

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMITTEE FOR A FAIR AND)	
BALANCED MAP, JUDY BIGGERT,)	
ROBERT J. DOLD, RANDY HULTGREN,)	
ADAM KINZINGER, DONALD MANZULLO,)	
PETER J. ROSKAM, BOBBY SCHILLING,)	
AARON SCHOCK, JOHN M. SHIMKUS, JOE)	
WALSH, RALPH RANGEL, LOU)	
SANDOVAL, LUIS SANABRIA, MICHELLE)	
CABALLERO, EDMUND BREZINSKI, and)	
LAURA WAXWEILER,)	Case No. 1:11-cv-05065
)	
Plaintiffs,)	Judge Joan Humphrey Lefkow
v.)	Judge John Daniel Tinder
)	Judge Robert L. Miller
ILLINOIS STATE BOARD OF ELECTIONS,)	
WILLIAM M. MCGUFFRAGE, JESSE R.)	
SMART, BRYAN A. SCHNEIDER, BETTY J.)	
COFFRIN, HAROLD D. BYERS, JUDITH C.)	
RICE, CHARLES W. SCHOLZ, and ERNEST)	
L. GOWEN,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO COMPEL ENFORCEMENT
OF THIRD PARTY SUBPOENA**

Pursuant to FED. R. CIV. PROC. 37(a) and 45(c), Plaintiffs move this Court to compel the Illinois Senate, Illinois House of Representatives, Office of the Speaker of the Illinois House of Representatives, Office of the Illinois Senate President, Illinois House Redistricting Committee, Illinois Senate Redistricting Committee, Travis Shea, Ronald Holmes, Bria Scudder, AJ Sheehan, Amy Bowne, Andrew Manar, Deb McCarver, Ian Watts, Jade Huebner, Giovanni Randazzo, Jeremy Flynn, Jill Dykhoff, Lee LoBue, Magen Ryan, Lee Whack, Monica Brar, Noe Chaimongkol, Ted Pruitt, Anne Schaeffer, Katy Langenfield, Jonathan Maxson, Daniel Frey, and Timothy Mapes (collectively “Respondents”) to comply with the subpoenas (“Subpoenas”,

attached as Group Exhibit A) that Plaintiffs have issued to them, and to produce and permit for inspection and copying the materials specified therein. In support of this motion, Plaintiffs state:

INTRODUCTION

1. Plaintiffs have served Respondents with subpoenas seeking the production of documents relating to the formulation of the 2011 Illinois Congressional reapportionment plan (“Proposed Congressional Plan”) enacted as Illinois P.A. 97-14.¹ As set forth in the Complaint, Plaintiffs allege that the Proposed Congressional Plan is an illegal gerrymander, motivated by racial and partisan bias. Plaintiffs expect that the sought-after discovery will expose the unlawful motivations for the Plan.

2. Respondents have refused to comply with the Subpoenas. Instead, Respondents have incorrectly asserted that they are categorically immune from discovery because of their status as state legislative bodies and employees thereof. Legislators enjoy no absolute privilege against third-party discovery. In this instance, any privilege possessed by legislators must yield to the interests of disclosure. Preventing Plaintiffs from taking the modest discovery will severely impair Plaintiffs’ ability to vindicate their federally-protected constitutional and statutory rights.

BACKGROUND

3. The Subpoenas served on Respondents each consisted of twenty-one requests for production seeking documents related to: (a) the 2010-2011 Illinois Congressional redistricting process and the planning, development, negotiation, drawing, revision, or re-drawing of the

¹ The individual Respondents are legislative staffers identified as being involved in the redistricting process. Certain of the Subpoenas were served in the Central District of Illinois. However, counsel for Respondents have agreed to consent to the jurisdiction of this Court for purposes of determining the enforceability of the Subpoenas against all Respondents, whether they reside in this district or in the Central District of Illinois, without waiving their other objections. Exhibit A contains the cover pages of all Subpoenas, but because the riders are voluminous and identical, Plaintiffs only attach one copy.

Proposed Congressional Plan; (b) election and voter data as well as software used to plan and draw the Proposed Congressional Plan, its respective districts, or any other potential redistricting plan that was not ultimately adopted; (c) expert or consultant reports or any other analyses regarding the Proposed Congressional Plan; and (d) the posting of the Proposed Congressional Plan on the Illinois Senate website on May 27, 2011.²

4. Plaintiffs and Respondents conferred by phone and e-mail on numerous occasions, but were unable to reach an agreement concerning the Subpoenas. *See* Statement of Compliance with Fed. R. Civ. P. 37(a)(1) and N.D. Ill. Local Rule 37.2, attached as Exhibit B.

5. On September 2, 2011, Respondents sent counsel for Plaintiffs a letter detailing their objections to the Subpoenas. As stated in Respondents' letter and confirmed in a conference call on September 6, 2011, Respondents' position is that each of the requests made in the Subpoenas seek "documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine." Respondents stated that "[t]he only non-privileged documents in the possession of [Respondents] that are responsive to [the Subpoenas] are publicly available documents that were previously provided to one of your associates pursuant to [a previously completed] Freedom of Information Act" request. *See* Letter of September 2, 2011, attached as Exhibit C, *passim*. Further, Respondents' stated position is that the doctrine of legislative immunity also protects them from the burden of preparing a privilege log to set forth their assertions of privilege.

6. In addition, Respondents object that each of the requests is "overly broad, and unduly burdensome." *Id.* Counsel indicated orally that given their purported absolute immunity

² Plaintiffs understand that the House Respondents are represented by David Ellis (Counsel to the Speaker), and the Senate Respondents by Eric M. Madiar (Chief Legal Counsel to the President of the Senate). Michael Layden of the law firm Richard J. Prendergast, Ltd. is also involved, but the scope of his representation is unclear. All Respondents objected to the Subpoenas collectively.

from discovery, Respondents need not assess whether or to what extent they may have documents which are responsive to the Subpoenas. They further object that certain requests are “not reasonably calculated to lead to the discovery of admissible evidence.” *id.* ¶¶ 1, 2.³

ARGUMENT

I. Documents in Respondents’ Possession Are Highly Relevant to Plaintiffs’ Case

7. Respondents have not denied—nor can they—that the information sought in the Subpoenas is highly relevant to Plaintiffs’ claims. It is undisputed that Respondents were responsible for drawing at least part of the 2011 Congressional reapportionment plan that is now at issue in this matter. Therefore, obtaining specific information about the process by which the actual drafters of the Plan drew various districts is an essential element of proof in Plaintiffs’ case. For example, in order to succeed on their claim that the Proposed Congressional Plan is an unlawful racial gerrymander that violates the Equal Protection Clause, Plaintiffs must show that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” *Miller v. Johnson*, 515 U.S. 900, 916 (1995). Documents relating to the formulation of the Plan are directly relevant to establishing that it was adopted for a discriminatory reason.

8. Indeed, several courts have recognized that “evidence concerning the intent with which the [redistricting body] adopted the plan and rejected certain alternatives,” is highly-relevant and may be developed through discovery against legislators. *United States v. Irvin*, 127 F.R.D. 169, 171-173 (C.D. Cal. 1989) (granting request by plaintiffs in Voting Rights Act case to conduct discovery on legislators who had passed allegedly discriminatory redistricting plan); *see also Rodriguez v. Pataki*, 280 F. Supp. 2d 89, 102 (S.D.N.Y. 2003) (allowing discovery on

³ Plaintiffs and Respondents were able to resolve Respondents’ objections pertaining to confusion in the definition of the term “VAP” or “Voting Age Population.” *See id.* at ¶¶ 9, 10, 11.

legislators and noting that “[w]hile evidence of discriminatory animus may not be an essential element of all of the plaintiffs’ claims, it certainly is something that can be considered in deciding whether the New York Legislature’s 2002 redistricting plans pass judicial muster”). *C.f. Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 268 (1977) (“contemporary statements by members of the decisionmaking body, [and] minutes of its meetings or reports” may be “highly relevant” in “determining whether racially discriminatory intent existed”).

II. “Legislative Privilege” Does Not Excuse Respondents’ Compliance with the Subpoenas

9. State legislators enjoy “absolute legislative immunity” from civil suit for “all actions taken in ‘the sphere of legitimate legislative activity.’” *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998) (quoting *Tenney v. Brandhove*, 341 U.S. 367, 372 (1951)).⁴ But that immunity does not protect legislators from third-party discovery. Instead, state legislators possess only a “legislative privilege” against such discovery. That privilege is “qualified,” not absolute, and may be overcome by a sufficient showing of need. *Pataki*, 280 F. Supp. 2d at 95 (citing *In re Grand Jury*, 821 F.2d 946, 957 (3d Cir. 1987) (“[S]uch privilege must be qualified, not absolute, and must therefore depend on a balancing of the legitimate interests on both sides.”)).⁵ Thus, “a legislator may be required to disgorge documents or provide other information in appropriate

⁴ Because subject matter jurisdiction in this action is founded on the existence of federal questions, the availability of any privileges presents a question of federal common law. See FED. R. EVID. 501; *Empress Casino Joliet Corp. v. Blagojevich*, 638 F.3d 519, 530 (7th Cir. 2011) *partially vacated on unrelated grounds by* 2011 WL 1678186, No. 09-3975 (Apr. 13, 2011); see also 2 WEINSTEIN’S EVIDENCE § 501[02] (1988) (“In federal question cases, federal privilege law, rather than the privilege law of the forum state applies.”).

⁵ See also *Fla. Ass’n of Rehab. Facs. v. Fla. Dep’t of Health & Rehab. Servs.*, 164 F.R.D. 257, 265 (N.D. Fla. 1995) (discussing the “qualified state legislative evidentiary privilege”); *Kay v. City of Rancho Palos Verdes*, 2003 WL 25294710, No. CV 02-03922, at *9-14 (C.D. Cal. Oct. 10, 2003); *Manzi v. DiCarlo*, 982 F. Supp. 125, 129 (E.D.N.Y. 1997).

circumstances.” *Pataki*, 280 F. Supp. 2d at 100.⁶

10. The factors that a court should consider in deciding whether the legislative privilege may be invoked are: “(i) the relevance of the evidence sought to be protected; (ii) the availability of other evidence; (iii) the seriousness of the litigation and the issues involved; (iv) the role of the government in the litigation; and (v) the possibility of future timidity by government employees who will be forced to recognize that their secrets are violable.” *Pataki*, 280 F. Supp. 2d at 100-01 (quoting *In re Franklin Nat’l Bank Sec.*, 478 F. Supp. 577, 583 (E.D.N.Y. 1979)). Additional relevant factors are “[t]he presence of issues concerning alleged governmental misconduct,” *Irvin*, 127 F.R.D. at 173 (collecting cases); “[t]he role of the government in the litigation itself,” *id.* (citing *In re Franklin*); and importantly, “[t]he federal interest in the enforcement of federal law,” *id.* (collecting cases). Further, a court must consider the purposes that the privilege serves. *United States v. Gillock*, 445 U.S. 360, 370 (1980).

11. When considering the relevant factors and purposes, moreover, a court should be guided by the fact that testimonial privileges are disfavored because they “contravene the fundamental principle that ‘the public ... has the right to every man’s evidence.’” *Trammel v. United States*, 445 U.S. 40, 50 (1980) (quoting *United States v. Bryan*, 339 U.S. 323, 339 (1950)). Privileges consequently must be “strictly construed and accepted only to the very limited extent that permitting a refusal to testify or excluding relevant evidence has a public good transcending

⁶ To be sure, there are a few outlier cases that misread the relevant precedents and suggest that the legislative privilege is somehow absolute. But the clear weight of authority is otherwise. See *Kay*, 2003 WL 25294710, at *9-14 (surveying split of authorities and concluding that “although some cases suggest the privilege is absolute, the better view is that it is qualified”); see also *Village of Arlington Heights*, 429 U.S. at 268 (recognizing that “[i]n some extraordinary instances [legislators] might be called to the stand at trial to testify concerning the purpose of the official action, although even then such testimony frequently will be barred by privilege.”); *Manzi*, 982 F. Supp. at 129 (citing *United States v. Gillock*, 445 U.S. 360, 370 (1980), for the proposition that the Supreme Court has “rejected the notion that the common law immunity of state legislators gives rise to a general evidentiary privilege.”); *United States v. Cartledge*, 928 F.2d 93, 96-97 (4th Cir. 1991) (reversing district court for failing to apply balancing test).

the normally predominant principle of utilizing all rational means for ascertaining the truth.” *Id.* (internal citation and quotation omitted). Particularly when viewed with the appropriate skepticism of privilege claims, all of the relevant factors and considerations weigh in favor of permitting discovery.

