

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

COMMITTEE FOR A FAIR AND	)	
BALANCED MAP, <i>et al.</i> ,	)	Case No. 1:11-cv-05065
	)	
Plaintiffs,	)	
	)	
v.	)	Hon. John D. Tinder
	)	Hon. Joan H. Lefkow
	)	Hon. Robert L. Miller, Jr.
ILLINOIS STATE BOARD OF ELECTIONS,	)	
<i>et al.</i> ,	)	(3-judge court convened pursuant
	)	to 28 U.S.C. § 2284)
Defendants.	)	
	)	

**PLAINTIFFS’ RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION IN LIMINE
#1 TO BAR ANY REFERENCE TO THE PARTISAN VOTING INDEX AT THE
HEARING AND MOTION TO STRIKE ALL REFERENCES TO PVI IN PLAINTIFFS’
PERMANENT INJUNCTION MOTION AND SUPPORTING MARSHALL AFFIDAVIT
AND EXHIBITS**

Desperate to have this Court overlook the persuasive evidence that the Democratic-controlled Illinois government enacted a blatant partisan gerrymander, Defendants have moved to strike or bar all evidence relating to the Partisan Voting Index (“PVI”), a key part of Plaintiffs’ proposed standard for adjudicating political gerrymander claims. Doc. 113; *see* Doc. 105 at 36-37 & n.13, 42-43 (permanent injunction motion); Doc. 103 at ¶¶ 75 & n.10, 134, 142 (amended complaint). As Defendants note, PVI “measure[s] to what extent a district leans towards one political party or the other.” Doc. 113 at 4. Widely used and reported, PVI rests on a simple calculation: it compares the average of how an area voted in the last two presidential elections to the nation’s average, based on publicly available elections returns. Doc. 105 at 36 n.13. In Plaintiffs’ proposed standard for adjudicating partisan gerrymander claims, PVI supplies an objective baseline against which to measure the partisan effect of a redistricting.

Defendants’ motion in limine rests on two incorrect arguments: (1) that reporting PVI

results calls for “essentially expert testimony” (Doc. 113 at 3); and (2) that Plaintiffs’ use of PVI—a mere three days after this Court required Plaintiffs to propose their own standard for judging partisan gerrymander claims and two weeks before trial—is untimely. The Court should deny Defendants’ motion in limine.

ARGUMENT

I. The Reporting Of PVI Results Is Not Expert Testimony.

As Defendants’ lawyers must have recognized when they themselves reported PVI results in their recent motion to dismiss (Doc. 122 at 8-9), the reporting of PVI results does not require “expert” testimony. Indeed, Defendants’ motion in limine repeatedly acknowledges this point. The motion notes (at 4) that Plaintiffs are presenting PVI results through Edward Marshall, who is “simply adopt[ing] another person’s methodology to publish calculations.” It consistently hedges when using the word “expert,” claiming for example that the reporting of PVI results is “*effectively* attempting to present expert testimony.” Motion at 2 (emphasis added); *accord id.* at 3 (“*essentially* expert testimony”) (emphasis added). And Defendants recognize (at 4) the distinction between expert opinions on the one hand and “analytic maps construed as factual data” on the other.

The allegedly objectionable material—portions of Marshall’s affidavit discussing PVI and PVI figures, cartographic representations of PVI results, and PVI references in the motion for a permanent injunction—clearly fall under the category of “factual data,” not expert “opinions.” See Doc. 113 at 3. To begin with, none of the documents offer any “opinions” whatsoever. Marshall is simply reporting readily calculable PVI results based on publicly available elections returns and portraying those results visually. He is not opining on the reliability of PVI as a metric, as Defendants recognize (at 4). Moreover, courts routinely take

judicial notice of the only information that Marshall uses—the results of public elections.¹ Marshall thus offers nothing close to the testimony in the cases that Defendants cite, which involve drug-trade code words, alternative product designs, and Japanese consumer attitudes toward licensed trademarks. *See United States v. York*, 572 F.3d 415 (7th Cir. 2009); *Ancho v. Pentek Corp.*, 157 F.3d 512 (7th Cir. 1998); *Sunstar, Inc. v. Alberto-Culver Co.*, 2006 WL 6505615 (N.D. Ill. Nov. 16, 2006). Instead, his testimony is similar to that in *Deslauriers v. Chertoff*, 2008 WL 5428161, at *3 (D. Me. Dec. 31, 2008), which permitted the testimony of a “fact witness [who had] personal knowledge gleaned from a review of the Department’s personnel data and her preparation of tables that summarize the data.”²

Moreover, Defendants offer absolutely no basis to strike “the Cook Political Report and the Almanac for American Politics’ definition of the Cook Partisan Voting Index.” *See* Doc. 113 at 5. Defendants do not dispute the authenticity of those documents, and even the Supreme Court

¹ *See, e.g., Green Party of Ark. v. Martin*, 649 F.3d 675, 679 (8th Cir. 2011); *Dudum v. Arntz*, 640 F.3d 1098, 1102 n.6 (9th Cir. 2011); *Schaffer v. Clinton*, 240 F.3d 878, 885 n.8 (10th Cir. 2001).

² Defendants’ suggestion (at 2-3 & n.1) that Plaintiffs hid Marshall is quite simply false. Defendants knew about Marshall the minute that Plaintiffs identified him as a potential fact witness in their interrogatory response on September 19, 2011. *See* Exhibit A. Then, Defendants’ counsel sent a letter to Plaintiffs’ counsel stating that they “assum[ed]” that Marshall had no relevant knowledge and asked Plaintiffs’ counsel to inform them “immediately” if Plaintiffs intended to call Marshall at trial. *See* Exhibit B. The parties next held a telephonic meet and confer conference on September 26, 2011, in which Plaintiffs’ counsel specifically described what role Marshall played in Plaintiffs’ case. The following day, Plaintiffs’ counsel sent a letter to Defendants’ counsel informing them that Plaintiffs had not decided which witnesses to call at trial, as discovery was ongoing. *See* Exhibit C. Thus, Defendants knew for weeks about what role Marshall could play in Plaintiffs’ case. Moreover, while Defendants initially challenged the entirety of Marshall’s affidavit and testimony, they now have stipulated to all exhibits created by Marshall except for PVI, showing that they have little problem with the use of Marshall as a witness.

