

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, et al.,

Plaintiffs,

v.

Civil Action No. 2:18-cv-0069

City of Virginia Beach, et al.,

Defendants.

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' SUPPLEMENTAL MOTION FOR
ENTRY OF A PROTECTIVE ORDER**

Defendants have now filed their *third* motion asking this Court to bifurcate this case into two discovery periods and two trials, and to preclude discovery and trial from proceeding on the “totality of circumstances” inquiry central to claims under Section 2 of the Voting Rights Act. This time the motion seeks to block validly issued subpoenas directed to councilmembers in their personal capacities, rather than in their official capacities in which they are parties to this case. It comes after defendants needlessly required plaintiffs to serve “individual capacity” subpoenas to people who are already parties to this lawsuit, after delaying the service of the subpoenas by weeks requiring an extension of the response time, and after defendants’ counsel indicated that they would *not* seek to limit the responses of the councilmembers in their personal capacity. This third motion should be denied for the same reasons as the other two. Plaintiffs will not repeat those arguments here, *see* Dkt. 78 & 84, but instead incorporate them herein.

Plaintiffs note, however, that defendants have essentially granted themselves this relief while awaiting this Court’s ruling on their three requests. *See, e.g.* Ex. A (Defs.’ RFA Responses) (refusing to provide any responsive answers, citing pending motions for bifurcation). Defendants

have refused to respond to any pending discovery requests, other than to cherry-pick what they think relates only to the *Gingles* preconditions, and not to the “totality of the circumstances” that must be evaluated under Section 2. This has seriously prejudiced plaintiffs, who must continue to comply with the discovery schedule—including expert report deadlines—set by this Court. This means plaintiffs’ experts are being required to provide their opinions on plaintiffs’ Section 2 claim—which requires a showing that the totality of circumstances support relief—without the benefit of *any* discovery on the topic from defendants. This is improper, and in violation of Rule 26 and the Court’s scheduling order. Plaintiffs urge the Court to expeditiously deny defendants’ three motions and order defendants to meet their discovery obligations consistent with the Court’s scheduling order.

Moreover, plaintiffs request that the Court order defendants to pay their fees and costs related to the two motions for protective orders pursuant to Rules 26(c)(3) and 37(a)(5).

CONCLUSION

For the third time, defendants’ motions should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on July 11, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to counsel of record, including:

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
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Latasha Holloway, et al.,

Plaintiffs,

v.

City of Virginia Beach, et al.,

Defendants.

Civil Action No. 2:18-cv-0069

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

COME NOW the Defendants, by counsel, pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Local Civil Rule 26, and serve their Objections to Plaintiffs' First Request for Admissions, as follows:

PRELIMINARY STATEMENT

Having been unable to reach an agreement after conferring in good-faith with opposing counsel, the Defendants filed a motion for entry of a Protective Order limiting or prohibiting discovery in this matter, citing the application of the *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986), preconditions to this cause of action as well as the burden and taxpayer expense associated with producing the immense volume of documents and electronically stored information requested in the thirty-two (32) separate requests in Plaintiffs' First Requests for Production (the "Request" individually or "Requests" collectively), mostly relating to the "totality of the circumstances" test-which becomes relevant only upon Plaintiffs' satisfying the *Gingles* pre-conditions. (ECF No. 75). Defendants have also filed a Motion to Bifurcate the trial in this matter, thereby separating the adjudication of the threshold *Thornburg v. Gingles* preconditions from the totality-of-the-circumstances inquiry. (ECF No. 79). Subject to and without waiving Defendants' Motions for

Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants hereby incorporate by reference the objections and arguments set forth in those motions, extend the arguments to Plaintiffs' First Requests for Admissions and offer the following specific objections to Plaintiffs' First Request for Admissions subject to and without waiving the pending motions.

GENERAL OBJECTIONS

1. Defendants object to the ninety (90) requests contained in Plaintiffs' First Request for Admissions as unnecessary and unduly burdensome to the extent that they are served collectively on multiple Defendants and are inconsistent with the proportionality requirements of the Federal Rules of Civil Procedure given Plaintiffs' relative access to the relevant information and/or resources for which they have sought admissions from the named Defendants.

