

# **Exhibit D**

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**From:** Peters, Alec <apeters@ncdoj.gov>  
**Sent:** Monday, March 24, 2014 8:34 AM  
**To:** Rancour, Kimberly D.; phil.strach@ogletreedeakins.com;  
Amy.Pocklington@ogletreedeakins.com; thomas.farr@ogletreedeakins.com;  
butch@butchbowers.com; bob.stephens@nc.gov  
**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Peng, Julie B.; Ryan, Elizabeth (CRT); Cooper, David (CRT); spencer.fisher@usdoj.gov; Catherine.meza@usdoj.gov; AllisonRiggs@southerncoalition.org; AnitaEarls@southerncoalition.org; \*AStein@tinfulton.com; Christopher Brook; dale.ho@aclu.org; \*dlieberman@advancementproject.org; gill.beck@usdoj.gov; \*jjoyner@NCCU.EDU; jebenstein@aclu.org; LMcDonald@aclu.org; \*phair@advancementproject.org; John.Russ@usdoj.gov; jdevaney@perkinscoie.com; melias@perkinscoie.com; efrost@perkinscoie.com; Wu, Jodi  
**Subject:** RE: NAACP v. McCrory/LWV v. NC/U.S. v. NC: Plaintiffs' Second Set of Document Numbers

Kimberly and counsel,

Thank you for your email Friday afternoon and for the second list of control IDs reflecting the emails and other electronic records that Plaintiffs have identified as responsive to their discovery requests. We shall begin review of the identified emails and documents as provided for in the Court's 3 March 2014 Order.

In response to your inquiry as to the status of the review of plaintiffs' first list of control IDs, the apparent expectation of plaintiffs—that responses would be provided as to the first 3,000 emails or documents on that list within 5 business days, and that responses to each additional 1,000 would be provided each day thereafter until all responses have been provided—is not consistent with the Court's Order. That Order states in Section 2(b)(2):

Upon notification of Plaintiffs' identification of responsive materials, the first of which will occur no earlier than 7 March 2014 Defendants shall have five business days to identify any of those emails or other electronic records that they may believe are not responsive or protected by the attorney-client privilege, the work product doctrine or legislative privilege or immunity (subject to the Court's ruling on that issue). If Plaintiffs identify more than 3,000 emails or other electronic records, at any one time, Defendants will be afforded one extra day for every 1,000 documents in excess of the 3,000 to make the identification described above.

This provision is clear that if plaintiffs identify more than 3,000 emails or documents, defendants are entitled to add an extra day to the 5-day response time for each 1,000 emails or documents identified over 3,000. In other words, if plaintiffs identify 4,000 emails or documents, the Order provides that defendants have 6 business days in which to review and respond; if plaintiffs identify 5,000 emails and documents, the Order provides that defendants have 7 business days in which to review and respond; etc. Thus, the Order provides that defendants have 10 business days to respond to plaintiffs' first list, and that response will accordingly be provided this Friday, 28 March.

Also, in response to Allison Riggs' call to me last week, I am confirming that the 30(b)(6) deposition of the State Board of Elections and the deposition of Marc Burris *can* be held on Monday, April 7, and Tuesday, April 8. We have those dates marked on our calendars. I would anticipate 2-3 attorneys present on behalf of defendants, in addition to the witnesses themselves.