relies on these sources in election law cases.³

II. The Reporting Of PVI Results Was Not Untimely.

Defendants also argue that Plaintiffs' use of PVI was untimely. But Defendants must have forgotten the sequence of events that led Plaintiffs to use PVI. Defendants moved to dismiss Plaintiffs' original complaint not because its partisan gerrymandering claims were factually deficient but instead because the complaint did not propose a legal standard. Like the eight *Vieth* Justices aside from Justice Kennedy, Plaintiffs argued that the Court should fashion the standard for determining the constitutionality of (justiciable) political gerrymander claims. *See Vieth v. Jubelirer*, 541 U.S. 267, 301 (2004) (four-Justice plurality stating "it is *our* job, not the plaintiffs', to explicate the standard that makes the facts alleged by the plaintiffs adequate or inadequate to state a claim"); *id.* at 317 (Stevens, J., dissenting) (proposing standard); *id.* at 342 (Souter, J., dissenting) (same); *id.* at 355 (Breyer, J., dissenting) (same); Doc. 67 at 10 (Plaintiffs' opposition to motion to dismiss). This Court agreed with Plaintiffs that "[g]enerally . . . a complaint needn't plead a legal theory" (Doc. 98 at 18), but agreed with Defendants that partisan gerrymandering claims require Plaintiffs to propose a reliable standard in their complaint. Thus, on November 1, 2011, this Court dismissed Plaintiffs' partisan gerrymander claims and gave Plaintiffs six days to propose a standard. *Id.* at 22.

So as to *not* blindside Defendants, merely three days later, Plaintiffs filed their amended complaint and motion for a permanent injunction, both of which proffered a standard using PVI. While Defendants claim (at 4) that these filings occurred "on the eve of trial," Defendants had

³ *E.g.*, *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 410-11, 439 (2006) (citing *Almanac*); *Abrams v. Johnson*, 521 U.S. 74, 80 (1997) (same); *Bush v. Vera*, 517 U.S. 952, 965, 973 (1996) (plurality opinion) (same); *id.* at 1041 n.37 (Stevens, J., dissenting) (same); *Miller v. Johnson*, 515 U.S. 900, 909 (1995) (same); *see also Cao v. FEC*, 688 F. Supp. 2d 498, 521-22 (E.D. La. 2010) (citing the Cook Political Report).

nearly two weeks before trial started. Given the expedited nature of this case, 13 days is a generous period for a response. *See United States v. Salerno*, 108 F. 3d 730 (7th Cir. 1997) (affirming decision to permit jury to view scale model created by government's expert when the "defendant had at least two weeks" to inspect the model and "alter his trial strategy" if needed). Indeed, that time period is longer than the time it took Defendants to write a 42-page brief in opposition to Plaintiffs' motion for a permanent injunction and far longer than the time it took Defendants' expert to write a 20-page sur-reply to the rebuttal reports of Plaintiffs' experts. *See* Doc. 128 (opposition to permanent injunction motion); Response of Allan J. Lichtman to Rebuttal Reports of Richard J. Engstrom and Peter A. Morrison (Oct. 27, 2011) (responding to Engstrom's Report of Oct. 19, 2011 and Morrison's Report of Oct. 18, 2011).

Defendants' suggestion that their expert will not have the opportunity to "rebut" Plaintiffs' political gerrymander claims is nonsense for another reason. Defendants have known from the start of this case that Plaintiffs raise partisan gerrymander claims. *See* Doc. 1 at ¶¶ 1, 4-6, 37-46, 69-101, 129-137. Indeed, Defendants (and their expert) have argued that the redistricted map is lawful precisely because it was politically gerrymandered. *See* Doc. 40 at 14 ("The Complaint provides this Court with ample allegations that, accepted as true, establish it was political considerations, not race, which dictated the shape of the statewide map."); Lichtman Dep. at 212-13 (opining that Rep. Biggert was placed into Rep. Quigley's district for "political reasons" "to enhance the ability of Democrats to get elected and probably diminish the ability of Republicans to do so"). If Defendants find themselves in a bind now, it is only because they pinned their defense on the hope that Plaintiffs would be unable to propose a reliable standard. Defendants cannot cry foul for their own trial strategy.

Finally, Defendants' argument (at 5) that Plaintiffs have "cherry pick[ed] a limited area in

Illinois” in their PVI maps is absurd. The maps portray PVI in the full districts and the towns that Plaintiffs have alleged are politically gerrymandered. *See* Doc. 103 at ¶¶ 5, 77, 83-84, 131, 133-134, 139, 141-142; Doc. 105 at 31-37, Add. 37-38, 41-48, 51-56. As discovery has revealed, these are exactly the districts and towns that the DCCC and state mapmakers *tried* to gerrymander. *See* Doc. 106 at Exs. A22, A31. If Defendants think that other PVI maps would somehow be relevant, they are free to try to introduce those maps themselves.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully ask that the Court deny Defendants’ Motion in Limine #1 (Doc. 113).

Dated: November 15, 2011

Respectfully Submitted,

/s/ Lori E. Lightfoot

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EXHIBIT A

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

COMMITTEE FOR A FAIR AND BALANCED	)	
MAP, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No. 11-C-5065
v.	)	
	)	Hon. John D. Tinder
ILLINOIS STATE BOARD OF ELECTIONS,	)	Hon. Joan H. Lefkow
et al.,	)	Hon. Robert L. Miller, Jr.
	)	(3-judge court convened pursuant to
Defendants.	)	28 U.S.C. § 2284)
	)	

**PLAINTIFFS' OBJECTIONS TO DEFENDANTS' FIRST SET OF
INTERROGATORIES**

Plaintiffs, by and through their attorneys and pursuant to FED. R. CIV. P. 26 and Discovery and Preliminary Pre-Trial Order No. 1 entered on August 11, 2011 by the Court in the above-captioned action, hereby submit their objections to Defendants' First Set of Interrogatories, dated September 7, 2011 ("Interrogatories").

GENERAL OBJECTIONS

1. Nothing herein shall be construed as an admission by Plaintiffs regarding the competence, admissibility, or relevance of any fact or document, or as an admission of the truth or accuracy of any characterization or document of any kind sought by these Interrogatories. Plaintiffs reserve their rights to challenge the competency, relevance, materiality, and admissibility of any information and/or documents Plaintiffs produce in response to any interrogatory at trial, of this or any other action, or at any subsequent proceeding related to this action or any other action.