2. Defendants object to the Plaintiffs' First Request for Admissions to the extent that they seek admissions of facts completely outside the direct knowledge of the Defendants and the Defendants have no relative access to relevant information regarding the accuracy of the contended facts requested to be admitted, the Defendants' lack resources to independently confirm the accuracy of these contended facts and the burden or expense of any such inquiry substantially outweighs any reasonably likely benefit, especially where the information sought is readily obtained from some other source that is more convenient, less burdensome, or less expensive. See Rule 26.

PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

Request for Admission Number 1

Plaintiff Latasha Holloway lives at 819 Tuition Court, Virginia Beach, Virginia, which is within the Virginia Beach City Council Kempsville District 2.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in

Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 2

Plaintiff Latasha Holloway is a registered voter in the Commonwealth of Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 3

It is possible to draw two geographically compact, single-member districts in the City of Virginia Beach in which African-Americans, Latinos and Asian Americans constitute a Citizen Voting Age Population ("CVAP") majority.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any restriction on the parameters for drawing a single-member district as contemplated by the Request, Defendants cannot determine whether such a district can be drawn.

Defendants also object to this request upon the basis that it calls for an opinion, speculation, and/or a legal conclusion, especially on an issue that is one of the ultimate issues of the case and that the burden of proof is upon the Plaintiffs to establish the alleged tri-partite minority group "is sufficiently numerous and compact to form a majority in a single-member district" as one of the threshold *Thornburg v. Gingles* preconditions. It is not the Defendants' burden to prove a negative.

To the extent Plaintiffs' Request seeks an admission of the authenticity, accuracy, completeness or content of the proposed electoral map referenced in Paragraph 49 of the Amended Complaint, Plaintiffs' have yet to even provide a complete copy of said proposed map to Defendants. Defendants further object to this Request to the extent it seeks an admission of a fact or facts over which Defendants have no direct knowledge without the use or input of expert testimony and evidence; For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants.

Request for Admission Number 4

Plaintiff Georgia Allen lives at 4649 Merrimac Lane, Virginia Beach, Virginia, which is within the Virginia Beach City Council Bayside District 4.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 5

Plaintiff Georgia Allen is a registered voter in the Commonwealth of Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 6

In the past five elections for the Virginia Beach City Council (2010-2018), 16 out of 74 City Council candidates were black.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 7

In the past five elections for the Virginia Beach City Council (2010-2018), only three out of twenty-two winning candidates were black.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 8

Dr. Amelia Ross-Hammond is black and won election to the Virginia Beach City Council in 2016.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 9

Dr. Amelia Ross-Hammond lost her reelection bid to the Virginia Beach City Council in 2018 to a white 27-year old candidate.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 10

The City of Virginia Beach relies upon demographic information from the U.S. Census Bureau's American Community Survey (hereafter "ACS") in formulating and justifying its operating budget for the fiscal year 2019-2020.¹

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 11

The 2013-2017 5-year estimates from the ACS are the most reliable demographic and population data available for Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request for Admission No. 11 is vague as written and does not lend itself to a clear and unequivocal response. Defendants also object to this request upon the basis that it calls for an opinion, speculation, value judgment, and/or a legal conclusion. Defendants further object to Request for Admission No. 11 on the grounds that the request is outside the scope of the proper use of a request for admissions in that the request is argumentative in nature and is not being propounded for the purpose of dispensing with the necessity of proving a genuinely undisputed fact at trial. For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants.

Request for Admission Number 12

According to the ACS 2013-2017 5-Year Estimate (hereafter "ACS population data") Virginia Beach, Virginia has a total population of 450,057.

