

**AKILAH MOORE,
TELISE TURNER, and
GARY WYGANT,**

CASE NO. 22-0287-IV

THREE-JUDGE PANEL
CHANCELLOR PERKINS, CHIEF
CHANCELLOR MARONEY
CIRCUIT JUDGE SHARP

PLAINTIFFS' FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO DEFENDANTS

Plaintiffs Akilah Moore, Telise Turner, and Gary Wygant (“Plaintiffs”) hereby serve the following Requests for Production of Documents on Defendants Bill Lee, Tre Hargett, and Mark Goins, in their official capacity only (“Defendants”). Pursuant to Tennessee Rules of Civil Procedure 26 and 34, Defendants should serve their responses to Plaintiffs’ Requests for Production of Documents upon Counsel for Plaintiffs within 30 days of service.

To the extent Defendants object to any portion of Plaintiffs' Requests for Production of Documents and refrain from responding as a result of the objection(s), Defendants should still respond to any portion of the Requests for Production of Documents to which Defendants do not object.

DEFINITIONS

For the purposes of these Requests for Production of Documents:

1. “The 2022 Reapportionment” shall mean the decennial reapportionment of the Tennessee Senate and House of Representatives that took place beginning with the United States Census Bureau’s release of the 2020 United States Census and culminating with the enactment of Senate Bill 0779, Pub. Chap. 598, and the enactment of Senate Bill 0780, Pub. Chap. 596.

2. “SB 0779” shall refer to Public Chapter 598, that being the enacted legislation that created the reapportioned map of the Tennessee House of Representatives in effect beginning with the 2022 state legislative election cycle.

3. “SB 0780” shall refer to Public Chapter 596, that being the enacted legislation that created the reapportioned map of the Tennessee Senate in effect beginning with the 2022 state legislative election cycle.

4. “Communications” shall mean any form of written communication, including emails, texts, letters, memoranda, digital messages, social media communications, or any other means of written communication.

5. “Identify” used in reference to an individual person means to state his or her full name, present home address, including street name and number, city and state, current contact phone number, and present or last position of employment. “Identify” used in reference to a business entity means to state its full name and last known business address. “Identify” used in reference to a document means to state its date, author, subject matter, recipient, present location and custodian and to describe the type of document.

6. “Document” includes, but is not limited to, any writings, drawings, graphs, charts, photographs, telephone records, notes, diaries, schedules, calendars, tape recordings, computer records or other data compilations, including electronic data and e-mails, from which information can be obtained. “Document” further refers to any digital maps, draft maps, or mapping-related

data used or considered as part of the 2022 Reapportionment, whether stored on State of Tennessee computers or with a third party vendor or provider.

7. If any documents requested herein have been lost, discarded, destroyed, or otherwise disposed of, identify as completely as possible the documents so lost, discarded, destroyed, and indicate the date of disposal, manner of disposal, reason for disposal, the person authorizing the disposal, and the person disposing of the document.

8. Defendants' response should identify which writings are responsive to which specific document request(s). In lieu of a written list, the responsive writing may be separated by dividers that indicate to which request(s) the writings are responsive. If a particular writing is responsive to more than one request, it should be provided in the document request category to which it is most responsive.

9. The singular shall be construed to include the plural and the plural shall be construed to include the singular as necessary to bring within the scope of these requests any documents that might otherwise be construed to be outside their scope.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1

Please produce all communications concerning the 2022 Reapportionment to, from, carbon copying (cc:ing), or blind carbon copying (bcc:ing) any member of the House Select Committee on Redistricting and all such communications to or from House Speaker Sexton.

RESPONSE:

REQUEST NO. 2

Please produce all communications concerning the 2022 Reapportionment to, from, carbon copying (cc:ing), or blind carbon copying (bcc:ing) any member of the Senate Ad Hoc Committee on Redistricting and all such communications to or from Lt. Governor McNally.

RESPONSE:

REQUEST NO. 3

Please produce all communications concerning the 2022 Reapportionment to, from, carbon copying (cc:ing), or blind carbon copying (bcc:ing) the individual or individuals who drew the House of Representatives map enacted via SB 0779, including the individual or individuals who drew prior drafts of the map. This should include any such communications to or from Doug Himes concerning the 2022 Reapportionment, as well as any such communications to or from any other individual or individuals identified by Defendants in response to Interrogatory Number 1 from Plaintiffs' First Set of Interrogatories to Defendants.

RESPONSE:

REQUEST NO. 4

Please produce all communications concerning the 2022 Reapportionment to, from, carbon copying (cc:ing), or blind carbon copying (bcc:ing) the individual or individuals who drew the Senate map enacted via SB 0780, including the individual or individuals who drew prior drafts of the map. This should include any such communications to or from any individual or individuals identified by Defendants in response to Interrogatory Number 2 from Plaintiffs' First Set of Interrogatories to Defendants.

RESPONSE:

REQUEST NO. 5

Please produce all communications or other documents setting forth standards or guidelines for reapportioning the Tennessee Senate and House of Representatives applicable to the 2022 Reapportionment.