2. Plaintiffs object to each Interrogatory to the extent it calls for information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the

accountants' privilege, or any other applicable privilege or protection from discovery. To the extent any information or documents subject to a privilege or otherwise protected from discovery are produced in response to these Interrogatories, such production is inadvertent and not intended as a waiver.

3. Plaintiffs object to the Interrogatories to the extent that they prematurely seek information or documents relating to, or reports by, experts retained pursuant to Federal Rule of Civil Procedure 26(a)(2).

4. Plaintiffs object to the Interrogatories to the extent that they seek information or documents relating to, or reports by, experts that are not discoverable pursuant to Federal Rule of Civil Procedure 26(b)(4).

5. Plaintiffs object to any Interrogatory, instruction, definition, or directive contained in these Interrogatories to the extent that it purports to impose any obligations upon Plaintiffs beyond the obligations imposed by the Federal Rules of Civil Procedure, Northern District of Illinois Local Rules, and applicable law.

6. Plaintiffs object to each Interrogatory to the extent it is unlimited in time or not limited to the time relevant to this litigation on the grounds that such Interrogatories seek information that is neither relevant to any issue in this action nor calculated to lead to evidence relevant to the claims or defenses in this action and is overly broad and unduly burdensome. Unless otherwise indicated, Plaintiffs will respond for the period January 1, 2010 to the present.

7. Plaintiffs intend no implied or incidental admissions by their responses to Defendants' Interrogatories. Whether Plaintiffs answer or object to an Interrogatory should not be interpreted as an admission that Plaintiffs accept or admit the existence of any fact(s) set out or assumed by such Interrogatory, or that such answer or objection constitutes admissible

evidence. Furthermore, whether Plaintiffs answer part or all of any particular Interrogatory is not intended and should not be construed as a waiver by Plaintiffs of all or any objections to such Interrogatory.

8. Plaintiffs object to these Interrogatories to the extent that they seek disclosure of material or information that is not relevant to the Complaint, to the subject matter of this lawsuit, or are not reasonably calculated to lead to the discovery of admissible evidence that is relevant to the claim or defense of any party, as required by Rule 26(b)(1) of the Federal Rules of Civil Procedure.

9. Plaintiffs object to the production of any confidential documents or disclosure of confidential information absent an appropriate protective order or confidentiality agreement limiting use of and access to confidential documents or information. Subject to their objections, Plaintiffs agree to provide information and documents in response to these Interrogatories in accordance with the terms of such a protective order.

10. Plaintiffs object to these Interrogatories to the extent that they seek the materials or information that would violate the privacy rights of individual Plaintiffs, to the extent such privacy rights are protected by law, contract, or public policy.

11. Plaintiffs object to the Interrogatories to the extent that that they are in any way vague, ambiguous, or lacking in categorization necessary to enable Plaintiffs to determine the identity of documents or information of which the Interrogatory seeks.

12. Plaintiffs object to these Interrogatories to the extent they seek information and/or documents beyond the possession, custody, or control of Plaintiffs and/or seek information and/or documents that are already known or available to Defendants from third parties or public sources or are within the possession, custody, or control of Defendants.

13. Plaintiffs object to these Interrogatories, including any instruction, definition, or directive contained therein, to the extent that they seek information that is more properly obtained through other means of discovery.

14. Plaintiffs object to the Interrogatories, including any instruction, definition, or directive contained therein, to the extent that they make assumptions about or characterize facts or law. Thus, any response or production by Plaintiffs does not constitute any agreement with, or acceptance of, any such assumptions or characterizations.

15. Plaintiffs' provision of documentation or information in response to these Interrogatories is not intended to be construed as an acknowledgement that the requested information is relevant or admissible.

16. The definitions of "You," "Your," "Defendants" and "Plaintiffs" make every request using these terms overly broad and unduly burdensome. Plaintiffs expressly object to the definition of "Plaintiffs" to the extent that it purports to include any person or entity other than Plaintiffs.

17. Plaintiffs object to the definition of the term "Document" as vague, overly broad, unduly burdensome in that it could be construed as calling for the repeated production of identical versions of the same document, and not reasonably calculated to lead to the discovery of admissible evidence.

18. Plaintiffs object to the definition of the term "Latino Opportunity District" as vague and ambiguous.

19. Plaintiffs' response that documents will be produced means that Plaintiffs will produce documents responsive to an Interrogatory if they exist, are found in Plaintiffs'

possession, custody, or control following a reasonable search, and are not privileged or otherwise protected from discovery.

20. Plaintiffs reserve the right to assert additional general and specific objections to the production of information and/or documents as appropriate and to supplement these objections and responses. Plaintiffs also reserve the right to assert additional general and specific objections arising from matters discovered during the course of this litigation.

21. Plaintiffs' investigation is on-going. Plaintiffs expressly reserve their right to supplement, amend, or otherwise modify their responses as they discover additional information during this litigation.

22. Each of the above-stated General Objections is incorporated by reference into each and every specific objection and response below as though full stated therein. The fact that an answer is given or document provided does not waive any general or specific objection. Subject to and without waiving the foregoing General Objections, Plaintiffs further respond to Defendants' specific Interrogatories as follows:

SPECIFIC OBJECTIONS TO INTERROGATORIES

Interrogatory No. 1:

Identify all Persons with knowledge, facts, or information relating to any of the allegations in the Complaint or in Plaintiffs' Plan, including but not limited to all witnesses You may call at trial. For each such Person, describe with specificity the knowledge, facts, or information in their possession, and state whether they are a witness You may call at trial and the subject matter of their testimony at trial.

ANSWER To Interrogatory No. 1:

Plaintiffs object to Interrogatory No. 1 as overly broad, unduly burdensome, and requests information that is outside the Plaintiffs' possession. In addition, Plaintiffs object to the extent that Interrogatory No. 1 requests information that is protected by the attorney-client privilege

and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 1 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 1 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Subject to and without waiving any of these objections or their General Objections, Plaintiffs identify the following Persons:

J. Thomas Long
Tom Ewing
Larry Nelson
J. Dennis Hastert
James D. Pearson
Lynn Martin
Michael Keiser
Alexander D. Stuart
Ralph Rangel
Lou Sandoval
Luis Sanabria
Michelle Caballero
Edmund Brezinski
Laura Waxweiler
Peter J. Roskam
Joe Walsh
Robert J. Dold
Adam Kinzinger
Judy Biggert
Randy Hultgren
Donald Manzullo
Bobby Schilling
Aaron Schock
John M. Shimkus
Edward Marshall: Independent Contractor
Clark Bensen: Principal Consultant for Polidata
Richard L. Engstrom
Peter Morrison

The above-named individuals may be contacted through Plaintiffs' counsel, Mayer Brown LLP. Investigation continues.

