

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ASSOCIATION OF COMMUNITY  
ORGANIZATIONS FOR REFORM  
NOW, *et al.*,

Plaintiffs,

v.

CATHY COX, *et al.*,

Defendants.

CIVIL ACTION  
NO. 1:06-CV-1891-JTC

**ORDER**

Pending before the Court are Defendants' Motion to Compel Responses to Discovery [# 66], Motion for Extension of Time to Complete Discovery [# 74], and Plaintiffs' Cross Motion for Protective Order Prohibiting or Limiting Discovery [# 72]. Plaintiffs Association of Community Organizations for Reform Now ("ACORN"), Project Vote/Voting for America, Inc. ("Project Vote"), Georgia Coalition for the People's Agenda, Inc. ("People's Agenda"), Georgia State Conference of the NAACP Branches ("Georgia NAACP"), and Dana Williams (collectively "Plaintiffs") brought this action against Defendants Cathy Cox, Claud L. McIver, III, J. Randolph Evans, David J. Worley, and Jeffrey K. Israel (collectively "Defendants" or the "State") challenging a rule adopted by the State Election Board requiring an applicant

to seal a completed registration application prior to submitting it to any person other than a registrar or deputy registrar and prohibiting the copying of completed registration applications (the “Regulation”). Plaintiffs contend that the Regulation is unlawful under the First Amendment and the National Voter Registration Act (“NVRA”). The Court **GRANTS** Defendants’ motions [#’s 66 & 74] and **DENIES** Plaintiffs’ motion [# 72].

### **I. Analysis**

Previously, the Court held a hearing on Defendants’ motion to compel. At the hearing, the Court directed the parties to confer in an attempt to narrow the issues before the Court and for Defendants to file a brief with the Court specifically outlining the documents they seek and why such documents are discoverable. The Court also instructed Plaintiffs to file a similar brief. In their post hearing brief, Defendants withdrew a number of the their discovery requests. According, the Court held a second hearing on the remaining discovery issues.

Upon consideration of the parties’ briefs, the argument of counsel at the hearings, and the record, the Court directs the parties as follows:

1. The Court **GRANTS** Defendants’ Motion to Compel as to Defendants’ requests for production of copies of voter registration applications made or collected by ACORN, Project Vote, People’s

Agenda, or Georgia NAACP for individuals who registered to vote in Georgia between September 30, 2004 and September 30, 2006, subject to the limitations agreed upon by Defendants in their brief. Accordingly, the Court **DIRECTS** the parties to jointly file a protective order with the Court within ten (10) days of entry of this Order setting forth those terms to which Defendants agreed.

2. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' requests for production of copies of voter registration applications made or collected by People's Agenda and Georgia NAACP for individuals who registered to vote in Georgia after September 2006, subject to the limitations agreed upon by Defendants. Accordingly, the Court **DIRECTS** the parties to jointly file a protective order with the Court within ten (10) days of entry of this Order setting forth those terms to which Defendants agreed.
3. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' request for all letters and emails, and all enclosures to those documents, exchanged between employees, volunteers, or officers of ACORN and Working Assets and/or Working Assets, Inc. and/or Michael Kleschnick between 2004 and 2006 related to

voter registration activities or programs in Georgia. If ACORN cannot locate any such documents, ACORN shall certify in writing by November 16, 2007, the efforts made to locate and produce the requested documents, including listing the individuals who have personal knowledge of these correspondences.

4. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' request for copies of all complaints made against or received by ACORN, Project Vote, or People's Agenda related to the conduct of the workers of ACORN, Project Vote, or People's Agenda in forging voter registration application information, using the information on the applications, or copying the information anywhere in the United States between 2004 and 2006.
5. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' request for copies of all documents discussing or showing steps taken by Project Vote to maintain the privacy and confidentiality of full nine digit social security numbers, drivers license numbers, or voter identification numbers when a registrant includes any of these numbers on a voter registration

application. If Project Vote has previously produced all such documents, it shall certify in writing by November 16, 2007, that no further documents responsive to Defendants' Request for Production of Documents No. 6, 7, or 8 exists.

6. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' requests for copies of all sign-in sheets, logs, or registers made or used at voter registration drives conducted by Georgia NAACP or People's Agenda in 2004-2006.
7. The Court **GRANTS** Defendants' Motion to Compel as to Defendants' request that ACORN, Project Vote, People's Agenda, and Georgia NAACP identify each person who prepared or assisted in preparing their respective response to Defendants' interrogatories. Accordingly, ACORN, Project Vote, People's Agenda, and Georgia NAACP shall provide Defendants with a list of the names of any individuals, other than the ones already disclosed, that assisted in preparing the Plaintiffs' respective response to Defendants' interrogatories. If no additional individuals assisted in the preparation, then Plaintiffs shall certify in writing by November 16, 2007, that the individuals who

verified the responses were the only individuals who assisted in preparing the responses.

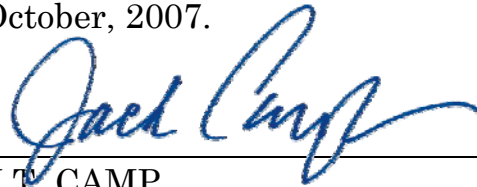
8. The Court **GRANTS** Defendants' Motion to Compel as to Interrogatory No. 2 to ACORN, Project Vote, People's Agenda, and Georgia NAACP requesting that the parties identify each criminal, civil, or administrative action or complaint related to the conduct of the workers of ACORN, Project Vote, People's Agenda, or Georgia NAACP, in forging voter registration application information, using the information on the applications, or copying the information in which the party or a subsidiary or affiliated organization, or any organization under the party's control or supervision, has been a defendant, respondent, or target of an investigation regarding voter registration activities between 2005 and 2007.
- (9) The Court **GRANTS** Defendants' Motion for Extension of Time to Complete Discovery [# 74] and **INSTRUCTS** the parties as follows:
  - A. Plaintiffs shall respond to Defendants' interrogatories and requests for production of documents consistent with this Order by November 16, 2007.

- B. The parties shall have until December 14, 2007, to conduct any additional depositions.
- C. The parties shall file any motion for summary judgment by January 25, 2008. The parties shall have until February 15, 2008, to file their response to a motion for summary judgment and until February 29, 2007 to file a reply.
- D. Pursuant to Local Rule 26.2B, any motion requesting an extension of time to complete discovery must be made prior to the expiration of the deadlines outlined in this Order, and the Court shall grant an extension only in an exceptional case where counsel did not or could not have anticipated that such circumstances would arise at the time of the hearing on Defendants' motion to compel.
- E. The Court **DIRECTS** the parties to refer to the requirements of Local Rule 56.1 when filing motions for summary judgment and statements of material facts. The Court, in its discretion, may strike any pleading filed out of time or that fails to comply with the Local Rules.

## II. Conclusion

Consistent with this opinion, the Court **GRANTS** Defendants' Motion to Compel Responses to Discovery [# 66] and Motion for Extension of Time to Complete Discovery [# 74], and **DENIES** Plaintiffs' Cross Motion for Protective Order Prohibiting or Limiting Discovery [# 72].

**SO ORDERED**, this 25 th day of October, 2007.



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JACK T. CAMP  
UNITED STATES DISTRICT JUDGE