

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' MOTION TO COMPEL  
THIRD-PARTY SUBPOENAS DUCES TECUM TO LEGISLATORS**

LULAC Plaintiffs brought suit to challenge the redistricting plans recently enacted by the Texas Legislature, alleging violations of the Voting Rights Act and the United States Constitution. LULAC Plaintiffs allege, among other things, that the Texas Legislature enacted the redistricting plans with the intent to discriminate against Latinos, and further assert that the totality of circumstances shows that those minorities have less opportunity to participate in the political process and to elect representatives of their choice. To that end, LULAC Plaintiffs served document subpoenas to the following individuals: Representative Mike Schofield, Senator Bryan Hughes, Senator Paul Bettencourt, Senator Donna Campbell, Senator Jane Nelson, Senator Brian Birdwell, Senator Charles Perry, and Senator Robert Nichols (together, the “Legislators”).

Based on sweeping claims of the legislative privilege, the Legislators withheld a number of responsive documents. Broadly, the Legislators inappropriately (1) advance an overbroad interpretation of the legislative privilege, withholding even communications with third parties; (2)

assert the privilege over fact-based information; and (3) assert the legislative privilege over communications that occurred after the enactment of the challenged redistricting plans. In light of the parties' disagreement regarding the scope and applicability of the legislative privilege, LULAC Plaintiffs respectfully request that the Court compel disclosure of the documents listed in Exhibit A.

## **I. BACKGROUND**

On April 26, 2022, LULAC Plaintiffs served document subpoenas on the Legislators, seeking documents including redistricting proposals, legislative communications, and data used during the redistricting process. Ex. B. On May 26, 2022, counsel for the Legislators produced some documents to LULAC Plaintiffs in response to those subpoenas but did not timely produce a privilege log.

On June 28, 2022, counsel LULAC Plaintiffs met and conferred by email with counsel for the Legislators, requesting the privilege log in connection with the Legislators' production. Ex. C. On July 1, 2022, the Legislators produced a partial privilege log—which contained 20 documents from only Senator Perry—and indicated they would supplement the privilege log at a later date. Exs. D and E (partial privilege log).

On July 10, 2022, counsel for LULAC Plaintiffs emailed counsel for the Legislators requesting an update on the status of the supplemental privilege log. Ex. F. On July 15, 2022, counsel for the Legislators served a supplemental privilege log (the "Privilege Log"), which listed documents for all Legislators. Exs. G (email) and H (the Privilege Log).

On August 9, 2022, counsel for LULAC Plaintiffs met and conferred by email with counsel for the Legislators, noting which documents they sought and seeking additional information to assess further the Legislators' assertions of the legislative privilege over some of the documents

listed in the Privilege Log. Ex. I. On August 12, 2022, counsel for the Legislators responded to LULAC Plaintiffs' letter, indicating, among other things, that they would not disclose any of the documents listed in the Privilege Log. Ex. J.

In light of the disagreement over whether the requested documents must be disclosed, LULAC Plaintiffs now seek to compel the production of several documents the Legislators have improperly withheld. Exhibit A lists the documents LULAC Plaintiffs seek in the instant motion.

## II. LEGAL STANDARD

Federal Rule of Civil Procedure 45(d)(2)(B)(i) allows the party that served a subpoena to “move the court . . . for an order compelling production.” In turn, Rule 45(e)(2)(A) mandates that “a person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents . . . in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.”

“It is well settled that the party asserting the privilege has the burden of establishing its applicability.” *Perez v. Perry*, No. SA-11-CV-360-OLG-JES-XR, 2014 WL 3495414, at \*2 (W.D. Tex. July 11, 2014) (citing *Hodges, Grant & Kaufman v. United States*, 768 F.2d 719, 721 (5th Cir. 1985)). Conclusory assertions are “insufficient to carry out the proponent’s burden of establishing” privilege. *E.E.O.C. v. BDO USA, L.L.P.*, 876 F.3d 690, 696 (5th Cir. 2017).

When a motion to compel “is granted—or if the disclosure or requested discovery is provided after the motion was filed—the court must, after giving an opportunity to be heard, require the party . . . whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” Fed. R. Civ. P. 37(a)(5)(A).

### III. ARGUMENT

#### A. The Documents are Relevant to LULAC Plaintiffs' Claims.

The documents sought by LULAC Plaintiffs are relevant and vital to Plaintiffs' claims under the federal Voting Rights Act and the U.S. Constitution. Draft redistricting plans, the data used in drafting those plans, Legislators' communications (especially with map-drawers), and other legislative materials bear directly on whether "invidious discriminatory purpose was a motivating factor" in redistricting. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977). Such legislative materials also bear on whether "the policy underlying the State's . . . use of the contested practice or structure is tenuous" under the discriminatory results test for the challenged redistricting plans. *Thornburg v. Gingles*, 478 U.S. 30, 45 (1986) (citation omitted). Thus, as other courts in this Circuit have concluded in similar circumstances, these documents certainly bear on the evaluation of whether official actors are motivated by a discriminatory purpose, the effect of challenged practices, and the extent to which race played a role in challenged decisions. *See LUPE*, 2022 WL 1667687, at \*6; *see also Gilby*, 471 F. Supp. 3d at 766; *Veasey v. Perry*, No. 2:13-CV-193, 2014 WL 1340077, at \*2 (S.D. Tex. Apr. 3, 2014).

#### B. The Legislators May Not Withhold the Challenged Documents Based on the Legislative Privilege.<sup>1</sup>

##### 1. *All Documents Shared Between the Legislative Branch and any Third Parties Must be Disclosed.*

The Legislators have waived any claim to the legislative privilege with respect to communications with third parties. "To the extent that legislators or legislative staff communicated with any outsider (*e.g.*, non-legislators, non-legislative staff), any legislative

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<sup>1</sup> At various points, Defendants have asserted that Texas Government Code § 323.017 governs the scope of the legislative privilege. For the reasons already discussed in LULAC Plaintiffs' prior motions to compel, Texas Government Code § 323.017 is inapplicable, as federal common law—not state law—governs the scope of the privilege here. *See, e.g.*, Dkt. 447 at 4 n.2.



privilege is waived as to the contents of those specific communications.” Dkt. 526 at 2 n.3 (cleaned up) (quoting *Gilby v. Hughs*, 471 F. Supp. 3d 763, 767 (W.D. Tex. 2020)); *see also Perez*, 2014 WL 106927, at \*2; *Favors v. Cuomo*, 285 F.R.D. 187, 212 (E.D.N.Y. 2012) (noting that “communications with ‘knowledgeable outsiders’ . . . fall outside the privilege”).

The Legislators have failed to meet their burden to show that the legislative privilege applies to documents shared with Brad Shields and Bryan Dunaway. Ex. K. In their August 9, 2022 letter to the Legislators, LULAC Plaintiffs noted that the Privilege Log “lists individuals who appear not to have been legislators or legislative staff at the time certain documents were created or shared”—including the documents in Exhibit K—and sought clarification from the Legislators on “what time period, if any,” either Mr. Shields or Mr. Dunaway “was an employee of the Texas Legislature.” *See* Ex. I at 2. In response, the Legislators stated that “Brad Shields and Bryan Dunaway are consultants, who have been employed at various times by Representative Schofield and Senator Bettencourt, respectively,” but failed to specify whether either individual worked for the legislative branch at the time the documents were shared. *See* Ex. J at 1. Because the Legislators have failed to provide adequate information to support the assertion of legislative privilege, the documents in Exhibit K must be disclosed. *See LUPE*, 2022 WL 1667687, at \*2.

2. *The Legislative Privilege Does Not Apply to Documents Related to Publicly Available Information.*

Similarly, the legislative privilege does not protect documents related to publicly available information. Ex. L. Such information necessarily reflects communications that are not *internal* exchanges potentially covered by the privilege, as that information has been shared with individuals outside of the Legislature. *See Perez*, 2014 WL 106927, at \*2; *see also Bethune-Hill v. Virginia State Bd. of Elections*, 114 F. Supp. 3d 323, 343 (E.D. Va. 2015) (requiring disclosure of any “communications shared with, or received from, any individual or organization outside the

employ of the legislature”); *Favors v. Cuomo*, 285 F.R.D. at 212 (“The law is clear that a legislator waives his or her legislative privilege when the legislator publicly reveals documents related to internal deliberations.”); *Favors v. Cuomo*, No. 11-CV-5632 DLI RR, 2015 WL 7075960, at \*7 (E.D.N.Y. Feb. 8, 2015) (noting that the legislative privilege does not extend to public statements).

Exhibit L lists two documents that are “[t]yped notes from senate redistricting committee hearing.” The information contained in these documents necessarily reflects information that is publicly available, as Senate redistricting committee hearings are open to the public. Because these documents relate to information that is publicly available, they do not reflect internal exchanges within the Texas Legislature and therefore cannot be withheld based on the legislative privilege. .

### 3. *The Legislative Privilege Does Not Apply to Documents Containing Fact-Based Information.*

The Privilege Log lists several documents that contain fact-based information that must be disclosed. The legislative privilege “does not apply . . . to ‘documents containing factually based information used in the decision-making process or disseminated to legislators or committees, such as committee reports and minutes of meetings,’ or ‘the materials and information available [to lawmakers] at the time a decision was made.’” *LUPE*, 2022 WL 1667687, at \*2 (quoting *Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections*, No. 11 C 5065, 2011 WL 4837508, at \*9 (N.D. Ill. Oct. 11, 2011)). The Privilege Log lists several such documents, such as calendar entries (Exhibit M), data used to draw maps (Exhibit N), and alternate maps (Exhibit O). Accordingly, those documents must be disclosed.

In addition, to the extent that other documents contain both fact-based information and privileged information, the fact-based information is not privileged. In their August 9, 2022 meet-and-confer letter, LULAC Plaintiffs requested clarification regarding whether documents

described as “internal notes” (Exhibit P) and “[c]onfidential communication[s]” (Exhibit Q) “contain underlying data or other fact-based information that is not subject to the legislative privilege, including data relating to redistricting legislation (including but not limited to demographic data, alternative maps, information on voting behavior, or data on election performance).” Ex. I at 2, 3. In response, the Legislators asserted that “[a]dditional information” was “unnecessary and improper,” and stated that “it is beyond debate that a legislator’s personal notes regarding draft legislation are subject to legislative privilege.” Ex. J at 2 (citing *LUPE*, 2022 WL 1667687, at \*6.). However, to the extent that those “internal notes” and “[c]onfidential communication[s]” contain underlying data or other fact-based information that is not subject to the legislative privilege, the fact-based information must still be disclosed.<sup>2</sup> Exs. P and Q.

4. *The Legislative Privilege Does not Apply to Documents Created or Communication that Occurred after the Enactment of the Challenged Redistricting Plans.*

The Legislators improperly seek to withhold documents and communications that post-date enactment of the challenged redistricting plans.<sup>3</sup> See Ex. R. As noted, the legislative privilege only “protects ‘integral steps’ in the legislative process and does not extend to commentary or analysis following the legislation's enactment.” *Bethune-Hill Bd. of Elections*, 114 F. Supp. 3d

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<sup>2</sup> Further, for the reasons described in Section III.C.5, *infra*, any information subject to the legislative privilege must still be disclosed under the *Perez* factors. See *LUPE*, 2022 WL 1667687, at \*8 (holding that the legislative privilege must yield for internal notes and talking points after applying the *Perez* factors).

