

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

NANCY C. JACOBSON., *et al.*,

Plaintiffs,

v.

Case No. 4:18-cv-00262-MW-CAS

SECRETARY LAUREL M. LEE,
in her official capacity only,

Defendant.

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Plaintiffs' Revised Exhibit List¹

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
1.	1-29-19 Jon Krosnick Trial Expert Report (without appendices)	Hearsay (802)	Hearsay (802)	Per Pretrial Order
2.	1-29-19 Jon Krosnick Trial Expert Report Appendix A (Jonathan Krosnick CV)	Hearsay (802)	Hearsay (802)	Per Pretrial Order
3.	1-29-19 Jon Krosnick Trial Expert Report Appendix B (Jonathan Krosnick Expert Testimony)	Hearsay (802)	Hearsay (802)	Per Pretrial Order
4.	1-29-19 Jon Krosnick Trial Expert Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order

¹ Revised to add Exhibits 111-120, pursuant to the Court's Order (ECF No. 173).

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Appendices C-E			
5.	1-29-19 Jonathan Rodden Trial Expert Report (without appendix)	Hearsay (802)	Hearsay (802)	Per Pretrial Order
6.	1-29-19 Jonathan Rodden Trial Expert Report Appendix A	Hearsay (802)	Hearsay (802)	Per Pretrial Order
7.	1-29-19 Jonathan Rodden CV	Hearsay (802)	Hearsay (802)	Per Pretrial Order
8.	1-29-19 Paul Herrnson Trial Expert Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order
9.	1-29-19 Paul Herrnson Trial Expert Report Appendix	Hearsay (802)	Hearsay (802)	Per Pretrial Order
10.	1-29-19 Paul Herrnson CV	Hearsay (802)	Hearsay (802)	Per Pretrial Order
11.	2-27-19 Jon Krosnick Second Trial Expert Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order
12.	Errata Sheet Re: 2-27-19 Jon Krosnick Second Trial Expert Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order
13.	2-27-19 Jonathan Rodden Second Trial Expert Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order
14.	2-27-19 Paul Herrnson Second Trial Expert	Hearsay (802)	Hearsay (802)	Per Pretrial Order