RESPONSE:

REQUEST NO. 6

Please produce all draft maps or prior versions of Senate reapportionment maps and House of Representatives reapportionment maps created by individuals identified in response to Interrogatories Number 1 and 2 from Plaintiffs' First Set of Interrogatories during the 2022 Reapportionment.

RESPONSE:

REQUEST NO. 7

Please produce all draft reapportionment legislation created during the 2022 Reapportionment, including any prior versions of the legislation that ultimately became the enacted SB 0779 and SB 0780.

RESPONSE:

REQUEST NO. 8

Please produce all presentations presented to the Tennessee House of Representatives or to any committee or subcommittee of the Tennessee House of Representatives concerning the 2022 Reapportionment.

RESPONSE:

REQUEST NO. 9

Please produce all presentations presented to the Tennessee Senate or to any committee or subcommittee of the Tennessee Senate concerning the 2022 Reapportionment.

RESPONSE:

REQUEST NO. 10

Please produce all communications or other documents concerning the requirement set forth in Article II, Section 3 of the Tennessee Constitution that “In a county having more than one senatorial district, the districts shall be numbered consecutively.” This Request for Production seeks, *inter alia*, any written communications or documents in which legislators (specifically including members of the House Select Committee on Redistricting, members of the Senate Ad Hoc Committee on Redistricting, Speaker Sexton, and / or Lt. Governor McNally) or map drawers addressed this constitutional provision, sought to comply with this constitutional provision, created draft reapportionment maps that complied with this provision, reached a conclusion that the 2022 Reapportionment could not comply with this constitutional provision, created or communicated any reason why the 2022 Reapportionment could not comply with this constitutional provision, or

any other documents or communications from the 2022 Reapportionment concerning this constitutional provision.

RESPONSE:

REQUEST NO. 11

Please produce all communications or other documents concerning dividing counties when reapportioning the House of Representatives during the 2022 Reapportionment. This Request for Production seeks, *inter alia*, any written communications or documents in which legislators (specifically including members of the House Select Committee on Redistricting, members of the Senate Ad Hoc Committee on Redistricting, Speaker Sexton, and / or Lt. Governor McNally) or map drawers discussed dividing counties, discussed how many counties to divide, discussed which counties to divide, or discussed what standard to apply when deciding which counties to divide and how many to divide. This Request for Production also seeks any such communications or documents during the 2022 Reapportionment in which such legislators or map drawers created or discussed reapportionment maps that divided more or fewer than 30 counties, reached a conclusion that the map that became SB 0779 included the fewest possible county-dividing districts, or any other documents or communications from the 2022 Reapportionment concerning the creation of county-dividing House districts. As used herein, county-dividing districts or the dividing of counties refers to a district where a portion of one county is paired with one or more other counties to create a House district. This Request does not concern counties where more than one House district is fully contained within a county.

RESPONSE:

REQUEST NO. 12

Please produce all communications or other documents concerning the Voting Rights Act of 1965, as amended, and the 2022 Reapportionment. This Request for Production seeks any written communications or documents in which legislators (specifically including members of the House Select Committee on Redistricting, members of the Senate Ad Hoc Committee on Redistricting, Speaker Sexton, and / or Lt. Governor McNally) or map drawers addressed this statute, sought to comply with this statute, drafted or revised reapportionment maps in an effort to comply with this statute, or any other documents or communications created during the 2022 Reapportionment concerning this statute.

RESPONSE:

Dated: June 2, 2022

Respectfully submitted,

/s/ Scott P Tift

David W. Garrison (BPR # 024968)

Scott P. Tift (BPR # 027592)

Barrett Johnston Martin & Garrison, LLC

414 Union Street, Suite 900

Nashville, TN 37219

(615) 244-2202

(615) 252-3798

dgarrison@barrettjohnston.com

stift@barrettjohnston.com

John Spragens (BPR # 31445)

Spragens Law PLC

311 22nd Ave. N.

Nashville, TN 37203

T: (615) 983-8900

F: (615) 682-8533

john@spragenslaw.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Plaintiffs' First Set of Requests for Production of Documents to Defendants* has been served on the following counsel for the defendants via electronic and U.S. mail on this 2nd day of June, 2022.

Alexander S. Rieger
Janet M. Kleinfelter
Pablo A. Varela
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207
alex.rieger@ag.tn.gov
janet.kleinfelter@ag.tn.gov
pablo.varela@ag.tn.gov

I hereby certify that a true and exact copy of the foregoing *Plaintiffs' First Set of Requests for Production of Documents to Defendants* has been served on the following counsel for the defendants via electronic mail on this 2nd day of June, 2022.

Jacob R. Swatley
6060 Primacy Parkway, Suite 100
Memphis, TN 38119
Tel: (901) 525-1455
Fax: (901) 526-4084
jswatley@harrisshelton.com

/s/ Scott P Tift
Scott P. Tift