<sup>3</sup> Plan H2316, Plan S2168, and Plan E2106 were sent to the Governor on October 18, 2021, and Plan C2193 was sent to the Governor on October 19, 2021. See Texas Legislature Online, “Bill: SB 4, Legislative Session: 87(3),” available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=873&Bill=SB4> (last visited Aug. 15, 2022); Texas Legislature Online, “Bill: HB1, Legislative Session: 87(3),” available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=873&Bill=HB1> (last visited Aug. 15, 2022); Texas Legislature Online, “Bill: SB6, Legislative Session: 87(3),” available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=873&Bill=SB6> (last visited Aug. 15, 2022); Texas Legislature Online, “Bill: SB7, Legislative Session: 87(3),” available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=873&Bill=SB7> (last visited Aug. 15, 2022).

323, 343 (E.D. Va. 2015); *see also League of Women Voters of Mich. v. Johnson*, No. 17-14148, 2018 WL 2335805, at \*6 (E.D. Mich. May 23, 2018) (requiring disclosure of “communications created after the date of enactment”).

The documents included in Exhibit Q were created after the challenged redistricting plans were passed by the Texas Legislature and sent to the Governor. Under the Texas Constitution, once a bill has been “passed [by] both houses of the Legislature,” that bill “shall be presented to the Governor for his approval.” Tex. Const. art. IV, § 14. In other words, once sent to the Governor, the Legislature has no authority over the enactment of the legislation unless the Governor vetoes the legislation, and only then may vote to override the Governor’s veto. *See id.* Any communications that occur after a bill has been sent to the Governor does not fall within the scope of the legislative privilege, as those communications do not reflect “integral steps” in the legislative process. *Bethune-Hill Bd. of Elections*, 114 F. Supp. 3d at 343. Any document relating to the Texas House, Texas Senate, and State Board of Education that was created after October 18, 2021, and any document relating to the congressional plan that was created after October 19, 2021, must be disclosed. Ex. R.<sup>4</sup>

##### 5. *The Legislative Privilege Should Yield With Respect to Certain Documents.*

Even if applicable, in certain instances the legislative privilege should yield to the need for discovery here. To determine whether the privilege should yield, courts in this Circuit and elsewhere consider the following five factors: “(1) the relevance of the evidence sought to be protected; (2) the availability of other evidence; (3) the seriousness of the litigation and issues

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<sup>4</sup> Documents created on October 18, 2021 relating to the redistricting of the Texas House, Texas Senate, or State Board of Education, or documents created on October 19, 2021 relating to the congressional redistricting plan, would also fall outside the scope of the legislative privilege if they were created after those respective bills were sent to the Governor. However, no such document is at issue in the instant motion.

involved; (4) the role of the government in the litigation; and (5) the possibility of future timidity by government employees who will be forced to recognize that their secrets are violable.” *Perez*, 2014 WL 106927, at \*2. Further, as the Court recently emphasized, the legislative privilege “must be strictly construed and accepted only to the very limited extent that permitting a refusal to testify or excluding relevant evidence has a public good transcending the normally predominant principle of utilizing all rational means for ascertaining the truth.” Dkt. 282 at 2 (quoting *Jefferson Cmty. Health Care Ctrs., Inc. v. Jefferson Parish Gov’t*, 849 F.3d 615, 624 (5th. Cir. 2017)); *see also Perez*, 2014 WL 106927, at \*2. For the same reasons articulated in LULAC Plaintiffs’ July 18, 2022 Motion to Compel Third-Party Subpoenas *Duces Tecum*, the *Perez* factors strongly favor disclosure, and LULAC Plaintiffs incorporate by reference and re-urge here all such arguments. *See* Dkts. 447 at 8-10; *see also LUPE*, 2022 WL 1667687, at \*6.

As noted above, the documents listed in Exhibit A are both relevant and vital to LULAC Plaintiffs’ claims under the Voting Rights Act and the U.S. Constitution. *See supra*, Section III.A. Further, as discussed in LULAC Plaintiffs’ prior motion to compel: the documents in Exhibit A are among the most probative evidence regarding the challenged litigation; this suit raises serious questions about whether the challenged plans comply with the Voting Rights Act and the U.S. Constitution; there is no question about the government’s role in the litigation; and there is no possible chilling effect that can result from disclosure, *see* Dkt. 447 at 8-10. In any event, even if there were such an effect, courts have repeatedly found—particularly in the voting rights context—“that the need for accurate fact finding outweighs any chill to the legislature’s deliberations.” *LUPE*, 2022 WL 1667687, at \*7; *see also Veasey*, 2014 WL 1340077, at \*2; *Baldus v. Brennan*, No. 11-CV-562, 2011 WL 6122542, at \*2 (E.D. Wis. Dec. 8, 2011) (concluding that the potential

“chilling effect” on the state legislature “is outweighed by the highly relevant and potentially unique nature of the evidence”).

Moreover, the *Perez* factors especially favor disclosure where, as here, there is evidence that “pertains to, or ‘reveals an awareness’ of racial considerations employed in the districting process, sorting of voters according to race, or the impact of redistricting upon the ability of minority voters to elect a candidate of choice.” *See Bethune-Hill*, 114 F. Supp. 3d at 344 (citing *Favors v. Cuomo*, No. 11-cv-5632, Dkt. 559 (E.D.N.Y. 2013)); *see also League of Women Voters*, 2018 WL 2335805, at \*7; *see also LUPE*, 2022 WL 1667687, at \*7. Accordingly, the legislative privilege should yield for all documents listed in Exhibit A for which the privilege does apply.

#### IV. CONCLUSION

For the foregoing reasons, LULAC Plaintiffs respectfully request that the Court grant their motion to compel.

Dated: August 15, 2022

Respectfully submitted,

/s/ Nina Perales

Nina Perales

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#### **CERTIFICATE OF CONFERENCE**

I hereby certify that, on June 28, 2022, August 9, 2022, August 12, 2022, and August 15, 2022, counsel for LULAC Plaintiffs conferred with counsel for the Legislators concerning the subject of the instant motion. Counsel for the Legislators stated that they opposed the relief sought.

/s/ Nina Perales  
Nina Perales

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 15th day of August 2022.

/s/ Nina Perales  
Nina Perales

IN THE UNITED STATES DISTRICT COURT FOR THE  
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LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

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CIVIL ACTION NO.  
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[Consolidated Action: Lead Case]

**[PROPOSED] ORDER GRANTING LULAC PLAINTIFFS' MOTION TO COMPEL  
THIRD-PARTY SUBPOENAS DUCES TECUM TO LEGISLATORS**

Pending before the Court is LULAC Plaintiffs' Motion to Compel Third-Party Subpoenas  
*Duces Tecum* to Legislators. Dkt. \_\_\_\_\_. Upon review of the request, the motion is GRANTED.

SO ORDERED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
HON. DAVID C. GUADERRAMA  
UNITED STATES DISTRICT JUDGE

*And on behalf of:*

Jerry E. Smith  
United States Circuit Judge  
U.S. Court of Appeals, Fifth Circuit

*-and-*

Jeffrey V. Brown  
United States District Judge  
Southern District of Texas



Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
1	DOC_0362782	Representative Mike Schofield		Mike Schofield	6/16/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
3	DOC_0362784	Representative Mike Schofield		Mike Schofield	07/14/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
4	DOC_0362785	Representative Mike Schofield		Mike Schofield	9/27/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
5	DOC_0362786	Representative Mike Schofield		Mike Schofield	06/01/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
6	DOC_0362787	Representative Mike Schofield		Mike Schofield	06/01/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
7	DOC_0362788	Representative Mike Schofield			09/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
8	DOC_0362789	Representative Mike Schofield			09/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
9	DOC_0362790	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
10	DOC_0362791	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
11	DOC_0362792	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
12	DOC_0362793	Representative Mike Schofield			06/10/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
13	DOC_0362799	Representative Mike Schofield			06/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
14	DOC_0362800	Representative Mike Schofield			06/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
15	DOC_0362806	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
17	DOC_0362809	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
18	DOC_0362810	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
19	DOC_0362811	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
20	DOC_0362812	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
21	DOC 0362813	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
22	DOC_0362817	Representative Mike Schofield			10/05/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
23	DOC_0362818	Representative Mike Schofield			10/05/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
25	DOC_0362821	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
26	DOC_0362822	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
27	DOC_0362823	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
28	DOC_0362824	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
29	DOC_0362825	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
30	DOC_0362826	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
31	DOC_0362827	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
32	DOC_0362828	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
33	DOC_0362829	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
34	DOC_0362830	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
35	DOC_0362831	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
36	DOC_0362832	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
37	DOC_0362833	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
39	PDOC_006573	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
40	PDOC_006574	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
41	PDOC_006575	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
42	PDOC_006577	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
43	PDOC_006578	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
44	PDOC_006579	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
45	PDOC_006580	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
46	PDOC_006586	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
48	PDOC_006648	Representative Mike Schofield			10/12/2021					Legislative	Confidential summary of legislative proceedings, used in furtherance of considering redistricting legislation.
49	PDOC_006715	Representative Mike Schofield								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
50	PDOC_006724	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
51	PDOC_006725	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
52	PDOC_006726	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
53	PDOC_006729	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
54	PDOC_006730	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
55	PDOC_006731	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
57	PDOC_006738	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
58	PDOC_006739	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
60	PDOC_006747	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
61	PDOC_006748	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
63	DOC_0357052	Senator Brian Birdwell	PDF		10/06/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding draft statements relating to legislative redistricting process.
66	DOC_0357061	Senator Brian Birdwell	PDF		11/13/2020	Brian Birdwell	Anna Barnett			Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
67	DOC_0357062	Senator Brian Birdwell	PDF		05/18/2022	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
68	DOC_0362861	Senator Bryan Hughes			10/07/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
69	DOC_0362862	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
70	DOC_0362863	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
71	DOC_0362864	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
72	DOC_0362865	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
73	DOC_0362866	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
75	DOC_0357127	Senator Charles Perry	PDF		11/16/2020					Legislative	Invitation to confidential meeting with Senator Huffman to discuss draft redistricting legislation.
76	DOC_0357128	Senator Charles Perry	PDF		10/20/2020					Legislative	Calendar entry for confidential meeting relating to draft redistricting legislation.
77	DOC_0357212	Senator Charles Perry	MSG		10/20/2021	Charles Perry; Rob Callan	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
78	DOC_0357214	Senator Charles Perry	MSG		10/25/2021	Charles Perry	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
79	DOC_0357338	Senator Charles Perry	MSG		10/25/2021	Matthew Dowling	Charles Perry			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
80	DOC_0357471	Senator Charles Perry	PDF	Matthew Dowling	01/21/2021					Legislative	Internal notes regarding senate redistricting committee hearing procedural protocols.
81	PDOC_004880	Senator Charles Perry		Matthew Dowling						Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
84	PDOC_006501	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
85	PDOC_006504	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
86	PDOC_006522	Senator Jane Nelson								legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
87	PDOC_006523	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
88	PDOC_006524	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
92	DOC_0356933	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/22/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
93	DOC_0356936	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
94	DOC_0356937	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
95	DOC_0356938	Senator Paul Bettencourt	PDF		1/7/2013					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
96	DOC_0356939	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
97	DOC_0356940	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
98	DOC_0356941	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
99	DOC_0356942	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
100	DOC_0356947	Senator Paul Bettencourt	PDF	Nancy Watkins	10/28/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
101	DOC_0356950	Senator Paul Bettencourt	JPG		9/23/2021	Lois Kolkhorst	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
102	DOC_0356951	Senator Paul Bettencourt	JPG		9/23/2021	Cecil Bell	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
103	DOC_0356952	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
104	DOC_0356953	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
105	DOC_0356954	Senator Paul Bettencourt	JPG		9/27/2021	Brendon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
106	DOC_0356955	Senator Paul Bettencourt	JPG		9/27/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
107	DOC_0356956	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
108	DOC_0356957	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
109	DOC_0356958	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
110	DOC_0356959	Senator Paul Bettencourt	JPG		10/1/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
111	DOC_0356961	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
112	DOC_0356962	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
113	DOC_0356963	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
114	DOC_0356966	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/24/2020					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
115	DOC_0356967	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
116	DOC_0356968	Senator Paul Bettencourt	DOCX	Sean Opperman	9/24/2021					Legislative	Typed notes from senate redistricting committee hearing.
117	DOC_0356970	Senator Paul Bettencourt	DOCX	Sean Opperman	9/25/2021					Legislative	Typed notes from senate redistricting committee hearing.
118	DOC_0356971	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
119	DOC_0356972	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
120	DOC_0356973	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
121	DOC_0356974	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
122	DOC_0356976	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
123	DOC_0356977	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
124	DOC_0356978	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
125	DOC_0356979	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
126	DOC_0356980	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
127	DOC_0356981	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
128	DOC_0356982	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
129	DOC_0356983	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
130	DOC_0356984	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
131	DOC_0356985	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
132	DOC_0356986	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
133	DOC_0356987	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
134	DOC_0356989	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
135	DOC_0356990	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
136	DOC_0356991	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
137	DOC_0356992	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
138	DOC_0356993	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
139	DOC_0356994	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
140	DOC_0356995	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
141	DOC_0356996	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
142	DOC_0356997	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
143	DOC_0356998	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
144	DOC_0356999	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
145	DOC_0357000	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
146	PDOC_004897	Senator Paul Bettencourt								Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
147	PDOC_005258	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
148	PDOC_005272	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
149	PDOC_005278	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
151	PDOC_005723	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
152	PDOC_005921	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
153	PDOC_006001	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
154	PDOC_006010	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
156	PDOC_006050	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
157	PDOC_006058	Senator Robert Nichols			09/03/2021	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
158	PDOC_006061	Senator Robert Nichols			08/02/2019	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
159	PDOC_006065	Senator Robert Nichols			10/30/2019	Joan Huffman	Beverly Powell			Legislative	Confidential communication regarding draft redistricting legislation and redistricting considerations.
160	PDOC_006125	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