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Report			
15.	6-29-18 Jon Krosnick Report (without appendices)	Hearsay (802)	Hearsay (802)	Per Pretrial Order
16.	6-29-18 Jon Krosnick Report Appendices C-D	Hearsay (802)	Hearsay (802)	Per Pretrial Order
17.	7-20-18 Jon Krosnick Report	Hearsay (802)	Hearsay (802)	Per Pretrial Order
18.	Okaloosa County Sample Ballot	Relevance (402)	Cumulative (403)	
19.	Brevard County Sample Ballot	Relevance (402)	Cumulative (403)	
20.	Leon County Official Ballot	Relevance (402)	Cumulative (403)	
21.	2018 Bradford County Sample Ballot	Relevance (402)	Cumulative (403)	
22.	2016 Broward County Sample Ballot	Relevance (402)	Cumulative (403)	
23.	2018 Citrus County Sample Ballot	Relevance (402)	Cumulative (403)	
24.	2018 Columbia County Sample Ballot	Relevance (402)	Cumulative (403)	
25.	2018 Dixie County Sample Ballot	Relevance (402)	Cumulative (403)	
26.	2016 Escambia County Sample Ballot	Relevance (402)	Cumulative (403)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
27.	2018 Franklin County Sample Ballot	Relevance (402)	Cumulative (403)	
28.	2018 Indian River County Sample Ballot	Relevance (402)	Cumulative (403)	
29.	2018 Jackson County Sample Ballot	Relevance (402)	Cumulative (403)	
30.	2016 Lafayette County Sample Ballot	Relevance (402)	Cumulative (403)	
31.	2018 Liberty County Sample Ballot	Relevance (402)	Cumulative (403)	
32.	2018 Monroe County Sample Ballot	Relevance (402)	Cumulative (403)	
33.	2018 Palm Beach County Sample Ballot	Relevance (402)	Cumulative (403)	
34.	2018 Seminole County Sample Ballot	Relevance (402)	Cumulative (403)	
35.	2016 Suwannee County Sample Ballot	Relevance (402)	Cumulative (403)	
36.	2018 Wakulla County Sample Ballot	Relevance (402)	Cumulative (403)	
37.	7-11-18 Barnett Affidavit	Hearsay (802)	Hearsay (802)	
38.	Article: "Palm Beach County resolves Delray Beach vote mix-up"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
39.	Article: "2 officials: Palm Beach County voters share blame in registration mix-ups"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
40.	Article: "Palm Beach County Dogged By Ballot Printing Problems"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
41.	Article: "Recount shows wrong winners declared in two Wellington election races"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
42.	Article: "3,400 Ballots Missing in Florida Election: Recount Flips Race"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
43.	November 2014 Mike's Picks Voter Guide	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
44.	November 2014 Spanish Voter Guide	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
45.	2016 Palm Beach Voter Guide	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
46.	2018 Palm Beach Sample Republican	Hearsay (802), Relevance	Hearsay 802), Relevance	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Ballot	(402)	(402)	
47.	2018 Palm Beach Republican Voter Guide Mailing	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
48.	Palm Beach Sample Ballot	Relevance (402)	Hearsay (802), Relevance (402), Cumulative (403)	
49.	Ohio Secretary of State's Office Voting Systems for Ohio's 88 Counties	Relevance (402)	Relevance (402), Not disclosed in discovery.	
50.	2018 Polk County General Election Reporting Results	Relevance (402)		
51.	Florida Election Results Summary XML Schema Reference			
52.	Florida Voting System Standards			
53.	FSASE Supervisor of Elections Directory			
54.	Rule 1S-2.053			
55.	DS-DE 138 (referenced in Administrative Rule 1S-2.053)			
56.	June 2014 Florida Polling Place Procedures			

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Manual			
57.	Florida Secretary of State's Office - Political Party Information			
58.	List of Florida Certified Voting Systems			
59.	List of Voting Systems by County			
60. ²	Maria Matthews 7-13-18 Declaration	Hearsay (802)	Hearsay (802)	
61.	Excerpts from July 27, 2018 Preliminary Injunction Hearing Testimony of Maria Matthews	Relevance (402)		
62.	Excerpts from March 27, 2019 Deposition of Maria Matthews	Relevance (402), form objections made during deposition		
63.	Email 8-22-12 from Gary Holland to <SOEContacts>	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
64.	Email chain 6-10-16 -	Hearsay (802), Relevance	Hearsay (802), Relevance	

² To the extent Plaintiffs introduce exhibits 60, 61, and 62 or portions thereof, it will be solely as a statement of a party opponent under Federal Rule of Evidence 801(d)(2), for impeachment, or both; and Plaintiffs object on grounds of Hearsay, Federal Rule of Evidence 802, to Defendant and Defendant Intervenors seeking to use or to introduce one or more of these exhibits into evidence.

