

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

---

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

**Plaintiffs,**

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

**v.**

**CATHY COX, et al.**

**Defendants.**

---

**PLAINTIFF ACORN'S AMENDED OBJECTIONS AND RESPONSES  
TO DEFENDANTS' FIRST INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the orders of this Court, Plaintiff Association of Community Organizations for Reform Now, Inc. ("ACORN" or "Plaintiff") submits the following amended objections and responses to Defendants' First Interrogatories:

**GENERAL OBJECTIONS**

The following General Objections apply to every paragraph of Defendants' First Interrogatories:

1. Plaintiff objects to every interrogatory that calls for privileged information, including, without limitation, information protected by the attorney-client privilege.

2. Plaintiff objects to every interrogatory that calls for information prepared in anticipation of litigation or for trial absent a showing of substantial need by Defendants.

3. Plaintiff objects to every interrogatory that calls for the production of any information containing or reflecting the mental impressions, conclusions, opinions and/or legal theories of any attorney for Plaintiff, on the grounds that such information is protected by the attorney work product doctrine.

4. Plaintiff objects to every interrogatory that is overly broad, unduly burdensome, harassing, duplicative or which requests documents which are already in the possession of Defendants.

5. Plaintiff objects to every interrogatory that calls for information which is neither relevant to the subject matter of the pending Complaint nor reasonably calculated to lead to the discovery of admissible evidence in connection with the pending Complaint.

6. Plaintiff objects to every interrogatory, and to every introductory “definition” or “instruction,” that seeks to impose obligations beyond those required by the Federal Rules of Civil Procedure, as reasonably interpreted and supplemented by local court rules.

## AMENDED RESPONSES TO INTERROGATORIES

Subject to and without waiver of the foregoing General Objections, Plaintiff responds to Defendants' specific Interrogatories as follows:

1. Please identify (providing the information called for in the instructions) each person who prepared or assisted in preparing the responses to these interrogatories.

### RESPONSE

These objections and responses were drafted and prepared by undersigned counsel and are believed to be true, correct, and complete, subject to review and correction by the appropriate corporate representatives of Plaintiff.

2. Please identify (providing the information called for in the instructions) each criminal, civil or administrative action or complaint to which ACORN (or any subsidiary or affiliated organization of ACORN or any organization or person under ACORN's supervision or control) has been a defendant, respondent, or target of an investigation, regarding voter registration activities or conduct in 2005, 2006, and/or 2007.

### RESPONSE

Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, and subject to varying interpretations. Plaintiff further objects to this

Interrogatory on the grounds and to the extent that it may subject it to undue burden, oppression, annoyance, and embarrassment. Plaintiff further objects to this Interrogatory to the extent that it is neither relevant to the asserted claims and defenses of any party in the litigation, nor likely to lead to the discovery of admissible evidence in connection therewith. Plaintiff further objects to this Interrogatory because the probative value of any documents received is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of unsubstantiated evidence. Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff states that the Plaintiff did not receive any notice of actions or complaints against it or its employees related to identity theft from voter applications or other illegal uses of information from voter registration applications.

3. Please describe in detail ACORN's voter registration activities that have taken place in Georgia during the 2007 calendar year and identify the person or persons responsible for those activities.

#### **RESPONSE**

Plaintiff objects to this Interrogatory on the grounds that it is vague, ambiguous, and overly broad. Plaintiff further objects to this Interrogatory on

the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g., NAACP v. Alabama*, 357 U.S. 449 (1958); *Talley v. California*, 362 U.S. 60 (1960); *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society v. Village of Stratton*, 536 U.S. 150 (2002).

Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff refers Defendants to the portions of Nayana Miller's preliminary injunction hearing testimony, wherein she generally describes the voter registration activities (small and large, formal and informal) undertaken by ACORN in Georgia and other states. ACORN further states that it has not conducted any voter registration activity in Georgia in 2007 to date.

4. Please describe in detail ACORN's voter registration activities that have taken place in Georgia during the 2006 calendar year and identify the person or persons responsible for those activities.

#### RESPONSE

Please see the response to Interrogatory No. 3, which is restated and incorporated herein by this reference. Subject to and without waiver of the foregoing objections and the General Objections, ACORN states that it did not

conduct any voter registration activity in Georgia in 2006, in light of the SEB's restrictive regulations governing private voter registration activities in Georgia that are the subject of this lawsuit. As indicated in Nyana Miller's and Stephanie Moore's previous testimony, ACORN had an interest in organizing a voter registration campaign in Georgia in 2006, as it has in the past, and continues to be interested in organizing voter registration campaigns in Georgia in the future.

5. Please describe in detail ACORN's voter registration activities that have taken place in Georgia during the 2005 calendar year and identify the person or persons responsible for those activities.

**RESPONSE**

Please see the response to Interrogatory No. 3, which is restated and incorporated herein by this reference. Subject to and without waiver of the foregoing objections and the General Objections, ACORN states that it did not conduct any voter registration activity in Georgia in 2005.