Interrogatory No. 2:

For each member of the Committee For a Fair and Balanced Map Identify and describe the following: (i) political party membership and affiliation; (ii) current employment including job title and name of employer; (iii) the date on which they joined the Committee; (iv) the manner in which they learned of and became a member of the Committee; and (v) their involvement and role in the Committee.

ANSWER To Interrogatory No. 2:

Plaintiffs object to Interrogatory No. 2 as compound, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Plaintiffs object to the extent that Interrogatory No. 2 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs further object that information about members of the Committee For A Fair And Balanced Map (“Committee”), including their “political party affiliation,” is not relevant to any claim or defense at issue in this litigation. Plaintiffs also object to the terms “member” and “political party affiliation”, which are vague and undefined. Subject to and without waiving any of these objections or their General Objections, Plaintiffs answer that the Committee is comprised of the following members:

J. Thomas Long
Tom Ewing
Larry Nelson
J. Dennis Hastert
James D. Pearson
Lynn Martin
Michael Keiser
Alexander D. Stuart

The above-named individuals may be contacted through Plaintiffs’ counsel, Mayer Brown LLP. Answering further, Plaintiffs state that the Committee was incorporated on December 6, 2010, and each director has served since the Committee’s incorporation. Investigation continues.

Interrogatory No. 3:

Identify all Persons, including but not limited to elected officials, citizens, Interest Groups, Plaintiffs and Plaintiffs' experts, interns, staff members, employees, members, consultants, personnel, and elected officials, and any other agents or representatives of the Plaintiffs, who were involved in the Congressional Redistricting Process; or who were involved in reviewing, analyzing, critiquing, or assessing the Congressional Map. For each Person identified in response to this interrogatory, Identify and describe: (i) the Person's name address, telephone number and employer; (ii) the Person's involvement; and (iii) the time period of the Person's involvement.

ANSWER To Interrogatory No. 3:

Plaintiffs object to Interrogatory No. 3 as compound, vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Plaintiffs object to the extent that Interrogatory No. 3 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 3 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 3 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 3 seeks information in the possession of Defendants and/or third parties.

Subject to and without waiving any of these objections or their General Objections, Plaintiffs state that members of the Illinois General Assembly, including members of the Senate Redistricting Committee and Illinois House Redistricting Committee, and the Governor of Illinois, Pat Quinn, were involved in the Congressional Redistricting Process. In addition, on information and belief, the Democratic Congressional Campaign Committee ("DCCC"), NCEC Services, Inc., and the National Committee for an Effective Congress also were involved in the Congressional Redistricting Process. 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 redistricting plan. That Democratic member informed his Republican colleague that the DCCC and/or one of its agents, NCEC Services, Inc. and/or the National Committee for an Effective Congress, 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.

Democratic Congressional Campaign Committee
430 S. Capitol St. SE
Washington, DC 20003
(202) 863-1500

NCEC Services, Inc.
820 1st Street NE
Washington, DC 20002
(202) 639-8300

National Committee for an Effective Congress
160 East 89th St #9B
New York, NY 10128
(212) 987-8900

Answering further, Plaintiffs identify the following Persons:

J. Thomas Long
Tom Ewing
Larry Nelson
J. Dennis Hastert
James D. Pearson
Lynn Martin
Michael Keiser
Alexander D. Stuart
Peter J. Roskam
Joe Walsh
Robert J. Dold
Adam Kinzinger
Judy Biggert
Randy Hultgren
Donald Manzullo

Bobby Schilling
Aaron Schock
John M. Shimkus
Edward Marshall: Independent Contractor
Clark Bensen: Principal Consultant for Polidata
Richard L. Engstrom
Peter Morrison

The above-named individuals may be contacted through Plaintiffs' counsel, Mayer Brown LLP. In addition, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 4:

Identify all Persons, including but not limited to elected officials, citizens, Interest Groups, Plaintiffs, and Plaintiffs' experts, interns, staff members, employees, members, consultants, personnel, and elected officials, and any other agents or representatives of the Plaintiffs, who were involved in the planning, development, and drawing or revision of Plaintiffs' Plan or any other potential or proposed Illinois Congressional Redistricting plan or map generated or considered by You; or in formulating or developing the claims and allegations in the Complaint. For each Person identified in response to this interrogatory, Identify and describe: (i) the Person's name address, telephone number and employer; (ii) the Person's involvement; and (iii) the time period of the Person's involvement.

ANSWER To Interrogatory No. 4:

Plaintiffs object to Interrogatory No. 4 as compound, vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Plaintiffs object to the extent that Interrogatory No. 4 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 4 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 4 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs

further object that Interrogatory No. 4 seeks information in the possession of Defendants and/or third parties. Subject to and without waiving any of these objections or their General Objections, Plaintiffs identify the following Persons:

J. Thomas Long
Tom Ewing
Larry Nelson
J. Dennis Hastert
James D. Pearson
Lynn Martin
Michael Keiser
Alexander D. Stuart
Peter J. Roskam
Joe Walsh
Robert J. Dold
Adam Kinzinger
Judy Biggert
Randy Hultgren
Donald Manzullo
Bobby Schilling
Aaron Schock
John M. Shimkus
Edward Marshall: Independent Contractor
Clark Bensen: Principal Consultant for Polidata
Richard L. Engstrom
Peter Morrison

The above-named individuals may be contacted through Plaintiffs' counsel, Mayer Brown LLP. In addition, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 5:

Identify all Communications relating to the Congressional Redistricting Process; the planning, development, negotiation, drawing, or revision of Plaintiffs' Plan or any other potential or proposed Illinois Congressional Redistricting plan or map generated or considered by You; the analysis, critique, or assessment of the Congressional Map; or the formulation or development of the claims and allegations in the Complaint, including but not limited to, any such Communications with any of the following Persons:

- (a) Any Person identified in response to Interrogatory No. 1 through 4;
- (b) Plaintiffs;
- (c) RCCC;
- (d) Any present and former RCCC staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the RCCC's behalf;
- (e) Illinois House Redistricting Committee;
- (f) Illinois Senate Redistricting Committee;
- (g) Any Republican member of the Illinois General Assembly;
- (h) Any present and former Illinois General Assembly staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the behalf of Republican members of the Illinois General Assembly;
- (i) Any current or former member of the United States Congress;
- (j) Any present and former United States Congress staff, personnel, employees, attorneys, agents, investigators, representatives, experts, consultants, or anyone else acting on the United States Congress' behalf; or
- (k) Any Interest Groups.