¹ <https://www.vbgov.com/government/departments/budget-office-management-services/budget-archives/Documents/fy20-proposed-budget/FY%202019-20%20Proposed%20ExecSummary%20WEB.pdf>.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 12 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 13

According to the ACS population data, the City of Virginia Beach, Virginia has a non-Hispanic white population of 302,383.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 13 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 14

According to the ACS population data, the non-Hispanic white population constitutes 67.2% of the City of Virginia Beach's total population.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 14 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal

governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 15

According to the ACS population data, the City of Virginia Beach, Virginia has a black or African-American population of 85,682.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 15 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 16

According to the ACS population data, the black or African-American population of Virginia Beach constitutes 19.0% of the City of Virginia Beach's total population.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 16 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry

certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 17

According to the ACS population data, the City of Virginia Beach, Virginia has a Hispanic or Latino population of 35,255.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 17 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 18

According to the ACS population data, the Hispanic or Latino population of Virginia Beach constitutes 7.8% of the City of Virginia Beach's total population.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 18 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 19

According to the ACS population data, the City of Virginia Beach, Virginia has an Asian population of 29,055.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 19 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 20

According to the ACS population data, the Asian population of Virginia Beach constitute 6.5% of the City of Virginia Beach's total population.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 20 is an improper use of a request for admissions because it seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure, the Defendants' lack resources to confirm the accuracy of this figure and the burden or expense of this inquiry certainly outweighs its likely benefit where the information is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 21

According to the ACS 2013-2017 5-Year Estimate for Poverty Status in the Past 12 months by Sex by Age (hereafter “ACS poverty data”), ACS determined the poverty status of 274,399 non-Hispanic whites in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 21 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants’ lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants’ Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants’ Motions or as otherwise required by the Court.

Request for Admission Number 22

According to the ACS poverty data, 16,047 non-Hispanic whites in Virginia Beach, Virginia had income in the past 12 months below the poverty level.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 22 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants’ lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants’ Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants’ Motions or as otherwise required by the Court.

Request for Admission Number 23

According to the ACS poverty data, the 16,047 non-Hispanic white persons who had income in the past 12 months below the poverty level constitute 5.9% of the non-Hispanic white population in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 23 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 24

According to the ACS poverty data, ACS determined the poverty status of 82,839 blacks or African Americans in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 24 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will

provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 25

According to the ACS poverty data, 11,551 blacks or African-Americans in Virginia Beach, Virginia had income in the past 12 months below the poverty level.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 25 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 26

According to the ACS poverty data, the 11,551 black or African-American persons who had income in the past 12 months below the poverty level in Virginia Beach, Virginia constitute 13.9% of the black or African-American population in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 26 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 27

According to the ACS poverty data, ACS determined the poverty status of 33,945 Hispanics or Latinos in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 27 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission 28

According to the ACS poverty data, 4,293 Hispanics or Latinos in Virginia Beach, Virginia had income in the past 12 months below the poverty level.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 28 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the

information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 29

According to the ACS poverty data, the 4,293 Hispanic or Latino persons who had income in the past 12 months below the poverty level in Virginia Beach, Virginia constitute 12.7% of the Hispanic or Latino population in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 29 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 30

According to the ACS poverty data, ACS determined the poverty status of 29,242 Asians in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 30 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information

that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 31

According to the ACS poverty data, 1,829 Asians in Virginia Beach, Virginia had income in the past 12 months below the poverty level.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 31 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 32

According to the ACS poverty data, the 1,829 Asian persons who had income in the past 12 months below the poverty level in Virginia Beach, Virginia constitute 6.3% of the Asian population in Virginia Beach, Virginia.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 32 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert

testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 33

According to the ACS 2013-2017 5-Year Estimate for Median Household income in the past 12 months in 2017 Inflation-Adjusted Dollars (hereafter "ACS median income data"), the median income for households with a householder who is non-Hispanic white in Virginia Beach, Virginia is \$76,547.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 33 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 34

According to the ACS median income data, the median income for households with a householder who is black or African-American in Virginia Beach, Virginia is \$53,806.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in

Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 34 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 35

According to the ACS median income data, the median income for households with a householder who is Hispanic or Latino in Virginia Beach, Virginia is \$57,579.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 35 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 36

According to the ACS median income data, the median income for households with a householder who is Asian in Virginia Beach, Virginia is \$76,598.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 36 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants’ lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants’ Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants’ Motions or as otherwise required by the Court.

Request for Admission Number 37

According to the ACS 2013-2017 5-Year Estimate for Educational Attainment for the population 25 years and over (hereafter “ACS education data”), the non-Hispanic white population over the age of 25 in the City of Virginia Beach is 200,754.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 37 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants’ lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants’ Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants’ Motions or as otherwise required by the Court.