With best regards,  
Alec



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**From:** Rancour, Kimberly D. [mailto:[kimberly.knudson@kirkland.com](mailto:kimberly.knudson@kirkland.com)]  
**Sent:** Friday, March 21, 2014 5:54 PM  
**To:** [phil.strach@ogletreedeakins.com](mailto:phil.strach@ogletreedeakins.com); [Amy.Pocklington@ogletreedeakins.com](mailto:Amy.Pocklington@ogletreedeakins.com); [thomas.farr@ogletreedeakins.com](mailto:thomas.farr@ogletreedeakins.com); Peters, Alec; [butch@butchbowers.com](mailto:butch@butchbowers.com); [bob.stephens@nc.gov](mailto:bob.stephens@nc.gov)  
**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Peng, Julie B.; Ryan, Elizabeth (CRT); Cooper, David (CRT); [spencer.fisher@usdoj.gov](mailto:spencer.fisher@usdoj.gov); [Catherine.meza@usdoj.gov](mailto:Catherine.meza@usdoj.gov); [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); [AnitaEarls@southerncoalition.org](mailto:AnitaEarls@southerncoalition.org); [\\*AStein@tinfulton.com](mailto:*AStein@tinfulton.com); Christopher Brook; [dale.ho@aclu.org](mailto:dale.ho@aclu.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [gill.beck@usdoj.gov](mailto:gill.beck@usdoj.gov); [\\*ijoyner@NCCU.EDU](mailto:*ijoyner@NCCU.EDU); [jebenstein@aclu.org](mailto:jebenstein@aclu.org); [LMcDonald@aclu.org](mailto:LMcDonald@aclu.org); [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [jdevaney@perkinscoie.com](mailto:jdevaney@perkinscoie.com); [meliass@perkinscoie.com](mailto:meliass@perkinscoie.com); [efrost@perkinscoie.com](mailto:efrost@perkinscoie.com); Wu, Jodi  
**Subject:** NAACP v. McCrory/LWV v. NC/U.S. v. NC: Plaintiffs' Second Set of Document Numbers

Counsel,

On behalf of Plaintiffs' counsel and pursuant to Section 2(b)(2) of the Court's March 3, 2014 Order in these matters, attached please find Plaintiffs' second list of control IDs reflecting the emails and other electronic records that Plaintiffs have identified as responsive to their discovery requests.

I also write to inquire as to the production status of Plaintiffs' first list of control IDs submitted to you on March 14, 2014. Pursuant to Section 2(b)(2) of the Court's Order, "Defendants shall have five business days to identify any of those emails or other electronic records that they may believe are not responsive or protected by the attorney-client privilege, the work product doctrine or legislative privilege or immunity." Please advise as to whether you will be producing this information today for the first 3,000 emails or other electronic records that Plaintiffs identified as responsive, consistent with the Court's Order. Please further advise as to whether we can expect to receive this same information for each additional set of 1,000 documents next week as provided for under the Court's Order.

Thank you.

Kimberly D. Rancour | Kirkland & Ellis LLP  
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202-879-5931(Direct) | 202-879-5200 (Fax)

[kimberly.rancour@kirkland.com](mailto:kimberly.rancour@kirkland.com)

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**From:** Wu, Jodi  
**Sent:** Friday, March 14, 2014 6:01 PM  
**To:** [phil.strach@ogletreedeakins.com](mailto:phil.strach@ogletreedeakins.com); [Amy.Pocklington@ogletreedeakins.com](mailto:Amy.Pocklington@ogletreedeakins.com); [thomas.farr@ogletreedeakins.com](mailto:thomas.farr@ogletreedeakins.com); [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); [bob.stephens@nc.gov](mailto:bob.stephens@nc.gov)  
**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Peng, Julie B.; Rancour, Kimberly D.; Ryan, Elizabeth (CRT); Cooper, David (CRT); [spencer.fisher@usdoj.gov](mailto:spencer.fisher@usdoj.gov); [Catherine.meza@usdoj.gov](mailto:Catherine.meza@usdoj.gov); [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); [AnitaEarls@southerncoalition.org](mailto:AnitaEarls@southerncoalition.org); [\\*AStein@tinfulton.com](mailto:*AStein@tinfulton.com); Christopher Brook; [dale.ho@aclu.org](mailto:dale.ho@aclu.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [gill.beck@usdoj.gov](mailto:gill.beck@usdoj.gov); [\\*ljoyner@NCCU.EDU](mailto:*ljoyner@NCCU.EDU); [jebenstein@aclu.org](mailto:jebenstein@aclu.org); [LMcDonald@aclu.org](mailto:LMcDonald@aclu.org); [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [jdevaney@perkinscoie.com](mailto:jdevaney@perkinscoie.com); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); [efrost@perkinscoie.com](mailto:efrost@perkinscoie.com)  
**Subject:** Plaintiffs' First List of Document Numbers

Counsel,

On behalf of Plaintiffs' counsel and pursuant to the March 3, 2014 Order, Section 2(b)(2), please find attached a list of control IDs that have been marked for production. Please let me know if you have any questions.

Thank you,  
Jodi

Jodi Wu  
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TEL +1-202-879-5926 FAX +1-202-654-9639

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