ANSWER To Interrogatory No. 5:

Plaintiffs object to Interrogatory No. 5 as compound, vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Plaintiffs object to the extent that Interrogatory No. 5 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs further object to the term "RCCC" as vague, ambiguous, and undefined. Plaintiffs also object to Interrogatory No. 5 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 5 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 5 seeks information in the possession of Defendants and/or third parties. Plaintiffs further object to the extent that Interrogatory No. 5 requests information that is not relevant to the intent of the individuals involved in the Congressional Redistricting Process and creation of the Congressional Map.

Subject to and without waiving any of these objections or their General Objections, Plaintiffs state that, 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 redistricting plan. That Democratic member informed his Republican colleague that the DCCC and/or one of its agents, NCEC Services, Inc. and/or the National Committee for an Effective Congress, 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.

Further answering, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 6:

Identify any and all expert(s) and/or consultant(s) with whom You communicated, directly or indirectly, regarding the Congressional Redistricting Process; the Congressional Map; any of the allegations or claims in the Complaint; the planning, development, drawing, or revision of Plaintiffs' Plan or any other potential or proposed Illinois Congressional Redistricting plan or map generated or considered by You; or in the formation of any opinion or report. For each expert or consultant, Identify and describe:

- (a) The name, title, address, telephone number, and employer of the expert/consultant;
- (b) The time period of the expert or consultant's involvement;
- (c) The date, time, location, subject matter and content of each Communication with the expert or consultant; and
- (d) The name and contact information of each other Person involved in or present during any and all Communications with the expert or consultant.

ANSWER To Interrogatory No. 6:

Plaintiffs object to Interrogatory No. 6 as compound, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition,

Plaintiffs object to the extent that Interrogatory No. 6 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 6 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 6 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 7:

Identify the Latino CVAP by numbers and percentages for Illinois, Cook County and Chicago and describe the information, facts and data relied on for Your answer.

ANSWER To Interrogatory No. 7:

Plaintiffs object to Interrogatory No. 7 as vague, ambiguous, and overly broad. In addition, Plaintiffs object that Interrogatory No. 7 seeks information in the possession of Defendants and/or third parties. Plaintiffs further object that Interrogatory No. 7 seeks information regarding "CVAP" because, on information and belief, the question of citizenship status was not asked in connection with the 2010 Census. Any estimate of 2010 CVAP would therefore likely be derived from the American Community Survey and would involve data that possesses confidence intervals that are too wide to provide a meaningful comparison at most levels of geography.

Interrogatory No. 8:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in paragraph 62 of the Complaint that "Latino ethnicity was the predominant

consideration in the creation of proposed District 4” and that “[n]o other factor explains the ‘earmuff’ shape of the proposed district or the extremely high concentration of Latino voters in the proposed district.”

ANSWER To Interrogatory No. 8:

Plaintiffs object to Interrogatory No. 8 as compound, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 8 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 8 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 8 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 8 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 8 mischaracterizes the allegations contained in the Complaint.

Subject to and without waiving any of these objections or their General Objections, Plaintiffs state that the bizarre shape of proposed District 4, consisting of two predominately Latino enclaves on opposite ends of the city and connected by a narrow band that winds around a large African-American community, is not explainable by any reason other than the racial or ethnic character of the majority of voting age population of proposed District 4. In addition, in judicial proceedings following the 1990 census, a Latino-majority district with a substantially similar shape to the current proposed District 4 was created in the same location. *Hastert v. State Bd. of Elections*, 777 F. Supp. 634 (N.D. Ill. 1991). In subsequent judicial proceedings, this Court held that race was the predominant consideration in the creation of the similarly shaped District 4. *King v. State Bd. of Elections*, 979 F. Supp. 582, 607 (N.D. Ill. 1996). Answering

further, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 9:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations of the use of race as the predominant factor in the drawing of Districts in the Congressional Map.

ANSWER To Interrogatory No. 9:

Plaintiffs object to Interrogatory No. 9 as vague, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 9 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 9 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 9 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 9 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 9 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' response to Interrogatory No. 8 above. Investigation continues.

Interrogatory No. 10:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations of the use of race as a factor in the drawing of Districts in the Congressional Map.

ANSWER To Interrogatory No. 10:

Plaintiffs object to Interrogatory No. 10 as vague, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 10 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 10 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 10 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 10 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 10 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' response to Interrogatory No. 8 above and further direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing. Investigation continues.

Interrogatory No. 11:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in paragraphs 110, 115, and 120 of the Complaint that the Congressional Map "intentionally discriminates against Latino voters on the basis of race" and "intentionally dilutes the votes of Latino voters" by "packing an excessive super-majority of Latino voters into proposed District 4 and by simultaneously reducing the percentage of Latino voters in proposed Districts 3 and 5."

ANSWER To Interrogatory No. 11:

Plaintiffs object to Interrogatory No. 11 as compound, overly broad and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 11 requests

information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 11 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 11 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 11 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 11 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 12:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in paragraphs 110, 115 and 120 of the Complaint that "[m]any Latino voters in proposed District 4 will see their votes wasted because the Plan intentionally makes those votes unnecessary to elect a candidate of their choice."

ANSWER To Interrogatory No. 12:

Plaintiffs object to Interrogatory No. 12 as compound, overly broad and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 12 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 12 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 12 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 12 seeks information in the possession

of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 12 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 13:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in paragraphs 110, 115, and 120 of the Complaint that Latino voters in "proposed Districts 3 and 5 will be prevented by their intentionally diminished numbers from having any significant influence in choosing primary and general election candidates of their choice."

