

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

**PLAINTIFF PROJECT VOTE'S AMENDED 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 Project Vote submits the following amended 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.

AMENDED RESPONSES TO REQUESTS FOR PRODUCTION

1. Copies of voter registration applications made or collected by Project Vote 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). Subject to and without waiver of these objections and the General Objections, Plaintiff states that it has no such documents in its custody, possession or control.

2. Copies of voter registration applications made or collected by Project Vote for persons registering to vote in Georgia between September 30, 2004 and September 30, 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). Subject to and without waiver of the foregoing objections and the General Objections, Project Vote is willing to produce *in camera*, for the Court's inspection, a representative sampling of voter registration applications from this time period to prove their existence and/or to produce copies of a representative sampling of such applications to Defendants, with identifying information redacted.

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: 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 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

these objections and the General Objections, Plaintiff states that it has no such documents in its custody, possession or control.

4. All documents concerning or related to awards of financial assistance or grants to ACORN, the Georgia Coalition for the People's Agenda, Inc. ("GCPA"), or the Georgia State Conference of NAACP Branches ("Georgia NAACP") 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 General Objections, Plaintiff has produced all responsive documents within its custody, possession or control.

5. All letters and emails, and all enclosures to those documents, exchanged between employees, volunteers or officers of Project Vote and ACORN Project 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. *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 General Objections, Plaintiff states that it has no such documents in its custody, possession or control.

6. All documents discussing or showing steps taken by Project Vote to maintain the privacy and confidentiality of full nine digit social security numbers when they are included on voter registration applications.

RESPONSE: Plaintiff objects to this Request on the grounds that it is vague, overly broad, and subject to varying interpretations. Subject to and without waiver of the foregoing objections and General Objections, Plaintiff refers Defendants to Project Vote's Voter Registration and Quality Control Manual.

7. All documents showing or discussing steps taken by Project Vote to maintain the privacy of driver's license numbers when they are included on voter registration applications.

RESPONSE: Subject to and without waiver of the foregoing General Objections, Plaintiff refers to its Response to Request No. 6.

8. All documents showing or discussing steps taken by Project Vote to maintain the privacy and confidentiality of voter identification numbers (other than full social security numbers or drivers license numbers) when they are included on voter registration applications.

RESPONSE: Subject to and without waiver of the foregoing General Objections, Plaintiff refers to its Response to Request No. 6

9. All documents showing or discussing Project Vote's policies or practices designed to prevent voter registration fraud.

RESPONSE: Subject to and without waiver of the foregoing General Objections Plaintiff refers to its Response to Request No. 6

10. All documents showing or discussing Project Vote's policies or practices intended to prevent voting fraud by persons unlawfully voting for others.

RESPONSE: Subject to and without waiver of the foregoing General Objections Plaintiff refers to its Response to Request No. 6

11. All documents used for or concerning the training of volunteers, employees, or officers of Project Vote 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 refers to its Response to Request No. 6

12. Copies of all complaints that have been made against or received by Project Vote relating to voter registration activities anywhere in the United States at any time between 2004 to 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. *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 has no criminal or civil complaints filed in any court of record or in any public

agency against Project Vote at any time between 2004 and 2006, related to its voter registration activities in Georgia.

This 18th day of May, 2007.

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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/ Brian W. Mellor, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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<p>ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW, <i>et al.</i>,</p> <p style="text-align:center">Plaintiffs,</p> <p>v.</p> <p>CATHY COX, <i>et al.</i></p> <p style="text-align:center">Defendants.</p>	<p>CIVIL ACTION NO. 1:06-CV-1891-JTC</p>
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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 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.
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**Elizabeth S. Westfall, Esq.
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This 18th day of May, 2007.

Respectfully Submitted,

s/ Brian W. Mellor, Esq.