



**Pocklington, Amy M.**

**From:** Strach, Phillip J.  
**Sent:** Friday, January 24, 2014 10:13 AM  
**To:** O'Connor, Bridget K.; Pocklington, Amy M.  
**Cc:** Allen, Winn; thomas.farr@ogletreedeakins.com; allison@southerncoalition.org; AnitaEarls@southerncoalition.org; apeters@ncdoj.gov; AStein@tinfulton.com; bob.stephens@nc.gov; butch@butchbowers.com; catherine.meza@usdoj.gov; cbrook@acluofnc.org; dale.ho@aclu.org; david.cooper@usdoj.gov; Donovan, Daniel T.; \*dlieberman@advancementproject.org; gill.beck@usdoj.gov; jebenstein@aclu.org; john.russ@usdoj.gov; Rancour, Kimberly D.; lmcDonald@aclu.org; spencer.fisher@usdoj.gov; Yannucci, Thomas D.; ijoyner@NCCU.EDU; \*phair@advancementproject.org; Lange, Michelle A.  
**Subject:** RE: Outstanding ESI issues

Bridget:

Thank you for your email. We will continue to work diligently to produce the requested databases as we have since the requests were made and will produce the relevant information from the SADLS and SEIMS databases by Jan. 31. We are surprised by your conclusion that we intend to stand on our objections. When you posed that question on yesterday's call, we specifically noted that because the call was for the purpose of discussing outstanding ESI issues, we were not prepared to discuss our objections to the RFPs. We suggested that we do that in another call, now scheduled for next Thursday, and you agreed. In general, we are collecting and will produce relevant, non-privileged documents and communications, notwithstanding our stated objections. However, the parties have not yet had any meaningful discussion, if any discussion at all, on whether any compromises may be reached on the specific objections we raised with respect to each RFP. We look forward to having those discussions next Thursday as we agreed we would do on yesterday's call.

Regards,

**Phillip J. Strach | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

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**From:** O'Connor, Bridget K. [mailto:boconnor@kirkland.com]  
**Sent:** Friday, January 24, 2014 5:43 AM  
**To:** Pocklington, Amy M.  
**Cc:** Allen, Winn; thomas.farr@ogletreedeakins.com; allison@southerncoalition.org; AnitaEarls@southerncoalition.org; apeters@ncdoj.gov; AStein@tinfulton.com; bob.stephens@nc.gov; butch@butchbowers.com; catherine.meza@usdoj.gov; cbrook@acluofnc.org; dale.ho@aclu.org; david.cooper@usdoj.gov; Donovan, Daniel T.; \*dlieberman@advancementproject.org; gill.beck@usdoj.gov; jebenstein@aclu.org; john.russ@usdoj.gov; Rancour, Kimberly D.; lmcDonald@aclu.org; spencer.fisher@usdoj.gov; Strach, Phillip J.; Yannucci, Thomas D.; ijoyner@NCCU.EDU; \*phair@advancementproject.org; Lange, Michelle A.  
**Subject:** RE: Outstanding ESI issues

Counsel:

Thank you for participating in the meet-and-confer yesterday regarding the outstanding issues relating to the Defendants' responses to Plaintiffs' discovery requests. Based on that discussion, it is our understanding that Defendants intend to stand on their

objections as stated in their responses to Plaintiffs 1st RFPs to the State Board of Elections and to Governor McCrory, and do not intend to produce documents where those stated objections apply. Defendants also stated that they would produce the SADLS and SEIMS databases no later than Friday, January 31, 2014 -- and that they would produce at least the SEIMS database sooner if it is feasible to do so. We look forward to receiving those databases as soon as possible. In light of the delays in producing those databases, we would ask that Defendants send those productions by Federal Express for Monday delivery to the Plaintiffs, and to confirm by email on Friday that those databases have gone out. Finally, we understand from yesterday's discussions that Defendants are proceeding and have begun to search for and review documents based on the current list of custodians and search terms that have been circulated between the parties, and that Defendants have agreed to accept the last set of search terms proposed by the Plaintiffs.

With respect to the meet-and-confer call that we discussed having on Thursday, January 30, 2014 as to other issues relating to the specifics of the documents that Defendants do plan to produce outside of their stated objections, Plaintiffs would propose that that call take place at 11 AM Eastern. We can use the following dial-in number for that call: 866-331-1856, code 2028795048. We expect to raise at least the following points for discussion on Thursday: (1) Defendants' expected timing for productions of responsive emails is based on their current search efforts (both when those productions will start and when they will be complete); (2) Defendants' expected timing for production of privilege logs; and (3) Defendants' expected timing for productions of hard copy and other non-email materials.

Sincerely,  
Bridget K. O'Connor

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