12. The factor most relevant to the instant analysis is the nature of the federal interest at stake in this lawsuit, and how allowing Respondents to ignore the Subpoenas would affect that interest. The *Gillock* case involved a Tennessee legislator indicted on bribery charges who argued that legislative privilege prohibited the introduction of any evidence at his federal criminal trial concerning his legislative acts and the motivations underlying them. 445 U.S. at 366. While the Court expressed “sensitivity to interference with the functioning of state legislators,” it ultimately decided to pierce the privilege, holding that “where important federal interests are at stake, as in the enforcement of federal criminal statutes, comity yields.” *Id.* at 373. Considering the balance between state legislative independence and the furtherance of important federal interests, the justification for piercing the legislative privilege is even stronger here than it was in *Gillock*.

13. Here, the “federal interest” at stake is the enforcement of the Voting Rights Act (“VRA”) and similar constitutional rights protecting enfranchisement. That interest is obviously of vital importance. *See Irvin*, 127 F.R.D. at 174 (concluding piercing of legislative privilege warranted in part because “[t]he federal interest in” enforcing the VRA “is compelling”). Indeed, because the very purpose of the VRA is to act as check on unlawful actions by state legislators, absolute deference to state legislative prerogatives, which is what Respondents ask, would be exceptionally inappropriate in this circumstance. *See Derrickson v. City of Danville, Ill.*, 845 F.2d 715, 724 (7th Cir. 1988) (Cudahy, J. concurring) (the Voting Rights Act was

passed because “states could not be relied upon to enforce the guarantees of the fourteenth and fifteenth amendments”). The Supreme Court has recognized that in order to accomplish the VRA’s goals of “prevent[ing] discrimination in the exercise of the electoral franchise and []foster[ing] our transformation to a society that is no longer fixated on race,” *Georgia v. Ashcroft*, 539 U.S. 461, 490 (2003), a measure of “federal intrusion into sensitive areas of state and local policymaking” is required. *Lopez v. Monterey County*, 525 U.S. 266, 282 (1999); *see also Dickinson v. Indiana State Election Bd.*, 933 F.2d 497, 502 (7th Cir. 1991) (because the “supremacy clause ensures that the Voting Rights Act takes precedence over illegal state apportionments,” concern over federalism or deference to state lawmakers “provides no basis” for refusing to enforce the Act). To permit Respondents to hide behind the privilege here would allow Respondents to use their status as legislators to shield the very behavior that the VRA was designed to police.

14. In a similar vein, the Subpoenas do not seek information ancillary to the central issues of this lawsuit; rather they seek information about the intent, purposes, and methods of the redistricting process that go to the core of the action. Indeed, disclosure is especially appropriate because “the subject matter of this case, as defined by federal law, is in part the legislative process itself.” *Fla. Ass’n of Rehab. Facs.*, 164 F.R.D. at 268 (compelling legislative staffers to attend depositions despite assertions of legislative privilege). In this regard, this case is similar to *United States v. Bd. of Educ. Of City of Chicago*, 610 F. Supp. 695, 700 (N.D. Ill. 1985), where this Court, in analyzing the similar deliberative process privilege, stated:

Clearly, then, this is not the usual “deliberative process” case in which a private party challenges governmental action or seeks documents via the Freedom of Information Act, and the government tries to prevent its decisionmaking process from being swept up unnecessarily into public. Here the decisionmaking process is not ‘swept up into’ the case, it *is* the case. The issue *is* the deliberative process * * * Thus, the [government’s] assertion of the privilege, if sustained, could have

the harmful effect of preventing this Court from fulfilling its very mission * * *

Id. (emphasis in original). The traditional justifications for state legislative privilege are at their lowest ebb when it is the state legislative process itself that is challenged.

15. A final point about the federal interest at stake: Like the enforcement of federal corruption laws (*see Gillock*, 445 U.S. at 373), enforcement of the VRA and associated constitutional provisions is a federal interest with an undeniable public dimension. Courts are more willing to disregard legislative privilege when the underlying lawsuit seeks to vindicate the federally-protected rights of the *public* (as this suit does), as opposed to private interests of individuals. *See Newport Pacific Inc. v. County of San Diego*, 200 F.R.D. 628, 640 (S.D. Cal. 2001) (“This is not a typical deliberative process case in which a private party challenges a governmental action. Rather, this is an action alleging violations of federal constitutional magnitude. The tendency is therefore to allow discovery.”); *Kay*, 2003 WL 25294710, at *19 (noting that while “[a]ll lawsuits are serious in the eyes of the parties to any of them,” piercing of privilege would be more appropriate, for example, in a case alleging that the government “discriminated against residents’ voting rights on the basis of race” than in a slip-and-fall case brought by an individual).⁷ The issues implicated in this lawsuit have an obviously far-reaching public impact. And the discovery sought is no fishing expedition. As is evident from the detailed facts pleaded in the Complaint, the allegations of government misconduct are both serious and well-founded.

⁷ Compare *Bagley v. Blagojevich*, 646 F.2d 378 (7th Cir. 2011), which did not involve a compelling public interest; rather it involved an attempt by a group of Illinois Department of Corrections workers to compel Governor Blagojevich (who was acting in a legislative capacity) to submit to a deposition to ascertain his motive for eliminating their positions. *But see Manzi*, 982 F. Supp. at 130 (ordering that documents concerning allocations of funds to a state senator be produced in an employment termination case because “the discovery and trial needs of plaintiff in enforcing her rights under federal law clearly outweigh the State Defendants’ need for confidentiality.”).

16. The other relevant considerations militate in favor of enforcement of the Subpoenas. For the reasons explained above, the sought-after information is highly relevant. No other party would possess similarly direct or probative evidence of the invidious motivations behind the Plan. And the State Board of Elections, which is an arm of the state government and is being defended by the state Attorney General's office, is a Defendant here.

17. Allowing discovery will not unduly chill legislators in their future communications. Respondents here are not defendants in this suit. Plaintiffs seek no monetary or injunctive relief against them. The court in *In re Grand Jury* considered the "threat of intimidation" that might result from the risk that any discovered material might be used against the legislator in a later criminal prosecution. 821 F.2d at 956. There appears to be no danger of that occurring here. *See also Fla. Ass'n of Rehab. Facs.*, 164 F.R.D. at 266. In *Gillock*, the Supreme Court characterized the impact of disclosure on state legislators' future deliberations as "speculative" and "minimal." *Gillock*, 445 U.S. at 373. And because this case involves redistricting—a task not oft performed by legislators—permitting discovery will not work to chill the day-to-day functioning of the legislature. The Court should follow *Irvin* in concluding that ordering disclosure will not "add measurably to the inhibitions already attending legislative deliberations." *Irvin*, 127 F.R.D. 174.

18. Even if the Court were to decide that Respondents were entitled to the legislative privilege for some of the documents in their possession, the privilege would not entirely relieve them of the burden of complying with the Subpoenas. First, to the extent that the Court determines that Respondents may assert the legislative privilege to protect inquiry into their private deliberations, Plaintiffs would still be entitled to the materials and information available to the Respondents at the time a decision was made. *See Arlington Heights*, 429 U.S. at n.20

(noting that plaintiffs “were allowed, both during the discovery phase and at trial, to question Board members fully about materials and information available to them at the time of decision”); *see also ACORN v. County of Nassau*, 2009 WL 2923435, No. 05-CV-2301, at *4 (E.D.N.Y. Sept. 10, 2009) (“[E]ven where the legislative privilege bars questioning or production of documents revealing a legislator’s deliberations, it does not also prohibit inquiries into documents and information available to the legislators at the time the decision was made.”) (*citing Arlington Heights*). Much of what the Subpoenas call for is this sort of objective information. *See, e.g.*, Subpoenas at ¶ 4 (calling for voter/election data).

19. Furthermore, for a substantial portion of the requested documents, any privilege that Respondents might have properly asserted has been waived through communications with parties outside of the General Assembly. “As with many testimonial privileges, the legislative privilege may be waived as to communications made in the presence of third parties.” *ACORN v. County of Nassau*, 2007 WL 2815810, No. CV 05-2301, (E.D.N.Y. Sep. 25, 2007) (*citing Almonte v. City of Long Beach*, 2005 WL 1971014, No. CV 04-4192, at *3 (E.D.N.Y. Aug. 16, 2005) (consultations with political operative were not part of the legislative process and thus not privileged). Legislators are not “entitled to discuss [the legislative process] with some outsiders then later invoke the privilege as to others.” *Almonte*, 2005 WL 1796118, at *3; *see also Pataki*, 280 F. Supp. 2d at 101 (“no one could seriously claim [legislative] privilege” to “a conversation between legislators and knowledgeable outsiders, such as lobbyists, to mark up legislation.”). On multiple occasions in 2011, Democratic Members of Congress met and exchanged information with Democratic members of the Illinois General Assembly concerning the congressional remap.⁸ Any information exchanged at those or similar meetings is discoverable.

⁸ For example, Democratic Members of Congress met with Springfield staffers on Saturday, May 21 to see drafts of their districts. *See* Capitolfax.com Newsletter, posted May 20, 2011, available at

In addition, on information and belief, employees and/or agents of the national Democratic Congressional Campaign Committee (“DCCC”) actually drew most or part of the Proposed Congressional Plan that is the current law of Illinois.⁹ Certainly, Plaintiffs are entitled to seek documents and otherwise inquire into Respondents’ contact with these third parties.

20. If the Court nonetheless concludes that legislative privilege applies to the Subpoenas, the Court undertake an *in camera* review of the privileged documents to determine if any should be divulged. *See ACORN*, 2009 WL 2923435, at *5 (holding that it would perform *in camera* review on documents subject to legislative privilege and would compel production of any documents that “reveal[ed] that racial considerations played any role in the legislative deliberations regarding the * * * decision.”); *Pataki*, 2003 WL 22109902, at 2 (employing same procedure). Counsel for Respondents admitted that there are potentially “thousands” of documents in Respondents’ possession that are responsive to the Subpoenas, although apparently no efforts had, as of September 6, 2011, been made to quantify such documents. Plaintiffs should not be deprived of those potentially crucial documents on Respondents’ mere, blanket assertion of the legislative privilege.

21. Finally, in the event that the Court determines that Respondents are entitled to assert the legislative privilege, Defendants should not be permitted to offer evidence from Respondents in defense of this matter. For example, to allow Defendants to call a representative of the Illinois House to testify at the injunction hearing about the motives of the Proposed Congressional Plan, after the Illinois House had previously asserted legislative privilege to

<http://capitolfax.com/2011/05/20/this-just-in-official-map-finally-posted/>; *see also* Kristen McQuery, *Incumbents Carve Out a New Congressional Map*, THE NEW YORK TIMES, June 2, 2011, available at <http://www.nytimes.com/2011/06/03/us/03cncredistricting.html> (“Members of Congress were invited to view the map in Springfield two weeks ago, before the measure was released publicly. Some congressmen, including Representative Mike Quigley, Democrat of Chicago, made the three-house drive from Chicago.”)

⁹ See Motion to Compel DCCC, attached as Exhibit D.

questions going to that same issue, would be patently unfair. *See Robinson v. Morgan Stanley*, 2010 WL 1050288 No. 06 C 5158, at *6 (N.D. Ill. March 17, 2010) (quoting *United States v. Bilzerian*, 926 F.2d 1285, 1292 (1992) (“[a] defendant may not use the privilege to prejudice his opponent’s case or to disclose some selected communications for self-serving purposes”)).

III. Respondents Have Not Properly Asserted the “Deliberative Process Privilege”

22. “The deliberative-process privilege covers memoranda and discussions within the Executive Branch leading up to the formulation of an official position.” *United States v. Zingsheim*, 384 F.3d 867, 872 (7th Cir. 2004). As should be clear from the preceding quote, there is no reason to think that the “deliberative process privilege” may be asserted by Respondents, as it is a prerogative of the *executive/administrative branch of government*. *See Kay*, 2003 WL 25294710, at *15 (quoting *A Michael’s Piano, Inc. v. FTC*, 18 F.3d 138, 147 (2d Cir. 1994)).

23. Even assuming that Respondents could assert the deliberative process privilege, they have failed to properly do so. As this Court has recently written, assertion of the deliberative process privilege must be done on a document-by-document basis, with the government describing with particularity why each fits in the narrow confines of the privilege:

In order to invoke the privilege, a party must show three elements: (1) the department head with control over the information has made a formal claim of privilege; (2) the responsible official must demonstrate, usually by affidavit, the reasons for preserving the confidentiality of the documents; and, (3) the official must specifically identify and describe the documents in question. *Ferrell v. United States Dept. of Housing and Urban Dev.*, 177 F.R.D. 425, 428 (N.D. Ill. 1998) (internal quote and citation omitted).

