

**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.

**PROJECT VOTE'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 Project Vote/Voting for America, Inc. ("Project Vote" or "Plaintiff") submits the following 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 Project Vote (or any subsidiary or affiliated organization of Project Vote or any organization or person under Project Vote'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 it did not receive any notice of actions or complaints against it related to identity theft from voter applications or other illegal uses of information from voter registration applications.

3. Please describe in detail Project Vote'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 Project Vote in Georgia and other states. Project Vote further states that it has not conducted any voter registration activity in Georgia in 2007 to date

4. Please describe in detail Project Vote'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, Project Vote 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. Project Vote had an interest in organizing a voter registration campaign in Georgia in 2006, primarily in conjunction with ACORN 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 Project Vote'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, Plaintiff states that it did not conduct any voter registration activity in Georgia in 2005.

6. Please describe in detail Project Vote'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. Plaintiff refers Defendants to the portions of Dana Williams deposition testimony at pages 24-40, wherein he described ACORN's voter registration activities that Project Vote funded. Jessica Angus oversaw all state voter registration programs on behalf of Project Vote in 2004.

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 Nos. 3-5, which are restated and incorporated herein by this reference. Subject to and without waiver of the foregoing objections and the General Objections, Plaintiff states that it has not conducted any voter registration activity in Georgia from 2005 to the present.

8. Please identify (providing the information called for in the instructions) each organization that providing funding to Project Vote (or any subsidiary or affiliated organization of Project Vote) 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). Notwithstanding these objections, Plaintiff states that no organization provided funding to Project Vote that was designated for voter registration activities in Georgia in 2004, 2005, 2006 and/or 2007.

This 18th 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

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

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

*** 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.

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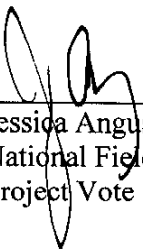
CATHY COX, *et al.*

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VERIFICATION

I hereby declare under penalty of perjury that the facts stated in the foregoing **Plaintiff Project Votes's Objections and Responses to Defendant's First Interrogatories to Plaintiff** are true and correct to the best of my knowledge, information, and belief.



Jessica Angus
National Field Director
Project Vote

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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 Project Vote'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 18th day of May, 2007.

Respectfully Submitted,

s/ Brian W. Mellor, Esq.