

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Common Cause Florida, FairDistricts
Now, Florida State Conference of the
National Association for the
Advancement of Colored People
Branches, Cassandra Brown, Peter
Butzin, Charlie Clark, Dorothy Inman-
Johnson, Veatrice Holifield Farrell,
Brenda Holt, Rosemary McCoy, Leo R.
Stoney, Myrna Young, and Nancy
Ratzan,

Plaintiffs,

v.

Cord Byrd, in his official capacity as
Florida Secretary of State,

Defendant.

Case No. 4:22-cv-109-AW-MAF

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO RAY
RODRIGUES'S MOTION TO QUASH DEPOSITION SUBPOENA**

In opposition to Chancellor Ray Wesley Rodrigues's motion to quash a deposition subpoena, Plaintiffs adopt and incorporate their arguments in opposition to the previously filed Motions to Quash in this case. *See* Dkt. No. 134. Plaintiffs take this opportunity to highlight Chancellor Rodrigues's central role in the redistricting process. Chancellor Rodrigues was chair of the Senate Reapportionment Committee. In the early days of the redistricting process, the Chancellor was a vocal proponent of the Legislature's initial attempts to pass a

map compliant with the federal and Florida constitutions. *See, e.g.*, Dkt. No. 131 ¶ 66. Yet, by the time of the special session, the Chancellor had become the sponsor of SB 2-C, the Governor’s proposed map, which was enacted and lies at the center of this lawsuit. Uncovering the legislative motivations behind the enactment of that map, which Plaintiffs contend was racially discriminatory, requires an examination of Chancellor Rodrigues.

Chancellor Rodrigues has responded to a previous document subpoena that he has no responsive documents. *See* Li Decl. ¶ 2, Ex. 1. Public records requests from the Senate have likewise been fruitless. But in his role as Senate Reapportionment Chair, the Chancellor authored a memo to all Florida Senators announcing the launch of the Joint Redistricting Website, wherein he advised his colleagues that all “correspondence, including electronic communications related to the enactment of new districts, whether sent or received on official Senate accounts or devices or personal email accounts or devices, may be of permanent or archival value and those records should be preserved accordingly.” *See* Li Decl. ¶ 3, Ex. 2. A deposition is also necessary to learn where the Chancellor’s records are and to understand how the Chancellor understands his own memo’s retention guidelines.

Respectfully submitted,

/s/ Gregory L. Diskant

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Date: March 29, 2023

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned certified that this memorandum contains 285 words, excluding the case style and certifications.

/s/ Gregory L. Diskant
Gregory L. Diskant

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2023, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Gregory L. Diskant
Gregory L. Diskant

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**DECLARATION OF ALVIN LI IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO MOTIONS TO QUASH**

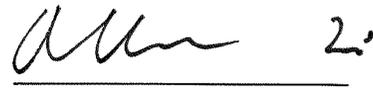
ALVIN LI hereby declares under penalty of perjury pursuant to 28 U.S.C. §
1746 as follows:

1. I am admitted in this action *pro hac vice* and an attorney at
Patterson Belknap Webb & Tyler LLP, attorneys for Plaintiffs in the above-
captioned action. I submit this declaration in further support of Plaintiffs’
opposition to Ray Wesley Rodrigues’s motion to quash, Dkt. No. 137.

2. Attached as **Exhibit 1** a true and correct copy of email correspondence from Chancellor Rodrigues to FloridaRedistricting@pbwt.com, a listserv for Patterson Belknap Webb & Tyler LLP attorneys working on this matter, dated February 1, 2023.

3. Attached as **Exhibit 2** is a true and correct copy of a Memorandum of the Florida Senate Committee on Reapportionment authored by Chancellor Rodrigues, dated September 22, 2021, and distributed to all Florida Senators. This document was obtained from FloridaRedistricting.gov, a publicly available website jointly maintained by the Florida House and Florida Senate.

