

# Exhibit B

**From:** O'Connor, Bridget K. <boconnor@kirkland.com>  
**Sent:** Monday, February 17, 2014 6:15 PM  
**To:** Strach, Phillip J.; Allen, Winn; Pocklington, Amy M.  
**Cc:** Russ, John (CRT); Ryan, Elizabeth (CRT); Farr, Thomas A.; apeters@ncdoj.com; butch@butchbowers.com; Allison Riggs; Anita Earls; \*AStein@tinfulton.com; bob.stephens@nc.gov; cbrook@acluofnc.org; dale.ho@aclu.org; Cooper, David (CRT); Donovan, Daniel T.; \*dlieberman@advancementproject.org; Beck, Gill (USANCW); \*jjoyner@NCCU.EDU; jebenstein@aclu.org; Rancour, Kimberly D.; lmcDonald@aclu.org; \*phair@advancementproject.org; Fisher, Spencer (CRT); Yannucci, Thomas D.; JDevaney@perkinscoie.com; melias@perkinscoie.com; efrost@perkinscoie.com; Meza, Catherine (CRT)  
**Subject:** RE: NC HB 589 - Meet and Confer Follow Up

Phil:  
 Thank you for providing the spreadsheet with the SBOE search term results. Please also send the legislative search you referenced. Plaintiffs agree that your providing us with that list will not constitute a waiver of any legislative immunity, privilege, or confidentiality that may apply in this case.

Further, as we attempt to develop an approach to prioritization that will best facilitate the prompt production of materials in advance of the preliminary injunction briefing and hearing, would you please also provide us with the following information?

- the SBOE search term results de-duped both by custodian and by search term set (i.e., so that the same document would not be appearing in the totals for multiple of the search term sets in the list); and
- search term results broken out by custodian.

In the interest of getting the reviews and productions going in the near term, Plaintiffs will agree to your prioritizing the review and production of documents hits from 2013 to present. This agreement as to prioritizing such date ranges in no way impacts our request for the production of documents from earlier time periods, as appropriate to certain of the requests.

Finally, with respect to your note about "many of the current search terms" being "just too broad in general to generate meaningful and relevant data," Plaintiffs are happy to work with Defendants to refine the agreed-upon list of search terms in response to the results that you are seeing in your searches. To date, we have not received any proposed modifications to the Defendants' search terms. Specifically, please identify any search terms that you are finding to yield unduly high numbers of false positive hits and the reasons you believe they are generating irrelevant documents. We believe that obtaining the search term distribution data de-duped and by custodian as described above will be of significant help in assessing the results and refining the terms in this manner. We would also call your attention to certain of the actual searches as listed in the SBOE search terms report you sent this afternoon, which appear to have certain typos in the modifiers, and may result in artificially high hit numbers. (We were not sure if this list showed the actual searches, as run, but if so, it would be worth checking on examples like those highlighted below.)

5	(crawford W/30 "Indiana") OR (crawford W/30 "supreme Court") OR (crawford w/30 "vot*") OR (crawford 2/30 "id") OR (crawford w/30 "i.d.") OR (crawford w/30 "identif*")	22,124
7	(Shelby W/30 "Indiana") OR (Shelby W/30 "supreme Court") OR (Shelby w/30 "vot*") OR (Shelby 2/30 "id") OR (Shelby w/30 "i.d.") OR (Shelby--``- w/30	2,442

	"identif*") [THIS IS THE #5 TERMS, NOT #7]	
--	--	--

We look forward to receiving the additional information described above and continuing to work with Defendants to expedite the review and production of responsive emails and other electronic documents.

Sincerely,  
Bridget

**Bridget K. O'Connor**  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, NW, Suite 1200  
Washington, D.C. 20005  
Ph: (202) 879-5048 F: (202) 879-5200