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Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where:

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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Brian Birdwell  
Texas Capitol, 1100 Congress Ave., Room E1.804, Austin, TX 78701☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

s/Nina Perales

*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:



Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Brian Birdwell, as well as any and all other persons or entities acting or purporting to act on behalf of Brian Birdwell, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.



H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican



Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.



39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

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Massachusetts BBO No. 705747

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San Antonio, TX 78205

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\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*)
  
)
  
)
  
)
  
)
  
)

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where:

)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Bryan Hughes  
Texas Capitol, 1100 Congress Ave., Room 3E.8, Austin, TX 78701☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment.

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

s/Nina Perales

*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Bryan Hughes, as well as any and all other persons or entities acting or purporting to act on behalf of Bryan Hughes, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>



(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population



deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,



HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

Kenneth Parreno\*

Massachusetts BBO No. 705747

110 Broadway Street, #300

San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Charles Perry  
Texas Capitol, 1100 Congress Ave., Room E1.806, Austin, TX 78701

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment.

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

s/Nina Perales

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Charles Perry, as well as any and all other persons or entities acting or purporting to act on behalf of Charles Perry, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;



- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any



employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

Kenneth Parreno\*

Massachusetts BBO No. 705747

110 Broadway Street, #300

San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales



## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Donna Campbell  
Texas Capitol, 1100 Congress Ave., Room 3E.18, Austin, TX 78701☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*s/Nina Perales*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Donna Campbell, as well as any and all other persons or entities acting or purporting to act on behalf of Donna Campbell, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.



C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of



Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.



35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

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Samantha Serna

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*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Jane Nelson  
Texas Capitol, 1100 Congress Ave., Room 1E.5, Austin, TX 78701

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

s/Nina Perales

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.



In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Jane Nelson, as well as any and all other persons or entities acting or purporting to act on behalf of Jane Nelson, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population



deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.



24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

Kenneth Parreno\*

Massachusetts BBO No. 705747

110 Broadway Street, #300

San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Representative Mike Schofield  
Texas Capitol, 1100 Congress Ave., Room E2.410, Austin, TX 78701

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

s/Nina Perales

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Mike Schofield, as well as any and all other persons or entities acting or purporting to act on behalf of Mike Schofield, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that



an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the House Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach, publicity,

public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee



on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

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\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*



**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Paul Bettencourt  
Texas Capitol, 1100 Congress Ave., Room 3E.16, Austin, TX 78701

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment.

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

s/Nina Perales

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.

## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Paul Bettencourt, as well as any and all other persons or entities acting or purporting to act on behalf of Paul Bettencourt, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.



## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,



publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)

during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,



CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

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Massachusetts BBO No. 705747

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San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

## UNITED STATES DISTRICT COURT

for the

Western District of Texas



League of United Latin American Citizens, et al.

*Plaintiff*

v.

Greg Abbott, et al.

*Defendant*

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Senator Robert Nichols  
Texas Capitol, 1100 Congress Ave., Room E1.704, Austin, TX 78701☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See attachment

Place: MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Date and Time:

05/26/2022 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/26/2022

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

s/Nina Perales

*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Civil Action No. 3:21-cv-00259-DCG-JES-JVB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
 \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Lead Case]

**ATTACHMENT A: SUBPOENA FOR DOCUMENTS AND RECORDS**

Pursuant to Rules 30, 34 and 45 of the Federal Rules of Civil Procedure, you are commanded to produce at the time, date and place set forth in the Subpoena the following documents, electronically stored information or objections specified in Section IV below, and permit their inspection, copying, testing or sampling of the material in accordance with the Definitions and Instructions set forth below. Further, you are directed to supplement this production as provided by the same Rules. Unless counsel for the parties make another agreement, documents are to be produced at 110 Broadway, Suite 300, San Antonio, Texas 78205.

Your responses, any objections and all responsive documents within your custody, possession or control must be served on the undersigned attorneys by the date listed on the subpoena.



## **I. DEFINITIONS**

Pursuant to Local Rule CV-26(b), the full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

- (1) Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) Document. The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) Identify (With Respect to Documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- (5) Parties. The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- (6) Person. The term “person” means any natural person or business, legal or governmental entity or association, or unincorporated association.
- (7) Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

In addition to definitions set forth in Local Rule CV-26(b), the following definitions apply to all discovery requests:

- (8) Latino opportunity district. The term “Latino opportunity district” has the same meaning as in the opinion of the court in *Abbott v. Perez*, 138 S. Ct. 2305 (2018).
- (9) Latino or Hispanic. The terms “Hispanic” or “Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>1</sup>
- (10) HVAP. The term “HVAP” means Hispanic Voting Age Population.
- (11) HCVAP. The term “HCVAP” means Hispanic Citizen Voting Age Population.
- (12) SSVR. The term “SSVR” means Spanish Surname Voter Registration.
- (13) SSTO. The term “SSTO” means Spanish Surname Turnout. This is the number of Spanish surnamed voters who cast votes in an election. If expressed as a percent, this is the percent of all votes cast that were cast by Spanish surnamed voters.
- (14) As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any documents or information that might be deemed outside its scope by another construction.
- (15) The term “relating to” shall have its usual meaning and shall also specifically mean reflecting, related to, referring to, describing, representing, evidencing or constituting.
- (16) Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any persons or public or private entity having physical control thereof.
- (17) “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the users in making it, any stenographic, mechanical, electrical or other recording or a written transcription which is a substantially verbatim recital or an oral statement made by a person which is contemporaneously recorded.
- (18) “You” and “your” shall mean Robert Nichols, as well as any and all other persons or entities acting or purporting to act on behalf of Robert Nichols, including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

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<sup>1</sup> U.S. Census, “Hispanic or Latino Origin,” available at <https://www.census.gov/quickfacts/fact/note/US/RHI725219#:~:text=for%20racial%20categories,-Definition,%E2%80%A2Puerto%20Rican>

(19) The plural of any word used herein includes the singular, and the singular includes the plural.

(20) The past tense of any verb used herein includes the present tense, and the present tense includes the past tense.

(21) 87th Texas Legislature. The term “87th Texas Legislature” means all sessions of the 87th Texas Legislature, including but not limited to the regular session and the special sessions.

(22) “House Bill 1” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(23) “Senate Bill 4” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(24) “Senate Bill 6” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(25) “Senate Bill 7” means the bill with that number in the third-called special session of the 87th Texas Legislature.

(26) “Legislator” or “member of the Texas Legislature” or “member of the Legislature” means a past or present elected member of the Texas House of Representatives (“Texas House”) or the Texas Senate, including such member’s past or present employees, legislative office staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body of which the elected member is a member.

(27) “Staff.” The term “staff” means an individual or group of individuals charged with carrying out the work of your legislative office or campaign, whether paid or volunteer.

(28) “Map drawer.” The term “map drawer” means any individual who created, composed, drew or revised the boundaries of any district for a Texas redistricting plan, including but not limited to assigning geography into and out of any district using geographic information system (GIS) software.

## II. INSTRUCTIONS

A. Regarding documents called for by these requests as to which you claim a privilege or which you contend are not subject to production, please provide a list that describes each document and that states with respect to each such document:

1. the type of document (*e.g.*, letter, memorandum, report, etc.);
2. the date;
3. the title;
4. the number of pages;
5. the author or addressor;
6. the names and address or addresses of any persons who have received and/or who have obtained a copy of the document;
7. the subject matter of the document;
8. the factual and legal basis of the claim or privilege or ground of non-production asserted with respect to the document; and
9. any other information which, without revealing the information which is itself privileged or protected, will enable the plaintiffs to assess the application of the privilege asserted, pursuant to Rule 45(e)(2)(A).

B. If you contend that you are unable to produce fully and completely the documents requested herein, or any portion thereof, after exercising due diligence to locate those documents, please so state, specifying the basis for such limited production, the reasons for the inability to produce the documents requested, whether said documents have been destroyed and why, and whatever information or knowledge that you have related to the location of such documents.