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	6-13-16 between Malcolm Chellman, Donna Brown, and Krist Bronson	(402)	(402)	
65.	Email 1-11-12 between Gary Holland, Brian Corley, Mark Ard, and Maria Matthews	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
66.	1-12-18 Email from Virgie Madrigal to numerous with Attachment Advisory Opinion DE 18-01.PDF	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
67.	Attachment Advisory Opinion DE 18-01.PDF to Email SOS001192	Relevance (402)	Hearsay (802), Relevance (402)	
68.	Email 1-12-19 from Maria Matthews to Janet Modrow	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
69.	Email 7-20-18 From: Mark Earley To: Numerous	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
70.	Email 7-20-18 From: Ronald Labasky To: Numerous	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
71.	Defendant-Intervenors' Response to Plaintiff's First Requests for		Hearsay (802)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Admission			
72.	Defendant Florida Secretary of State's Response to Plaintiff's First Requests for Admission		Hearsay (802)	
73.	Defendant Florida Secretary of State's Responses to Plaintiffs' First Set of Interrogatories		Hearsay (802)	
74.	Defendant-Intervenors National Republican Senate Committee's and Republican Governors Association's Responses to Plaintiffs' First Set of Interrogatories		Hearsay (802)	
75.	Defendant-Intervenors National Republican Senate Committee's and Republican Governors Association's Amended Response to Plaintiffs' Interrogatory 2		Hearsay (802)	
76.	Mark Earley 7-20-18 Declaration	Hearsay (802)	Hearsay (802)	
77.	July 13, 2018 Paul Lux Declaration	Hearsay (802)	Hearsay (802)	
78.	2017-18 Voter's Guide		Hearsay (802),	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Okaloosa County		Cumulative (403)	
79.	American Statistical Association Releases Statement on Statistical Significance and P-Values	Hearsay (802)	Hearsay (802), Relevance (402)	
80.	Article: "Status Quo Bias in Ballot Wording"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
81.	Article: "Online Polls and Registration-Based Sampling: A New Method for Pre- Election Polling"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
82.	Article: "Does Party Trump Ideology? Disentangling Party and Ideology in America"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
83.	Article: "Who is Ideological? Measuring Ideological Consistency in the American Public"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
84.	Article: "Lost in Issue Space? Measuring Levels of Ideology in the American Public"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
85.	Article: "Gender Inequalities in Campaign Finance"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
86.	Article: "Representing the Preferences of Donors, Partisans, and Voters in the US Senate"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
87.	Michael Barber 4/30/19 Report in Response to Report of Dr. Christopher Cooper	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
88.	Dissertation: Buying Representation: The Incentives, Ideology, and Influence of Campaign Contributors in American Politics, by Michael Barber	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
89.	Article: Estimating Neighborhood Effects on Turnout from Geocoded Voter Registration Records, by Michael Barber and Kosuke Imai	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
90.	Article: "The Effect of Abortion Legalization on Sexual Behavior: Evidence from Sexually Transmitted Diseases"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
91.	Article: "Mandatory Waiting Periods for Abortions and Female Mental Health"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
92.	Article: "ECONOMETRIC ANALYSES OF U.S. ABORTION POLICY: A CRITICAL REVIEW"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
93.	Excerpt from "The Party of Death"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
94.	Article: "Abortion Access and Risky Sex Among Teens: Parental Involvement Laws and Sexually Transmitted Diseases"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
95.	Article: "Do parental involvement laws deter risky teen sex"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
96.	Article: "Abortion access and risky sex"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
97.	Article: "The Relationship Between Abortion Liberalization and Sexual Behavior: International Evidence"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
98.	Article: "Shleifer's Failure, Reviewed by Jonathan Klick"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
99.	Submission by British American Tobacco Limited opposing the Smoke-Free Environments (Tobacco Plain Packaging) Amendment Bill	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
100.	British American Tobacco response to the Department to Health discussion document, 5 September 2008	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
101.	Article: "When Should You Adjust Standard Errors for Clustering," October 2017	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402)	
102.	Article: "Reducing Soda Consumption"	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Prejudicial (403)	
103.	1951-1952 Report of the Florida Secretary of State			
104.	1955-1956 Report of the			

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	Florida Secretary of State			
105.	1959-1960 Report of the Florida Secretary of State			
106.	State of Florida Tabulation of Votes Cast in the November 3, 1964 General Election			
107.	State of Florida Tabulation of Votes Cast in the November 8, 1966 General Election			
108.	State of Florida Tabulation of Votes Cast in the November 3, 1970 General Election			
109.	State of Florida Tabulation of Votes Cast in the November 2, 1954 General Election			
110.	State of Florida Tabulation of Votes Cast in the November 5, 1974 General Election			
111.	Mark Earley text message with Paul Lux – Part 1 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
112.	Mark Earley text	Hearsay (802),	Hearsay (802),	

