcast.net
Sent: Monday, April 06, 2015 8:32 PM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: Bill Howell; Kirk Cox; S. Chris Jones; Kathy Roberts
Subject: Legislative Privilege for Del. John O'Bannon

By this email I assert my legislative privilege to not surrender documents in the current case as listed.

Please let me know if you need any additional information at this time in this regard.

Del. John M. O'Bannon

Starr, June (Perkins Coie)

From: betsy <delegate.carr@betsycarr.org>
Sent: Monday, April 06, 2015 8:54 PM
To: Walrath, Jennifer M.
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Dear Jennifer Walrath, Mark Braden and Ryan Spear

I am not waiving any privilege.

Regards,
Betsy Carr

Betsy B. Carr
Member
Virginia House of Delegates
69th District
804-698-1069 (phone)
delegate.carr@betsycarr.org (email)

Mailing address:
Post Office Box 406
Richmond, Virginia 23218

Street Address:
General Assembly Building
910 Capitol Street, Room 414
Richmond, Virginia 23219

Starr, June (Perkins Coie)

From: Jennifer L McClellan <DelJMcClellan@house.virginia.gov>
Sent: Monday, April 06, 2015 11:24 PM
To: Walrath, Jennifer M.
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

I waive any legislative privilege with respect to my email communications responsive to the discovery request referenced in your letter of April 1, 2015 in the above referenced case. I also request that Intervenor's counsel provide me with a copy of any emails to or from me deemed responsive so far.

Sincerely,

Jennifer L. McClellan
Virginia House of Delegates
71st District
(804) 698-1171

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Wednesday, April 01, 2015 12:15 PM
To: Jennifer L McClellan
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate McClellan,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[jwalrath@bakerlaw.com] | BakerHostetler[bakerlaw.com]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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present in this email, or any attachment, that have arisen as a result of e-mail transmission.

Starr, June (Perkins Coie)

From: Kirk Cox <DelKCox@house.virginia.gov>
Sent: Tuesday, April 07, 2015 6:38 AM
To: Walrath, Jennifer M.; Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

I wish to assert my legislative privilege and will not be waiving my privilege in this case.

Please confirm receipt of this email.

Kirk

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Wednesday, April 1, 2015 12:14 PM
To: Kirk Cox
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Cox,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[[bakerlaw.com](mailto:jwalrath@bakerlaw.com)] | BakerHostetler[[bakerlaw.com](mailto:BakerHostetler@bakerlaw.com)]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
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Starr, June (Perkins Coie)

From: Delegate Massie <jpm.72@house.virginia.gov>
Sent: Tuesday, April 07, 2015 7:00 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: Jimmie P Massie
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK
Attachments: Joint Letter to Delegates (Apr. 6, 2015).pdf

Ms. Walrath and Mr. Spear:

This email will serve as my **INITIAL** response to your email below and letter attached:

1. I reserve my right to retain and consult with my own legal counsel;
2. Given that I have not retained, nor consulted with my own legal counsel (or any other counsel...legal or other), I do not, at this time, assert or waive my legislative privilege in this case. As such, going forward, I solely retain the right to assert or waive my legislative privilege. I ask that you, Intervenor's counsel, continue "withholding these emails on the basis of legislative privilege" until I assert or waive my legislative privilege to them;
3. Sending me the below email at 7:12 PM on Tuesday, April 6, 2015 and asking me to respond "no later than noon on April 10, 2015", or in 3.5 days is an unreasonable request (and I, as a legal layman, would initially think it is legally unenforceable). Your request is especially unreasonable given that it is the week after Easter when so many (including lawyers) are on Spring Break and I do not possess (much less my legal counsel possesses) my "responsive" emails that are the subject of your discovery;
4. Per your letter attached, I "would like to see (possesses in digital form per me) any (all per me) emails sent to or from you (me per me) deemed responsive so far". Please email me, all my "responsive" emails at this email address with a Cc to deljmassie@house.virginia.gov. Please also email me any "additional responsive documents after the date of this correspondence";
5. With respect to future communication, please use jpm.72@house.virginia.gov as my primary email address and always Cc deljmassie@house.virginia.gov.