ANSWER To Interrogatory No. 13:

Plaintiffs object to Interrogatory No. 13 as compound, overly broad and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 13 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 13 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 13 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 13 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 13 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 14:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and

allegations in the Complaint of intentional discrimination against Latino voters in the planning, development, drawing, formulation, creation, revision, or passage of the Congressional Map.

ANSWER To Interrogatory No. 14:

Plaintiffs object to Interrogatory No. 14 as vague, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 14 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 14 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 14 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 14 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 14 mischaracterizes the allegations contained in the Complaint. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 15:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in Counts I through III of the Complaint.

ANSWER To Interrogatory No. 15:

Plaintiffs object to Interrogatory No. 15 as repetitive, compound, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 15 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 15 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained

pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 15 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 15 seeks information in the possession of Defendants and/or third parties. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 16:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in Count IV of the Complaint.

ANSWER To Interrogatory No. 16:

Plaintiffs object to Interrogatory No. 16 as repetitive, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 16 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 16 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 16 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 16 seeks information in the possession of Defendants and/or third parties. Subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 17:

Identify, describe, and explain in detail all information and facts, including but not limited to any oral and written Communications, Documents, or statements, relating to the claims and allegations in Counts V and VI of the Complaint.

ANSWER To Interrogatory No. 17:

Plaintiffs object to Interrogatory No. 17 as repetitive, compound, overly broad, and unduly burdensome. In addition, Plaintiffs object to the extent that Interrogatory No. 17 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 17 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). In addition, Plaintiffs object to Interrogatory No. 17 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object that Interrogatory No. 17 seeks information in the possession of Defendants and/or third parties. Subject to and without waiving any of these objections or their General Objections, Plaintiffs will produce non-privileged documents responsive to Interrogatory No. 17 and further direct Defendants to Plaintiffs' responses to Interrogatory Nos. 8 and 10 above. Investigation continues.

Interrogatory No. 18:

For the time period January 1, 2002 to the Present, Identify all U.S. Congressional races in the State of Illinois where preferred candidates of Latino voters were defeated because white non-Latinos and African-Americans voted sufficiently as blocks against such preferred candidates. For each such Congressional race identify: (i) the name of the preferred Latino candidate and the winning candidate; (ii) the respective percentages of Latino voters, white non-Latinos voters, and African-American voters in the District of the race; (iii) all bases supporting the position that the "preferred Latino candidate" was preferred by the Latino voters in that District and those voters voted in the election and voted for the preferred Latino candidate; and (iv) all bases supporting the position that white non-Latinos and/or African-Americans voted sufficiently as blocks for the winning candidate.

ANSWER To Interrogatory No. 18:

Plaintiffs object to Interrogatory No. 18 as compound, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and requests information that is outside the Plaintiffs' possession. Plaintiffs further object to the phrases "preferred candidate" and "preferred Latino candidate" as vague, ambiguous, and undefined. Plaintiffs also object to Interrogatory No. 18 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 18 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). In addition, Plaintiffs object that Interrogatory No. 18 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 18 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. To the extent a response is required, and subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing.

Interrogatory No. 19:

For the time period January 1, 2002 to the Present, Identify all other elections in the State of Illinois where preferred candidates of Latino voters were defeated because white non-Latinos and African-Americans voted sufficiently as blocks against such preferred candidates. For each such election Identify: (i) the name of the preferred Latino candidate and the winning candidate; (ii) the respective percentages of Latino voters, white non-Latinos voters, and African-American voters in the location (e.g., district or ward) of the race; (iii) all bases supporting the position that the "preferred Latino candidate" was preferred by the Latino voters in that location and those voters voted in the election and voted for the preferred Latino candidate; and (iv) all bases supporting the position that white non-Latinos and/or African-Americans voted sufficiently as blocks for the winning candidate.

ANSWER To Interrogatory No. 19:

Plaintiffs object to Interrogatory No. 19 as compound, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and requests information that is outside the Plaintiffs' possession. Plaintiffs further object to the phrases "preferred candidate" and "preferred Latino candidate" as vague, ambiguous, and undefined. Plaintiffs also object to Interrogatory No. 19 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 19 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). In addition, Plaintiffs object that Interrogatory No. 19 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to the extent that Interrogatory No. 19 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. To the extent a response is required, and subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing.

Interrogatory No. 20:

Identify by winning candidate name, position (such as Representative or Alderman), location (such as 5th district or 4th ward), and year without limitation as to time frame, all elections that Your experts or consultants reviewed or considered relating to the allegations and claims of voter dilution or racial gerrymandering in Counts I through IV of the Complaint. This interrogatory calls for information regardless as to whether it was relied upon or not in formulating any opinion or report.

ANSWER To Interrogatory No. 20:

Plaintiffs object to Interrogatory No. 20 as compound, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs further

object to the extent that Interrogatory No. 20 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Plaintiffs also object to Interrogatory No. 20 to the extent that it prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 20 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). In addition, Plaintiffs object that Interrogatory No. 20 seeks information in the possession of Defendants and/or third parties. Plaintiffs further state that they have no obligation to furnish information that was not relied upon by their experts. To the extent a response is required, and subject to and without waiving any of these objections or their General Objections, Plaintiffs direct Defendants to the expert reports served by Plaintiffs in this litigation and non-privileged documents relied upon by Plaintiffs' experts, which Plaintiffs are producing.

Interrogatory No. 21:

Identify by winning candidate name, position (such as Representative or Alderman), location (such as 5th district or 4th ward), and year without limitation as to time frame, all elections in the State of Illinois that Your experts or consultants reviewed or considered in forming any of their opinions relating to the allegations and claims of partisan gerrymandering in Counts V and VI of the Complaint. This interrogatory calls for information regardless as to whether it was relied upon or not in formulating any opinion or report.

ANSWER To Interrogatory No. 21:

Plaintiffs object to Interrogatory No. 21 as compound, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs also object to the extent that Interrogatory No. 21 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. In addition, Plaintiffs object that Interrogatory No. 21 seeks information in the possession of Defendants and/or third parties. Plaintiffs also object to Interrogatory No. 21 to the extent that it

prematurely seeks information more properly obtained through discovery on experts retained pursuant to FED. R. CIV. P. 26(a)(2). Plaintiffs further object to Interrogatory No. 21 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further object to Interrogatory No. 21 to the extent that it seeks information or documents that are not discoverable under FED. R. CIV. P. 26(b)(4). Plaintiffs further state that they have no obligation to furnish information that was not relied upon by their experts. To the extent a response is required, and subject to and without waiving any of these objections or their General Objections, Plaintiffs will produce non-privileged documents responsive to Interrogatory No. 21.