Buonauro v. City of Berwyn, 2011 WL 2110133, No. 08 C 6687, at *2 (N.D. Ill. May 25, 2011).¹⁰ Respondents have not even attempted to make such a particularized showing.

¹⁰ *See also Artfield Builders, Inc. v. Village of Buffalo Grove*, 1992 WL 314185, at *1 (N.D. Ill. Oct. 26, 1992) (rejecting claim of deliberative process privilege and noting that because the “Village’s claim of

24. In addition, the deliberative process privilege only protects a communication if it is pre-decisional in the sense that it is “actually [a]ntecedent to the adoption of an agency policy,” and deliberative in the sense that it is “actually ... related to the process by which policies are formulated.” *Enviro Tech Int’l v. Env’tl Prot. Agency*, 371 F.3d 370, 375 (7th Cir. 2004). The privilege does not justify the withholding of “purely factual material” or documents reflecting an agency’s final policy decisions. *Id.* at 374; *see also Tumas v. Bd. of Educ. of Lyons Tp. High School Dist. No. 204*, 2007 WL 2228695, No. 06 C 1943, at *1 (N.D. Ill. July 31, 2007) (“the privilege * * * does not protect purely factual material”) (citations omitted). Without a detailed description of the responsive documents Respondents are withholding, Plaintiffs simply cannot know which (if any) responsive documents satisfy these conditions. Again, much of the Subpoena calls for factual matter (such as voter data) that is not protected.

25. Further, Respondents have waived this privilege for any documents shared with third-parties (such as the Illinois Congressional delegation and employees or agents of the DCCC). *Howard v. City of Chicago*, 2006 WL 2331096, No. 03 C 8481, at *7 (N.D. Ill. Aug. 10, 2006) (privileges relating to governmental decisionmaking can be waived if the disclosure is voluntarily made to outside party).

26. Even if the privilege were properly asserted and did apply, the deliberative process privilege, like the legislative privilege, is not absolute and “may be overcome where there is a sufficient showing of a particularized need to outweigh the reasons for confidentiality.” *United States v. Farley*, 11 F.3d 1385, 1389 (7th Cir. 1993).¹¹ For the reasons discussed above,

privilege is a blanket claim, unsupported by the type of affidavit described above * * * we must take a dim view of its claim even at the threshold level.”).

¹¹ “[T]he balancing tests that courts have suggested for challenges to both the legislative privilege and the deliberative process privilege are quite similar and functionally interchangeable.” *Kay*, 2003 WL 25294710, at *17; *see also K.L. v. Edgar*, 964 F. Supp. 1206, 1209 (N.D. Ill. 1997) (listing factors for

application of the deliberative process privilege is inappropriate in this case.

IV. Respondents’ Objections Based on Attorney-Client Privilege, Work Product Privilege, and Overbreadth and Burden Fail

27. During the final call, Respondents’ counsel indicated that they had treated their assertions of the legislative and deliberative process privileges essentially as “threshold” matters, and had therefore not gone to the trouble to analyze particular documents for claims of attorney-client or work-product protection. Obviously “[a] blanket claim of privilege that does not specify what information is protected will not suffice.” *United States v. White*, 970 F.2d 328, 334 (7th Cir. 1992) (“privilege must be made and sustained on a document-by-document basis”).

28. Similarly, on the call, Respondents indicated that they had not attempted to ascertain how many potentially responsive documents are in their possession. This failure renders their claims of over-breadth and burdensomeness meritless. Respondents have further objected that Plaintiffs’ first two requests are “not reasonably calculated to lead to the discovery of admissible evidence.” A quick read of the requests is enough to refute that argument. Plaintiffs’ requests for discovery are narrowly tailored to seek documents relating to the formulation of the Proposed Congressional Plan—the central issue in this case. Apart from the statements in their letter, Respondents have not explained why the first two requests are not “reasonably calculated” to lead to admissible evidence. They have therefore failed to shoulder their burden to “show why a discovery request is improper.” *Rubin v. Islamic Republic of Iran*, 349 F.Supp.2d 1108, 1111 (N.D. Ill. 2004).¹²

weighing deliberative process privilege). The privilege “must be strictly confined within the narrowest possible limits consistent with the logic of its principles.” *Id.* at 1208.

¹² Finally, Respondents also object that the applicable local and federal rules “do not require [them] to produce software programs.” *Id.* at ¶¶ 4, 6. Plaintiffs do not require Respondents’ to produce copies of the election Redistricting software that they used. However, Respondents’ are required to produce the data files called for in requests ¶¶ 4-5, and to identify which software programs were used to create them.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Court should order Respondents to comply with the Subpoeas within 7 days.

Dated: September 15, 2011

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2011, a copy of the foregoing Motion to Compel Enforcement of Third Party Subpoena was provide to the following by email and overnight courier for delivery the next business day:

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Mapes, and Jonathan Maxson.*

Eric M. Madiar
Chief Legal Counsel to the President of the Senate
605 State House
Springfield, IL 62706
(217) 782-2156

*Counsel for Office of the Illinois Senate President,
Illinois Senate Redistricting Committee, Illinois
Senate, Ronald Holmes, Amy Bowne, Deb
McCarver, Giovanni Randazzo, Andrew Manar, Ian
Watts, Jade Huebner, Jeremy Flynn, Jill Dykhoff,*

*Lee LoBue, Lee Whack, Magen Ryan, Monica Brar,
Noe Chaimongkol, Ted Pruitt, and AJ Sheehan*

Michael Layden
Richard J. Prendergast, Ltd.
111 W. Washington St., Suite 1100
Chicago, IL 60602
(312) 641-0881

Dated: September 15, 2011

By: /s/ Lori E. Lightfoot

Tyrone C. Fahner
John A. Janicik
Lori E. Lightfoot
Joshua D. Yount
Dana S. Douglas
Thomas V. Panoff
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 782-0600
(312) 701-7711 – fax

Attorneys for Plaintiffs

GROUP EXHIBIT A

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

(If the action is pending in another district, state where:
Northern District of Illinois)SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Illinois Senate

Attn: Jillayne Rock, Secretary of Senate, Room 401 Capitol Building, Springfield, IL 62706

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

Place: Make produced documents available for messenger
pick-up at Room 401 Capitol Building, Springfield, IL
62706.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot *ASD*
Attorney's Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* Illinois Senate

was received by me on (date)

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

on (date) ; or

☐ I returned the subpoena unexecuted because:

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

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

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

Date:

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Illinois House of Representatives

Attn: Tim Mapes, Chief of Staff, 160 N. LaSalle, Ste. N-600, Chicago, IL 60601

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

Place: Make produced documents available for messenger pick-up at 160 N. LaSalle, Ste. N-600, Chicago, IL 60601.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606

llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Illinois House of Representatives
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____ _____
Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Office of the Speaker of the Illinois House of Representatives
Attn: Tim Mapes, Chief of Staff, 160 N. LaSalle St., Ste. N-600, Chicago, IL 60601☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 160 N. LaSalle St., Ste. N-600, Chicago, IL
60601.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Office of the Speaker of the IL House of Rep.
was received by me on *(date)*

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

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date _____ Server's signature _____

Printed name and title _____

Server's address _____

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Office of the Senate President

Attn: Andrew Manar, Chief of Staff, 160 N. LaSalle Street, S720, Chicago, IL 60601

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

Place: Make produced documents available for messenger pick-up at 160 N. LaSalle Street, S720, Chicago, IL 60601.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606

llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Office of the Senate President
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois House Redistricting Committee
Attn: Barbara Flynn Currie, Chairperson, 1303 E. 53rd Street, Chicago, IL 60615

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

Place: Make produced documents available for messenger pick-up at 1303 E. 53rd Street, Chicago, IL 60615.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Illinois House Redistricting Committee
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Senate Redistricting Committee

Attn: Kwame Raoul, Chairperson, 1509 E. 53rd St 2nd Floor, Chicago, IL 60615

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

Place: Make produced documents available for messenger pick-up at 1509 E. 53rd St 2nd Floor, Chicago, IL 60615.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot D110
Attorney's Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606

llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Senate Redistricting Committee
was received by me on *(date)* _____.

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

☐ I returned the subpoena unexecuted because: _____
_____.

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Travis Shea, Analyst
Capitol Building, Room 538, Springfield, IL 62706-1150☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Capitol Building, Room 538, Springfield, IL
62706-1150.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot ASD
Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for (name of individual and title, if any) Travis Shea
was received by me on (date) _____.

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

_____ on (date) _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Ronald Holmes
WM G Stratton BLDG, C Section, Springfield, IL 62706-4200

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

Place: Make produced documents available for messenger
pick-up at WM G Stratton BLDG, C Section, Springfield,
IL 62706-4200.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

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

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Bria Scudder
520 S. 2nd St., Apt. 306, Springfield, IL 62701-1735

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

Place: Make produced documents available for messenger
pick-up at 520 S. 2nd St., Apt. 306, Springfield, IL
62701-1735.

Date and Time:

08/29/2011 10:30 am

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

Place:

Date and Time:

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

Date: 08/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot *RLB*
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr., Ste. 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

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

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: AJ Sheehan, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706

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

Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1061,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Lori E. Lightfoot /eme
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* AJ Sheehan, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Amy Bowne, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 327 State House, Room 617A Springfield, IL
62706.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Amy Bowne, Assistant Legal Counsel, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Andrew Manar, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 327 State House, Room 327, Springfield, IL
62706.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Andrew Manar, Chief of Staff, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Deb McCarver, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1059,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

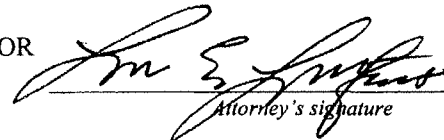
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Deb McCarver, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Ian Watts, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1060,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Ian Watts, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Jayde Huebner, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1062,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Jayde Huebner, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Giovanni Randazzo, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 327 State House, Room 613, Springfield, IL
62706.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Giovanni Randazzo, Deputy Legal Counsel, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Jeremy Flynn, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706

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

Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1051,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR AND BALANCED MAP, who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Jeremy Flynn, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Jill Dykhoff, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1063,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Jill Dykhoff, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Lee LoBue, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 327 State House, Room 507, Springfield, IL
62706.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Lee LoBue, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Magen Ryan, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material. Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, 4th Floor, Springfield, IL
62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for (name of individual and title, if any) Magen Ryan, c/o Eric Madiar
was received by me on (date) _____.

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

_____ on (date) _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Lee Whack, c/o Eric Madiar

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

Place: Make produced documents available for messenger
pick up at Stratton Bldg., Sec. C, Rm. 1045, Springfield,
IL 62706

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee

For A Fair And Balanced Map, et al., who issues or requests this subpoena, are:

Lori E. Lightfoot lightfoot@mayerbrown.com
71 S. Wacker Dr. (312) 701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Lee Whack, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

\$ _____.

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Monica Brar, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Springfield, IL
62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Monica Brar, Communications Intern, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Noe Chaimongkol, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at 327 State House, Room 537, Springfield, IL
62706.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Noe Chaimongkol, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

COMMITTEE FOR A FAIR AND BALANCED MAP

Plaintiff

v.

ILLINOIS STATE BOARD OF ELECTIONS

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Ted Pruitt, c/o Eric Madiar
Capitol Building, Floor 006, Room 605, Springfield, IL 62706☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Make produced documents available for messenger
pick-up at Stratton Building, Section C, Room 1054,
Springfield, IL 62706-4200.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

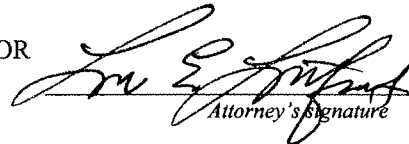
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signatureThe name, address, e-mail, and telephone number of the attorney representing (name of party) COMMITTEE FOR A FAIR
AND BALANCED MAP, who issues or requests this subpoena, are:Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Ted Pruitt, c/o Eric Madiar
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Anne Schaeffer, c/o David Ellis
Capitol Building, Room 412, Springfield, IL 62706-1150☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.

Place: Make produced documents available for messenger pick-up at Capitol Building, Room 300, Springfield, IL 62706-1150.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee For A Fair And Balanced Map, et al., who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Anne Schaeffer, Program Specialist, c/o David Ellis
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

\$ _____.

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Katy Langenfield, c/o David Ellis
Capitol Building, Room 412, Springfield, IL 62706-1150

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

Place: Make produced documents available for messenger
pick-up at Capitol Building, Room 300, Springfield, IL
62706-1150.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

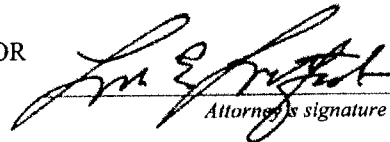
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee For A Fair And
Balanced Map, et al. , who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Katy Langenfield, Program Specialist, c/o David Ellis
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

\$ _____.

