

**In The United States District Court
For The Northern District Of Ohio
Western Division**

League of Women Voters of Ohio, *et al.*,

Plaintiffs,

vs.

Case No. 3:05-CV-7309

J. Kenneth Blackwell, *et al.*,

Judge Carr

Defendants.

**DEFENDANTS' THIRD SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS PROPOUNDED UPON PLAINTIFF
LEAGUE OF WOMEN VOTERS OF OHIO**

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Defendants request Plaintiff League of Women Voters Of Ohio to answer the following interrogatories separately and in writing, under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure within thirty days of service. Defendants request that Plaintiff produce and permit Defendants' counsel and such other representatives as are employed by Defendants' counsel to inspect and copy each of the documents requested herein, at the office of the Ohio Attorney General, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215, within thirty days of service. In the alternative, copies of the documents may be delivered to the above address.

INSTRUCTIONS AND DEFINITIONS

1. If production of any document called for by these requests is refused because of claim of privilege or upon any other basis, please state in a written response the privilege claimed the basis for such refusal to produce and identify the document in question with sufficient particularity that it may be the subject of a Rule 37 motion.

2. More than one paragraph of these Requests may call for the same document. The presence of such duplication is not to be interpreted, in any manner, to narrow or limit each individual request.

3. As used herein, "and" or "or" shall be construed to mean "and/or" where the effect of such construction is to broaden the request.

4. These Interrogatories and Request for Production of Documents shall be deemed to be continuing in nature, so as to require the Plaintiff and his counsel to seasonably notify the Defendants and the to supplement his responses hereto in the event that any additional information responsive to of these interrogatories and requests for production of documents herein should be discovered during the pendency of these proceedings. Supplementation of responses is to be undertaken in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

5. Where necessary, translate information maintained by electronic or other non-tangible means into reasonably usable form, such as printouts, graphs, or summaries.

6. "Document" means the original, each non-identical copy (whether different from the original by means of notes made on such copy or otherwise) and (if the original is not in existence or subject to the control of the Plaintiff) each copy, regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, tape recorded, photocopied, photostatic, "telex", filmed, microfilmed or otherwise prepared matter, however produced or reproduced, which is in Plaintiff's possession, custody or control, including, but not limited to, all papers, letters, correspondence, catalogs, advertisements, telegrams, telexes, cables, memoranda, or minutes of meetings of conversations (personal or telephonic), desk pads, calendars, diaries, telephone pads, travel and expense records, reports, summaries, surveys, analyses, ledgers, journals and other formal or information books of record or account, bulletins, instructions, agreements, legal documents, billing records, telephone toll records, drafts, notebooks, worksheets, attorneys' and accountants' invoices, audits and audit records, purchase orders, accounting worksheets, time records, canceled checks, vouchers, check stubs and writing of every description, including drawings, graphs, charges, photographs, films, recordings, transcriptions of recordings, computer tapes and printouts, and other data or compilations from which information can be obtained and translated, if necessary, by Plaintiff through detection devices into reasonably usable form.

7. "Communication" means any meeting, conference, conversation, memorandum, contact, act or instance of transmitting or receiving information or intelligence by any means, directly or through another person, and shall include without limitation all forms of

communication by the oral or written word and the preparation, furnishing, receipt, examination or copying of documents or permitting others to do so.

8. "Identify" or "identity" shall have the following meanings:

8.1 When used in reference to an individual, it means to state the person's full name; present business address and telephone number, or, if unavailable, last known business address and telephone number; present home address, or, if unavailable, last known home address; and business or governmental affiliation and job title, or, if unavailable, last known business or governmental affiliation and job title.

8.2 When used in reference to corporate entities, it means to state the corporate name, and date and place of incorporation, and all of its present business addresses.

8.3 When used in reference to communications, it means to describe the statements and communications by stating the date and place where they were made; identifying each of the makers and recipients thereof in addition to all the persons present; and indicating the medium of communication. Note: When identifying the date of an oral statement of communication, the precise date must be given. If only an approximate date is given, it will be presumed that you have no recall or specific knowledge as to the exact date.

8.4 When used in reference to a document or documentary evidence, it means to state the type of document (e.g., letter, memorandum, telegram, chart) its author and originator, its date or dates, all addresses and recipients, its present location or custodian, the topics dealt with therein, with such reasonable particularity as is sufficient for a specific demand for production, and any identifying marks, numerals, code words or letters distinguishing it from other like documents. If any such document was, but no longer is in your possession or subject to your custody or control, state what disposition was made of it. Documents to be identified shall include all those documents in your possession, custody, or control and all of the documents of which you have knowledge.

9. "You," "your" or "Plaintiff" refers to the Plaintiff League of Women Voters of Ohio and any of its agents. This includes, but is not limited to any parent organization such as the League of Women Voters US. It also includes any subsidiary organizations, including, but not limited to League of Women Voters Toledo Lucas County. Finally, it also includes any entity in which League of Women Voters Ohio, League of Women Voters US, or any other League chapter participated in a joint venture such as "Election Protection."

10. "Complaint" refers to the Complaint filed by Plaintiff.

11. "Defendants" refers Governor Bob Taft and Secretary of State, J. Kenneth Blackwell.

Interrogatories

12. Identify all organizations that were part of, associated with, participated in, or in any other manner worked with the "Election Protection Coalition" in Ohio from January 1, 2003 to the present identified in your previous responses to interrogatories. Include a complete roster of all member organizations including contact information with the name of the organization; the name of the officers and/or directors of each member organization; the name of the statutory agent; the street address of each organization; the telephone number for each organization; the facsimile number for each organization; and any internet address for each organization.

