

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

**GEORGIA COALITION FOR THE PEOPLE’S AGENDA’S OBJECTIONS
AND RESPONSES TO DEFENDANTS’ FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the orders of this Court, Plaintiff Georgia Coalition for the People’s Agenda (“GCPA” or “Plaintiff”) submits the following objections and responses to Defendants’ First Request for Production of Documents:

GENERAL OBJECTIONS

The following General Objections apply to every paragraph of Defendants’ First Request for Production of Documents:

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

2. Plaintiff objects to every request 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 request 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 request 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 request 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 request, 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.

RESPONSES TO REQUESTS FOR PRODUCTION

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

1. Copies of voter registration applications made or collected by GCPA for persons registering to vote in Georgia after September 2006.

RESPONSE

Plaintiff objects to this Request on the grounds 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 Request on the grounds that it is overly broad and that compliance with the request would be unduly burdensome to Plaintiff and would outweigh any probative value of the evidence sought to be obtained in connection with said Request. Plaintiff further objects to this Request 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). Plaintiff further objects to this request to the extent that it would cause Plaintiff to waive any

rights that it may have under the Fifth Amendment to the Constitution of the United States or any comparable provision of the Constitution of Georgia, in connection with any alleged unauthorized copying of voter registration applications under Georgia law.

2. Copies of voter registration applications made or collected by GCPA for persons registering to vote in Georgia between September 30, 2004 and September 30, 2006.

RESPONSE

Please see the response to Request No. 1, which is restated and incorporated herein by this reference.

3. All sign-in sheets, logs, or registers made or used at “voter registration drives” (as that phrase is used in the Complaint) that were conducted by you in 2004, 2005 or 2006.

RESPONSE

Please see the response to Request No. 1, which is restated and incorporated herein by this reference.

4. All grant applications, financial assistance applications, or any other documents related to awards of financial assistance or grants to GCPA for it to conduct voter registration drives in Georgia at any time during the years 2004, 2005, and or 2006.

RESPONSE

Subject to and without waiver of the foregoing General Objections, Plaintiff states that to the extent such non-privileged documents exist and are in the possession, custody, and control of Plaintiff, said documents will be produced for inspection and copying at a time and place mutually convenient to the parties.

5. All letters and emails, and all enclosures to those documents, exchanged between employees, volunteers or officers of GCPA and Project Vote and/or Project Vote/Voting for America, Inc. ("Project Vote") in 2004, 2005, and 2006 which concerned or related to voter registration activities or programs in Georgia.

RESPONSE

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

6. All letters and emails, and all enclosures to those documents, exchanged between employees, volunteers or officers of GCPA and Working Assets and/or Working Assets, Inc. and/or Michael Kleschnick in 2004, 2005,

and 2006 which concerned or related to voter registration activities or programs in Georgia.

RESPONSE

Please see the response to Request No. 5, which is restated and incorporated herein by this reference. To the extent this Request seeks information related to grant requests, such information will be produced for inspection and copying as provided in response to Request No. 4.

7. All letters and emails, and all enclosures to those documents, exchanged between employees, volunteers or officers of GCPA and Proteus Fund and/or Margaret Gage in 2004, 2005, and 2006 which concerned or related to voter registration activities or programs in Georgia.

RESPONSE

Please see the response to Request No. 6, which is restated and incorporated herein by this reference.

8. All handouts, flyers, or advertisements for "voter registration drives" (as that phrase is used in the Complaint) held in 2004, 2005 or 2006.

RESPONSE

Please see the response to Request No. 1, which is restated and incorporated herein by this reference.

9. All documents (except those that may be pleadings in the present case) related to, discussing, or describing GCPA's voter registration activities in Georgia in 2005 and 2006.

RESPONSE

Please see the response to Request No. 1, which is restated and incorporated herein by this reference.

10. Any contract, letter, or memorandum of representation between GCPA and Brad Heard. To the extent any litigation work product or attorney client privileged communications exist in such a document, they may be redacted.

RESPONSE

Plaintiff objects to this request to the extent that it calls for documents protected by the attorney-client privilege or the work product doctrine. Plaintiff further objects to this Request on the grounds 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. Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff states and confirms that it has retained Bradley E. Heard, Esq., on a *pro bono* / contingency basis in connection with this voting and civil rights litigation; that it is not responsible for payment of attorneys' fees or advance payment of litigation

expenses to Heard in connection with this litigation; and that Heard and his co-counsel shall be entitled to any attorneys' fees awarded or recovered in connection with this litigation.

11. All documents used for or concerning the training of volunteers, employees, or officers of GCPA to conduct "voter registration drives," or to process, transmit, copy, safeguard, or follow-up on voter registration applications.

RESPONSE

Subject to and without waiver of the foregoing General Objections, Plaintiff states that to the extent such non-privileged documents exist and are in the possession, custody, and control of Plaintiff, said documents will be produced for inspection and copying at a time and place mutually convenient to the parties.

12. Copies of all complaints that have been made against or received by GCPA relating to voter registration activities between 2004 and 2006.

RESPONSE

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

Request 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.

This 27th day of March, 2007.

s/ Bradley E. Heard, Esq.

Georgia Bar No. 342209

Counsel for All Plaintiffs

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** 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 Bradley E. Heard, Esq.
Georgia Bar No. 342209

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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's Objections and Responses to Defendants' First Request for Production of Documents** 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

Brian W. Mellor, Esq.
1486 Dorchester Avenue
Dorchester MA 02122

Elizabeth S. Westfall, Esq.
ADVANCEMENT PROJECT
1730 M Street, NW, Suite 910
Washington, DC 20036

This 27th day of March, 2007.

Respectfully Submitted,

s/ Bradley E. Heard, Esq.
Georgia Bar No. 342209