



STATE OF OHIO
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April 27, 2006

Mr. Shelby Hunt
Arnold & Porter
555 Twelfth Street, NW
Washington, DC 20005

Re: *LWV v Blackwell*

Dear Mr. Hunt:

I am in receipt of your letter dated April 25. Your unilaterally imposed deadlines for a response show a lack of cooperation and understanding. I understand that almost every one of the lawyers working on this case from your side happens to be from New York City, Washington, or San Francisco so you may not realize that the State of Ohio has a primary election on May 2. As a result of that, the people in the Secretary of State's office are busy working on running an election.

If these busy people were to immediately cease doing their jobs in order to respond to the fishing expedition that is your discovery requests, you would then no doubt claim that the resulting chaos proves the State of Ohio maintains an unconstitutional election system. In truth, any problems with the 2006 election will be the result of your arbitrary and self-imposed deadlines.

We will be supplying you with additional information according to the Court's orders. However, in order to complete all production, we would ask that you agree to a two week extension from the Court's May 1, 2006 deadline for production of all documents. This will allow the Secretary's employees to finish their work on the election as well as to devote all of the necessary time and resources to document production. In order to continue to show our good faith, we will happily produce the documents gathered to this point on May 1. It is my understanding and belief that will involve a substantial production.

By agreeing to this extension, you will show that you are operating in good faith and trying to cooperate with the Defendants instead of simply trying to interfere the State's ability to run an election. Furthermore, by attempting to communicate with me instead of simply imposing unnecessary and arbitrary deadlines, we will be able to work cooperatively instead of running to the Judge every time the Plaintiffs do not get their way.

As I informed you on April 20, I am still waiting to hear from you concerning depositions of the Governor's office. I had informed you that you will not be allowed to depose anybody that you have listed because of the high ranking government official privilege and suggested that you let me know exactly what information you are looking for from the Governor's office. To date, you have refused to do that. You have only speculated why certain names were included.

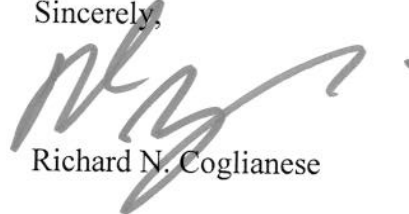
That speculation centered on guessing that the people you identified were responsible for nominating people for positions on the local boards of elections. Since I had informed you that by statute that responsibility rests with the Secretary of State, you have not advised me why you need any depositions from the Governor's office. Once you advise me of a subject matter, I will be happy to provide you with a deponent.

As a side note, you claim in correspondence to Judge Carr that you have been unable to find any information concerning the high ranking government official privilege. As this privilege has been consistently recognized by the United States Supreme Court, the Sixth Circuit Court of Appeals, practically every other US Court of Appeals, and district courts in both the Northern and Southern Districts of Ohio, you may want to research that issue again.

I am aware that you received over nine boxes of documents from the Wood County Board of Elections in response to your subpoena. I had informed a Plaintiffs' attorney that I wanted a complete set of copies on April 17. To date, I have not received anything. Please forward that to me at your earliest convenience. If there is a problem in copying that information, please let me know.

In the future, I would also suggest that you pick up the phone and give me a call instead of sending me a nine page letter. A civil discussion goes much further than a stridently worded missive. As a follow up to that, I have asked that you designate one person for me to address all of these issues through. Instead, you continue to rotate the person with whom I address concerns. That is counterproductive. It is equally counterproductive to have to set up a conference call between me and six lawyers on your team. The person designated as trial attorney on this case should serve in that capacity. If he cannot, once again, I ask that you designate one person who can serve as my contact on all issues.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Coglianese', is written over the typed name.

Richard N. Coglianese