Please acknowledge receipt of this email via reply email.

Very truly yours,

Jimmie

James P. "Jimmie" Massie, III
72nd District House of Delegates
Henrico County

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Monday, April 06, 2015 7:12 PM
To: Jimmie P Massie
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Massie,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[bakerlaw.com] | BakerHostetler[bakerlaw.com]

Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304

T 202.861.1702 | F 202.861.1783

jwalrath@bakerlaw.com

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Dear Delegate:

We respectively represent the Plaintiffs and the Virginia House of Delegates and Speaker Howell in the case of *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia. Plaintiffs have challenged House of Delegates Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 as racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment. The Virginia House of Delegates and Speaker William J. Howell (“Intervenors”) have intervened as defendants in this matter. Counsel for the Virginia House of Delegates and Speaker Howell (“Intervenors’ counsel”) do not represent you or any individual delegate other than Speaker Howell in these proceedings. **As such, you may wish to consider consulting your own legal counsel in regard to this matter.**

This letter is to notify you that, in accordance with the Court’s scheduling order, Plaintiffs have served discovery requests seeking documents within the possession, custody, or control of the Virginia House of Delegates regarding the 2011 House of Delegates redistricting process. Intervenors’ counsel have conducted searches of documents within the House’s possession, custody, or control and determined that one or more emails you have written or received are responsive to Plaintiffs’ requests.¹ This process is ongoing and Intervenors’ counsel may identify additional responsive documents after the date of this correspondence.

At this time, Intervenors are withholding these emails on the basis of legislative privilege, which belongs to individual members of a legislative body such that it is up to each individual delegate to assert or waive his/her legislative privilege. Waiver of the privilege will result in production of your responsive email communications and may result in you being called as a witness in this proceeding. Intervenors have produced certain responsive documents to and from Speaker Howell and Del. Chris Jones, who have waived legislative privilege in this case with respect to their communications and testimony.

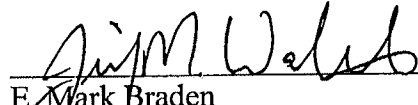
We collectively request that you inform us in writing no later than noon on April 10, 2015, whether you intend to assert or waive legislative privilege with respect to your email communications in this case.

Intervenors have taken the position that they will not produce these documents unless and until they receive from you an express waiver of legislative privilege. This means that Intervenors will not voluntarily produce your email communications unless you respond to this letter as set forth below, in writing, waiving your legislative privilege. Plaintiffs have taken the position that Intervenors must produce these documents no later than April 8, 2015 if you have not notified the Court and the parties in writing (for example, by filing a motion in this case) that you are asserting a legislative privilege. Plaintiffs intend to file a motion to compel production of these documents with the Court if Intervenors do not produce the documents by April 8th. Thus, even if you assert the legislative privilege in this case, the Court may order the Intervenors to produce your email communications to the Plaintiffs.


¹ Please contact Intervenors’ counsel if you would like to see any of the emails sent to or from you deemed responsive so far.

In the interest of an efficient resolution of this discovery issue, we ask that you respond to this letter via email to both Intervenor's counsel (at jwalrath@bakerlaw.com) and Plaintiffs' counsel (at RSpear@perkinscoie.com) at your earliest convenience, and in any event no later than **noon on April 10, 2015**, with your position.

Very truly yours,


E. Mark Braden
Jennifer M. Walrath
Katherine L. McKnight
BAKER HOSTETLER LLP
1050 Connecticut Ave NW, Suite 1100
Washington, DC 20036
Tel: (202) 861-1500
Fax: (202) 861-1783
mbraden@bakerlaw.com
jwalrath@bakerlaw.com
kmcknight@bakerlaw.com

*Attorneys for Intervenor-Defendants the Virginia
House of Delegates and Speaker William J. Howell*


Marc E. Elias
Kevin J. Hamilton
John K. Roche
Bruce V. Spiva
Abha Khanna
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PERKINS COIE, LLP
700 13th St. N.W., Suite 600
Washington, D.C. 20005-3960
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MElias@perkinscoie.com
KHamilton@perkinscoie.com
JRoche@perkinscoie.com
BSpiva@perkinscoie.com
AKhanna@perkinscoie.com
RSpear@perkinscoie.com

Attorneys for Plaintiffs

Starr, June (Perkins Coie)

From: Dave Albo <DelDALbo@house.virginia.gov>
Sent: Monday, April 06, 2015 11:37 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: dave@davealbo.com
Subject: RE: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Dear Mr. Braden & Mr. Elias:

I understand that one of the parties in *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia has requested e-mails to or from me in discovery in this case. By this e-mail, I assert my Legislative Privilege and do not authorize their transfer.

