EXHIBIT A
Leslie:

The documents we produced most recently were training materials located on the Secretary’s internal servers and include documents from what we understand to be an archived folder, not accessed in the ordinary course of business, which contains many older and irrelevant files. Given the Plaintiffs’ press to obtain documents and repeated concerns about diligent searches, we wanted to be over-inclusive. Accordingly, we collected and produced these documents to you expeditiously. We have since learned that there are documents in that production that predate the relevant discovery time-period and/or are otherwise irrelevant or non-responsive (e.g., addressed training for campaign compliance matters from when those duties were statutorily delegated to the Secretary).

We would like to propose a re-production of these documents for the appropriate timeframe, or otherwise attempt to identify the documents by bates number which pre-date the timeframe. From what we’ve seen, this will potentially limit thousands of documents. We believe we could complete a re-production over the weekend but suspect an identification would be more time-consuming. Please let us know if this is agreeable to you, apologies for the confusion.

Given these issues, we do not object to postponing Mr. Kennedy’s deposition.

Thanks,
JB

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Josh and Bryan:

Given Defendants’ production, yesterday, of 238,000 pages of “training materials,” we are postponing Kevin Kennedy’s deposition so that he can review those documents. We are checking with him on February dates and will let you know his availability.

Leslie

Leslie J. Bryan
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