C. In the event that a responsive document has been destroyed or has passed out of your possession, custody or control, please identify the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

D. If you contend that it would be unreasonably burdensome to obtain and provide all of the documents called for in response to any portion of these requests, then in response to each such request you shall:

1. Produce all documents and requested information that may be provided without undertaking what you contend to be an unreasonable burden; and
2. Set forth the specific steps that would be required to obtain and produce all additional responsive documents and explain why you contend that each of those additional steps would be unreasonably burdensome.

E. Unless the context clearly requires otherwise, this request for documents includes all documents within your custody or control; those within the custody or control of each of your attorneys, agents, associates and/or employees; and those to which any of these persons has access.

F. Documents should be produced in a form consistent with any agreement concerning production format entered in this action.

G. If the documents are provided on an FTP site, all documents must be produced in a way that makes clear the exact location on the FTP site of materials responsive to each numbered request.

H. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person.

I. All references in these requests to any entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

J. Organize all documents to correspond to each request below. For all items produced, identify the names of the person from whom such files were provided.

K. Respond to each request separately and label or otherwise designate which documents are responsive to each request. If a document is responsive to more than one request, identify each of the requests as to which that document is responsive.

L. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the document should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by the Court.

M. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

N. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that

an answer is in some material respect incomplete or incorrect. If you expect to obtain further information or expect the accuracy of a response given to change between the time responses are served and the time of trial, you are requested to state this fact in each response.

### **III. WARNINGS**

A. A failure to produce the documents requested on time without adequate excuse may result in the Court holding you in contempt under Rule 45(g) of the Federal Rules of Civil Procedure.

### **IV. DOCUMENTS TO BE PRODUCED**

1. All documents relating to any redistricting proposal for the Texas Senate, including but not limited to Plan S2168, Senate Bill 4, any draft or introduced amendments to Senate Bill 4, or any other Texas Senate redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;
- d. the pairing of any incumbents in any such redistricting proposal;

- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

2. All documents relating to any redistricting proposal for the Texas State Board of Education (“SBOE”), including but not limited to Plan E2106, Senate Bill 7, any draft or introduced amendments to Senate Bill 7, or any other Texas SBOE redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;



- d. the pairing of any incumbents in any such redistricting proposal;
- e. any amendment, whether partial or total, to each such redistricting proposal;
- f. communications, including but not limited to negotiations, regarding any redistricting proposal; and
- g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

3. All documents relating to any redistricting proposal for the Texas House of Representatives (“Texas House”), including but not limited to Plan H2316, House Bill 1, any draft or introduced amendments to House Bill 1, or any other Texas House redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

- a. the origination(s) or source(s) of any such redistricting proposal;
- b. the impetus, rationale, background or motivation for any such redistricting proposal;
- c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal..

4. All documents relating to any redistricting proposal for the Texas delegation to the United States House of Representatives, including but not limited to Plan C2193, Senate Bill 6, any draft or introduced amendments to Senate Bill 6, or any other congressional redistricting proposal developed, seen, introduced, discussed or considered by any person. This request includes but is not limited to documents relating to:

a. the origination(s) or source(s) of any such redistricting proposal;

b. the impetus, rationale, background or motivation for any such redistricting proposal;

c. all drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files or datasets used in mapping software, each RED report, each PAR report, demographic data, election data, and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population

deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, citizenship or changing Census geography;

d. the pairing of any incumbents in any such redistricting proposal;

e. any amendment, whether partial or total, to each such redistricting proposal;

f. communications, including but not limited to negotiations, regarding any redistricting proposal; and

g. all calculations, reports, audits, estimates, projections, or other analyses, from any source, relating to the effect or impact, of any kind—including on (1) Latino voters, (2) existing or emerging Latino opportunity districts, (3) SSTO, (4) the likelihood of success for Republican or Democratic candidates in any HVAP, HCVAP or SSVR majority district—that could result from the implementation of any such redistricting proposal.

5. All documents relating to the process by which a member of the Legislature would propose changes to or comment on redistricting plans or any amendments to redistricting plans, prior to enactment of those plans, for the United States House of Representatives, Texas House of Representatives, Texas Senate or Texas SBOE.

6. All documents relating to the process by which the Senate Special Committee on Redistricting would hear, consider, review, evaluate, amend, propose changes to, vote on, invite testimony about, receive testimony about, or consider testimony on redistricting plans or any amendments to redistricting plans for the United States House of Representatives, Texas House, Texas Senate or Texas SBOE, including but not limited to planning, timing, hearings, outreach,

publicity, public or expert participation, deadlines, limitations, notetaking, staffing or persons or entities involved.

7. All documents relating to voting behavior in Texas elections by race, ethnicity or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, information related to racially polarized voting or other analyses.

8. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas Senate complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

9. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas SBOE complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

10. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas House complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

11. For the time period of January 1, 2021 to the present, all documents relating to whether any redistricting plan for the Texas delegation to the United States House of

Representatives complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, memoranda, or analyses.

12. All documents relating to standards, requirements, norms, traditional practices or instructions for redistricting in compliance with applicable laws—including but not limited to the U.S. Constitution and the Voting Rights Act—including but not limited to any communications, memoranda, legal cases, analyses, trainings or presentations.

13. All documents relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives following the 2020 decennial Census and that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican

Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

14. All documents relating to apportionment of population that is not total population for redistricting of the Texas Senate, Texas House, congressional seats in Texas or the Texas SBOE from January 1, 2020 to the present, including but not limited to memoranda, public statements, correspondence, emails, meeting minutes, call logs, notes, presentations, studies, letters or other communications. “Apportionment of population that is not total population” includes but is not limited to apportionment based on citizen voting age population.

15. All documents relating to redistricting and Thomas Hofeller, Jerad Najvar, Andy Taylor or Eric Opiela, from January 1, 2018 to the present.

16. All documents from January 1, 2021 to the present, relating to changes in population by race, ethnicity, language minority status, or United States citizenship and relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives that were exchanged between, among, with or within: the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Secretary of State, the Office of the Attorney General, any legislator, any SBOE member or their staff, the House Committee on Redistricting or any member or staff thereof, the Senate Special Committee

on Redistricting or any member or staff thereof, the Conference Committee regarding the redistricting plan for the U.S. House of Representatives (Senate Bill 6) or any member thereof, the Texas Legislative Council, any member of the U.S. House of Representatives or their staff, any candidate for the office of U.S. Representative from Texas or their staff, any candidate for the Texas House or their staff, any candidate for the Texas Senate or their staff, any candidate for the SBOE or their staff, any campaign to represent Texas in the U.S. House of Representatives, any campaign for the Texas House, any campaign for the Texas Senate, any campaign for the Texas SBOE, any national political party, any state political party organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, the National Democratic Redistricting Committee, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Texas or their staff, any consultant, any member of the faculty of a college or university, any expert, any law firm or attorney, or any vendor, any other political or community group or organization.

17. All documents relating to payment for services; agreements of representation, consultation, employment, services, confidentiality or common interest; or any other type of contract relating to redistricting of the Texas House, Texas Senate, Texas SBOE or Texas delegation to the United States House of Representatives, including but not limited to documents referencing any of the following individuals or entities: Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any

employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

18. All documents relating to communications relating to redistricting of Texas seats in the U.S. House of Representatives, the Texas House, the Texas Senate or the Texas SBOE between, among, with or within any of the following individuals or entities: any member of the Texas Legislature, Anna Mackin, Sean Opperman, Adam Foltz, Forward Strategies LLC (Wisconsin) or any employee thereof, Chris Gober, Christopher D. Hilton, Matthew H. Frederick, Todd Disher, Butler Snow LLP or any employee thereof, Akin Gump Strauss Hauer & Feld LLP or any employee thereof, Michael Best Strategies or any employee thereof, Michael Best Consulting LLC or any employee thereof, any consultant, any political operative, any expert, any member of the faculty of a college or university, the Office of the Attorney General of Texas, any other law firm, any other attorney, any other vendor, or any other person or entity.

19. Produce all documents reflecting communications related to selecting, vetting, reviewing or retaining any map drawer for any of the following redistricting plans: C2193, H2316, S2168 or E2106.

20. Produce all documents, relating to any opportunity for public testimony to the Texas Legislature or any committee or subcommittee thereof—including but not limited to any public notice or document relating to the amount of time allocated for public testimony or the date(s)



during which public testimony would be allowed—between January 1, 2019 and October 25, 2021 on redistricting of the Texas House, Senate, SBOE or congressional districts.

21. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan S2168: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

22. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas Senate districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

23. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas Senate districts, from January 1, 2021 to the present: SD2, SD8, SD9, SD10, SD12, SD14, SD16, SD19, SD21, SD22, SD23, SD 24, SD25, SD26, or SD27.

24. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Senate District 27.

25. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas Senate district in Plan S2100, from January 1, 2021 to the present.

26. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan H2316: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, or HD150.

27. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas House districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145,

HD146, HD147, HD148, HD149, and HD150. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

28. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas House districts, from January 1, 2021 to the present: HD17, HD31, HD37, HD44, HD45, HD53, HD69, HD71, HD72, HD73, HD74, HD75, HD77, HD78, HD79, HD81, HD82, HD83, HD84, HD86, HD87, HD88, HD90, HD117, HD118, HD124, HD126, HD127, HD128, HD129, HD130, HD131, HD132, HD133, HD134, HD135, HD137, HD138, HD139, HD140, HD141, HD142, HD143, HD144, HD145, HD146, HD147, HD148, HD149, and HD150.

29. Please produce all documents reflecting communications made between or among you, your staff and any other person, from January 1, 2021 to the present, relating to the redistricting of House District 31, 37, 90 or 118.

30. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas House district in Plan H2100, from January 1, 2021 to the present.

31. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan C2193: CD2, CD6, CD7, CD8, CD9,

CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

32. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas congressional districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

33. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas congressional districts from January 1, 2021 to the present: CD2, CD6, CD7, CD8, CD9, CD10, CD12 CD15, CD18, CD22, CD24, CD23, CD25, CD27, CD28, CD29, CD30, CD32, CD33, CD35, CD36 or CD38.

34. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Congressional District 15, 23 or 35.

35. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas congressional district in Plan C2100, from January 1, 2021 to the present.

36. Produce all documents, for the time period January 1, 2021 to the present, relating to the actual or potential creation of a Latino opportunity district in any geographic areas encompassed by any or all of the following districts in Plan E2106: ED2, ED3, ED4, ED6, or ED8.

37. Produce all draft and final versions of documents—including but not limited to tables, reports or maps—detailing or reflecting any boundary change to any of the following Texas SBOE districts, whether or not those versions resulted in any proposal during the 87th Texas Legislature in 2021, that you created, worked on or saw between the dates January 1, 2021 and October 25, 2021: ED2, ED3, ED4, ED6, or ED8. This request includes all files saved to or stored in computer systems, including but not limited to the computer system provided by the Texas Legislative Council known as REDAPPL.

38. Produce all documents reflecting any change suggested, recommended or proposed by any person other than you or your staff to any of the following Texas SBOE districts, from January 1, 2021 to the present: ED2, ED3, ED4, ED6, or ED8.

39. Please produce all documents reflecting communications made during the 87th Legislature between or among you, your staff or any other person, from January 1, 2021 to the present, relating to the redistricting of Texas SBOE District 2 or 3.