Kind Regards,

David B. Albo
House of Delegates
42nd District

From: Walrath, Jennifer M. [mailto:jwalrath@bakerlaw.com]
Sent: Wednesday, April 01, 2015 12:18 PM
To: Dave Albo
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Albo,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[bakerlaw.com] | BakerHostetler[bakerlaw.com]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
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Starr, June (Perkins Coie)

From: Delegate Massie <jpm.72@house.virginia.gov>
Sent: Tuesday, April 07, 2015 7:00 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: Jimmie P Massie
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK
Attachments: Joint Letter to Delegates (Apr. 6, 2015).pdf

Ms. Walrath and Mr. Spear:

This email will serve as my **INITIAL** response to your email below and letter attached:

1. I reserve my right to retain and consult with my own legal counsel;
2. Given that I have not retained, nor consulted with my own legal counsel (or any other counsel...legal or other), I do not, at this time, assert or waive my legislative privilege in this case. As such, going forward, I solely retain the right to assert or waive my legislative privilege. I ask that you, Intervenor's counsel, continue "withholding these emails on the basis of legislative privilege" until I assert or waive my legislative privilege to them;
3. Sending me the below email at 7:12 PM on Tuesday, April 6, 2015 and asking me to respond "no later than noon on April 10, 2015", or in 3.5 days is an unreasonable request (and I, as a legal layman, would initially think it is legally unenforceable). Your request is especially unreasonable given that it is the week after Easter when so many (including lawyers) are on Spring Break and I do not possess (much less my legal counsel possesses) my "responsive" emails that are the subject of your discovery;
4. Per your letter attached, I "would like to see (possesses in digital form per me) any (all per me) emails sent to or from you (me per me) deemed responsive so far". Please email me, all my "responsive" emails at this email address with a Cc to deljmassie@house.virginia.gov. Please also email me any "additional responsive documents after the date of this correspondence";
5. With respect to future communication, please use jpm.72@house.virginia.gov as my primary email address and always Cc deljmassie@house.virginia.gov.

Please acknowledge receipt of this email via reply email.

Very truly yours,

Jimmie

James P. "Jimmie" Massie, III
72nd District House of Delegates
Henrico County

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Monday, April 06, 2015 7:12 PM
To: Jimmie P Massie
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Massie,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[bakerlaw.com] | BakerHostetler[bakerlaw.com]

Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304

T 202.861.1702 | F 202.861.1783

jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: Rob Bell <robbellgop@aol.com>
Sent: Tuesday, April 07, 2015 7:20 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)

Gentlemen:

Thank you for your recent letter. By this email I assert legislative privilege regarding documents in the current case. Thank you for your attention to this, and if you have any additional questions, please let me know.

Del. Rob Bell

Starr, June (Perkins Coie)

From: Chris Peace <DelCPeace@house.virginia.gov>
Sent: Tuesday, April 07, 2015 8:36 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Subject: Legislative Privilege

Dear Counselors:

By this email I assert my legislative privilege to not surrender documents in the case titled Bethune-Hill, et al. v. Virginia Board of Elections, et al. Please let me know if you need any additional action from me regarding your request at this time.

Thank you for your correspondence.