Dated: March 29, 2023
New York, New York



Alvin Li

Exhibit 1

Portorreal, Newton (x2854)

From: Rodrigues, Ray <Ray.Rodrigues@flbog.edu>
Sent: Wednesday, February 1, 2023 3:35 PM
To: _cg Florida Redistricting
Subject: Response to Subpoena issued in Common Cause Florida et. al. v Cord Byrd, in his official capacity as Florida Secretary of State

Caution: External Email!

To Whom it may concern,

I do not have any records to produce that are identified in the subpoena.

Sincerely,
Ray Rodrigues

Ray Rodrigues
Chancellor

Florida Board of Governors
State University System of Florida
200 West College Avenue, Suite 210
Tallahassee, Florida 32301
Office: (850) 245-0466



Exhibit 2



THE FLORIDA SENATE
COMMITTEE ON REAPPORTIONMENT

Location
2000 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5855

Senator Ray Wesley Rodrigues, *Chair*

Professional Staff: Jay Ferrin, *Staff Director*

Senate's Website: www.flsenate.gov

MEMORANDUM

To: All Senators
From: Ray Rodrigues
Subject: Launch of the Joint Redistricting Website
Date: September 22, 2021

During our organizational meeting Monday, the Committee on Reapportionment had the opportunity to discuss the work our professional staff have undertaken to finalize software needed to begin the map drawing process. This includes coordination with the Florida House, at the staff level, on the development of a joint website. The information below is intended to provide a brief overview of the new redistricting website as well as the map-drawing software.

You can access the site here: www.FloridaRedistricting.gov. A link will also be posted to our Senate website and the Senate intranet for easy access by Senators, staff, and the public.

Home Page

The Home page contains a welcome message describing the joint website as the main place for information from the Legislature about the redistricting process. In addition, there is an interactive map that depicts the over/under population changes from 2010 to 2020 for congressional, state senate, and state house districts.

About Page

The About page contains an introduction to the definitions of redistricting and reapportionment, a table of fast facts based on population data from the U.S. Census Bureau, background information on federal and state law that the Legislature will utilize when drawing maps during the redistricting cycle as well as links to infographics depicting the redistricting process and timeline.

All Senators
September 22, 2021
Page 2

Florida State Senate & Florida State House

The Florida State Senate and Florida State House pages contain relevant committee information for each respective chamber including but not limited to, memos and correspondence from the President and Speaker's offices, links to FLSenate.gov and myfloridahouse.gov pages as well as links to "find your elected officials," bill tracking, appearance cards for committee, and chamber calendars.

Map-Drawing Application

In the weeks following the August 12 release of redistricting data from the U.S. Census Bureau, staff integrated the data into the Legislature's free web-based map drawing software. Through this software, members of the public can draw, analyze, and submit redistricting plans to the Senate Committee on Reapportionment. Committee staff will be providing each Senator with credential and instructions for accessing your account.

Resources

The Resources page contains interactive versions of historical congressional, state senate, and state house maps from 1982-2022. The page also includes links to a redistricting glossary created by committee staff and a U.S. Census Bureau Geography Hierarchy that depicts the hierarchy the U.S. Census uses when sorting census data. This page also contains links to U.S. Census Bureau's official website for apportionment results and P.L. 94-171 Redistricting Data as well as links to Florida Division of Elections, the official custodian of elections results data.

Get Involved

The Get Involved page contains an introduction to the map-drawing application that will be used this cycle as well as instructional materials created by staff to help the Senators and members of the public understand how to use the application to draw their own maps.

As has been stated previously, Florida's Constitution includes strict guidelines for what information the Legislature can and cannot consider when drawing new state legislative and congressional districts. Senators should make sure to insulate themselves from interests that may intentionally or unintentionally attempt to influence the redistricting process inappropriately.

Senators and staff should also be mindful that correspondence, including electronic communications related to the enactment of new districts, whether sent or received on official Senate accounts or devices or personal email accounts or devices, may be of permanent or archival value and those records should be preserved accordingly.

I will continue to keep you updated regarding any developments. Should you have any questions, please do not hesitate to reach out.