Interrogatory No. 22:

Identify all Persons who assisted in the preparation of Your response to these Requests for Admission, Interrogatories, and the Requests for Production. For each Person identified in response to this interrogatory, identify and describe the Person's name, job title, employer, and the Person's involvement.

ANSWER To Interrogatory No. 22:

Plaintiffs object to Interrogatory No. 22 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs also object to the extent that Interrogatory No. 22 requests information that is protected by the attorney-client privilege and/or the work product doctrine and therefore is non-discoverable. Subject to and without waiving any of these objections or their General Objections, Plaintiffs answer that their responses to Defendants' Requests for Admission, Interrogatories, and the Requests for Production were prepared by Plaintiffs' counsel.

Dated September 19, 2011

Respectfully submitted,

COMMITTEE FOR A FAIR AND
BALANCED MAP, *ET AL.*

/s/ Dana S. Douglas
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2011, I caused a true and correct copy of Plaintiffs' Objections to Defendants' First Set of Interrogatories to be served upon the following counsel via electronic mail:

Brent D. Stratton
Carl Bergetz
Jon Rosenblatt
Office of the Illinois Attorney General
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3000

/s/ Dana S. Douglas
Dana S. Douglas
Attorney for Plaintiffs

EXHIBIT B



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 22, 2011

Lori E. Lightfoot
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606

Re: Committee for a Fair and Balanced Map, *et al.* v. Illinois State Board of
Elections, *et al.*, Case No. 11-C-5065

Lori:

Following up on our conversation yesterday regarding Defendants' concern about certain Plaintiffs' discovery responses, we believe that they have all been, or will soon be, resolved. This letter confirms our understanding of that conversation. Given the expedited manner of discovery in this case (including the schedule for filing a Motion with the Court, to the extent it would be necessary), we would appreciate it if you could review this letter and respond with a confirmation of the issues discussed.

General Issues

In our conversation, Plaintiffs confirmed that they are not withholding any responsive, relevant documents or information on bases other than the attorney-client or work-product privileges or due to protections of expert materials afforded by Rule 26. In light of this fact, as we have previously discussed, we do not believe a privilege log is necessary to list the withheld materials. On a related note, we also understood Plaintiffs to have confirmed that their general objections in the discovery responses (such as those regarding timeframe, reasonable particularity, or ESI) were not relied upon as an independent basis on which to withhold any otherwise responsive material.

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Defendants noted yesterday that throughout the Interrogatory and Request for Production Responses, Plaintiffs stated that they would provide non-privileged material "relied upon by Plaintiffs' designated experts." We discussed that – while it very likely is a distinction without a difference – Rule 26(a)(2)(b)(ii) requires the production of the "**facts or data considered by the witness in forming**" the opinions. We understood Plaintiffs to confirm that all such facts or data was disclosed to Plaintiffs, either in the expert reports (and attachments) or in the discovery responses. Our concern is simply that we do not want to discover during a deposition of any of Plaintiffs' experts that any facts and data considered by them in forming their opinions was not produced (or, if not produced, at the very least specifically disclosed in the respective reports) to Defendants. So long as that is confirmed, as we understood Defendants to do yesterday, we are satisfied.

Interrogatory Responses

With respect to the Committee Members disclosed in Plaintiffs' Responses to Interrogatories 1, 2, 3, and 4, we informed you that Defendants will not seek to depose them if Plaintiffs confirm they will not be called as witnesses at trial and that CFBM's 30(b)(6) designee will be in a position to testify as to all relevant facts relating to this suit that are in the members' possession. You confirmed that Plaintiffs are not likely to call the individual members at trial but could not – at least at this time – guarantee the 30(b)(6) witness will be able to offer such testimony. Perhaps we should therefore schedule these members' depositions and address the issue once the 30(b)(6) deposition has taken place. Please let us know Plaintiffs' thoughts on how to proceed.

Defendants also confirm that if the 30(b)(6) witness is not able to testify to certain facts covered by Topics 6 and 7 of the notice (again, excluding "legal conclusions") that are in the possession of the individual members, Defendants would be content to then depose the members on such topics, if necessary. And this further confirms that Defendants would not view the 30(b)(6)'s witness's lack of knowledge on such points to be a basis on which to file a motion. We trust that this satisfies your final concerns regarding the 30(b)(6) notice, discussed yesterday as well.

Regarding Plaintiffs' response to Interrogatory 2, we informed you that Defendants are willing to limit it to only information regarding the political affiliation of the Committee members, and only to the extent the 30(b)(6) witness will not be able to testify to it. You agreed to consider this request. Please let us know your response.

With respect to Interrogatory Responses 3 and 5, Plaintiffs stated that the "Democratic Member of Congress" is Jerry Costello and that the "Illinois Republican member" is John

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Schimkus. If you will confirm this in writing, we will not ask that you revise your Interrogatory responses. Also, you indicated that you will provide us with the specific bates range for the "draft map" to which those Interrogatory Responses referred. We also request you do the same for any other documents that relate to that event as described in the responses.

Additionally, Defendants asked that Plaintiffs provide any further information regarding the involvement of NCEC and NCEF, also referenced in Interrogatory Responses 3 and 5, to the extent Plaintiffs come into possession of such information. Similarly, Defendants request that Plaintiffs also disclose any additional information regarding any specific involvement of the Illinois General Assembly, Illinois House and Senate Redistricting Committees, Governor Quinn – beyond what is in the public record. You indicated that you are seeking discovery responses as to NCEC and NCEF and that to the extent Plaintiffs gain further responsive information as to any of these persons or entities that they would be required to be produced by discovery rules, it will be provided.

With respect to Interrogatory Responses 1, 3, and 4, Defendants requested that Plaintiffs provide any additional information they have regarding Edward Marshall and Clark Bensen. Since you indicated that they consulted regarding mapping (and our assumption that they therefore have no relevant knowledge beyond that consulting) we do not seek further information at this time and will not depose them. Of course, if it is possible they will be called at trial by Defendants, we request that you inform us immediately.