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Jonathan Maxson, c/o David Ellis
Capitol Building, Room 412, Springfield, IL 62706-1150

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

Place: Make produced documents available for messenger
pick-up at Capitol Building, Room 300, Springfield, IL
62706-1150.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

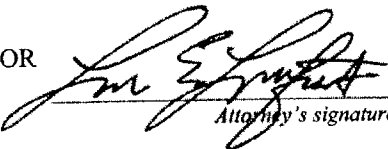
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee For A Fair And
Balanced Map, et al., who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606lightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Jonathan Maxson, Program Specialist, c/o David Ellis
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Daniel Frey, c/o David Ellis
Capitol Building, Room 412, Springfield, IL 62706-1150

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

Place: Make produced documents available for messenger
pick-up at Capitol Building, Room 300, Springfield, IL
62706-1150.

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

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

Date: 09/07/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee For A Fair And Balanced Map, et al., who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Drive, Suite 4471
Chicago, IL 60606llightfoot@mayerbrown.com
312-701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Daniel Frey, Analyst, c/o David Ellis
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

Committee For A Fair And Balanced Map, et al.

Plaintiff

v.

Illinois State Board Of Elections, et al.

Defendant

Civil Action No. 1:11-cv-05065

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

Northern District of Illinois)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Timothy Mapes, c/o David Ellis
Illinois State Capitol Building, Room 412, Springfield, IL 62706-1150☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Refer to attached Rider to Subpoena.Place: Illinois State Capitol Building, Room 300
Springfield, IL 62706-1150

Date and Time:

09/19/2011 10:30 am

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

Place:

Date and Time:

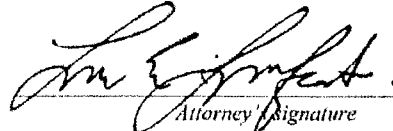
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/14/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney Signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Committee

For A Fair And Balanced Map, et al., who issues or requests this subpoena, are:

Lori E. Lightfoot
71 S. Wacker Dr.llightfoot@mayerbrown.com
(312) 701-8680

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:11-cv-05065

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* Timothy Mapes, Chief of Staff
was received by me on *(date)* _____.

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

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

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

\$ _____.

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

RIDER TO SUBPOENA

Plaintiffs, by and through their counsel, hereby request that Timothy Mapes (“Mr. Mapes”) produce the following documents for inspection and copying at the recipient’s address on the date set forth in the subpoena. Mr. Mapes shall adhere to the Definitions and Instructions below.

DEFINITIONS

As used herein, the terms and phrases identified below shall have the following meanings:

The term “Action” when used herein means Case No. 1:11-CV-05065 filed in the United States District Court for the Northern District of Illinois Eastern Division.

The term “Complaint” when used herein means the Complaint filed on July 27, 2011 in the above referenced Action.

The terms “Plaintiff” or “Plaintiffs” refer to all of the following:

- (a) The Committee for a Fair and Balanced Map (the “Committee”), including its members: Tom Long, Tom Ewing, Larry Nelson, J. Dennis Hastert, James D. Pearson, Lynn Martin, Michael Keiser, and Alexander D. Stuart;
- (b) The Partisan Gerrymander Plaintiffs named in the Complaint;
- (c) The Racial Gerrymander Plaintiffs named in the Complaint; and
- (d) The Racial Dilution Plaintiffs named in the Complaint.

The term “Defendant” refers to all of the following: The Illinois State Board of Elections, including its members: William McGuffage, Jesse R. Smart, Harold D. Byers, Betty J. Coffrin, Ernest L. Gowen, Judith C. Rice, Bryan A. Schneider, Charles W. Scholz, or any employee,

officer, director, agent, attorney or other representative thereof, and any person acting or purporting to act on its behalf.

The terms “You” and “Your” when used herein mean the recipient of these Requests for Production, Your present and former attorneys, agents, investigators, representatives, or anyone else acting in cooperation or in concert with You.

The term “Person” when used herein means any individual, firm, corporation, joint venture, partnership, limited liability company, trust, association, entity or group of persons, unless the request is clearly referring only to an individual, human person.

The term “Illinois General Assembly” when used herein means the state legislature of the state of Illinois.

The terms “Illinois House of Representatives” and “House” when used herein mean the lower house of the Illinois General Assembly and its 118 representatives.

The term “Illinois Senate” when used herein means the upper house of the Illinois General Assembly and its 59 members.

The terms “Congressional District” and “District” when used herein refer to an electoral District in the state of Illinois that elects a single member of the U.S. House of Representatives.

The term “Redistricting” when used herein refers to the process of redefining the geographic boundaries of legislative or Congressional Districts.

The term “Illinois House Redistricting Committee” when used herein means the committee comprised of Democrat and Republican Illinois House members charged with conducting Redistricting hearings throughout the state of Illinois prior to the drawing of the state and congressional legislative maps. Members include: Barbara Flynn Currie, Mike Fortner,

Edward Acevedo, Marlow Colvin, Jim Durkin, Lou Lang, Frank Mautino, Chapin Rose, Timothy Schmitz, Jill Tracy, and Karen Yarbrough.

The term “Illinois Senate Redistricting Committee” when used herein means the committee comprised of Democrat and Republican Illinois Senate members charged with conducting Redistricting hearings throughout the state of Illinois prior to the drawing of the state and congressional legislative maps. Members include: Kwame Raoul, Michael Noland, Jacqueline Y. Collins, William R. Haine, Don Harmon, Mattie Hunter, Emil Jones, III, Kimberly Lightford, Edward D. Maloney, Iris Y. Martinez, Dale A. Richter, Shane Cultra, Kirk W. Dillard, Dan Duffy, David Luechtefeld, and Matt Murphy.

The term “Communication” when used herein means any and all of the following: written, electronic or otherwise, oral communications, conversations by telephone, meetings, and any contact, written, formal or informal, at any time or place, and under any circumstances whatsoever in which information of any nature was transmitted or exchanged in any form.

The term “Document” when used herein means any and all written, typed, printed, recorded, computerized, electronic, or graphic statements, Communications, or other matter, however, produced or reproduced, whether in final or draft form, and whether or not now in existence, in Your possession, custody, or control, including without limitation, all writings; studies; analyses; tabulations; evaluations; reports; reviews; agreements; contracts; letters or other correspondence; emails from all email accounts in Your possession, custody, or control, including, but not limited to, Your personal, professional, and official email accounts; messages; facsimile messages; text messages; memoranda; records; notes; reports; summaries; PDFs; spreadsheets; sound recordings or transcripts of personal or professional telephone conversations or messages; meetings; conferences or interviews; telephone toll records; diaries; desk calendars;

appointment books; drawings; graphs; charts; maps; diagrams; blueprints; tables; indices; pictures; photographs; films; tapes; statistical or analytical records; minutes or records of committee or other meetings or conferences; transcripts of testimony; reports or summaries of investigations; opinions or reports or summaries of investigations; opinions or reports of consultants; press releases; newspaper and magazine clippings; projections; and any other Document, writing, or other data compilation of whatever description, including, but not limited to, electronically stored data although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonable usable form; any other data types, including without limitation, all District mapping software data files and shapefiles, including data files in draft form.

The term “Proposed Congressional Plan” when used herein refers to the new map for the state of Illinois’ Congressional Districts adopted by the Illinois General Assembly and signed into law by Governor Pat Quinn on Friday, June 24, 2011 as Illinois P.A. 97-14; including, but not limited to, Senate Bill 1178 and amendments thereto.

The terms “Compact” and “Compactness” when used herein mean the degree to which the territory assigned to a District is close together. There are several mathematical methods to measure the elements of Compactness, including, but not limited to, measuring the Circularity Ratio and the Schwartzberg Test:

- (a) The term “Circularity Ratio” when used herein refers to the ratio of the area of the proposed Districts to the area of a circle having the same perimeter; this measure of shape is used in Redistricting to maximize the Compactness of electoral Districts and avoid gerrymandering.

(b) The term “Schwartzberg Test” when used herein refers to the perimeter-based measure that compares proposed Districts to a circle, measuring distance from the center of gravity to points in the District boundary. This test is used in Redistricting to maximize the Compactness of electoral Districts and avoid gerrymandering.

The term “Core Report” when used herein refers to the constituency report produced by Maptitude, AutoBound, or similar software that indicates the number of persons or voters residing in a District in a Redistricting plan, who also reside in that same numbered or a differently numbered District in another Redistricting plan.

The terms “Voting Age Population” and “VAP” when used herein mean all citizens above the voting age of eighteen years.

The term “2010 Census” when used herein refers to the twenty-third decennial national census of the United States.

The term “2010 Elections” when used herein means all 2010 Illinois state and Congressional Elections.

To “Identify” a Person or witness means to state his or her name, present employer, last known address, telephone number (business and home), and employer and position in which he or she was employed at the time in question.

To “Identify a Document” means the following: (a) the name and present address of the Person who prepared it; (b) the name and address of the Person to whom it was addressed or distributed; (c) a detailed description of the general nature of the Document’s contents; (d) the date it was prepared, and the date it was distributed; (e) the name and address of the Person having custody of the original and any copies; (f) whether the original will voluntarily be made

available for the Plaintiff to inspect and copy, and if not, the specified reason for this refusal and a detail explanation of why this reason is persuasive; and (g) whether the original Document has been destroyed, and if so, why it was destroyed, the Person who directed it to be destroyed, who destroyed the Document, and when it was done.

To “Identify” a Communication or discussion shall mean to state the following: (a) the name and present address of each of the Persons who were involved in any way with the Communication or discussion; (b) a detailed description of the subjects that were involved in the Communication or discussion; (c) whether any memoranda, notes or other compilations, by whatever means, relating to the Communication or discussion were ever created; (d) the general substance of what was said by each Person involved in the Communication or discussion; and (e) the date on which such Communication or discussion occurred.

INSTRUCTIONS

1. Each production request shall be construed to include all Documents within Mr. Mapes’ possession, custody or control, or the possession, custody or control of its present and former attorneys, agents, investigators, representatives, or anyone acting in cooperation or in concert with It in this case, as of the date of its response to these production requests, as well as any Document that subsequently is obtained or discovered and that demonstrates that any production originally provided in response to these production requests was incorrect or incomplete in any way when made or subsequently became incorrect or incomplete; such supplemental Documents are to be promptly supplied.

2. If the response to any production request consists, in whole or in part, of an objection to, or including burdensomeness, then provide those Documents which can be produced without undue burden. For such Documents that are too burdensome to produce,

describe the process or method required to obtain said Documents, the quantity and location of the Documents involved, and the number of employee hours and costs of the search.

3. If the response to the production requests is any other objection, provide all information not covered by the objection and state the basis of the objection.

4. If any Document responsive to these production requests has been destroyed, for each such Document state when it was destroyed, identify the Person who destroyed the Document and the Person who directed that it be destroyed. Also, detail the reasons for the destruction, describe the nature of the Document, identify the Persons who created, sent, received or reviewed the Document, and state in as much detail as possible the contents of the Document.

5. If You withhold any information requested by the production requests contained herein, furnish a list with Your responses to these discovery requests identifying all such withheld information together with the following:

- (a) a brief description of the nature of the information withheld;
- (b) the reason(s) for the withholding;
- (c) an identification of all Documents relating or referring to the information;
- (d) the name of each Person most knowledgeable as to the information, and an identification by employment and title of each such Person;
- (e) a statement of facts constituting the basis for the withholding; and
- (f) the discovery requests to which the information relates. (If any such withholding relates only to a portion of a particular discovery request specify the portion to which the withholding relates.)

6. The use of the singular form of any word shall be deemed to include the plural form and *vice versa*, and the use of one gender shall include all others, as appropriate in context.

7. The connectives “and,” “or” and “and/or” shall be construed distinctively or conjunctively as necessary to bring within the scope of the request any information which might otherwise be construed to be outside its scope.

8. These Requests for Production are continuing in nature. In Your response to these Requests for Production, You are required to furnish all Documents available to You, including, but not limited to, Documents in the possession of any personnel, employees, attorneys, agents, investigators, representatives or anyone acting in cooperation or in concert with You.

9. As provided by the Federal Rules of Civil Procedure, You are under a duty to seasonably amend a prior response if You obtain information upon the basis of which You know that the response was incorrect when made or You know that the response, though correct, when made, is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment. The Committee reserves the right to request additional Documents.

10. Unless otherwise indicated all Document requests should pertain to the time frame of January 1, 2010 to the present.

REQUESTS FOR PRODUCTION

Request No. 1

All Documents related to the state of Illinois legislative and/or congressional Redistricting process which led to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan.