Chris Peace

Delegate Christopher K. Peace
Virginia House of Delegates
97th District
804-698-1097-Capitol
804-730-3737-District
delcpeace@house.virginia.gov
www.chrispeace.com[chrispeace.com]

Dear Delegate:

We respectively represent the Plaintiffs and the Virginia House of Delegates and Speaker Howell in the case of *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia. Plaintiffs have challenged House of Delegates Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 as racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment. The Virginia House of Delegates and Speaker William J. Howell ("Intervenors") have intervened as defendants in this matter. Counsel for the Virginia House of Delegates and Speaker Howell ("Intervenors' counsel") do not represent you or any individual delegate other than Speaker Howell in these proceedings. **As such, you may wish to consider consulting your own legal counsel in regard to this matter.**

This letter is to notify you that, in accordance with the Court's scheduling order, Plaintiffs have served discovery requests seeking documents within the possession, custody, or control of the Virginia House of Delegates regarding the 2011 House of Delegates redistricting process. Intervenors' counsel have conducted searches of documents within the House's possession, custody, or control and determined that one or more emails you have written or received are responsive to Plaintiffs' requests.¹ This process is ongoing and Intervenors' counsel may identify additional responsive documents after the date of this correspondence.

At this time, Intervenors are withholding these emails on the basis of legislative privilege, which belongs to individual members of a legislative body such that it is up to each individual delegate to assert or waive his/her legislative privilege. Waiver of the privilege will result in production of your responsive email communications and may result in you being called as a witness in this proceeding. Intervenors have produced certain responsive documents to and from Speaker Howell and Del. Chris Jones, who have waived legislative privilege in this case with respect to their communications and testimony.

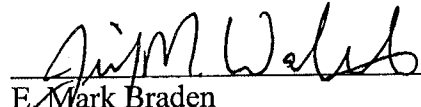
We collectively request that you inform us in writing no later than noon on April 10, 2015, whether you intend to assert or waive legislative privilege with respect to your email communications in this case.

Intervenors have taken the position that they will not produce these documents unless and until they receive from you an express waiver of legislative privilege. This means that Intervenors will not voluntarily produce your email communications unless you respond to this letter as set forth below, in writing, waiving your legislative privilege. Plaintiffs have taken the position that Intervenors must produce these documents no later than April 8, 2015 if you have not notified the Court and the parties in writing (for example, by filing a motion in this case) that you are asserting a legislative privilege. Plaintiffs intend to file a motion to compel production of these documents with the Court if Intervenors do not produce the documents by April 8th. Thus, even if you assert the legislative privilege in this case, the Court may order the Intervenors to produce your email communications to the Plaintiffs.

¹ Please contact Intervenors' counsel if you would like to see any of the emails sent to or from you deemed responsive so far.


In the interest of an efficient resolution of this discovery issue, we ask that you respond to this letter via email to both Intervenor's counsel (at jwalrath@bakerlaw.com) and Plaintiffs' counsel (at RSpear@perkinscoie.com) at your earliest convenience, and in any event no later than **noon on April 10, 2015**, with your position.

Very truly yours,



E. Mark Braden
Jennifer M. Walrath
Katherine L. McKnight
BAKER HOSTETLER LLP
1050 Connecticut Ave NW, Suite 1100
Washington, DC 20036
Tel: (202) 861-1500
Fax: (202) 861-1783
mbraden@bakerlaw.com
jwalrath@bakerlaw.com
kmcknight@bakerlaw.com

*Attorneys for Intervenor-Defendants the Virginia
House of Delegates and Speaker William J. Howell*



Marc E. Elias
Kevin J. Hamilton
John K. Roche
Bruce V. Spiva
Abha Khanna
Ryan Spear
PERKINS COIE, LLP
700 13th St. N.W., Suite 600
Washington, D.C. 20005-3960
Phone: (202) 434-1627
Fax: (202) 654-9106
MElias@perkinscoie.com
KHamilton@perkinscoie.com
JRoche@perkinscoie.com
BSpiva@perkinscoie.com
AKhanna@perkinscoie.com
RSpear@perkinscoie.com

Attorneys for Plaintiffs

Starr, June (Perkins Coie)

From: Scott Lingamfelter <slingamfelter@comcast.net>
Sent: Wednesday, April 08, 2015 11:48 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: 'Kathy Roberts'; 'Bill Howell (P)'; 'S. Chris Jones'; Terry Durkin
Subject: Bethune-Hill v. Virginia State Board of Elections

Importance: High

Dear Mr. Braden and Mr Elias,

This is to inform you that I am asserting my legislative privilege and will not be waiving my legislative privilege in the case of Bethune-Hill v. Virginia State Board of Elections, No. 3:14-cv-00852, currently pending in the U.S. District Court for the Eastern District of Virginia. To be perfectly clear, in asserting my legislative privilege in this matter and I do not want my emails or other documents to be turned over to the plaintiffs in the case.