6. Please describe in detail ACORN's voter registration activities that have taken place in Georgia during the 2004 calendar year and identify the person or persons responsible for those activities.

**RESPONSE**

Please see the response to Interrogatory No. 3, which is restated and incorporated herein by this reference. Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff refers Defendants to the portions of Dana Williams deposition testimony at pages 24-40, wherein he describes ACORN's voter registration activities in 2004, including his own role in ACORN's voter registration drives. In addition, Plaintiff states that in 2004, Robert Harris, ACORN's Head Organizer, oversaw ACORN's registration drives in Georgia, and Nicole Peraclear ran its voter registration drives. Mr. Harris and Ms. Peraclear are no longer employed with ACORN, and ACORN is unaware of their current address.

7. Please state the location and date of each "voter registration drive" (as that phrase is used in your Complaint) held in Georgia at any time from 2005 to the present.

**RESPONSE**

Please see the response to Interrogatory No. 3, which is restated and incorporated herein by this reference. Subject to and without waiver of the foregoing objections and the General Objections, ACORN states that it did not conduct any voter registration drives in Georgia from 2005 to the present.

8. Please identify (providing the information called for in the instructions) each organization that providing funding to ACORN (or any subsidiary or affiliated organization of ACORN) for voter registration activities in Georgia in 2004, 2005, 2006 and/or 2007.

**RESPONSE**

Plaintiff objects to this Interrogatory on the grounds that it is vague, ambiguous, and overly broad. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g., NAACP v. Alabama*, 357 U.S. 449 (1958); *Talley v. California*, 362 U.S. 60 (1960); *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society v. Village of Stratton*, 536 U.S. 150 (2002). Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff states that it received funding from Project Vote in 2004, as part of a nationwide joint effort between ACORN and Project Vote.

This 18<sup>th</sup> day of May, 2007.

Bradley E. Heard  
Georgia Bar No. 342209  
Counsel for All Plaintiffs

**The Heard Law Offices, LLC  
3695-F Cascade Road, SW, Suite 1371  
Atlanta, GA 30331-2105  
Tel.: 404-344-9255  
Fax: 404-344-7578  
Email: [bheard@heardlawoffices.com](mailto:bheard@heardlawoffices.com)**

**s/ Brian W. Mellor, Esq.  
Brian W. Mellor\*  
Massachusetts Bar No. 543072  
Counsel for ACORN, Project Vote, and Dana  
Williams**

**196 Adams Street  
Dorchester MA 02122  
Tel.: 617-282-3666  
Fax: 617-436-4878  
Email: [electioncounsel1@projectvote.org](mailto:electioncounsel1@projectvote.org)**

**Elizabeth S. Westfall\*  
D.C. Bar No. 458792  
Counsel for ACORN, Project Vote, and Dana  
Williams**

**Advancement Project  
1730 M Street, NW, Suite 910  
Washington, DC 20036  
Tel.: 202-728-9557  
Fax: 202-728-9558  
Email: [ewestfall@advancementproject.org](mailto:ewestfall@advancementproject.org)**

**\* Admitted Pro Hac Vice**

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Book Antiqua and a point size of 13.

**s/ Brian W. Mellor, Esq.**

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.

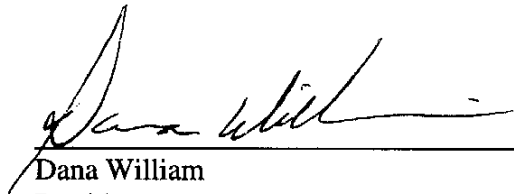
CATHY COX, *et al.*

Defendants.

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

VERIFICATION

I hereby declare under penalty of perjury that the facts stated in the foregoing Plaintiff Association of Community Organization for Reform Now's (ACORN) Objections and Responses to Defendant's First Interrogatories to Plaintiff are true and correct to the best of my knowledge, information, and belief.



Dana William  
President  
Georgia ACORN  
ACORN

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

---

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

**Plaintiffs,**

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

**v.**

**CATHY COX, et al.**

**Defendants.**

---

**CERTIFICATE OF SERVICE OF DISCOVERY**

**This will certify that I have this day caused to be served a copy of the within and foregoing Plaintiff ACORN's Amended Objections and Responses to Defendants' First Interrogatories upon the following parties by placing the same in the United States Mail, postage prepaid, addressed to:**

**Stefan E. Ritter, Esq.  
Georgia Department of Law  
40 Capital Sq SW  
Atlanta, GA 30334-1300**

**Bradley E. Heard, Esq.  
The Heard Law Offices, LLC  
3695-F Cascade Road, SW, Suite 1371  
Atlanta, GA 30331-2105**

**Elizabeth S. Westfall, Esq.  
Advancement Project  
1730 M Street, NW, Suite 910  
Washington, DC 20036**

**This 18<sup>th</sup> day of May, 2007.**

**Respectfully Submitted,  
s/ Brian W. Mellor, Esq.**