40. Produce all documents reflecting or containing the criteria used to make changes to any boundary of any Texas SBOE district in Plan E2100, from January 1, 2021 to the present.

DATED: April 26, 2022

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

/s/ Nina Perales

Nina Perales

Texas Bar No. 24005046

Samantha Serna

Texas Bar No. 24090888

Fatima Menendez

Texas Bar No. 24090260

Kenneth Parreno\*

Massachusetts BBO No. 705747

110 Broadway Street, #300

San Antonio, TX 78205

(210) 224-5476

Fax: (210) 224-5382

\* Admitted pro hac vice

*Counsel for LULAC Plaintiffs*

**Certificate of Service**

The undersigned counsel hereby certifies that she served a true and correct copy of the above to all counsel of record on the 26th day of April 2022.

/s/ Nina Perales  
Nina Perales

# LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Meet and Confer Regarding Privilege Log for Legislators (May 26, 2022 Production)

Kenneth Parreno

Tue 6/28/2022 6:59 PM

To: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>;

Cc: Nina Perales <nperales@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>; Samantha Serna <sserna@MALDEF.org>;

Good evening,

I am writing to meet and confer regarding the missing privilege log associated with the production of documents in response to subpoenas served on the following individuals:

1. State Rep. Mike Schofield
2. State Sen. Donna Campbell
3. State Sen. Paul Bettencourt
4. State Sen. Brian Birdwell
5. State Sen. Bryan Hughes
6. State Sen. Robert Nichols
7. State Sen. Jane Nelson
8. State Sen. Charles Perry

On April 26, 2022, LULAC Plaintiffs served document subpoenas on these individuals (the "Legislators") through their counsel. On May 26, 2022, counsel for the Legislators produced some documents to LULAC Plaintiffs in response to those document subpoenas. Pursuant to the parties' Stipulated ESI Agreement, the privilege log in connection with that production was due Monday, June 27, 2022. *See* Dkt. 203 at 16. However, LULAC Plaintiffs have not yet received a privilege log, despite the Legislators potentially asserting, among other things, the legislative privilege, the deliberative-process privilege, the attorney-client privilege, and the work product doctrine.

Accordingly, this email constitutes an attempt to confer on the Legislators' missing privilege log. Please ensure that a privilege log for the Legislators is produced by July 1, 2022 so that LULAC Plaintiffs can assess the propriety of the privileges asserted by the Legislators.

Thank you,  
Kenneth

Kenneth Parreno  
Staff Attorney  
MALDEF | [www.maldef.org](http://www.maldef.org)  
110 Broadway, Suite 300, San Antonio, Texas 78205  
t 210.224.5476 / f 210.224.5382  
[kparreno@maldef.org](mailto:kparreno@maldef.org)



## LULAC v. Abbott, No. 3:21-cv-259 (Redistricting), Privilege Log

Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Fri 7/1/2022 6:43 PM

To: Kenneth Parreno <Kparreno@MALDEF.org>; Samantha Serna <sserna@MALDEF.org>; Nina Perales <nperales@MALDEF.org>;

Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>;

📎 1 attachment

LULAC Subpoenas - Privilege Log - 07.01.2022.pdf;

Good evening counsel,

Please see the attached privilege log for documents withheld in connection with the subpoenas sent to Senators Charles Perry, Paul Bettencourt, Brian Birdwell, and Robert Nichols.

We are still reviewing documents for Representative Schofield, Senator Hughes, Senator Campbell, and Senator Nelson. We expect produce those documents and a privilege log in connection with any withheld documents next week.

Happy 4<sup>th</sup>. Sincerely,

Jack DiSorbo

---

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

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Entry	Control Number	Custodian	File Extension	Author	Date Created	Date Sent	To	From	CC	BCC	Privilege Claim	Description
1	DOC_0357127	Senator Charles Perry	PDF		11/16/2020						Legislative	Confidential calendar entry relating to meeting regarding redistricting.
2	DOC_0357128	Senator Charles Perry	PDF		12/2/2020						Legislative	Confidential calendar entry relating to meeting regarding redistricting.
3	DOC_0357212	Senator Charles Perry	MSG			10/20/2021	Charles Perry; Rob Callan (attorney) (General Counsel to Sen. Perry)	Matthew Dowling (Chief of Staff to Sen. Perry)			Legislative	Confidential communication between Senator Perry and staff regarding draft statement on Congressional, Texas Senate, and Texas House redistricting maps and other legislation, reflecting legislatively privileged thoughts, opinions, and mental impressions.
4	DOC_0357214	Senator Charles Perry	MSG			10/25/2021	Charles Perry	Matthew Dowling (Chief of Staff to Sen. Perry)			Legislative	Confidential communication between Senator Perry and staff regarding draft statement on Congressional, Texas Senate, and Texas House redistricting maps and other legislation, reflecting legislatively privileged thoughts, opinions, and mental impressions.

5	DOC_0357338	Senator Charles Perry	MSG	10/25/2021	Matthew Dowling (Chief of Staff to Sen. Perry)	Charles Perry	Legislative	Confidential communication between Senator Perry and staff regarding draft statement on Congressional, Texas Senate, and Texas House redistricting maps and other legislation, reflecting legislatively privileged thoughts, opinions, and mental impressions.
6	DOC_0357443	Senator Charles Perry	DOCX	7/25/2019			Legislative	Confidential notes describing a timeline of events in Texas redistricting cases, created for the purpose of working on redistricting legislation.
7	DOC_0357444	Senator Charles Perry	DOCX	7/25/2019			Legislative	Confidential notes describing a timeline of events in Texas redistricting cases, created for the purpose of working on redistricting legislation.
8	DOC_0357446	Senator Charles Perry	PDF	1/8/2019			Legislative	Confidential document describing a timeline of events related to redistricting in Texas in the 2010s, created for the purpose of working on redistricting legislation.

9	DOC_0357447	Senator Charles Perry	XLSX	8/25/2021			Legislative	Data on Texas counties related to draft redistricting legislation, gathered for the purpose of working on redistricting legislation.
10	DOC_0357448	Senator Charles Perry	MSG	1/25/2021	Aaron Harris; Alexander Hammond; Angus Lupton; Anna Barnett; Anna Mackin; Britton Davis; Caity Jackson; Carrie Smith; Cody Terry; Deisy Jaimes; Doug Clements; Drew Tedford; Glen Austin; Grecia Galvan; Jason Kirksey; Koy Kunkel; Lara Wendler; Luis Moreno; Marc Salvato; Matthew Dowling; Paul Emerson; Pearl Cruz; Randy Samuelson; Ruben O'Bell; Rudy England; Ryan Alter; Shari Shivers; Shelby Conine; Stacey Chamberlin; Sushma Smith; Tomas Larralde; Tony Wen	Sean Opperman (attorney)	Legislative	Confidential communication regarding hearing on redistricting and registration procedures for hearing.

11	DOC_0357466	Senator Charles Perry	DOCX	7/25/2019	Legislative	Confidential notes describing a timeline of events in Texas redistricting cases, created for the purpose of working on redistricting legislation.
12	DOC_0357467	Senator Charles Perry	DOCX	10/31/2019	Legislative	Confidential document in which information on redistricting terminology is compiled, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.
13	DOC_0357468	Senator Charles Perry	DOCX	10/31/2019	Legislative	Confidential document in which information on the redistricting process is compiled, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.
14	DOC_0357471	Senator Charles Perry	PDF	1/21/2021	Legislative	Confidential draft of document describing Senate protocols for the Redistricting Committee's regional hearings, created in preparation for redistricting hearings and working on redistricting legislation.

15	DOC_0357477	Senator Charles Perry	MSG	2/5/2021	Sean Opperman (attorney)	Legislative	Confidential communication regarding procedures for sharing materials among senators and staff related to draft redistricting legislation.
16	DOC_0357478	Senator Charles Perry	DOCX	10/31/2019		Legislative	Confidential document containing information summarizing redistricting legal requirements, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.
17	DOC_0357479	Senator Charles Perry	DOCX	10/31/2019		Legislative	Confidential document containing information summarizing a redistricting-related events in the 1990s, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.
18	DOC_0357480	Senator Charles Perry	DOCX	10/31/2019		Legislative	Confidential document containing information summarizing a redistricting-related events in the 2000s, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.

19	DOC_0357481	Senator Charles Perry	DOCX	10/31/2019	Legislative	Confidential document containing information summarizing a redistricting-related events in the 1980s, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.
20	DOC_0357482	Senator Charles Perry	DOCX	10/31/2019	Legislative	Confidential document containing information summarizing a redistricting-related events in the 2010s, created for the purpose of considering redistricting legislation, and implicating legislatively privileged thoughts, opinions, and mental impressions.

## Re: LULAC v. Abbott, No. 3:21-cv-259 (Redistricting), Privilege Log

Kenneth Parreno

Sun 7/10/2022 7:28 PM

To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Nina Perales <nperales@MALDEF.org>;

Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>;

Good evening,

On July 6, 2022, LULAC Plaintiffs received a link with documents from the following individuals in response to LULAC Plaintiffs' document subpoenas: Senator Bryan Hughes, Senator Jane Nelson, Senator Donna Campbell, and Representative Mike Schofield. In your email below, you stated that you expected to provide last week a privilege log in connection with any documents withheld by those individuals. Please advise on the status of that privilege log.

Thank you,  
Kenneth

---

**From:** Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

**Sent:** Friday, July 1, 2022 6:42 PM

**To:** Kenneth Parreno; Samantha Serna; Nina Perales

**Cc:** Patrick Sweeten; Will Thompson; Munera Al-Fuhaid; Ari Herbert; Courtney Corbello; Ryan Kercher

**Subject:** LULAC v. Abbott, No. 3:21-cv-259 (Redistricting), Privilege Log

Good evening counsel,

Please see the attached privilege log for documents withheld in connection with the subpoenas sent to Senators Charles Perry, Paul Bettencourt, Brian Birdwell, and Robert Nichols.

We are still reviewing documents for Representative Schofield, Senator Hughes, Senator Campbell, and Senator Nelson. We expect produce those documents and a privilege log in connection with any withheld documents next week.

Happy 4<sup>th</sup>. Sincerely,

Jack DiSorbo

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Jack DiSorbo

Assistant Attorney General, Special Litigation Unit

Office of the Attorney General

Work: (512) 936-1067

Cell: (713) 628-7407

[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)



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# LULAC v. Abbott, No. 3:21-cv-259 (Redistricting), Privilege log for additional subpoena recipients

Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>

Fri 7/15/2022 4:42 PM

To: Nina Perales <nperales@MALDEF.org>; Kenneth Parreno <Kparreno@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>;

Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Taylor Meehan <taylor@consovoymccarthy.com>; Frank Chang <frank@consovoymccarthy.com>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>;

📎 1 attachment

Privilege Log - Additional LULAC Subpoenas.pdf;

Counsel,

Please see the attached privilege log, describing documents withheld in connection with the subpoenas the LULAC plaintiffs sent to:

- i. Representative Mike Schofield;
- ii. Senator Bryan Hughes;
- iii. Senator Paul Bettencourt;
- iv. Senator Donna Campbell;
- v. Senator Jane Nelson;
- vi. Senator Brian Birdwell;
- vii. Senator Charles Perry; and
- viii. Senator Robert Nichols.