Sincerely,

Scott

L. Scott Lingamfelter
Colonel, US Army (Ret)
Delegate, 31st District
Virginia House of Delegates
5420 Lomax Way
Woodbridge, Virginia 22193
(703) 580-8899 (Home)
(703) 580-1294 (District Office)
(703) 590-7090 (Fax)
slingamfelter@comcast.net (Email)
www.ScottforVA.com[[ScottforVA.com](http://www.ScottforVA.com)] (Delegate Website)

Authorized and Paid for by Friends of Scott Lingamfelter



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

BRENDA L. POGGE
POST OFFICE BOX 196
NORGE, VIRGINIA 23127

NINETY-SIXTH DISTRICT

COMMITTEE ASSIGNMENTS:
EDUCATION (VICE CHAIRMAN)
FINANCE
HEALTH, WELFARE AND INSTITUTIONS

April 8, 2015

E. Mark Braden
Jennifer M. Walrath
Katherine L. McKnight
Baker Hostetler LLP
1050 Connecticut Ave. N.W.
Suite 1100
Washington, DC 20036

Marc E. Elias
Kevin J. Hamilton
John K. Roche
Bruce V. Spiva
Abha Khanna
Ryan Speaker
Perkins Coi LLP
700 13th St. N.W.
Suite 600
Washington, DC 20005-3960

To Whom It May Concern:

In response to your April 6, 2015, email and letter, I hereby confirm that I am asserting my legislative privilege. I will not waive my legislative privilege in this case.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Pogge".

Brenda L. Pogge

Starr, June (Perkins Coie)

From: Ed Scott <DelEScott@house.virginia.gov>
Sent: Wednesday, April 08, 2015 2:56 PM
To: Walrath, Jennifer M.
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

I hereby assert my legislative privilege with regard to this matter. I will not waive legislative privilege.

Ed Scott
Delegate, 30th District

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Monday, April 6, 2015 7:13 PM
To: Ed Scott
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Scott,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[\[bakerlaw.com\]](mailto:jwalrath@bakerlaw.com) | **BakerHostetler**[\[bakerlaw.com\]](mailto:bakerlaw.com)
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: carmen.bingham@gmail.com on behalf of DelDToscano@house.virginia.gov
Sent: Friday, April 10, 2015 7:24 AM
To: Walrath, Jennifer M.; Elias, Marc (Perkins Coie)
Cc: Spear, Ryan M. (Perkins Coie); mbraden@bakerlaw.com
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK
Attachments: walrathelias.response.040915.pdf

Attached please find a response from Delegate David Toscano.

Thank you.

Office of Delegate David J. Toscano
Virginia House of Delegates, 57th District
House Democratic Leader
211 East High Street
Charlottesville, VA 22902
(434) 220-1660
davidtoscano.com

On Mon, Apr 6, 2015 at 7:12 PM, Walrath, Jennifer M. <jwalrath@bakerlaw.com> wrote:

Delegate Toscano,

Please see the attached correspondence concerning the above-referenced matter.

Regards,

Jennifer

Jennifer Walrath | BakerHostetler
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

DAVID J. TOSCANO
MINORITY LEADER

211 EAST HIGH STREET
CHARLOTTESVILLE, VIRGINIA 22902

COMMITTEE ASSIGNMENTS:
COURTS OF JUSTICE
TRANSPORTATION
RULES

FIFTY-SEVENTH DISTRICT

April 9, 2015

Jennifer M. Walrath
Baker Hostetler, LLP
1050 Connecticut Ave, NW
Suite 1100
Washington, D.C. 20036

Marc E. Elias
Perkins Coie, LLP
700 13th St, NW
Suite 600
Washington, D.C. 20005-3960

Dear Ms. Walrath and Mr. Elias,

I received your letter on Wednesday, April 8, 2015, when I returned from a two day vacation.