Request No. 2

All Documents, including, but not limited to, reports, analyses, election results or other election data, and Communications pertaining or relating to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan.

Request No. 3

All Documents regarding any Communications, discussions, meetings, and/or conversations, pertaining or relating to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan with any of the following Persons:

- (a) Defendants;
- (b) Democratic Congressional Campaign Committee ("DCCC");
- (c) Any present and former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the DCCC's behalf;
- (d) Illinois House Redistricting Committee;
- (e) Illinois Senate Redistricting Committee;
- (f) Any member of the Illinois General Assembly;
- (g) Any present and former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the Illinois General Assembly's behalf;
- (h) Any current or former member of the United States Congress;
- (i) Any present and former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the United States Congress' behalf; and
- (j) Any interest groups which testified at Redistricting hearings.

Request No.4

All Documents, Communications, or other matter, including without limitation, all data files or any other data type, related to election and/or voter data; election Redistricting software, including, but not limited to, Maptitude and AutoBound shapefiles and data, and/or data from any other District mapping software program(s), including data files in draft form, Core and Compactness report data, and all 2010 Census data used for the purpose of planning and drawing the Proposed Congressional Plan or any other potential congressional plan that was not adopted.

Request No. 5

All Documents, Communications, or other matter, that constitute, refer or relate to data files and drafts of data files used to formulate the composition of Districts 3, 4, and 5 of the Proposed Congressional Plan, including Compactness reports, Core reports, and any 2010 Census processed data used in conjunction with any District mapping software program(s).

Request No. 6

Any draft drawings of any Districts of the Proposed Congressional Plan, whether created by You or by any other Person.

Request No. 7

All Documents which reflect the identity of any and all persons who assisted in the drawing of Districts 3, 4, and 5 as they appear in the Proposed Congressional Plan.

Request No. 8

All Documents which reflect when the planning and drawing of Districts 3, 4, and 5 of the Proposed Congressional Plan were finalized.

Request No. 9

With respect to District 3 of the Proposed Congressional Plan, all Documents which reflect the identity of the Person(s) who made or participated in the decision to have the Latino VAP in District 3 as 24.64%.

Request No. 10

With respect to District 4 of the Proposed Congressional Plan, all Documents which reflect the identity of the Person(s) who made or participated in the decision to have the Latino VAP in District 3 as 65.92%.

Request No. 11

With respect to District 5 of the Proposed Congressional Plan, all Documents which reflect the identity of the Person(s) who made or participated in the decision to have the Latino VAP in District 5 as 16.05%.

Request No. 12

All Documents which reflect the identity of any expert or consultant who reviewed, commented on, advised or otherwise rendered any advice or opinion concerning the Proposed Congressional Plan.

Request No. 13

All Documents which reflect the identity of any and all experts or consultants who conducted any racial bloc voting or racial polarization analyses concerning the Proposed Congressional Plan.

Request No. 14

If any racial bloc voting or racial polarization analysis was conducted by any expert or consultant, produce Documents which reflect all such analyses.

Request No. 15

All Documents or Communications pertaining or relating to any analysis, review, study, or consideration undertaken by any expert, consultant, scholar or other Person regarding whether the Proposed Congressional Plan complies with Section 2 of the Voting Rights Act of 1965, 42 U.S.C. §1973, the U.S. Constitution, or the Illinois Constitution.

Request No. 16

All Documents which consist of reports or opinions of any expert or consultant used to support the composition of the entire Proposed Congressional Plan.

Request No. 17

All Documents which reflect any and all analysis concerning the viability of drawing two Latino congressional Districts, whether the Districts be considered majority or influence Districts.

Request No. 18

Any engagement letters provided to experts or consultants engaged for the purposes of planning, preparing, drawing, analyzing or providing supporting evidence for the Proposed Congressional Plan.

Request No. 19

All records of payment to any experts or consultants.

Request No. 20

All Documents identifying any Person(s) involved in the decision to post the Proposed Congressional Plan on the Illinois Senate website during the early morning hours of May 27, 2011.

Request No. 21

All Documents identifying any Person(s) who actually posted the Proposed Congressional Plan on the Illinois Senate website during the early morning hours of May 27, 2011.

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMITTEE FOR A FAIR AND
BALANCED MAP, JUDY BIGGERT,
ROBERT J. DOLD, RANDY HULTGREN,
ADAM KINZINGER, DONALD MANZULLO,
PETER J. ROSKAM, BOBBY SCHILLING,
AARON SCHOCK, JOHN M. SHIMKUS, JOE
WALSH, RALPH RANGEL, LOU
SANDOVAL, LUIS SANABRIA, MICHELLE
CABALLERO, EDMUND BREZINSKI, and
LAURA WAXWEILER,

Plaintiffs,

v.

ILLINOIS STATE BOARD OF ELECTIONS,
WILLIAM M. MCGUFFRAGE, JESSE R.
SMART, BRYAN A. SCHNEIDER, BETTY J.
COFFRIN, HAROLD D. BYERS, JUDITH C.
RICE, CHARLES W. SCHOLZ, and ERNEST
L. GOWEN,

Defendants.

**PLAINTIFFS' STATEMENT OF COMPLIANCE WITH
FED. R. CIV. PROC. 37(a)(1) and LOCAL RULE 37.2
IN SUPPORT OF THEIR MOTION TO COMPEL ENFORCEMENT
OF THIRD PARTY SUBPOENA**

Prior to filing Plaintiffs' Motion to Compel Enforcement Of Third Party Subpoena, counsel for Plaintiffs and counsel for Respondents conferred in good faith in an effort to resolve their dispute without court intervention, including by taking the following actions:

1. On August 19, 2011, Plaintiffs served the Subpoenas on Illinois House of Representatives, Office of the Speaker of the Illinois House of Representatives, Office of the Illinois Senate President, Illinois House Redistricting Committee, the Illinois Senate Redistricting Committee Respondents, Illinois Senate, Travis Shea, Ronald Holmes, and Bria

Scudder, returnable on August 29, 2011. Service was completed between August 19 and August 22.

2. On August 24, 2011, counsel for Plaintiffs (Lori E. Lightfoot) conferred by telephone with counsel for Respondents (David E. Ellis) about the documents requested by the Subpoenas. Counsel for Plaintiffs expressed their willingness to work with counsel for Respondents to extend the August 29, 2011 return date to accommodate Respondents' request for additional time to comply with the Subpoenas. The parties agreed to a conference call on August 29, 2011 to discuss further a mutually agreeable date for the production.

3. Between August 25, 2011 and August 29, 2011, counsel for Respondents exchanged a number of emails confirming the substance of the August 24, 2011 call.

4. On August 29, 2011 counsel for Plaintiffs and Counsel for Respondents discussed the Subpoenas in a conference call. Participating for Plaintiffs were Lori E. Lightfoot, and Dana Douglas. For Respondents were Eric Madiar and David E. Ellis.

5. On August 29, 2011, counsel for Plaintiffs received documents they had earlier requested from Respondents under the Freedom of Information Act ("FOIA").

6. On September 2, 2011 counsel for Respondents sent a letter to Plaintiffs' counsel in which they stated their objections to the Requests. For each request, in addition to other objections, counsel for Respondents asserted that the request "seeks documents or communications that are protected by legislative immunity [and/or] the deliberative process privilege."

7. Following receipt of the September 2 letter, counsel for Plaintiffs spoke once more by phone with counsel for Respondents on Tuesday, September 5, 2011. Present for Plaintiffs were Lori E. Lightfoot, Thomas Panoff, Dana S. Douglas, and Michael D. Frisch.

Present for Respondents were Mike Layden, Eric Madiar, and David E. Ellis. On that call, counsel for Respondents reiterated their objections based on legislative immunity and the due process privilege. They further stated that, in their view, everything that they were obliged to produce had already been included in the material sent in response the FOIA request; and they were therefore not required to produce anything more. In addition, counsel for Respondents stated that they did not intend to provide a privilege log, as legislative immunity relieved them of this obligation.

8. On September 7, 2011, Counsel for Timothy Mapes accepted service of the remaining subpoenas. Counsel for both parties agreed that the previously-made objections would apply to new group of Subpoenas as well.

9. From September 12 to and including the date of this filing, counsel for Plaintiffs and Counsel for respondents exchanged a number of emails about the impending motion to compel. On September 14, Counsel for Plaintiffs (Thomas Panoff and Michael Frisch) and Counsel for Respondents (Eric Madiar and Richard Prendergast) tentatively agreed to consent to the jurisdiction of this Court to resolve their disputes regarding all of the Subpoenas served to date, whether served in this district or in the Central District of Illinois. That agreement was confirmed in a series of e-mails on September 15, 2011.

WHEREFORE, for the foregoing reasons, Plaintiffs have satisfied their obligations pursuant to Fed. R. Civ. P. 37(a)(1) and Northern District of Illinois Local Rule 37.2. Despite their good faith efforts, Plaintiffs' counsel could not resolve the matters brought to the Court in the instant motion.

Dated: September 15, 2011

Respectfully submitted,

/s/ Lori E. Lightfoot

Tyrone C. Fahner
John A. Janicik
Lori E. Lightfoot
Joshua D. Yount
Dana S. Douglas
Thomas V. Panoff]
MAYER BROWN LLP
71 S. Wacker Drive.
Chicago, IL 60606
312-701-8680
312-706-8559 (fax)

Attorneys for Plaintiffs

EXHIBIT C



GENERAL ASSEMBLY

STATE OF ILLINOIS

September 2, 2011

Lori Lightfoot
71 S. Wacker Drive
Suite 4471
Chicago, IL 60606

VIA EMAIL lightfoot@mayerbrown.com

Re: Response to subpoenas in the matter of *Committee For a Fair and Balanced Map v. Illinois State Board of Elections*

Dear Lori:

We write in response to subpoenas, dated August 19, 2011, served upon the Illinois Senate, the Illinois House of Representatives, Office of the President of the Illinois Senate, Office of the Speaker of the Illinois House of Representatives, the Senate Redistricting Committee, the House Redistricting Committee, Ronald Holmes, Bria Scudder, and Travis Shea. As you are aware, we agreed that a response would be provided to you no later than Friday, September 2, 2011.

As a preliminary matter, we recognize that each party was served individually and acknowledge that the Senate and its employees, as well as the House and its employees, act independently. For ease of responding and to avoid undue confusion, the Senate and the House are responding collectively and shall be referred to in this response as the "Senate and House." Additionally, all subpoenas are referred to as the "Request."

General Objections

The Senate and House make the following general objections, whether or not separately set forth in response to each document request, to each and every instruction, definition and document request made in the subpoena for production of documents:

1. The Senate and House object generally to the Request to the extent that it seeks to impose requirements with respect to the production of documents that are in addition to or different from those set forth in Rules 26, 34, and 45 of the Federal Rules of Civil Procedure, and any other applicable Federal Rules or Local Rules for the Northern District of Illinois.

2. The Senate and House object generally to the Definitions and Instructions included in the "Rider to Subpoena" to the extent that said definitions or instructions purport to enlarge, expand or alter the plain meaning and scope of any individual request on the grounds that such enlargement, expansion or

alteration renders the request vague, ambiguous, unduly broad, and uncertain. The Senate and House further object to the definitions and instructions to the extent that they seek to impose obligations beyond the requirements of the Federal Rules of Civil Procedure, and any other applicable Federal Rules or Local Rules for the Northern District of Illinois.

3. The Senate and House object generally to the Request on the grounds that it is overbroad and unduly burdensome to the extent that it seeks production of "all" documents related to redistricting dating back to January 1, 2010.

4. The Senate and House object generally to the Request insofar as any individual request seeks production of documents or communications protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

Document Requests

1. All Documents related to the state of Illinois legislative and/or congressional Redistricting process which led to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 1 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, the Senate and House object to request number 1 on the grounds that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. The only non-privileged documents in the possession of the Senate and House that are responsive to your request are publicly available documents that were previously provided to one of your associates pursuant to the Freedom of Information Act. Please let us know if you would like an additional copy of those records.

2. All Documents, including, but not limited to, reports, analyses, election results or other election data, and Communications pertaining or relating to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 2 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, the Senate and House object to request number 1 on the grounds that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Additionally, request 2 seeks the production of the documents sought in request 1.

3. All Documents regarding any Communications, discussions, meetings, and/or conversations, pertaining to or relating to the planning, development, negotiation, drawing, revision or re-drawing of the Proposed Congressional Plan with any of the following Persons:

- (a) Defendants;
- (b) Democratic Congressional Campaign Committee ("DCCC");
- (c) Any present or former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the DCCC's behalf;
- (d) Illinois House Redistricting Committee;
- (e) Illinois Senate Redistricting Committee;
- (f) Any member of the Illinois General Assembly;

- (g) Any present or former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the Illinois General Assembly's behalf;
- (h) Any current or former member of the United States Congress;
- (i) Any present or former staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the United States Congress' behalf; and
- (j) Any interest groups which testified at Redistricting hearings.