Request for Admission Number 38

According to the ACS education data, 9,450 persons in the non-Hispanic white population in Virginia Beach 25 years and over possess less than a high school diploma.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 38 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 39

According to the ACS education data, the percentage of the non-Hispanic white population over 25 years of age in Virginia Beach with less than a high school diploma is 4.7%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 39 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will

provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 40

According to the ACS education data, 44,279 non-Hispanic white persons in Virginia Beach over 25 years of age possess a high school diploma or its equivalent.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 40 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 41

According to the ACS education data, the percentage of the non-Hispanic white population in Virginia Beach over 25 years of age with a high school diploma or its equivalent is 22.1%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 41 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 42

According to the ACS education data, 71,314 persons in the non-Hispanic white population in Virginia Beach over 25 years of age possess some college education or an associate's degree.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 42 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 43

According to the ACS education data, the percentage of the non-Hispanic white population in Virginia Beach over 25 years of age with some college education or an associate's degree is 35.5%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 43 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the

information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 44

According to the ACS education data, 75,711 non-Hispanic white persons in Virginia Beach over 25 years of age possess a bachelor's degree or higher.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 44 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 45

According to the ACS education data, the percentage of the non-Hispanic white population in Virginia Beach over 25 years of age with a bachelor's degree or higher is 37.7%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 45 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of

this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 46

According to the ACS education data, the black or African-American population in Virginia Beach over 25 years of age is 54,367.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 46 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 47

According to the ACS education data, 5,108 persons in the black or African-American population in Virginia Beach over 25 years of age possess less than a high school diploma.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 47 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information

that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 48

According to the ACS education data, the percentage of the black or African-American population in Virginia Beach over 25 years of age with less than a high school diploma is 9.4%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 48 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 49

According to the ACS education data, 12,322 black or African-American persons in Virginia Beach over 25 years of age possess a high school diploma or its equivalent.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 49 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36,

make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 50

According to the ACS education data, the percentage of the black or African-American population in Virginia Beach over 25 years of age with a high school diploma or its equivalent is 22.6%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 50 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 51

According to the ACS education data, 23,202 black or African-American persons in Virginia Beach over 25 years of age possess some college education or an associate's degree.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 51 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely

outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 52

According to the ACS education data, the percentage of the black or African-American population in Virginia Beach over 25 years of age with some college education or an associate's degree is 42.7%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 52 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 53

According to the ACS education data, 13,735 black or African-American persons in Virginia Beach over 25 years of age with a bachelor's degree or higher.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 53 is outside the scope of the proper use of a request for admissions upon the

basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 54

According to the ACS education data, the percentage of the black or African-American population in Virginia Beach over 25 years of age with a bachelor's degree or higher is 25.3%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 54 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 55

According to the ACS education data, the Hispanic or Latino population in Virginia Beach over 25 years of age is 19,526.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for

Admission No. 55 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 56

According to the ACS education data, 2,819 persons in the Hispanic or Latino population in Virginia Beach over 25 years of age possess less than a high school diploma.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 56 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 57

According to the ACS education data, the percentage of the Hispanic or Latino population in Virginia Beach over 25 years of age with less than a high school diploma is 14.4%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in

Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 57 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 58

According to the ACS education data, 4,743 persons in the Hispanic or Latino population in Virginia Beach over 25 years of age possess a high school diploma or its equivalent.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 58 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 59

According to the ACS education data, the percentage of the Hispanic or Latino population in Virginia Beach over 25 years of age with a high school diploma or its equivalent is 24.3%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 59 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 60

According to the ACS education data, 7,296 Hispanic or Latino persons in Virginia Beach over 25 years of age possess some college education or an associate's degree.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 60 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 61

According to the ACS education data, the percentage of the Hispanic or Latino population in Virginia Beach over 25 years of age with some college education or associate's degree is 37.4%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 61 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 62

According to the ACS education data, 4,674 Hispanic or Latino persons in Virginia Beach over 25 years of age possess a bachelor's degree or higher.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 62 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 63

According to the ACS education data, the percentage of the Hispanic or Latino population in Virginia Beach over 25 years of age with a bachelor's degree or higher is 23.9%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 63 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 64