I request from the Intervenors any and all emails that I have either written or received that are responsive to Plaintiffs' discovery request.

By this letter, I hereby assert legislative privilege as to any and all emails written or received related to these requests.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Toscano".

David J. Toscano

Starr, June (Perkins Coie)

From: Khanna, Abha (Perkins Coie)
Sent: Friday, April 10, 2015 10:24 AM
To: Spear, Ryan M. (Perkins Coie)
Subject: Fwd: Bethune-Hill v. Virginia State Board of Elections

Sent from my iPhone

Begin forwarded message:

From: "Elias, Marc (Perkins Coie)" <MElias@perkinscoie.com>
Date: April 10, 2015 at 10:22:58 AM PDT
To: "Khanna, Abha (Perkins Coie)" <AKhanna@perkinscoie.com>, "Frost, Elisabeth C. (Perkins Coie)" <EFrost@perkinscoie.com>, "Hamilton, Kevin J. (Perkins Coie)" <KHamilton@perkinscoie.com>
Subject: FW: Bethune-Hill v. Virginia State Board of Elections

--

Marc E. Elias
Perkins Coie LLP
700 13th St, NW
Washington, DC 20005
202-434-1609 (ph)
202-654-9126 (fax)
melias@perkinscoie.com

From: "T. Scott Garrett" <DelSGarrett@house.virginia.gov>
Date: Friday, April 10, 2015 at 1:19 PM
To: "mrbraden@bakerlaw.com" <mrbraden@bakerlaw.com>, Marc Elias <melias@perkinscoie.com>
Subject: Bethune-Hill v. Virginia State Board of Elections

To Whom It May Concern,

Please be advised that I am asserting my legislative privilege with respect to e-mail communications in the above mentioned case, as per the request in your undated letter.

Sincerely,

Delegate T. Scott Garrett, M.D.

Virginia House of Delegates, 23rd District

(434) 455-0243 - District

2255 Langhorne Road, Suite 4

Lynchburg, VA 24501

Starr, June (Perkins Coie)

From: Delores L McQuinn <DeIDMcQuinn@house.virginia.gov>
Sent: Tuesday, April 07, 2015 9:12 AM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie); mbraden@bakerlaw.com
Subject: Response

Good afternoon everyone

This email is to inform all parties, Delegate McQuinn will not waive her legislative privilege concerning her emails.
Thanks.

Keith Westbrook
Legislative Assistant
Delegate Delores L. McQuinn
804-698-1270 or 804-301-0671

JOANNOU & ASSOCIATES

Representing Injured Persons

709 Court Street, Portsmouth, Virginia 23704

Tidewater: (757) 399.1700

Facsimile: (757) 397.6624

John S. Joannou, Esquire
Richard H. Roston, Esquire

Harold Gavaris
of Counsel

April 7, 2015

Jennifer M. Walrath, Esq.
1050 Connecticut Ave., N.W. Suite 1100
Washington, DC 20036

Fax: -202-861-1783

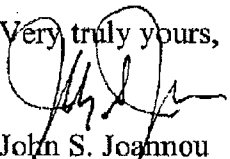
RE: Bethune-Hill v. Virginia State Board of Elections, No. 3:14-cv-00852
Pending, U.S. District Court, Eastern District of Virginia

Dear Ms. Walrath:

Please be advised that I intend to waive Legislative Privilege with respect to your e-mail communications in the above cited case.

Thanking you, I remain,

Very truly yours,


John S. Joannou

JSJ:ls

JOANNOU & ASSOCIATES

Representing Injured Persons

709 Court Street, Portsmouth, Virginia 23704

Tidewater: (757) 399.1700

Facsimile: (757) 397.6624

John S. Joannou, Esquire
Richard H. Roston, Esquire

Harold Gavaris
of Counsel

April 7, 2015

Jennifer M. Walrath, Esq.
1050 Connecticut Ave., N.W. Suite 1100
Washington, DC 20036

Fax: -202-861-1783

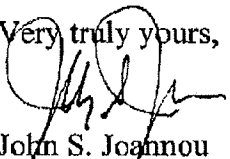
RE: Bethune-Hill v. Virginia State Board of Elections, No. 3:14-cv-00852
Pending, U.S. District Court, Eastern District of Virginia

Dear Ms. Walrath:

Please be advised that I intend to waive Legislative Privilege with respect to your e-mail communications in the above cited case.