Sincerely, Jack DiSorbo

---

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

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
1	DOC_0362782	Representative Mike Schofield		Mike Schofield	6/16/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
2	DOC_0362783	Representative Mike Schofield		Nancy Watkins	10/28/2020					Legislative	Legislative redistricting guide prepared by TLC, used in furtherance of considering redistricting legislation.
3	DOC_0362784	Representative Mike Schofield		Mike Schofield	7/14/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
4	DOC_0362785	Representative Mike Schofield		Mike Schofield	9/27/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
5	DOC_0362786	Representative Mike Schofield		Mike Schofield	6/1/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
6	DOC_0362787	Representative Mike Schofield		Mike Schofield	6/1/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
7	DOC_0362788	Representative Mike Schofield			9/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
8	DOC_0362789	Representative Mike Schofield			9/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
9	DOC_0362790	Representative Mike Schofield			9/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
10	DOC_0362791	Representative Mike Schofield			9/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
11	DOC_0362792	Representative Mike Schofield			9/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
12	DOC_0362793	Representative Mike Schofield			6/10/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
13	DOC_0362799	Representative Mike Schofield			6/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
14	DOC_0362800	Representative Mike Schofield			6/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
15	DOC_0362806	Representative Mike Schofield			9/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
16	DOC_0362808	Representative Mike Schofield		Brad Shields	8/31/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
17	DOC_0362809	Representative Mike Schofield			10/6/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
18	DOC_0362810	Representative Mike Schofield			10/6/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
19	DOC_0362811	Representative Mike Schofield			10/6/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
20	DOC_0362812	Representative Mike Schofield			10/6/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
21	DOC_0362813	Representative Mike Schofield			10/6/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
22	DOC_0362817	Representative Mike Schofield			10/5/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
23	DOC_0362818	Representative Mike Schofield			10/5/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
24	DOC_0362820	Representative Mike Schofield		Mike Schofield	9/30/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
25	DOC_0362821	Representative Mike Schofield			9/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
26	DOC_0362822	Representative Mike Schofield			9/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
27	DOC_0362823	Representative Mike Schofield			9/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
28	DOC_0362824	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
29	DOC_0362825	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
30	DOC_0362826	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.



Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
31	DOC_0362827	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
32	DOC_0362828	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
33	DOC_0362829	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
34	DOC_0362830	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
35	DOC_0362831	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
36	DOC_0362832	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
37	DOC_0362833	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
38	N/A	Representative Mike Schofield									Representative Schofield possesses a RedAppl account, and within that account there data files relating to draft electoral maps. These RedAppl files reveal his thoughts, opinions, and mental impressions on draft redistricting legislation in the course of the redistricting process.
39	PDOC_006573	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
40	PDOC_006574	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
41	PDOC_006575	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
42	PDOC_006577	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
43	PDOC_006578	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
44	PDOC_006579	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
45	PDOC_006580	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
46	PDOC_006586	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
47	PDOC_006646	Representative Mike Schofield			3/26/2021	Members of the 87th Legislature	Jeff Archer			Legislative; Attorney-Client	Confidential communication from TLC to members of the 87th Legislature relating to draft redistricting legislation.
48	PDOC_006648	Representative Mike Schofield			10/12/2021					Legislative	Confidential summary of legislative proceedings, used in furtherance of considering redistricting legislation.
49	PDOC_006715	Representative Mike Schofield								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
50	PDOC_006724	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
51	PDOC_006725	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
52	PDOC_006726	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
53	PDOC_006729	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
54	PDOC_006730	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
55	PDOC_006731	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
56	PDOC_006736	Representative Mike Schofield								Legislative; Attorney-Client	Confidential internal notes on draft redistricting legislation, including notes on legal considerations, used in furtherance of considering redistricting legislation.
57	PDOC_006738	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
58	PDOC_006739	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
59	PDOC_006745	Representative Mike Schofield			10/3/2021	Members of the House Redistricting Committee	Representative Penny Morales Shaw			Legislative	Confidential communication from Representative Morales Shaw to members of the House regarding draft redistricting legislation.
60	PDOC_006747	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
61	PDOC_006748	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
62	DOC_0357048	Senator Brian Birdwell	PDF		1/20/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
63	DOC_0357052	Senator Brian Birdwell	PDF		10/6/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding draft statements relating to legislative redistricting process.
64	DOC_0357054	Senator Brian Birdwell	PDF		9/13/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
65	DOC_0357055	Senator Brian Birdwell	PDF		5/18/2022	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming meeting with Senator Huffman relating to draft redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
66	DOC_0357061	Senator Brian Birdwell	PDF		11/13/2020					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
67	DOC_0357062	Senator Brian Birdwell	PDF		5/18/2022	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
68	DOC_0362861	Senator Bryan Hughes			10/7/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
69	DOC_0362862	Senator Bryan Hughes			10/8/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
70	DOC_0362863	Senator Bryan Hughes			10/8/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.



Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
71	DOC_0362864	Senator Bryan Hughes			10/8/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
72	DOC_0362865	Senator Bryan Hughes			10/8/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
73	DOC_0362866	Senator Bryan Hughes			10/8/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
74	N/A	Senator Bryan Hughes									Senator Hughes possesses a RedAppl account, and within that account there data files relating to draft electoral maps. These RedAppl files reveal his thoughts, opinions, and mental impressions on draft redistricting legislation in the course of the redistricting process.
75	DOC_0357127	Senator Charles Perry	PDF		11/16/2020					Legislative	Invitation to confidential meeting with Senator Huffman to discuss draft redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
76	DOC_0357128	Senator Charles Perry	PDF		5/13/2022					Legislative	Calendar entry for confidential meeting relating to draft redistricting legislation.
77	DOC_0357212	Senator Charles Perry	MSG		10/20/2021	Charles Perry; Rob Callan	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
78	DOC_0357214	Senator Charles Perry	MSG		10/25/2021	Charles Perry	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
79	DOC_0357338	Senator Charles Perry	MSG		10/25/2021	Matthew Dowling	Charles Perry			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
80	DOC_0357471	Senator Charles Perry	PDF	Matthew Dowling	1/21/2021					Legislative	Internal notes regarding senate redistricting committee hearing procedural protocols.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
81	PDOC_004880	Senator Charles Perry		Matthew Dowling						Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
82	N/A	Senator Donna Campbell									Senator Campbell possesses a RedAppl account, and within that account there data files relating to draft electoral maps. These RedAppl files reveal her thoughts, opinions, and mental impressions on draft redistricting legislation in the course of the redistricting process.
83	N/A	Senator Jane Nelson									Senator Nelson possesses a RedAppl account, and within that account there data files relating to draft electoral maps. These RedAppl files reveal her thoughts, opinions, and mental impressions on draft redistricting legislation in the course of the redistricting process.
84	PDOC_006501	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
85	PDOC_006504	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
86	PDOC_006522	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
87	PDOC_006523	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
88	PDOC_006524	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
89	DOC_0356877	Senator Paul Bettencourt	PDF	Texas Legislative Council	12/30/2020					Legislative; Attorney-Client	Legislative redistricting guide prepared by TLC, used in furtherance of considering redistricting legislation.
90	DOC_0356883	Senator Paul Bettencourt	PDF		8/2/2019	Paul Bettencourt	Joan Huffman			Legislative	Confidential communication from Senator Huffman to Senator Bettencourt regarding legislative activity relating to redistricting.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
91	DOC_0356900	Senator Paul Bettencourt	PDF	Ashley Brooks	9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
92	DOC_0356933	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/22/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
93	DOC_0356936	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
94	DOC_0356937	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
95	DOC_0356938	Senator Paul Bettencourt	PDF		1/7/2013					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
96	DOC_0356939	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
97	DOC_0356940	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
98	DOC_0356941	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
99	DOC_0356942	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
100	DOC_0356947	Senator Paul Bettencourt	PDF	Nancy Watkins	10/28/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
101	DOC_0356950	Senator Paul Bettencourt	JPG		9/23/2021	Lois Kolkhorst	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
102	DOC_0356951	Senator Paul Bettencourt	JPG		9/23/2021	Cecil Bell	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
103	DOC_0356952	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
104	DOC_0356953	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
105	DOC_0356954	Senator Paul Bettencourt	JPG		9/27/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
106	DOC_0356955	Senator Paul Bettencourt	JPG		9/27/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
107	DOC_0356956	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
108	DOC_0356957	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
109	DOC_0356958	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
110	DOC_0356959	Senator Paul Bettencourt	JPG		10/1/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.



Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
111	DOC_0356961	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
112	DOC_0356962	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
113	DOC_0356963	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
114	DOC_0356966	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/24/2020					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
115	DOC_0356967	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
116	DOC_0356968	Senator Paul Bettencourt	DOCX	Sean Opperman	9/24/2021					Legislative	Typed notes from senate redistricting committee hearing.
117	DOC_0356970	Senator Paul Bettencourt	DOCX	Sean Opperman	9/25/2021					Legislative	Typed notes from senate redistricting committee hearing.
118	DOC_0356971	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
119	DOC_0356972	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
120	DOC_0356973	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
121	DOC_0356974	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
122	DOC_0356976	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
123	DOC_0356977	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
124	DOC_0356978	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
125	DOC_0356979	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
126	DOC_0356980	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
127	DOC_0356981	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
128	DOC_0356982	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
129	DOC_0356983	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
130	DOC_0356984	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
131	DOC_0356985	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
132	DOC_0356986	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
133	DOC_0356987	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
134	DOC_0356989	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
135	DOC_0356990	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
136	DOC_0356991	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
137	DOC_0356992	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
138	DOC_0356993	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
139	DOC_0356994	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
140	DOC_0356995	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
141	DOC_0356996	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
142	DOC_0356997	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
143	DOC_0356998	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
144	DOC_0356999	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
145	DOC_0357000	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
146	PDOC_004897	Senator Paul Bettencourt								Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
147	PDOC_005258	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
148	PDOC_005272	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
149	PDOC_005278	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
150	N/A	Senator Robert Nichols									Senator Nichols possesses a RedAppl account, and within that account there data files relating to draft electoral maps. These RedAppl files reveal his thoughts, opinions, and mental impressions on draft redistricting legislation in the course of the redistricting process.



Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
151	PDOC_005723	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
152	PDOC_005921	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
153	PDOC_006001	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
154	PDOC_006010	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
155	PDOC_006015	Senator Robert Nichols			1/21/2020	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
156	PDOC_006050	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
157	PDOC_006058	Senator Robert Nichols			9/3/2021	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
158	PDOC_006061	Senator Robert Nichols			8/2/2019	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
159	PDOC_006065	Senator Robert Nichols			10/30/2019	Joan Huffman	Beverly Powell			Legislative	Confidential communication regarding draft redistricting legislation and redistricting considerations.

Entry	Control Number	Custodian	File	Author	Date Created or Sent	To	From	CC	BCC	Privilege Claim	Description
160	PDOC_006125	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.