Answer:

13. Identify all Election Protection Coalition "Nerve Center" employees, volunteer, agents, staffers and/or independent contractors for the 2004 election. Include, for purposes of this interrogatory, the name, address, telephone number, email address, position description, and salary for each person identified in this interrogatory.

Answer:

14. Identify all 1-866-OUR-VOTE employees, volunteers, agents, staffers, and/or independent contractors for the 2004 election. Include, for purposes of this interrogatory, all contact information for each and every person identified including that person's name, home address, home telephone number, and email address.

Answer:

15. Identify all employees, volunteers, agents, staffers, and/or independent contractors that participated in the legal command centers in Ohio for the 2004 election. Include, for purposes of this interrogatory, the person's name, home address, home telephone number, facsimile number, internet address, and email address.

Answer:

16. Identify all field offices for "Election Protection" in the State of Ohio for the 2004 election. Include for purposes of this Interrogatory the roster of each employee, volunteer, agent, staff, and/or independent contractor in each field office, the address of each field office, the telephone number of each field office, and contact information for every person identified in each field office.

Answer:

17. Identify all volunteers, field representatives, poll observers, staffers, agents, employees, and/or independent contractors associated with Election Protection or the People for the American Way Foundation for the purpose of observing the election in the State of Ohio in 2004. Include, for purposes of this Interrogatory, each person's name, home address, telephone number, job description, and any other contact information maintained by you.

Answer:

Request For Production Of Documents

12. All documents that contain any roster or list of any member organization associated in any manner with the "Election Protection Coalition."
13. Documents that contain any contact information (including names, addresses, telephone numbers, facsimile numbers, and/or internet addresses) for each member organization affiliated with or working in connect with the "Election Protection Coalition."
14. All documents containing any roster and/or list of "Election Protection Coalition" "Nerve Center" employees for the 2004 election in Ohio.
15. All documents that contain contact information (including address, telephone numbers, email addresses) for the "Election Protection Coalition" "Nerve Center" employees for the 2004 election in Ohio.
16. All phone records for the years 2003-2005 for the "Election Protection Coalition" "Nerve Center."
17. Financial documents for the "Election Protection Coalition" "Nerve Center" including, but not limited to budgetary documents, revenue and expenditure statements, transfers, loan information, financial forecasts.
18. All computer and/or written records generated at the "Election Protection Coalition" "Nerve Center" purporting to document the 2004 election including, but not limited to reports, interviews, DVDs, notes, journals, internal correspondence, action plans, accessments.
19. All documents that contain a roster and/or list of 1-866-OUR-VOTE employees, staffers, independent contractors, volunteers for the 2004 election.
20. All documents that contain any contact information (including names, addresses, telephone numbers, and email addresses) for 1-866-OUR-VOTE employees, staffers, independent contractors, volunteers, for the 2004 election.
21. All phone records for 1-866-OUR-VOTE for the years 2003-2005, inclusive.
22. All financial documents for 1-866-OUR-VOTE for the years 2003-2005, inclusive, including, but not limited to budgetary documents, revenue and expenditure statements, transfers loan information, financial forecasts.
23. All documents, including computer and/or written records generated in connection with telephone calls to 1-866-OUR-VOTE purporting to document any information concerning the 2004 election including, but not limited to, reports, interview notes, journals, internal correspondence, action plans, assessments.

24. All documents that show a roster/list of any legal command centers for the 2004 election.
25. All documents showing contact information, including names, telephone numbers, addresses, for each legal command center for the 2004 election.
26. All documents showing any volunteer, staffer, independent contractor, employee, and/or agent associated with each legal command center for the 2004 election.
27. All documents, including computer and written records, generated at each legal command center purporting to document the 2004 election, including any conditions from that election, including, but not limited to, reports, interview notes, journals, internal correspondence, action plans, assessments.
28. All documents that purport to show any field offices for the 2004 election.
29. All documents that show any contact information for each field office used for the 2004 election including documents that show names, addresses, telephone numbers.
30. All documents that purport to show any roster of any volunteers, employees, agents, staffers, and/or independent contractors for any field office for the 2004 election.
31. All documents, including computer and written documents, that purport to document any information about the 2004 election including, but not limited to, reports, interview notes, journals, internal correspondence, action plans, assessments.
32. All documents that purport to show any roster for any volunteers, field representatives, staffers, poll observers, employees, and/or independent contractors in any way associated with Election Protection or the People for the American Way Foundation for the purpose of documenting the 2004 election.
33. All documents showing any contact information including names, addresses, telephone numbers for any volunteers, field representatives, staffers, poll observers, employees, and/or independent contractors in any way associated with "Election Protection" and/or People for the American Way Foundation for the purpose of documenting the 2004 election.

34. All documents, including computer and written records, generated by any volunteer, field representative, poll observer, staffer, employee, and/or independent contractor associated with "Election Protection" and/or People for the American Way Foundation for the purpose of documenting the 2004 election.

Respectfully submitted,

Jim Petro
Attorney General

/s Richard N. Coglianes
Richard N. Coglianes (0066830)
Deputy Attorney General
Constitutional Offices Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-2872

Certificate of Service

This is to certify a copy of the foregoing was served upon Michael Geske, 555 Twelfth Street, NW, Washington, D.C. 20004 by US Mail, postage prepaid, and by email transmission on this 1st day of November, 2005.

/s Richard N. Coglianes