RESPONSE: The Senate and House object to request number 3 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, request 3 seeks the production of the documents sought in requests 1 and 2.

4. All Documents, Communications, or other matter, including without limitation, all data files or any other data type, related to election and/or voter data; election Redistricting software, including, but not limited to, Maptitude and AutoBound shapefiles and data, and/or data from any other District mapping software program(s), including data files in draft form, Core and Compactness report data, and all 2010 Census data used for the purpose of planning and drawing the Proposed Congressional Plan or any other potential congressional plan that was not adopted.

RESPONSE: The Senate and House object to request number 4 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Additionally, the Senate and House object on the grounds that the request seeks the production of software and the applicable federal and local rules do not require the Senate and House to produce software programs. Further, request 4 seeks the production of the documents sought in requests 1 and 2.

5. All Documents, Communications, or other matter, that constitute, refer or relate to data files and drafts of data files used to formulate the composition of Districts 3, 4, and 5 of the Proposed Congressional Plan, including Compactness reports, Core reports, and any 2010 Census processed data used in conjunction with any District mapping software program(s).

RESPONSE: The Senate and House object to request number 5 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, request 5 seeks the production of the documents sought in requests 1 through 4.

6. Any draft drawings of any Districts of the Proposed Congressional Plan, whether created by You or by any other Person.

RESPONSE: The Senate and House object to request number 6 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Additionally, the Senate and House object on the grounds that the request seeks the production of software and the applicable federal and local rules do not require the Senate and House to produce software programs. Further, request 6 seeks the production of the documents sought in requests 1 and 2.

7. All documents which reflect the identity of any and all persons who assisted in the drawing of Districts, 3, 4, and 5 as they appear in the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 7 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

8. All documents which reflect when the planning and drawing of Districts 3, 4, and 5 of the Proposed Congressional Plan were finalized.

RESPONSE: The Senate and House object to request number 8 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

9. With respect to District 3 of the Proposed Congressional Plan, all Documents which reflect the identity of Person(s) who made or participated in the decision to have the Latino VAP in District 3 as 24.64%.

RESPONSE: The Senate and House object to request number 9 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, the request, in conjunction with the provided definitions, is vague and not a viable request.

10. With respect to District 4 of the Proposed Congressional Plan, all Documents which reflect the identity of Person(s) who made or participated in the decision to have the Latino VAP in District 3 as 65.92%.

RESPONSE: The Senate and House object to request number 10 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, the request, in conjunction with the provided definitions, is vague and not a viable request.

11. With respect to District 5 of the Proposed Congressional Plan, all Documents which reflect the identity of Person(s) who made or participated in the decision to have the Latino VAP in District 5 as 16.05%.

RESPONSE: The Senate and House object to request number 11 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further, the request, in conjunction with the provided definitions, is vague and not a viable request.

12. All Documents which reflect the identity of any expert or consultant who reviewed, commented on, advised or otherwise rendered any advice or opinion concerning the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 12 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

13. All documents which reflect the identity of any and all experts or consultants who conducted any racial block [sic] voting or racial polarization analyses concerning the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 13 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

14. If any racial block [sic] voting or racial polarization analysis was conducted by any expert or consultant, produce Documents which reflect all such analyses.

RESPONSE: The Senate and House object to request number 14 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

15. All Documents or Communications pertaining or relating to any analysis, review, study, or consideration undertaken by any expert, consultant, scholar or other Person regarding whether the Proposed Congressional Plan complies with Section 2 of the Voting Rights Act of 1965, 42 U.S.C. §1973, the U.S. Constitution, or the Illinois Constitution.

RESPONSE: The Senate and House object to request number 15 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

16. All documents which consist of reports or opinions of any expert or consultant used to support the composition of the entire Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 16 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

17. All Documents which reflect any and all analysis concerning the viability of drawing two Latino congressional Districts, whether the Districts be considered majority or influence District.

RESPONSE: The Senate and House object to request number 17 on the grounds that it is overly broad, unduly burdensome, vague, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

18. Any engagement letters provided to experts or consultants engaged for the purpose of planning, preparing, drawing, analyzing or providing supporting evidence for the Proposed Congressional Plan.

RESPONSE: The Senate and House object to request number 18 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Subject to and without waiving the foregoing objections, contracts for experts or consultants retained by the Senate and House were previously provided, as detailed in our response to request 1, as they are publicly available documents.

19. All records of payment to any experts or consultants.

RESPONSE: The Senate and House object to request number 19 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine. Further,

the Senate and House object to request number 1 on the grounds that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. As previously indicated to you in separate correspondence, Dr. Allan Lichtman, Dr. David Lublin, and Dr. Gerald Webster did not perform any analysis of the Proposed Congressional Plan, and therefore any payments to them would not fall within the scope of this request. Records of payments made to Election Data Services ("EDS"), another consultant we previously discussed, are available from the Office of the Comptroller. As a courtesy, we have made a request for records of payment and will produce them when they are made available to our office.

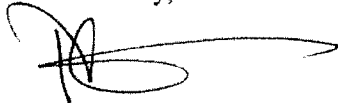
20. All Documents identifying any Person(s) involved in the decision to post the Proposed Congressional Plan on the Illinois Senate website during the early morning hours of May 27, 2011.

RESPONSE: The Senate and House object to request number 20 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

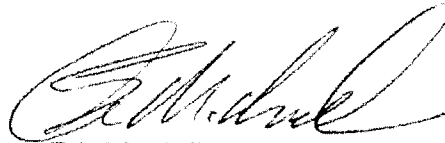
21. All Documents identifying any Person(s) who actually posted the Proposed Congressional Plan on the Illinois Senate website during the early morning hours of May 27, 2011.

RESPONSE: The Senate and House object to request number 21 on the grounds that it is overly broad, unduly burdensome, and seeks documents or communications that are protected by legislative immunity, the deliberative process privilege, the attorney-client privilege, and/or the work product doctrine.

Sincerely,



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EXHIBIT D

INTRODUCTION

1. In their Subpoena, Plaintiffs seek documents from the DCCC because, as set forth in more detail below, on information and belief, the DCCC, its employees, and/or agents had a substantive role in creating the 2011 Illinois congressional redistricting plan ("Proposed Congressional Plan") enacted as Illinois P.A. 97-14. Having injected itself into the Illinois congressional redistricting process, the DCCC now seeks to hide behind a series of bogus objections which are wholly lacking in merit. Plaintiffs seek highly relevant information regarding the DCCC's role in creating the Proposed Congressional Plan, which is a product of a backroom legislative process shrouded in darkness. Plaintiffs are entitled to that information to prove their claims that the Proposed Congressional Plan intentionally dilutes the votes of Latinos, enacts an unconstitutional racial gerrymander, and engages in blatant partisan gerrymandering. And the DCCC has no legitimate basis on which to shield that information from discovery.

2. Because the DCCC has regarded the Subpoena as something akin to a social invitation that it can ignore and has utterly failed to approach the meet and confer process with anything other than bad faith, Plaintiffs have no alternative but to seek this Court's assistance to enforce the duly issued Subpoena.

FACTUAL BACKGROUND

3. On July 27, 2011, Plaintiffs filed a six-count complaint (the "Complaint," attached as Exhibit B) in the United States District Court for the Northern District of Illinois challenging the legality of the Proposed Congressional Plan. Plaintiffs are comprised of the following: the Committee for a Fair and Balanced Map, an independent not-for-profit organization created by Illinois citizens concerned about the Congressional redistricting process

in Illinois; several Latino, Latina, and Republican voters who are residents of Chicago and the surrounding suburbs; and ten Illinois Republican congresspersons.

4. The action ("Action"), docketed as case no. 1:11-cv-05065, was initially assigned to District Judge Joan H. Lefkow and subsequently assigned to a three-judge panel consisting of Judge Lefkow, Circuit Judge John Daniel Tinder and District Judge Robert L. Miller, Jr. Plaintiffs brought Action against the Illinois State Board of Elections and its members Harold Byers, Betty Coffrin, Ernest Gowen, William McGuffage, Jesse Smart, Judith Rice, Bryan Schneider, and Charles Scholz (collectively the "Board"). Plaintiffs' Complaint asserts that the Proposed Congressional Plan violates the Voting Rights Act, the Equal Protection Clause of the Fourteenth Amendment, the Fifteenth Amendment, and the First Amendment because it unlawfully uses racial gerrymandering to create a majority Latino district, dilutes the votes of Latinos by packing them into a single congressional district, and is gerrymandered to discriminate against Republican voters.¹

5. In light of the looming 2012 election season, for which the Proposed Congressional Plan was created, the parties conferred and submitted a agreed discovery schedule to the court, and on August 11, 2011, the court entered an order ("Order" attached as Exhibit C) setting a briefing schedule and granting expedited discovery. The briefing schedule accounted for the fact that the Defendants may file a motion to dismiss (Order ¶ 1) (which they did on

¹ Specifically, Plaintiffs allege that the Proposed Congressional Plan intentionally dilutes Latino votes, in violation of Section 2 of the Voting Rights Act (Count I), the Equal Protection Clause of the Fourteenth Amendment (Count II), and the Fifteenth Amendment (Count III). Plaintiffs also allege that the Proposed Congressional Plan discriminates on the basis of race without being narrowly tailored to further a compelling state interest, in violation of the Equal Protection Clause of the Fourteenth Amendment (Count IV). Finally, Plaintiffs allege that the Proposed Congressional Plan is an unconstitutional political gerrymander, in violation of the First Amendment (Count V) and the Equal Protection Clause of the Fourteenth Amendment (Count VI). *See* Compl. ¶¶ 108-38.

August 31), made the response due September 28, and made the reply due October 12. But the court nonetheless ordered discovery to proceed at the same time, setting expert discovery deadlines of September 14 and September 28 (*id.* ¶ 2.3), and mandating that “[d]iscovery shall be completed by October 19, 2011.” *Id.* ¶ 2.8.

6. On August 19, 2011, Plaintiffs issued the Subpoena to the DCCC, returnable on August 29, 2011. The Subpoena consisted of twenty-one requests for production seeking documents related to: (1) the Illinois congressional redistricting process and the planning, development, negotiation, drawing, revision, or re-drawing of the Proposed Congressional Plan; (2) election and voter data as well as software used to plan and draw the Proposed Congressional Plan, its respective districts, or any other potential redistricting plan that was not ultimately adopted; (3) expert or consultant reports or any other analyses regarding the Proposed Congressional Plan; and (4) the posting of the Proposed Congressional Plan on the Illinois Senate website on May 27, 2011. The DCCC received service of the Subpoena on or about August 22, 2011.

7. On August 26, 2011, counsel for Plaintiffs received an email from counsel for the DCCC attaching a four-page letter containing purported objections (“Objections” attached as Exhibit D) to the Subpoena.² The Objections made hardly any specific references to the twenty-one Subpoena requests and were replete with threats and mischaracterizations. The cover email nonetheless suggested a telephone conference to “discuss the matter.” *See* Ex. E. Counsel for Plaintiffs replied on the same day via email and voicemail message stating their willingness to speak with counsel for the DCCC regarding their Objections but expressing their concerns with

² All email correspondence between counsel for Plaintiffs and counsel for the DCCC relating to the Subpoena is attached as Exhibit E hereto.

the substance and tone of the Objections and “the complete absence of any indication that evidences any willingness to abide by a court order”. *See id.*

8. On August 29, 2011, counsel for Plaintiffs and counsel for DCCC exchanged email messages scheduling a telephone conference to discuss the Subpoena and Objections. *See id.* That afternoon, counsel for Plaintiffs and counsel for the DCCC participated in the telephone conference. During the call, Plaintiffs’ counsel learned that counsel for the DCCC had not conferred with his client as to whether the DCCC in fact had any responsive documents prior to either sending the August 26, 2011 letter containing the blanket Objections or participating in the August 29, 2011 call. Plaintiffs’ counsel expressed willingness to negotiate the scope of the Subpoena should the DCCC be willing to continue the meet and confer process.