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
	message with Paul Lux – Part 2 – July 12, 2018	Relevance (402)	Relevance (402), Foundation	
113.	Mark Earley text message with Paul Lux – Part 3 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
114.	Mark Earley text message with Paul Lux – Part 4 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
115.	Paul Lux text message with Mark Earley – Part 1 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
116.	Paul Lux text message with Mark Earley – Part 2 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
117.	Paul Lux text message with Mark Earley – Part 3 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
118.	Paul Lux text message with Mark Earley – Part 4 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
119.	Paul Lux text message with Mark Earley – Part 5 – July 12, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
120.	Email String between Paul Lux and Emily Jeanne Barber – May 10, 2018	Hearsay (802), Relevance (402)	Hearsay (802), Relevance (402), Foundation	
Plaintiffs reserve the right to identify additional exhibits for impeachment purposes and to use any exhibits offered and admitted on Defendants' and Defendant-				

No.	Exhibit	Secretary's Objection(s)	Intervenors' Objection(s)	Admitted?
Intervenor's Exhibit Lists. Plaintiffs also reserve the right to create and produce to opposing counsel additional demonstrative exhibits before presenting them at trial.				

Plaintiffs may also rely on the following publicly available materials from other states, as to which Plaintiffs contend that the Court may take judicial notice:

Ballot Order Legislative Materials

Identifier	Description	Secretary's Objection(s)	Intervenors' Objection(s)
A	O.R.C. Ann. § 3505.03(B)	Relevance (403)	Relevance (403)
B	Oh. Const. Art. V, § 2a	Relevance (403)	Relevance (403)
C	New Hampshire RSA 656:5(II)	Relevance (403)	Relevance (403)
D	N.D. Cent. Code, § 16.1-11-27(1)-(2)	Relevance (403)	Relevance (403)
E	K.S.A. § 25-610(a))	Relevance (403)	Relevance (403)
F	13-12-205, MCA	Relevance (403)	Relevance (403)
G	N.J. Stat. Ann. § 19:14-12	Relevance (403)	Relevance (403)
H	A.C.A. § 7-5-207(c)(1)	Relevance (403)	Relevance (403)
I	Cal. Elec. Code § 13111	Relevance (403)	Relevance (403)
J	Ala. Stat. § 15.15.030(6)	Relevance (403)	Relevance (403)

Identifier	Description	Secretary's Objection(s)	Intervenors' Objection(s)
K	Idaho Code § 34-2419	Relevance (403)	Relevance (403)
L	Va. Code Ann. § 24.2-613(c)	Relevance (403)	Relevance (403)
M	26 Okl. St. § 6-106	Relevance (403)	Relevance (403)
N	C.R.S. § 1-5-404(1)	Relevance (403)	Relevance (403)
O	N.M. Stat. Ann. § 1-10-8.1(A)-(B)	Relevance (403)	Relevance (403)
P	R.I. Gen. Laws § 17-19-9.1	Relevance (403)	Relevance (403)
Q	S.D. Codified Laws § 12-16-3.1	Relevance (403)	Relevance (403)
R	W. Va. Code § 3-5-13a(b)(2)	Relevance (403)	Relevance (403)
S	Code of Ala. § 17-6-25	Relevance (403)	Relevance (403)
T	HRS § 11-115(a)	Relevance (403)	Relevance (403)
U	La. R.S. § 18:1259(6)	Relevance (403)	Relevance (403)
V	La. R.S. § 18:551(C)(1)(c)	Relevance (403)	Relevance (403)
W	21-A M.R.S. § 601(2)(B)	Relevance (403)	Relevance (403)
X	Nev. Rev. Stat. Ann. § 293.267(2)	Relevance (403)	Relevance (403)
Y	Utah Code Ann. §	Relevance (403)	Relevance (403)