Thanking you, I remain,

Very truly yours,


John S. Joannou

JSJ:ls

Starr, June (Perkins Coie)

From: Matthew James <DelMJJames@house.virginia.gov>
Sent: Tuesday, April 07, 2015 11:42 AM
To: jwalrath@bakerlaw.com
Cc: Spear, Ryan M. (Perkins Coie); MBraden@bakerlaw.com
Subject: Bethune-Hill v. Virginia State Board of Elections, et al. - Waiver
Attachments: SKMBT_C45415040714220.pdf; ATT00001.htm

Ms. Walrath:

Please find attached a waiver signed by Delegate Matthew James pursuant to the above-referenced matter.

Thank you.

Kim Rollins
Office of Delegate Matthew James
P.O. Box 7487
Portsmouth, VA 23707
(757) 967-7583 - office

April 7, 2015

E. Mark Braden
Jennifer M. Walrath
Katherine L. McKnight
BAKER HOSTETLER, LLP
1050 Connecticut Ave. NW, Ste. 1100
Washington, DC 20036
*Attorneys for Intervenor- Defendants, the
Virginia House of Delegates and Speaker William J. Howell*

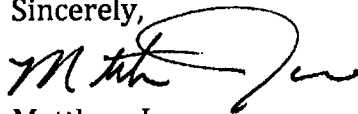
Marc E. Elias
Kevin J. Hamilton
John K. Roche
Bruce V. Spiva
Abha Khanna
Ryan Spear
PERKINS COIE, LLP
700 13TH St. NW, Ste. 600
Washington, DC 20005-3960
Attorneys for Plaintiffs

*RE: Bethune-Hill v. Virginia State Board of Elections
Case No.: 3:14-cv-00852*

Dear Sir or Madam:

Please be advised that pursuant to your request, this email is sent with the intent to waive my legislative privilege with respect to my email communications in this matter as it pertains to discovery requests seeking documents within the possession, custody, or control of the Virginia House of Delegates regarding the 2011 House of Delegates redistricting process.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew James", written over a horizontal line.

Matthew James
Member, Virginia House of Delegates
80th District

Starr, June (Perkins Coie)



From: Mark Sickles <marksickles@gmail.com>
Sent: Tuesday, April 07, 2015 12:19 PM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Subject: waiver

To Whom it May Concern:

I am writing to inform you that I am waiving legislative privilege with respect to my email communications about the 2011 House of Delegates redistricting. Please contact my assistant James Heo if you have further questions.

Best,

Mark Sickles

James Heo
Legislative Assistant
Delegate Mark Sickles (D-Franconia)
Mobile: (760) 533-7262
Richmond: (804) 698-1043
District: (703) 922-6440
Fax: (703) 922-6880
info@marksickles.com
www.MarkSickles.com
Follow Delegate Sickles on Facebook and Twitter
 

Starr, June (Perkins Coie)

From: jesselynch39@gmail.com on behalf of Jesse T Lynch <jesse@greghabeeb.com>
Sent: Tuesday, April 07, 2015 1:26 PM
To: Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Thank you for your letter dated April 6, 2015. This office respectfully declines to waive legislative privilege or any other applicable privilege. Thank you.

On Mon, Apr 6, 2015 at 7:13 PM, Walrath, Jennifer M. <jwalrath@bakerlaw.com> wrote:

Delegate Habeeb,

Please see the attached correspondence concerning the above-referenced matter.

Regards,

Jennifer

Jennifer Walrath | BakerHostetler
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: jesselynych39@gmail.com on behalf of Jesse T Lynch <jesse@greghabeeb.com>
Sent: Tuesday, April 07, 2015 1:26 PM
To: Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Thank you for your letter dated April 6, 2015. This office respectfully declines to waive legislative privilege or any other applicable privilege. Thank you.

On Mon, Apr 6, 2015 at 7:13 PM, Walrath, Jennifer M. <jwalrath@bakerlaw.com> wrote:

Delegate Habeeb,

Please see the attached correspondence concerning the above-referenced matter.

