Gerry Hebert

From: J. Gerald Hebert <hebert@votlaw.com>
Sent: Friday, January 10, 2014 8:46 AM
To: Sweeten, Patrick
Cc: David Richards; Morris, Kathleen; garybledsoe@sbcglobal.net;
    Allison@southerncoaition.org; garzpalm@aol.com; hebert@voterlaw.com;
    nperales@maldef.org; timothy.f.mellett@usdoj.gov; rhicks@reenea-hicks.com;
    rrios@rolandorioslaw.com; lnlaw@sbcglobal.net; chad@braziliananddunn.com;
    johnmorris1939@hotmail.com; Lee, Summer; Bitter, Adam
Subject: RE: Perez, et al. v. Perry, et al. - Correspondence

Patrick, I am responding to your email below as it relates to the Quesada plaintiffs. We do not consider ourselves bound by the ESI agreement. We were asked to sign it to signify our agreement and did not do so. We have no objection to the State and DOJ entering into such an agreement, however. Moreover, the Quesada plaintiffs provided you with all non-privileged documents responsive to your discovery requests well before the ESI agreement was reached (when we made our initial disclosures). We did so in pdf format, which you advised me at that time by email was acceptable. We have no further documents to produce at this time. I feel certain that your expressed concern that "many of the production deficiencies presented by the parties will take multiple hours, and in some cases a full day to rectify" does not apply to my clients' documents.

In any event, I am certainly willing to have a call to discuss. I would add that when we tried this case (and conducted discovery) in 2011, we were able to serve each other by email and that seemed to work fine for all of us. I am traveling today and not available at 3pm. However, I am certain we can find a mutually convenient time Monday or Tuesday of next week to discuss this matter, and I look forward to talking with you.

Sincerely, Gerry Hebert

> Mr. Richards,
> > Attorneys from this office and the Department of Justice (DOJ)
> > exchanged multiple drafts of an ESI agreement in November and
> > December. Those individuals put in significant time and effort in
> > attempting to forge an agreement workable to all parties. The
> > attached email dated November 18th from Mr. Mellett of DOJ reflects
> > his understanding based on discussions with the Plaintiffs that all
> > (except for Mr. Morris at the time of the
> > email) had agreed to the terms of the ESI Agreement. You were copied
> > on the email which enclosed the agreement and you were copied on other
> > emails related to the ESI, which includes an email in which your
> > preferred method of production was listed. Additionally the Joint
> > Report of Rule 26(f) Conference and Discovery Plan filed with the
> > Court states "the State Defendants are providing the opposing parties
> > with modified language to the proposed agreement suggested by the
> > United States. Mr. Morris is still considering the proposed ESI
> > Agreement. The United States has advised that all of the other parties
> > have agreed to the ESI Agreement." (Doc 929 p. 7)
> > > The State of Texas did not initially propose the ESI agreement but
> > > worked diligently with the parties to forge a uniform method of production
> > > acceptable to all parties. In any event, it seems to be your view that
> > > despite the myriad emails, draft exchanges, and the filing of the

Exhibit A
Case 5:11-cv-00360-OLG-JES-XR   Document 1036-1   Filed 06/02/14   Page 2 of 4

> Joint Report of the Rule 26(f) Conference and Discovery Plan relating to the
> ESI agreement that you are not a party to the ESI agreement. If that is
> your position and the position of the other parties addressed in the
> letter the State submitted (this would include NAACP, MALC, Quesada,
> Congresspersons and TLRTF) we would ask that we be notified of this by
> week’s end by those parties. As to the specific issues pointed out in
> our letter we are told by our internal experts that many of the
> production deficiencies presented by the parties will take multiple hours, and in
> some cases a full day to rectify. For example, some of the documents
> were provided as one large PDF with all documents contained therein
> which will take significant time to image separately and force the
> State to make a determination as to which documents are paired. We
> also need to have all documents bates stamped by the producing party
> for uniform identification by the parties.
>
> We propose a call with Quesada, NAACP, MALC, Congresspersons and
> TLRTF to discuss these issues and perhaps work toward a compromise
> that would address our expressed concerns, save man hours on our end,
> avoid confusion, and allow us to move on to other issues. We are
> available to conduct this call at 3 p.m. tomorrow. If that is
> unworkable we can schedule a time early next week to discuss this matter.
>
> If you wish to discuss this matter please feel free to contact me.
>
> Sincerely,
>
> Patrick K. Sweeten

> From: David Richards [mailto:DavidR@rrsfirm.com]
> Sent: Wednesday, January 08, 2014 2:57 PM
> To: Morris, Kathleen; 'garybledsoe@sbcglobal.net';
> 'Allison@southerncoalition.org'; 'garzpalm@aol.com';
> 'hebert@voterrorlaw.com'; 'nperales@maldef.org';
> 'timothy.f.mellett@usdoj.gov'
> Cc: 'rhicks@renea-hicks.com'; 'rrios@rolandarioslaw.com';
> 'lrvlaw@sbcglobal.net'; 'chad@brazilanddunn.com';
> 'johnmorris1939@hotmail.com'; Sweeten, Patrick; Lee, Summer; Bitter,
> Adam
> Subject: RE: Perez, et al. v. Perry, et al. - Correspondence
>
> Frankly-I don’t believe I’m a party to the agreement-whatever few
> documents I may have will be produced in the conventional fashion-Dave
> Richards

> From: Morris, Kathleen
> [mailto:Kathleen.Morris@texasattorneygeneral.gov]
> Sent: Wednesday, January 08, 2014 12:29 PM
> To: garybledsoe@sbcglobal.net<mailto:garybledsoe@sbcglobal.net>;
Case 5:11-cv-00360-OLG-JES-XR   Document 1036-1   Filed 06/02/14   Page 3 of 4

> Alison@southerncoalition.org<mailto:Allison@southerncoalition.org>;
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> timothy.f.mellett@usdoj.gov<mailto:timothy.f.mellett@usdoj.gov>;
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> lrival@sbglobal.net<mailto:lrival@sbglobal.net>;
> chad@brazilanddunn.com<mailto:chad@brazilanddunn.com>;
> johnmorris1939@hotmail.com<mailto:johnmorris1939@hotmail.com>;
> Sweeten, Patrick; Lee, Summer; Bitter, Adam
> Subject: Perez, et al. v. Perry, et al. - Correspondence
>
> > Counsel:
>
> > Please see the attached letter from Mr. Sweeten and Ms. Lee.
>
> >
> > Kathleen A. Morris
> Legal Assistant to Patrick K. Sweeten
> Office of the Attorney General
> Special Litigation Division
> PO Box 12548
> Austin, TX 78711-2548
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>
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> >
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any tax-related matters addressed herein to another party.

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