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August 9, 2022

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**RE: Meet and Confer Letter Regarding July 15, 2022 Privilege Log for LULAC Plaintiffs' Document Subpoenas, *LULAC v. Abbott*, No. 3:21-cv-259-DCG-JES-JVB (W.D. Tex.)**

Dear Counsel,

Following up on our conversation by Zoom yesterday (August 8, 2022), I am writing to meet and confer regarding the July 15, 2022 privilege log (the "Privilege Log") in connection with document subpoenas served on the following individuals: Representative Mike Schofield, Senator Bryan Hughes, Senator Paul Bettencourt, Senator Donna Campbell, Senator Jane Nelson, Senator Brian Birdwell, Senator Charles Perry, and Senator Robert Nichols (together, the "Legislators"). I am happy to set up a time to discuss by phone or Zoom anything raised in this letter. Please respond to this letter by August 11, 2022.

On April 26, 2022, LULAC Plaintiffs served document subpoenas on the Legislators. On May 26, 2022, counsel for the Legislators produced some documents to LULAC Plaintiffs in response to those document subpoenas, but did not timely produce a privilege log.

On June 28, 2022, counsel LULAC Plaintiffs met and conferred by email with counsel for the Legislators, requesting the privilege log in connection with the Legislators' production. On July 1, 2022, the Legislators produced a partial privilege log—which contained 20 documents from only Senator Perry—and indicated they would supplement the privilege log at a later date.

On July 6, 2022, in response to their subpoenas, LULAC Plaintiffs received a link with documents from Senator Hughes, Senator Nelson, Senator Campbell and Representative Schofield. On July 10, 2022, counsel for LULAC Plaintiffs emailed counsel for the Legislators requesting an update on the status of the supplemental privilege log. On July 15, 2022, counsel for the Legislators served a supplemental privilege log (the Privilege Log), which listed documents for all Legislators.

LULAC Plaintiffs seek the production of several documents listed in the Privilege Log. Additionally, LULAC Plaintiffs seek clarification regarding the information included for several entries. All documents at issue in this letter are listed in Exhibit A.

This letter serves as a meet and confer regarding the production of all documents listed in Exhibits A. In light of the forthcoming deadline to file a motion to compel in connection with the Privilege Log, we request that you respond to this letter by August 11, 2022.

#### **I. Clarification of Certain Individuals and Documents Listed in the Privilege Log.**

To further assess the Legislators' privilege assertions, LULAC Plaintiffs seek clarification regarding the information listed for some of the entries in the Privilege Log.

First, the Privilege Log lists (as authors or recipients) individuals who appear not to have been legislators or legislative staff at the time certain documents were created or shared. *See* Ex. B. For each of the following individuals listed in Exhibit B, please indicate during what time period, if any, the individual was an employee of the Texas Legislature:

- Brad Shields
- Rob Callan
- Bryan Dunaway

Second, the Privilege Log describes several documents as “internal notes” (including “Confidential internal notes on draft redistricting legislation”). *See* Ex. D. Because information in these “internal notes” may fall outside of the scope of the privileges asserted, please provide further detail regarding whether these “internal notes” contain underlying data or other fact-based information that is not subject to the legislative privilege, including data relating to redistricting legislation (including but not limited to demographic data, alternative maps, information on voting behavior, or data on

election performance). *See infra*, Section II; *see also* Dkts. 447 at 7-8, 11-12 and 521 at 9-10.

Third, the Privilege Log describes several other documents simply as “[c]onfidential communication[s],” including as “[C]onfidential communication[s] regarding draft redistricting legislation.” *See* Ex. E. As with the documents listed in Exhibit D, the information in the communications listed in Exhibit E may fall outside of the scope of the privileges asserted. Accordingly, please provide further detail regarding whether these documents contain underlying data or other fact-based information that is not subject to the legislative privilege, including data relating to redistricting legislation (including but not limited to demographic data, alternative maps, information on voting behavior, or data on election performance). *See infra*, Section II; *see also* Dkts. 447 at 7-8, 11-12 and 521 at 9-10.

## II. Improper Assertions of the Legislative Privilege

LULAC Plaintiffs seek several documents listed in the Privilege Log for largely the same reasons articulated in their previous motion to compel document subpoenas from legislators and other officials. *See* Dkt. 447. Those documents should be disclosed because, among other reasons:<sup>1</sup>

- They reflect communications with third parties—based on the information currently available to LULAC Plaintiffs—and/or reflect public information that was not a part of an internal exchange, thereby waiving the legislative privilege and/or attorney-client privilege. Exs. B and C; *see also* Dkts. 447 at 5-7, 12-13 and 521 at 5-6.
- They contain data or other facts that are not protected by the legislative privilege and/or attorney-client privilege. Exs. F (data) and G (maps); *see also* Dkts. 447 at 7-8, 11-12 and 521 at 9-10.
- They reflect calendar entries, which are not subject to any protection. Ex. H; *see* Dkt. 447 at 8, 12-13.
- They reflect communications that occurred after the enactment of the challenged redistricting plans, and therefore could not be an integral part of the legislative process.<sup>2</sup> Ex. I; *see also* Dkt. 521 at 8.

Additionally, to the extent that the legislative privilege can be asserted over any of the documents identified above or otherwise included in Exhibit A, the privilege should

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<sup>1</sup> Additionally, to the extent that any supplemental information regarding the documents listed in Exhibits B and C indicate that these reasons apply, *see supra*, Section I, LULAC Plaintiffs intend to assert these reasons to support the disclosure of those documents.

<sup>2</sup> At a minimum, the legislative privilege does not apply to documents that were created after the date the challenged redistricting bills were sent to the Governor. All four challenged bills were sent to the Governor by October 19, 2021.

yield. *See Perez v. Perry*, No. SA-11-CV-360-OLG-JES-XR, 2014 WL 106927, at \*2 (W.D. Tex. Jan. 8, 2014). For each of these documents, the *Perez* factors weigh heavily in favor of disclosure, as articulated in LULAC Plaintiffs' previous motion to compel document subpoenas from legislators and other officials, as well as Private Plaintiffs' motion to compel portions of deposition testimony. *See* Dkts. 447 at 8-10 and 521 at 11-15.

In light of the above, please indicate which, if any, documents listed in Exhibit A that you intend to produce. If you do not intend to produce any documents absent an order of the Court, please state so.

\* \* \*

LULAC Plaintiffs reserve the right to raise additional issues with the Privilege Log, as necessary, though will of course endeavor to meet and confer regarding any additional issues. We hope that the parties can narrow the scope of disagreement or reach an amicable resolution without seeking Court intervention, and we look forward to your response by August 11, 2022.

Sincerely,



Nina Perales  
Kenneth Parreno  
Mexican American Legal Defense and  
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San Antonio, TX 78205

*Counsel for LULAC Plaintiffs*



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 12<sup>th</sup>, 2022

Nina Perales  
Kenneth Parreno  
Mexican American Legal Defense and  
Educational Fund (MALDEF)  
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Re: Response to Letter of August 9<sup>th</sup>, 2022

Dear Counsel,

We are in receipt of your letter of August 9<sup>th</sup>, 2022. This message addresses several subjects raised in that letter, all of which relate to the document production and privilege assertions of Representative Mike Schofield, Senator Bryan Hughes, Senator Charles Perry, Senator Jane Nelson, Senator Paul Bettencourt, and Senator Robert Nichols (the "Legislators"). As an initial matter, you note your upcoming deadline to file a motion to compel as to these Legislators. Letter at 2. As we have in past similar circumstances, we are willing to agree to extend that deadline in the interest of pursuing informal resolution of your concerns.

In addition, we anticipate that some disagreements may remain in response to this letter. During the meet and confer referenced in your letter, we discussed the possibility of reaching a stipulation or informal agreement relating to these documents, in light of the Fifth Circuit's staying the district court order to compel on legislator documents. We think this would be an appropriate way to save both parties' resources. Many, if not all, of the issues presented here were also presented in the United States' motion to compel, and will be addressed by the appeal. It would be most efficient to apply that forthcoming order to these discussions as well. If that is something LULAC plaintiffs are open to, we would be happy to meet and discuss.

To address specific points made in your letter, you seek additional information as to several individuals. Letter at 2.

- Rob Callan served as general counsel to Senator Charles Perry, leaving the office after the third called session of the 87<sup>th</sup> Legislature.
- Brad Shields and Bryan Dunaway are consultants, who have been employed at various times by Representative Schofield and Senator Bettencourt, respectively.



You seek additional information relating to legislators' personal notes on the draft redistricting legislation. Letter at 2-3. These notes relate to a number of different specific subjects, but all relate directly to the particular legislator's thoughts and mental impressions regarding the redistricting legislation. Additional information is not necessary because it is beyond debate that a legislator's personal notes regarding draft legislation are subject to legislative privilege. *See, e.g., LUPE v. Abbott*, No. 5:21-cv-844, 2022 WL 1667687, at \*6 (W.D. Tex. May 25, 2022) ("The State Legislators have additionally asserted the legislative privilege as to several internal documents such as notes and drafts of election legislation . . . These documents and communications are subject to the legislative privilege."), *stayed pending appeal*; *LULAC v. Abbott*, No. 3:21-cv-259, 2022 WL 2921793 at \*4-5 (W.D. Tex. July 25, 2022) (applying legislative privilege to notes), *stayed pending appeal*. We understand you may take the position that the legislative privilege should yield here. But the applicability of the legislative privilege is not in question.

You also seek additional information relating to confidential communications exchanged solely between members of the legislators and their staff. Letter at 3. As is the case for personal notes, the substance of confidential communications relating to pending legislation is without question subject to the legislative privilege. *LUPE*, 2022 WL 1667687 at \*6 ("communications with the State Legislators and their staff"); *LULAC*, 2022 WL 2921793 at \*4-5 (applying the legislative privilege to legislator communications). Additional information as to the substance of the confidential communications is therefore unnecessary and improper.

You also assert that a number of privilege assertions are improper.

- As to communications with third parties, Letter Ex. B, we maintain that such communications are protected by the legislative privilege where, as here, they are made in confidence and in furtherance of a legislator's legislative duties;
- As to the assertion that two documents address only public information, Letter Ex. C, these are Senator Bettencourt's personal notes regarding a committee hearing. They reveal his thoughts and mental impressions regarding those proceedings, including his thoughts and mental impressions as to the draft redistricting legislation. Those notes are not public data;
- As to the assertion that data is not protected by the legislative and attorney-client privilege, Letter Ex. F and Ex. G, we maintain that such information is privileged where, as here, it is used expressly in furtherance of considering legislation or seeking or providing legal advice;
- As to the assertion relating to calendar entries, Letter Ex. H, this entry is for a meeting that was not publicly available. As such, it is a confidential meeting and the subject and participants of that meeting would reveal Senator Perry's thoughts and mental impressions relating to draft redistricting legislation;

- As to the date of certain communications, Letter Exhibit I. We disagree that documents sent on October 20 and October 25 are not subject to the legislative privilege. To address two specific points:
  - DOC\_0357062 is listed as a communication sent on 05/10/2022. This is in error. The correct date the communication was sent is 10/20/2020.
  - DOC\_0357128 is listed as a communication sent on 05/10/2022. This is in error. The correct date the communication was sent is 12/02/2020.

We also disagree that the legislative privilege should yield in these circumstances. *Compare* Letter at 4.

We appreciate your letter, and your continued efforts to resolve your concerns informally. If there are any additional subjects you would like to discuss in response to this letter, please let us know.