According to the ACS education data, the Asian population in Virginia Beach over 25 years of age is 21,934.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 64 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will

provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 65

According to the ACS education data, 2,243 Asian persons in Virginia Beach over 25 years of age possess less than a high school diploma.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 65 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 66

According to the ACS education data, the percentage of the Asian population in Virginia Beach over 25 years of age with less than a high school diploma is 10.2%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 66 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 67

According to the ACS education data, 3,490 Asian persons in Virginia Beach over 25 years of age possess a high school diploma or its equivalent.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 67 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 68

According to the ACS education data, the percentage of the Asian population in Virginia Beach over 25 years of age with a high school diploma or its equivalent 15.9%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 68 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the

information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 69

According to the ACS education data, 7,004 Asian persons in Virginia Beach over 25 years of age possess some college education or an associate's degree.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 69 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 70

According to the ACS education data, the percentage of the Asian population in Virginia Beach over 25 years of age with some college education or an associate's degree is 31.9%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 70 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of

this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 71

According to the ACS education data, 9,197 Asian persons in Virginia Beach over 25 years of age possess a bachelor's degree or higher.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 71 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 72

According to the ACS education data, the percentage of the Asian population in Virginia Beach over 25 years of age with a bachelor's degree or higher is 41.9%.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 72 is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact or data point that is collected, assimilated, estimated and published by a third-party, federal governmental agency, completely outside the direct knowledge of the named Defendants without the use or input of expert testimony and evidence. Defendants cannot, and are not required to pursuant to Rules 26 and 36, make reasonable inquiry where Defendants have no better relative access to relevant information

that informs the accuracy of this figure, Defendants' lack resources to confirm the accuracy of this figure, and the burden or expense of this inquiry far outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

This Request also seeks admissions over matters that are the subject of the Defendants' Motion for Protective Order (ECF No. 75) and Motion to Bifurcate Trial (ECF No. 79). Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure upon resolution of the Defendants' Motions or as otherwise required by the Court.

Request for Admission Number 73

Virginia held a constitutional convention from 1901 to 1902. Va. Con. Con. Proceedings (1901-02).

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants have no additional specific objections to this Request and will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 74

The 1901 to 1902 Virginia constitutional convention (hereafter "the convention") imposed poll taxes. See J. Morgan Kousser, *Shaping of Southern Politics* pp. 180 (Yale University Press 1974).

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 74 is vague, compound and improperly links separate subjects. This Request is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of a fact collected and published by a third-party, unrelated in any way to these Defendants, completely outside the direct knowledge of the named Defendants.

Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this contention made by the author, the Defendants' lack resources to confirm the accuracy of this contention and the burden or expense of this inquiry certainly outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Defendants further object to this Request as an improper use of Rule 36 to the extent that Plaintiffs seek to have Defendants admit the genuineness and accuracy of a document and its contents over which they have no custody, control or ability to authenticate. Furthermore, Rule 36 makes clear that any request to admit the genuineness of a document must be accompanied by

a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying. Plaintiffs Request fails to comply with this requirement.

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 75

The convention imposed literacy tests such that new registrants had to prove their literacy by filling out, with no aid whatsoever, a very complex blank registration form.” Kousser, supra, at 180.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 75 is vague, compound and improperly links separate subjects. This Request is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of facts collected and published by a third-party, unrelated in any way to these Defendants, completely outside the direct knowledge of the named Defendants.

Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants’ have no better relative access to relevant information that informs the accuracy of this contention made by the author, the Defendants’ lack resources to confirm the accuracy of this contention and the burden or expense of this inquiry certainly outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Defendants further object to this Request as an improper use of Rule 36 to the extent that Plaintiffs seek to have Defendants admit the genuineness and accuracy of a document and/or its contents over which they have no custody, control or ability to authenticate. Furthermore, Rule 36 makes clear that any request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying. Plaintiffs Request fails to comply with this requirement.

Without waiving and subject to these objections, Defendants will provide a response in accordance with Rule 36 of the Federal Rules of Civil Procedure.