9. On the evening of August 29, 2011, counsel for Plaintiffs sent a confirmatory email to the DCCC’s counsel memorializing the parties’ agreement that counsel for the DCCC would consult his client about the scope of its involvement in the process to redraw Illinois’ congressional districts and the types of documents that it maintains as a result of that involvement. *See id.* Counsel for Plaintiffs reiterated that Plaintiffs sought a request-by-request response to the Subpoena, including objections and a description of the documents the DCCC was willing to provide, no later than Friday, September 2, 2011. Counsel for Plaintiffs also requested a sample protective order since the DCCC’s counsel had raised concerns about producing documents in the absence of a protective order. *See id.*

10. On August 30, 2011, counsel for Plaintiffs and the DCCC exchanged emails in response to the August 29 telephone conference and confirmatory email. DCCC’s counsel stated that “[w]e have already objected to the subpoena” and represented that he would consult with his client and “provide a counterproposal by the end of the week.” Counsel for DCCC further stated

that his client would “consider what you said yesterday, and . . . determine what - if anything - it might have that would be both responsive to your needs, and respectful of its rights as a non-party under Rule 45.” *Id.*

11. Shortly before 5 PM on September 2, 2011—the Friday before the Labor Day holiday weekend—counsel for the DCCC sent counsel for Plaintiffs a letter attached to an email (“Sept. 2 Letter” attached as Exhibit F). Rather than offer a good faith “counterproposal” per his representation, the DCCC’s counsel wrote that, in light of the Board’s August 31, 2011 motion to dismiss, he and his client “believe that discovery from DCCC . . . would be premature until the court decides [the motion].” Counsel for Plaintiffs replied via email, expressing disappointment in the utter lack of the promised counterproposal. *See* Ex. E. Counsel for Plaintiffs also explained that the DCCC’s intention “to wait to address substantive compliance with the subpoena until the Court rules on the motion to dismiss is unworkable” since both the agreed scheduling order entered by Judge Lefkow and her standing order require that “discovery proceeds unabated even during the pendency of the briefing of the motion to dismiss.” *Id.* As of the time of this motion, six days later, the DCCC has failed to respond to that Sept. 2, 2011 email or otherwise provide any substantive response to the Subpoena.

ARGUMENT

I. Plaintiffs are Justified in Seeking Production of Documents from the DCCC.

12. Parties may issue subpoenas to “obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter.” *In re Providian Fin. Corp. Sec. Litig.*, 222 F.R.D. 22, 25 (D.D.C. 2004) (citing FED. R. CIV. P.

26(b)(1)); *see also Heat & Control, Inc. v. Hester Indus., Inc.*, 785 F.2d 1017, 1023 (Fed. Cir. 1986) (noting that Rule 45 must be read in light of Rule 26(b)). Federal Rule of Civil Procedure 45(c)(2)(B)(i) “provides that a person commanded to produce documents may object to the subpoena, but that the serving party may then move the Court for an order compelling production.” *In re Micron Tech., Inc. Sec. Litig.*, 264 F.R.D. 7, 8-9 (D.D.C. 2010). On a motion to compel, “[t]he moving party carries the burden of showing that the requested documents are discoverable within the meaning of Federal Rule of Civil Procedure 26(b)(1).” *Prescott v. Cnty. of Stanislaus*, 2011 WL 2119036, at *1 (E.D. Cal. May 23, 2011) (granting motion to compel). But “relevancy at the discovery stage is broadly defined.” *Albany Molecular Research, Inc. v. Schloemer*, 274 F.R.D. 22, 27 (D.D.C. 2011) (denying motion to quash). As set forth below, Plaintiffs’ requests plainly come within the scope of Rule 26.

13. Plaintiffs seek limited and specific categories of documents from the DCCC based on the DCCC’s involvement in developing the map that became the Proposed Congressional Plan. Based on several sources, Plaintiffs have a good faith basis to believe that the DCCC possesses such documents.

14. In particular, on information and belief, in late April 2011, an Illinois Democratic member of Congress approached an Illinois Republican member and presented a draft partial Congressional reapportionment plan. *See* Exhibit G. That Democratic member informed his Republican colleague that the DCCC and/or one of its agents created the draft map. That draft map was later incorporated almost wholesale into the map first debuted by Illinois state senate Democrats in the early morning hours of May 27, 2011, the Friday of Memorial Day weekend, and then passed by the Illinois General Assembly along party lines four days later on May 31, 2011.

15. For example, the distinct and unusual shape of the proposed 4th Congressional district—known as “the earmuff”—as passed by the Illinois General Assembly is nearly identical to the same district in the DCCC’s draft plan. *See* Exhibit H. Indeed, the division between the proposed 4th and 3rd districts in Chicago, which is where Plaintiffs allege intentional discrimination, appears *exactly* the same in both plans. *See id.* Likewise, the proposed 10th Congressional district of the Proposed Congressional Plan passed by the Illinois General Assembly is nearly identical to the same district in the DCCC’s draft plan, with the same two northern arms—one extending to Zion and the other to Round Lake Beach—and the same southern arm extending into Cook County along Interstate 294. *See* Exhibit I. In fact, most Chicago area districts appear to have originated in the DCCC’s draft plan. *See* Exhibit J. While minor changes were made in the version ultimately passed by the General Assembly—such as extending the proposed 5th district an additional block to separate Rep. Judy Biggert from her constituents—the plans clearly are related. Given this apparent nexus between the DCCC draft and the Proposed Congressional Plan which is now Illinois law, Plaintiffs, who challenge the constitutionality of the Proposed Congressional Plan, rightfully seek information from the entity and/or individuals who had a role in creating that plan.

16. Tellingly, neither in its four-page, single-spaced Objections, nor in any subsequent communications with Plaintiffs’ counsel, has the DCCC ever denied that it possesses relevant and responsive documents. Even when Plaintiffs’ counsel assured counsel for the DCCC that the Subpoena was limited to the role that the DCCC played in creating the Proposed Congressional Plan and not other information, the DCCC never stated that it played no such role or that it had no responsive documents. Had it done so, and affirmed that fact in writing, that

would have ended the inquiry. The only conclusion, therefore, is that the DCCC does indeed possess documents responsive to the Subpoena.

17. Rather than produce those documents in good faith compliance with the Subpoena, however, the DCCC has stonewalled Plaintiffs and attempted to evade the Subpoena with completely specious Objections.

II. The DCCC's Refusal to Comply with the Subpoena Based on the Pending Motion to Dismiss is Improper.

18. Per its Sept. 2 Letter, the DCCC unilaterally decided that it need not comply with the Subpoena because the Board filed a motion to dismiss in the underlying Action. As set forth above (*see* ¶ 4, *supra*), Judge Lefkow's August 19, 2011 Order clearly requires that discovery continue while the Board's motion to dismiss is pending. The DCCC has absolutely no right to defy that order and ignore the subpoena, a court order, in the meantime. "Rule 45 subpoenas are 'discovery' under Rules 16 and 26 of the Federal Rules of Civil Procedure, and are subject to the same deadlines as other forms of discovery." *Dag Enters., Inc. v. Exxon Mobil Corp.*, 226 F.R.D. 95, 104 (D.D.C. 2005). As this District has made clear, "[a] scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril. Indeed, disregard of the order would undermine the court's ability to control its docket, disrupt the agreed-upon course of litigation, and reward the indolent and the cavalier." *Id.* (internal citations and brackets omitted).

19. Moreover, Judge Lefkow's standing order pertaining to discovery explicitly states that "the pendency of a motion, such as a motion to dismiss, *does not operate as a stay or extension of discovery.*" Exhibit K (emphasis added). The DCCC's position that it somehow is excused from producing documents during the pendency of the motion to dismiss is thus baseless.

20. Even in the absence of an order requiring that discovery proceed, it would not be for the DCCC, a non-party to the Action, to decide whether discovery should be stayed pending a decision on the motion to dismiss. That determination is solely for the court to make, and the DCCC requested no such relief.. *Beecham v. Socialist People's Libyan Arab Jamahiriya*, 245 F.R.D. 1, 3 (D.D.C.2007) (internal citations omitted) (denying stay of jurisdictional discovery). Nor would the filing of a dispositive motion presumptively entitle the DCCC to a stay of discovery even if they asked for it. *OMG Fidelity, Inc. v. Sirius Techs., Inc.*, 239 F.R.D. 300, 304 (N.D.N.Y. 2006) (mere filing of a motion to dismiss does not guarantee entitlement to a stay). The DCCC therefore cannot refuse to comply in light of the pending motion to dismiss the underlying Action.

III. The DCCC's Objections to Plaintiffs' Subpoena Fail.

21. The central, overarching problem with the DCCC's Objections to the Subpoena is that they are blanket, boilerplate objections and are therefore waived. A non-party "is subject to the same obligations and scope of discovery under Rule 45 as if it were a party proceeding under Rule 34." *Sabol v. Brooks*, 469 F. Supp. 2d 324, 328 (D. Md. 2006). Rule 34 thus "plainly states that objections to requests for production must be made on an individual basis." *Lurensky v. Wellingshoff*, 258 F.R.D. 27, 30 (D.D.C. 2009). And "[u]nder Rule 34, failure to make particularized objections to document requests constitutes a waiver of those objections." *Sabol*, 469 F. Supp. 2d at 328 (ordering non-party to produce documents requested by a Rule 45 subpoena); *see also* FED. R. CIV. P. 34 (b)(2)(B) ("For *each item or category*, the response must . . . state an objection to the request, including the reasons.") (emphasis added). The DCCC has not even attempted to comply with the specificity requirements of Rule 34. Thus, its Objections are waived, and the Court should grant Plaintiffs' motion.

22. Furthermore, the DCCC cannot rely on its status as “a Democratic national political party committee” (Objections at 1) as an excuse to disobey the Subpoena. It is well established that such entities are subject to the subpoenas. *See, e.g., Judicial Watch, Inc. v. U.S. Dep’t of Commerce*, 127 F. Supp. 2d 224 (D.D.C. 2000) (third party Democratic National Committee is subject to subpoena). The DCCC is subject to Rule 45 and must comply with the Subpoena accordingly.

A. The DCCC’s Relevance-Based Objection is Without Merit.

23. The DCCC’s first objection claims that there is no basis “to think that the subpoena will yield evidence relevant to [Plaintiffs’] case.” Objections at 1. Plaintiffs do not understand how counsel for the DCCC could make such an objection *before* bothering to consult with the DCCC on the extent of its involvement in the development of the Proposed Congressional Plan. In any event, it is well-settled that the scope of discovery through a subpoena is the same as that applicable to the other discovery rules, including FED. R. CIV. P. 26(b)(1). *See Gonzales v. Google, Inc.*, 234 F.R.D. 674, 679 (N.D. Cal. 2006) (granting in part motion to compel); *see also Linnebur v. United Tel. Ass’n, Inc.*, 2011 WL 3490022, at *7 (D. Kan. Aug. 10, 2011). Rule 26(b)(1) of the Federal Rules of Civil Procedure clearly allows discovery of “any matter relevant to the subject matter involved in the action.” FED. R. CIV. P. 26(b)(1) (emphasis added). “Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* “Hence, a party may discover information which is not admissible at trial if such information will have some probable effect on the organization and presentation of the moving party’s case.” *Smith v. Schlesinger*, 513 F. 2d 462, 472-73 (D.C. Cir. 1975). There can be no doubt that the documents that are the subject of the Subpoena fall within the parameters of Rule 26.

24. As explained above (§§ 13-16, *supra*), on information and belief, the DCCC was intimately involved in the redistricting process, drafting substantive portions of the Proposed Congressional Plan that now is the law in Illinois. The DCCC nonetheless claims that “not a single page of DCCC documents would be necessary for Plaintiffs to prove those [constitutional and Voting Rights Act] violations.” On the contrary, documents related to the DCCC’s involvement in the redistricting process are likely to shed light on the goals and purposes of the Proposed Congressional Plan, as well as the motivation and intent of the Illinois lawmakers who engaged the DCCC to assist in drawing the Proposed Congressional Plan. Having interjected itself into this back-room legislative process, the DCCC cannot now complain that it is subject to discovery related to the scope of its participation in the development of the Proposed Congressional Plan.

25. Indeed, due to the opaque nature of the development of the Proposed Congressional Plan, Plaintiffs must turn to the entities that had a role in the redistricting process to obtain relevant information. For example, neither the Proposed Congressional Plan nor any of its preceding drafts were disseminated during the public hearings conducted by the Illinois Senate and House Redistricting Committees. Compl. §§ 38, 40. In fact, the Proposed Congressional Plan was not made public until the early morning of May 27, 2011, four days before its ultimate passage on a straight party line vote. Illinois’ redistricting process has been excoriated for such secrecy. *See, e.g.*, ILLINOIS CAMPAIGN FOR POLITICAL REFORM, MAPPING IN THE DARK (2011), [http://www.ilcampaign.org/sites/default/files/Mapping%20in%20the%20Dark-Redistricting%20Illinois%20in%202011\(2\).pdf](http://www.ilcampaign.org/sites/default/files/Mapping%20in%20the%20Dark-Redistricting%20Illinois%20in%202011(2).pdf) (attached as Exhibit L) (“The Democratic leaders’ refusal to share their redistricting power with residents—despite repeated calls from voters, interest groups and civil rights organizations to do just that—allowed partisan interests to

again have priority over the public's interest.”). In such circumstances, the DCCC's statement that the requested documents are not relevant is plainly incorrect and is no excuse for noncompliance with the Subpoena.