Identifier	Description	Secretary's Objection(s)	Intervenors' Objection(s)
	20A-6-302(1)(b)		
Z	17 V.S.A. § 2472(b)(2)	Relevance (403)	Relevance (403)
AA	Miss. Code Ann. § 23-15-367(2)(f)	Relevance (403)	Relevance (403)
BB	North Carolina House Audio 4/25/2017	Relevance (403)	Relevance (403), Not disclosed in discovery
CC	ORS § 254.155(3)	Relevance (403)	Relevance (403)
DD	Tenn. Code Ann. § 2-5-208(d)(1)	Relevance (403)	Relevance (403)
EE	N.C.G.S.A. § 163A-1114 (2018)	Relevance (403)	Relevance (403)
FF	N.C.G.S.A. § 163A-1114 (2015)	Relevance (403)	Relevance (403)
GG	N.C.G.S.A. § 163A-1114 (2017)	Relevance (403)	Relevance (403)
HH	North Carolina Session Law 2016-109	Relevance (403)	Relevance (403)
II	2018 North Carolina Laws S.L. 2018-99 (H.B. 496)	Relevance (403)	Relevance (403)
JJ	North Carolina Session Law 2016-109 – Legislative	Relevance (403)	Relevance (403) Not disclosed in discovery

Identifier	Description	Secretary's Objection(s)	Intervenors' Objection(s)
	Record		
KK	North Carolina House Bill 496 Voting Results	Relevance (403)	Relevance (403), Not disclosed in discovery
LL	North Carolina Supreme Court Retirement Notice	Relevance (403)	Relevance (403), Hearsay (802), Not disclosed in discovery
MM	North Carolina Supreme Court List of Justices 2019	Relevance (403)	Relevance (403), Hearsay (802), Not disclosed in discovery
NN	NC State Board Candidate Order Press Release 2/28/2018: State Board Randomly Selects Candidate Order for 2018 Ballots	Relevance (403)	Relevance (403), Not disclosed in discovery
OO	NC Legislative Library Senate Committee on Rules and Operations 06-12-2018 Minutes	Relevance (403)	Relevance (403), Not disclosed in discovery
PP	NC Legislative Library Senate Select Committee on Elections 06-12-2018 Minutes	Relevance (403)	Relevance (403), Not disclosed in discovery
QQ	NC Legislative Library House Committee on Rules	Relevance (403)	Relevance (403), Not disclosed in discovery

Identifier	Description	Secretary's Objection(s)	Intervenors' Objection(s)
	Calendar and Operations 04-25-2017 Minutes		
RR	North Carolina Senate Leadership Listing 2015-2016 Session	Relevance (403)	Relevance (403), Not disclosed in discovery
SS	North Carolina Senators Listing 2015-2016 Session (Feb. 2016)	Relevance (403)	Relevance (403), Not disclosed in discovery
TT	North Carolina Senators Listing 2015-2016 Session (Nov. 2016)	Relevance (403)	Relevance (403), Not disclosed in discovery
UU	Forsyth County Sample Ballot (2018)	Relevance (403)	Relevance (403), Not disclosed in discovery
VV	Forsyth County Sample Ballot (2016)	Relevance (403)	Relevance (403), Not disclosed in discovery

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 3, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all Counsel of Record.

Respectfully submitted,

/s/Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No.: 0184111
KING, BLACKWELL, ZEHNDER
& WERMUTH, P.A.
P.O. Box 1631
Orlando, FL 32802-1631
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fweremuth@kbzwlaw.com

Marc E. Elias
Elisabeth C. Frost*
Jacki L. Anderson*
John M. Geise*
PERKINS COIE LLP
700 Thirteenth St., N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9959
melias@perkinscoie.com
efrost@perkinscoie.com
jackianderson@perkinscoie.com
jgeise@perkinscoie.com

Abha Khanna*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
akhanna@perkinscoie.com

Counsel for the Plaintiffs
**Admitted Pro Hac Vice*