Request for Admission Number 76

Before the convention, 95.9% of all Virginians were registered to vote. Kousser, supra, p. 61 at Table 2.3.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Request for Admission No. 76 is compound and improperly links separate subjects. This Request is outside the scope of the proper use of a request for admissions upon the basis that this request

improperly seeks admission of facts collected and published by a third-party, unrelated in any way to these Defendants, completely outside the direct knowledge of the named Defendants.

Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure or contention made by the author, the Defendants' lack resources to confirm the accuracy of this figure and contention and the burden or expense of this inquiry certainly outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Defendants further object to this Request as an improper use of Rule 36 to the extent that Plaintiffs seek to have Defendants admit the genuineness and accuracy of a document and its contents over which they have no custody, control or ability to authenticate. Furthermore, Rule 36 makes clear that any request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying. Plaintiffs Request fails to comply with this requirement.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 77

As of 1905, 83.6% of the white population in Virginia was registered to vote. Ibid.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 77 is compound and improperly links separate subjects. This Request is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of facts collected and published by a third-party, unrelated in any way to these Defendants, completely outside the direct knowledge of the named Defendants.

Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure or contention made by the author, the Defendants' lack resources to confirm the accuracy of this figure and contention and the burden or expense of this inquiry certainly outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Defendants further object to this Request as an improper use of Rule 36 to the extent that Plaintiffs seek to have Defendants admit the genuineness and accuracy of a document and its contents over which they have no custody, control or ability to authenticate. Furthermore, Rule 36 makes clear that any request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying. Plaintiffs Request fails to comply with this requirement.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 78

As of 1905, 13.7% of the black population in Virginia was registered to vote. Id.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Request for Admission No. 78 is compound and improperly links separate subjects. This Request is outside the scope of the proper use of a request for admissions upon the basis that this request improperly seeks admission of facts collected and published by a third-party, unrelated in any way to these Defendants, completely outside the direct knowledge of the named Defendants.

Defendants cannot and are not required pursuant to Rules 26 and 36 to make reasonable inquiry where Defendants' have no better relative access to relevant information that informs the accuracy of this figure or contention made by the author, the Defendants' lack resources to confirm the accuracy of this figure and contention and the burden or expense of this inquiry certainly outweighs its likely benefit where the information at issue is publicly available from a source that is more convenient, less burdensome, and/or less expensive. See Rule 26(b).

Defendants further object to this Request as an improper use of Rule 36 to the extent that Plaintiffs seek to have Defendants admit the genuineness and accuracy of a document and its contents over which they have no custody, control or ability to authenticate. Furthermore, Rule 36 makes clear that any request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying. Plaintiffs Request fails to comply with this requirement.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 79

Atlantic Park is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 80

Beechwood is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 81

Burton Station is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 82

Doyletown is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request.

Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is “historically black” as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants’ Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 83

Gracetown is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Plaintiffs’ Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is “historically black” as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants’ Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 84

Lake Smith is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants’ Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants’ memoranda in support thereof), Defendants also specifically object that Plaintiffs’ Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is “historically black” as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants’ Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 85

Chinese Corner is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 86

Newlight is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 87

Newsome Farm is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 88

Queen City is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 89

Reed Town is a historically black neighborhood in Virginia Beach.

OBJECTION: Subject to and without waiving Defendants' Motions for Entry of a Protective Order and Motion to Bifurcate (and incorporating by reference the arguments set forth in Defendants' memoranda in support thereof), Defendants also specifically object that Plaintiffs' Request is too vague to give Defendants the information necessary to admit or deny this Request. Without any definitional language, explanatory parameters or restriction on the boundaries of this neighborhood or what Plaintiffs contend is "historically black" as contemplated by the Request, Defendants cannot provide a response.

Defendants further object to this Request to the extent that it seeks an admission on a topic that is the subject of the Defendants' Motion for Protective Order (ECF No. 75) filed on May 15, 2019 and Motion to Bifurcate Trial (ECF No. 79) filed on May 31, 2019.

For all these reasons, this Request is outside the permissible use of Federal Rule of Civil Procedure 36 and no substantive response will be attempted by Defendants as currently stated.

Request for Admission Number 90

Seatack is a historically black neighborhood in Virginia Beach.

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