Sincerely,

/s/ Jack DiSorbo  
Jack DiSorbo

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Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
16	DOC_0362808	Representative Mike Schofield		Brad Shields	08/31/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
92	DOC_0356933	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/22/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
111	DOC_0356961	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
112	DOC_0356962	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
113	DOC_0356963	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
114	DOC_0356966	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/24/2020					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
116	DOC_0356968	Senator Paul Bettencourt	DOCX	Sean Opperman	9/24/2021					Legislative	Typed notes from senate redistricting committee hearing.
117	DOC_0356970	Senator Paul Bettencourt	DOCX	Sean Opperman	9/25/2021					Legislative	Typed notes from senate redistricting committee hearing.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
76	DOC_0357128	Senator Charles Perry	PDF		10/20/2020					Legislative	Calendar entry for confidential meeting relating to draft redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
5	DOC_0362786	Representative Mike Schofield		Mike Schofield	06/01/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
6	DOC_0362787	Representative Mike Schofield		Mike Schofield	06/01/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
17	DOC_0362809	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
18	DOC_0362810	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
19	DOC_0362811	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
20	DOC_0362812	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
21	DOC_0362813	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
49	PDOC_006715	Representative Mike Schofield								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
86	PDOC_006522	Senator Jane Nelson								legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
87	PDOC_006523	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
88	PDOC_006524	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
91	DOC_0356900	Senator Paul Bettencourt	PDF	Ashely Brooks	9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
111	DOC_0356961	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
112	DOC_0356962	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
113	DOC_0356963	Senator Paul Bettencourt	XLSX	Bryan Dunaway	9/8/2021					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
114	DOC_0356966	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/24/2020					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
115	DOC_0356967	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential data used in furtherance of considering draft redistricting legislation.
147	PDOC_005258	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
148	PDOC_005272	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
149	PDOC_005278	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
7	DOC_0362788	Representative Mike Schofield			09/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
8	DOC_0362789	Representative Mike Schofield			09/22/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
9	DOC_0362790	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
10	DOC_0362791	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
11	DOC_0362792	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
12	DOC_0362793	Representative Mike Schofield			06/10/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
13	DOC_0362799	Representative Mike Schofield			06/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
14	DOC_0362800	Representative Mike Schofield			06/16/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
15	DOC_0362806	Representative Mike Schofield			09/20/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
17	DOC_0362809	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
18	DOC_0362810	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
19	DOC_0362811	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
20	DOC_0362812	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
21	DOC 0362813	Representative Mike Schofield			10/06/2021					Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
22	DOC_0362817	Representative Mike Schofield			10/05/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
23	DOC_0362818	Representative Mike Schofield			10/05/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
25	DOC_0362821	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
26	DOC_0362822	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
27	DOC_0362823	Representative Mike Schofield			09/30/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
28	DOC_0362824	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
29	DOC_0362825	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
30	DOC_0362826	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
31	DOC_0362827	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
32	DOC_0362828	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
33	DOC_0362829	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
34	DOC_0362830	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
35	DOC_0362831	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
36	DOC_0362832	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
37	DOC_0362833	Representative Mike Schofield			10/14/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
39	PDOC_006573	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
40	PDOC_006574	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
41	PDOC_006575	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
42	PDOC_006577	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
43	PDOC_006578	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
44	PDOC_006579	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
45	PDOC_006580	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
46	PDOC_006586	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
49	PDOC_006715	Representative Mike Schofield								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
50	PDOC_006724	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
58	PDOC_006739	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.



Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
61	PDOC_006748	Representative Mike Schofield								Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
66	DOC_0357061	Senator Brian Birdwell	PDF		11/13/2020	Brian Birdwell	Anna Barnett			Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
81	PDOC_004880	Senator Charles Perry		Matthew Dowling						Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
86	PDOC_006522	Senator Jane Nelson								legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
87	PDOC_006523	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
88	PDOC_006524	Senator Jane Nelson								Legislative	Data from confidential draft electoral map used in furtherance of considering draft redistricting legislation.
92	DOC_0356933	Senator Paul Bettencourt	PDF	U.S. Census Bureau	12/22/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
93	DOC_0356936	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
94	DOC_0356937	Senator Paul Bettencourt	PDF		10/1/2021					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
95	DOC_0356938	Senator Paul Bettencourt	PDF		1/7/2013					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
96	DOC_0356939	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
97	DOC_0356940	Senator Paul Bettencourt	PDF		12/12/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
98	DOC_0356941	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
99	DOC_0356942	Senator Paul Bettencourt	PDF		12/11/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
100	DOC_0356947	Senator Paul Bettencourt	PDF	Nancy Watkins	10/28/2020					Legislative	Confidential draft electoral map, used in furtherance of considering redistricting legislation.
118	DOC_0356971	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
119	DOC_0356972	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
120	DOC_0356973	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
121	DOC_0356974	Senator Paul Bettencourt	JPG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
122	DOC_0356976	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
123	DOC_0356977	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
124	DOC_0356978	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
125	DOC_0356979	Senator Paul Bettencourt	PDF		9/30/2021					Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
126	DOC_0356980	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
127	DOC_0356981	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
128	DOC_0356982	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
129	DOC_0356983	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
130	DOC_0356984	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
131	DOC_0356985	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
132	DOC_0356986	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
133	DOC_0356987	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
134	DOC_0356989	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
135	DOC_0356990	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
136	DOC_0356991	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
137	DOC_0356992	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
138	DOC_0356993	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
139	DOC_0356994	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
140	DOC_0356995	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
141	DOC_0356996	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
142	DOC_0356997	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
143	DOC_0356998	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
144	DOC_0356999	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
145	DOC_0357000	Senator Paul Bettencourt	PNG							Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
146	PDOC_004897	Senator Paul Bettencourt								Legislative	Confidential draft electoral maps, used in furtherance of considering redistricting legislation.
147	PDOC_005258	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
148	PDOC_005272	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.
149	PDOC_005278	Senator Paul Bettencourt								Legislative	Confidential comparison of draft electoral maps, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
1	DOC_0362782	Representative Mike Schofield		Mike Schofield	6/16/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
3	DOC_0362784	Representative Mike Schofield		Mike Schofield	07/14/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
4	DOC_0362785	Representative Mike Schofield		Mike Schofield	9/27/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
16	DOC_0362808	Representative Mike Schofield		Brad Shields	08/31/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
24	DOC_0362820	Representative Mike Schofield		Mike Schofield	09/30/2021					Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
51	PDOC_006725	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
52	PDOC_006726	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
53	PDOC_006729	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
54	PDOC_006730	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
55	PDOC_006731	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
57	PDOC_006738	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
60	PDOC_006747	Representative Mike Schofield								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
80	DOC_0357471	Senator Charles Perry	PDF	Matthew Dowling	01/21/2021					Legislative	Internal notes regarding senate redistricting committee hearing procedural protocols.
151	PDOC_005723	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
152	PDOC_005921	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
153	PDOC_006001	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
154	PDOC_006010	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
156	PDOC_006050	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.
160	PDOC_006125	Senator Robert Nichols								Legislative	Confidential internal notes on draft redistricting legislation, used in furtherance of considering redistricting legislation.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
62	DOC_0357048	Senator Brian Birdwell	PDF		1/20/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
63	DOC_0357052	Senator Brian Birdwell	PDF		10/06/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding draft statements relating to legislative redistricting process.
64	DOC_0357054	Senator Brian Birdwell	PDF		09/13/2021	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
65	DOC_0357055	Senator Brian Birdwell	PDF		05/18/2022	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming meeting with Senator Huffman relating to draft redistricting legislation.
67	DOC_0357062	Senator Brian Birdwell	PDF		10/20/2020	Brian Birdwell	Anna Barnett			Legislative	Confidential communication from Anna Barnett (Sen. Birdwell chief of staff) to Senator Birdwell regarding upcoming senate redistricting committee hearings.
68	DOC_0362861	Senator Bryan Hughes			10/07/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
69	DOC_0362862	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
70	DOC_0362863	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
71	DOC_0362864	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
72	DOC_0362865	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
73	DOC_0362866	Senator Bryan Hughes			10/08/2021					Legislative	Confidential communication between Senator Hughes and his staff regarding draft redistricting legislation for congressional districts.
77	DOC_0357212	Senator Charles Perry	MSG		10/20/2021	Charles Perry; Rob Callan	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
78	DOC_0357214	Senator Charles Perry	MSG		10/25/2021	Charles Perry	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
79	DOC_0357338	Senator Charles Perry	MSG		10/25/2021	Matthew Dowling	Charles Perry			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
84	PDOC_006501	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
85	PDOC_006504	Senator Jane Nelson			9/10/2021	Members of the Texas Senate	Joan Huffman			legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
90	DOC_0356883	Senator Paul Bettencourt	PDF		8/2/2019	Paul Bettencourt	Joan Huffman			Legislative	Confidential communication from Senator Huffman to Senator Bettencourt regarding legislative activity relating to redistricting.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
91	DOC_0356900	Senator Paul Bettencourt	PDF	Ashely Brooks	9/10/2021	Members of the Texas Senate	Joan Huffman			Legislative	Confidential communication from Senator Huffman to members of the Senate regarding expected release of Census data.
101	DOC_0356950	Senator Paul Bettencourt	JPG		9/23/2021	Lois Kolkhorst	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
102	DOC_0356951	Senator Paul Bettencourt	JPG		9/23/2021	Cecil Bell	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
103	DOC_0356952	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
104	DOC_0356953	Senator Paul Bettencourt	JPG			Marc Salvato	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
105	DOC_0356954	Senator Paul Bettencourt	JPG		9/27/2021	Brendon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
106	DOC_0356955	Senator Paul Bettencourt	JPG		9/27/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
107	DOC_0356956	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
108	DOC_0356957	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
109	DOC_0356958	Senator Paul Bettencourt	JPG		9/28/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
110	DOC_0356959	Senator Paul Bettencourt	JPG		10/1/2021	Brandon Creighton	Paul Bettencourt			Legislative	Confidential communication regarding draft redistricting legislation.
155	PDOC_006015	Senator Robert Nichols			01/21/2020	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
157	PDOC_006058	Senator Robert Nichols			09/03/2021	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
158	PDOC_006061	Senator Robert Nichols			08/02/2019	Robert Nichols	Joan Huffman			Legislative	Confidential communication regarding upcoming Senate Redistricting Committee hearing, and request for input and assistance.
159	PDOC_006065	Senator Robert Nichols			10/30/2019	Joan Huffman	Beverly Powell			Legislative	Confidential communication regarding draft redistricting legislation and redistricting considerations.

Entry	Control Number	Custodian	File Extension	Author(s)	Date Created	To	From	CC	BCC	Privilege Claim	Description
77	DOC_0357212	Senator Charles Perry	MSG		10/20/2021	Charles Perry; Rob Callan	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
78	DOC_0357214	Senator Charles Perry	MSG		10/25/2021	Charles Perry	Matthew Dowling			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.
79	DOC_0357338	Senator Charles Perry	MSG		10/25/2021	Matthew Dowling	Charles Perry			Legislative	Confidential communication between Senator Perry and his staff regarding draft statements relating to legislative redistricting process.