Regards,

Jennifer

Jennifer Walrath | BakerHostetler
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: Danny Marshall <DelDMarshall@house.virginia.gov>
Sent: Tuesday, April 07, 2015 2:07 PM
To: Walrath, Jennifer M.
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie)
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

To All Concerned:

By this email I assert my legislative privilege to not surrender documents in the current case as listed. Please let me know if you need any additional information at this time in this regard.

Danny Marshall
Delegate, 14th House District
Office: 434-797-5861

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Wednesday, April 1, 2015 12:18 PM
To: Danny Marshall
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Marshall,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[\[bakerlaw.com\]](mailto:jwalrath@bakerlaw.com) | **BakerHostetler**[\[bakerlaw.com\]](mailto:bakerhostetler@bakerlaw.com)
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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Starr, June (Perkins Coie)

From: Delegate Massie <jpm.72@house.virginia.gov>
Sent: Tuesday, April 07, 2015 7:25 PM
To: jwalrath@bakerlaw.com; Spear, Ryan M. (Perkins Coie)
Cc: Jimmie P Massie
Subject: Re: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK
Attachments: Joint Letter to Delegates (Apr. 6, 2015) copy.pdf

Ms. Walrath and Mr. Spear:

Per our emails below and your attached letter, I am asserting my legislative privilege and I will not be waiving said legislative privilege with respect to my email communications in this case.

Very truly yours,

Jimmie
James P. "Jimmie" Massie, III
72nd District House of Delegates
Henrico County

From: Jimmie Massie <jpm.72@house.virginia.gov>
Date: Tuesday, April 7, 2015 9:59 AM
To: "jwalrath@bakerlaw.com" <jwalrath@bakerlaw.com>, "rspear@perkinscoie.com" <rspear@perkinscoie.com>
Cc: Jimmie P Massie <DelJMassie@house.virginia.gov>
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Ms. Walrath and Mr. Spear:

This email will serve as my **INITIAL** response to your email below and letter attached:

1. I reserve my right to retain and consult with my own legal counsel;
2. Given that I have not retained, nor consulted with my own legal counsel (or any other counsel...legal or other), I do not, at this time, assert or waive my legislative privilege in this case. As such, going forward, I solely retain the right to assert or waive my legislative privilege. I ask that you, Intervenor's counsel, continue "withholding these emails on the basis of legislative privilege" until I assert or waive my legislative privilege to them;
3. Sending me the below email at 7:12 PM on Tuesday, April 6, 2015 and asking me to respond "no later than noon on April 10, 2015", or in 3.5 days is an unreasonable request (and I, as a legal layman, would initially think it is legally unenforceable). Your request is especially unreasonable given that it is the week after Easter when so many (including lawyers) are on Spring Break and I do not possess (much less my legal counsel possesses) my "responsive" emails that are the subject of your discovery;
4. Per your letter attached, I "would like to see (possesses in digital form per me) any (all per me) emails sent to or from you (me per me) deemed responsive so far". Please email me, all my "responsive" emails at this email address with a Cc to deljmassie@house.virginia.gov. Please also email me any "additional responsive documents after the date of this correspondence";
5. With respect to future communication, please use jpm.72@house.virginia.gov as my primary email address and always Cc deljmassie@house.virginia.gov.

Please acknowledge receipt of this email via reply email.

Very truly yours,

Jimmie

James P. "Jimmie" Massie, III
72nd District House of Delegates
Henrico County

From: Walrath, Jennifer M. <jwalrath@bakerlaw.com>
Sent: Monday, April 06, 2015 7:12 PM
To: Jimmie P Massie
Cc: Braden, E. Mark; Spear, Ryan M. (Perkins Coie) (RSpear@perkinscoie.com)
Subject: Bethune-Hill, et al. v. Virginia Board of Elections, et al., No. 3:14-cv-000852-REP-GBL-BMK

Delegate Massie,

Please see the attached correspondence concerning the above-referenced matter.

Regards,
Jennifer

Jennifer Walrath[jwalrath@bakerlaw.com] | BakerHostetler[bakerlaw.com]
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

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