26. Furthermore, “[a] non-party seeking relief from a subpoena bears the burden of demonstrating that the subpoena should be modified or quashed.” *Call of the Wild Movie, LLC v. Does 1-1,062*, 770 F. Supp. 2d 332, 354 (D.D.C. 2011). Thus, if “a party objects to the production of information or documents on the basis of relevancy, then the objecting party “must show specifically how each [request] is not relevant.” *In re Gateway Eng'rs, Inc.*, 2009 WL 3296625, at *3 (W.D. Pa. Oct. 9, 2009) (brackets in original) (denying motion to quash). See also *Teton Homes Europe v. Forks RV*, 2010 WL 3715566, at *2 (N.D. Ind. Sept. 14, 2010) (objecting party must specifically detail the reasons why each request is irrelevant). Here, the DCCC has not even attempted to explain its relevance objection with any specificity; indeed, its Objections related to relevance do not reference a single one of Plaintiffs' requests. Such a general statement of irrelevance cannot satisfy the DCCC's burden. See *Smith v. United Salt Corp.*, 2009 WL 2929343, at *6 (W.D. Va. Sept. 9, 2009) (To “assert in a conclusory fashion that the subpoenas . . . seek irrelevant information . . . does not meet the heavy burden of proof under Rules 26(c) and 45(c).”).

B. The DCCC's Objection Based on Overbreadth and Vagueness Fails.

27. The DCCC's objection on grounds of overbreadth and vagueness also fails.³ A request is overbroad only when it seeks categories of documents or information *beyond* those

³ To the extent that the DCCC's “vagueness” objection actually is distinct from its assertion of overbreadth, this objection also must fail. “[W]here a party objects on the grounds of vagueness and ambiguity, he has the burden to demonstrate the vagueness or ambiguity by setting forth specific facts in support of its objection.” *Rosales v. El Rancho Farms*, 2011 WL 2433352, at *2 (E.D. Cal. Jun. 13, 2011) (granting motion to compel). As a blanket objection to

which could be relevant to the litigation. *See, e.g., Presbyterian Manors, Inc. v. Simplex Grinnell, L.P.*, 2010 WL 3880027, at *10 (D. Kan. Sept. 28, 2010) (ordering compliance with subpoena despite overbreadth objections where opposing party could not show that any information sought was irrelevant); *Educ. Fin. Council v. Oberg*, 2010 WL 3719921, at *5, n.8 (D.D.C. Mar. 8, 2010) (declining to address overbreadth argument where amended subpoena was narrow and “reasonably tailored to seek relevant information”). Particularly since Plaintiffs specifically clarified in the meet and confer process that all of their requests are directed to the DCCC’s role in creating and reviewing redistricting plans for Illinois’s congressional districts based on 2010 census figures, the DCCC’s general overbreadth objection that Plaintiffs seek a “wide range of documents” (Objections at 2) is completely meritless. A request for a wide range of documents on a limited and relevant subject is not overbroad.

28. Aside from objecting to the undeniably short date range of January 1, 2010 to the present,⁴ the Objections make only one other specific assertion of overbreadth or vagueness, relating to Request No. 19 for “documents related to payment of experts”, which it claims is vague and overbroad because it is not limited to the redistricting process in Illinois. *See* Objections at 2. During their August 29, 2011 telephone conference, Plaintiffs stated that Request No. 19 should be construed to apply only to experts involved in the Illinois redistricting

the Subpoena, the DCCC’s assertion of vagueness is “not a legitimate objection to discovery.” *Williams v. Taser Intern., Inc.*, 2007 WL 1630875, at *3 (N.D. Ga. Jun. 4, 2007) (granting motion to compel and chastising objecting party for asserting “boilerplate objections”).

⁴ The DCCC’s Objections claim that because 2010 census data had not yet been circulated and the official legislative redistricting process had not begun, there is no reason to request documents dating back as far as January 2010. *See* Objections at 2. Because such data were going to be released and the redistricting process commenced in early 2011, it is logical that preparations were being made in 2010. In any event, if the DCCC has no relevant documents dating back as far as January 1, 2010, then there is nothing to produce and it can limit its production to the date range for which it possesses relevant documents.

process and resulting Proposed Congressional Plan, a limitation clearly spelled out in the preceding Request No. 18. *See* Ex. A. The DCCC thus has failed to carry its burden of proof on its overbreadth and vagueness objections.

C. The First Amendment Does Not Excuse the DCCC's Compliance with the Subpoena.

29. In its Objections, the DCCC asserts that the First Amendment relieves it of the obligation to comply with the Subpoena, referencing *Perry v. Schwarzenegger*, 591 F. 3d 1147 (9th Cir. 2010). But under *Perry*, the DCCC would have to make a prima facie showing that enforcement of the Subpoena would result in “harassment, membership withdrawal, or discouragement of new members.” *Id.* at 1160. Given that the DCCC is an association of elected officials whose political activity is quite public—rather than a group of private citizens anonymously participating in politics (as in *Perry*)—it is difficult to imagine how the DCCC could make such showing. Regardless, the DCCC has not even attempted to do so here, and its conclusory First Amendment objection therefore must fail.⁵

30. Even if the DCCC did demonstrate a credible First Amendment argument, Plaintiffs’ Subpoena seeks only a narrow set of documents regarding the DCCC’s role in serving as a mapmaking agent for the Democratic legislators of Illinois. The Subpoena’s requests are not intrusive: Plaintiffs do not seek documents such as membership lists or details of the DCCC’s advocacy efforts. In addition, Plaintiffs’ Complaint and related discovery efforts seek to vindicate the *at least* equally important First, Fourteenth, and Fifteenth Amendment rights of the Plaintiffs and the residents of Illinois generally.

⁵ The DCCC also cites *Federal Election Comm’n v. Machinists Non-Partisan Political League*, 655 F.2d 380 (D.C. Cir. 1981), but that case has nothing to do with the objection raised. There, the court simply concluded that because First Amendment interests were implicated by the subpoena, careful scrutiny of the FEC’s jurisdiction was required, and no jurisdiction existed. There is no dispute here about jurisdiction.

D. The DCCC's Objections Regarding Confidentiality and Privilege are Without Merit.

31. A subpoena recipient objecting to a discovery request on the ground of privilege must "describe the nature of the documents . . . not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim." FED. R. CIV. P. 26(b)(5)(A)(ii). The proponent of the privilege "must do more than advance a blanket assertion of attorney-client privilege and attorney work product." *Williams v. City of Dallas*, 178 F.R.D. 103, 115 (N.D. Tex. 1998) (To reject an argument to quash based on privilege "it is sufficient to point to [the party's] obligation under Rule 45(d)(2) to lodge objections . . . that are supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim."). Rather, the proponent must assert the privilege on a document-by-document basis. *Id.* at 116 (citing *Hugley v. Art Inst. of Chi.*, 981 F. Supp. 1123, 1128 (N.D. Ill. 1997)). Once again, the DCCC has failed to make its objection with anything like the specificity that the Federal Rules require. It has submitted no privilege log showing which documents or communications might be protected, nor has it even attempted to explain how the privilege might apply to communications between a political campaign committee and state legislators related to a state legislative task.

32. Likewise, the DCCC's objection on the ground of confidentiality is unfounded. The DCCC is well-aware that it can seek a protective order for its sensitive information so long as it can show good cause. *See* FED. R. CIV. P. 26(c); *see also Klayman v. Judicial Watch, Inc.*, 247 F.R.D. 19, 22 (D.D.C. 2007) (courts have broad discretion to issue protective orders). Moreover, courts often are willing to approve protective orders stipulated by the parties. *See, e.g., In re Application of Caratube Int'l Oil Co., LLP*, 730 F. Supp. 2d 101, 104 (D.D.C. 2010)

(approving protective order agreed to by the parties). Also, Plaintiffs' counsel agreed to consider a protective order and invited the DCCC's counsel to propose such an order. *See* Ex. E. The DCCC's counsel already has proposed a stipulated protective order in this case (attached hereto as Exhibit M) but did so while ignoring its commitment to provide a substantive counterproposal to the discovery sought by the Subpoena, and counsel for Plaintiffs have made clear their willingness to negotiate a suitable order for the court's approval.

E. The DCCC's Objection Based on Burden and Expense Fails.

33. The DCCC also objects that production of the requested documents would be unduly burdensome and expensive. Objections at 3-4. But the DCCC's burden objection comes in the context of the DCCC apparently having failed to determine whether in fact it possesses any relevant or responsive documents. How then can it even claim that any burden or expense associated with complying with the Subpoena is undue or excessive? The burden objection should be overruled on that ground alone.

34. In any event, "[w]hen the burdensomeness of a subpoena is at issue, the onus is on the party alleging the burden to prove that the subpoena violates Rule 45." *Flatow v. The Islamic Republic of Iran*, 196 F.R.D. 203, 207 (D.D.C. 2000), vacated in part on other grounds, 305 F.3d 1249 (D.C. Cir. 2002). In its blanket Objections, the DCCC has not made the requisite showing. In particular, the DCCC has declined to offer an estimate of how much staff time or expense would be involved in gathering the documents requested by the subpoena. "[A]ssertions of a burden without specific estimates of staff hours needed to comply will be categorically rejected." *Id.* (internal citations and quotation marks omitted). The DCCC's objection merely points out what courts have long recognized: "Compliance with a subpoena inevitably involves some measure of burden to the producing party." *Booth v. Davis*, 2011 WL 2008284, at *7 (D.

Kan. May 23, 2011) (denying motion to quash). And a court will not “excuse compliance with a subpoena for relevant information simply upon the cry of ‘unduly burdensome.’” *Id.*

35. Thus, there is no merit to the DCCC’s objection based on burden and expense, particularly in light of its absolute failure to determine whether it possessed any relevant or responsive documents.

F. There is no Basis for the DCCC’s Objection Based on the Time to Comply.

36. Finally, the DCCC’s objection regarding of the amount of time it had to comply with the Subpoena is without merit. Rule 45 does not specify what constitutes a reasonable amount of time to allow for compliance with a subpoena. See FED. R. CIV. P. 45(c)(3)(A)(i). Several courts have held that fourteen days is presumptively reasonable, *see In re Rule 45 Subpoena Issued to Cablevision Systems Corp. Regarding IP Address 69.120.35.31*, 2010 WL 2219343, at *5 (E.D.N.Y. Feb. 5, 2010) (collecting cases), and the expedited discovery schedule in this case justifies an even earlier return date. Importantly, moreover, Plaintiffs did not insist on strict compliance with the original 10-day return date and gave counsel for the DCCC an additional four days after the return date to consult with his client and provide a counterproposal regarding the Subpoena. The DCCC made no such counterproposal and offered no estimate of how quickly it could reply. Instead, it insisted that it does not have to do anything until after the motion to dismiss is decided (*see* Sept. 2 Letter), which will not occur until the end of October. In addition to being well past the fourteen-day window, this timeline violates the Order issued by Judge Lefkowitz under which discovery closes on October 19, 2011. *See* Order ¶ 2.8. The DCCC’s unilateral decision to delay is patently unreasonable.

37. Furthermore, the DCCC’s objection that the subpoena does not allow a reasonable time to comply plainly is a restatement of its undue burden argument. As shown above, that

objection fails because the DCCC has not presented a detailed estimate of the burden imposed.

See Flatow, 196 F.R.D. at 207.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Court should order the Democratic Congressional Campaign Committee to comply with Plaintiffs' subpoena within ten (10) days and award Plaintiffs their attorneys' fees and other costs associated with Plaintiffs' Motion To Compel Democratic Congressional Campaign Committee To Comply With Subpoena Seeking Third Party Discovery.

Dated: Sept. 8, 2011

Respectfully submitted,



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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule LCvR 7(m), in addition to exchanging emails on August 26, 2011, August 29, 2011, August 30, 2011, and September 2, 2011, on August 29, 2011, Lori E. Lightfoot and Dana S. Douglas (counsel for Plaintiffs) met and conferred telephonically with Brian G. Svoboda (counsel for the DCCC). *See* Ex. E. Despite their good faith efforts, Plaintiffs' counsel could not resolve the matters brought to the Court in the above motion.

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2011, a copy of the foregoing Motion to Compel Democratic Congressional Campaign Committee to Comply with Subpoena Seeking Third Party Discovery was provide to the following by email and overnight courier for delivery the next business day:

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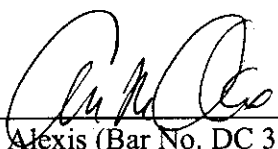
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