During our call, we also asked Plaintiffs to clarify whether they have provided a full response to Interrogatory 22, which lists only counsel as being involved in answering interrogatories. Our understanding is that you do not intend to amend that answer. At our request, you indicated that you are in the process of obtaining verification for Plaintiffs' interrogatory answers and will provide that verification as soon as possible.

Defendants also ask for clarification regarding what Defendants view to be a potential issue with respect to Requests for Production Responses 22, 24-25, 27-28, 31-32, and 35-38. While these responses cite specific information and documents, each particular response also states that "Plaintiffs will produce non-privileged documents responsive..." (which is a direction to all documents produced by them in this litigation). If this language from these Request for Production Responses is read literally, it would mean that all documents produced by Plaintiffs in this litigation are relevant to these Requests for Production, despite the fact that Plaintiffs' Interrogatory Responses (specifically Interrogatory Responses 8-16), which covered the same or similar ground, provided a more specific response. Defendants' concern is illustrated by a comparison of Responses to Request for Production 35-38 and Interrogatory Responses 15-16 (both specifically relate to Counts I-IV). While the Interrogatory Responses disclose specific

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facts and documents, these Request for Production Responses could be read to re-open the relevant universe to everything produced in this case. After speaking with you, we do not believe this was Plaintiffs' intent in any of the above Requests for Production. Therefore, to the extent Plaintiffs can confirm that their Responses to the Requests for Production listed above are not intended to broaden the scope of information provided in any of Plaintiffs' Interrogatory Responses on related topics, also listed above, we will be satisfied. To that end, we request that you please confirm Plaintiffs' position.

Responses to Requests for Production

Defendants finally requested that Plaintiffs respond to Request for Production 21. We clarified that we are seeking any non-privileged written complaints, comments, or suggestions – especially from the public – in Plaintiffs' possession, as these may either shed light on Plaintiffs' claims or be generally described by Plaintiffs as evidence supporting their positions regarding the Congressional Map. You indicated that you believe that there are no responsive written documents but that you would confirm. Please notify us when your inquiry is complete.

We appreciate your continued willingness to resolve disputes quickly, especially given the nature and speed of this case, and we are optimistic that we can continue to work through any remaining issues. Please let us know Plaintiffs' position on these issues when you get a chance.

As a final note, by our calculation any Motion to Compel – which at this stage does not appear likely to be necessary – will have to be filed by Monday, September 26, 2011. Since we are working to resolve these issues, Defendants request that Plaintiffs agree to give Defendants an extension in which to file any such Motion of two business days following the date we have discussed and determined we are at any impasse on all open issues. Again, we do not believe this will be necessary, but Defendants would rather reach this agreement now so as to give the parties a reasonable time to resolve all concerns.

Sincerely,



Jon Rosenblatt

EXHIBIT C

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September 27, 2011

VIA EMAIL

Mr. Jon Rosenblatt
Office of the Attorney General
State of Illinois
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601

Re: Committee for a Fair and Balanced Map, et al. v.
Illinois State Board of Elections, et al., Case No.
11-C-5065

Dear Jon:

This letter responds to your September 22, 2011 letter.

General Issues

Plaintiffs confirm that they are not withholding any responsive, relevant documents or information on bases other than the attorney-client or work-product privileges or due to protections of expert materials afforded by Fed. R. Civ. P. 26 with one exception. There are publicly available materials referenced in Plaintiffs' interrogatory responses and expert reports. We have not reproduced copies of those publicly available materials as a part of Plaintiffs' document production.

Plaintiffs confirm that they have produced expert materials in compliance with Fed. R. Civ. P. 26(a)(2)(b)(ii). Certain publicly available materials, such as scholarly articles and census data, were not included in Plaintiffs' document production. Those materials are identified in the expert reports.

Interrogatory Responses

As a general matter, please note that Plaintiffs have not decided which witnesses will be called at trial. Discovery is ongoing, and thus your request that Plaintiffs disclose such information now is premature. Plaintiffs will make such disclosures pursuant to the timeframe set forth in the Court's August 11, 2011 Discovery and Preliminary Pretrial Order No. 1 or as otherwise ordered by the Court as part of the pre-trial order.

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Plaintiffs confirm that the witness designated by the Committee for a Fair and Balanced Map (the "Committee") to testify about the Committee's corporate knowledge will be generally knowledgeable about the subjects of your notice of Rule 30(b)(6) deposition. As we discussed, the witness will not be able to testify about "legal conclusions." The Committee's Rule 30(b)(6) witness will be able to testify about the political affiliation of its members, to the extent that they consider themselves to be affiliated with a political party.

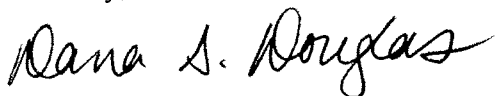
Plaintiffs confirm that with respect to Interrogatory Responses 3 and 5, the Democratic Member of Congress is Jerry Costello and that the Illinois Republican Member is John Shimkus. The draft map referred to in Interrogatory Responses 3 and 5 was produced at PLF000037-PLF000048.

Requests for Production 22, 24-25, 27-28, 31-32, and 35-38 request the production of documents that support certain allegations made in the Complaint and the claims asserted. To the extent Plaintiffs currently are aware of specific materials that support those allegations and claims, those materials were specifically cited in Plaintiffs' responses to those requests. However, Plaintiffs may determine that additional documents support certain allegations and claims. Plaintiffs additionally expect to supplement the production as discovery continues. Accordingly, Plaintiffs referred Defendants generally to Plaintiffs' document production. As we discussed, of the 7935 pages produced to date, 2940 pages concern news articles which were readily available in our possession, custody and control and were responsive to your discovery requests; 4916 pages consistent of data which underlies either Plaintiffs' map or which were otherwise relied upon by Plaintiffs' experts. We also provided documents produced in response to FOIA requests, which we have not yet evaluated. That leaves 99 pages of documents, in our view, a very manageable amount of information that can readily be reviewed as any additional bases in support of the allegations in the Complaint. Moreover, Plaintiffs will designate the documents they intend to use at trial at the appropriate time.

Document Requests

We are in the process of reconfirming whether Plaintiffs maintain any documents responsive to Request for Production 21 concerning specific instances in which there is a written record of comments or complaints regarding P.A. 97-14.

Sincerely,



Dana S. Douglas

cc: Lori E. Lightfoot
Thomas Panoff