

**Peters, Alec**

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**From:** O'Connor, Bridget K. <boconnor@kirkland.com>  
**Sent:** Monday, July 14, 2014 5:29 PM  
**To:** Peters, Alec; Rancour, Kimberly D.  
**Cc:** McKnight, Michael D.; Strach, Phillip J.; butch@butchbowers.com; Farr, Thomas A.; Donovan, Daniel T.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; \*phair@advancementproject.org; \*dlieberman@advancementproject.org; \*CSwain@advancementproject.org; Shropshire, Stephanie; AllisonRiggs@southerncoalition.org; Julie Ebenstein (jebenstein@aclu.org) (jebenstein@aclu.org); dale.ho@aclu.org; Christopher Brook (cbrook@acluofnc.org) (cbrook@acluofnc.org); John.Russ@usdoj.gov; Catherine.Meza@usdoj.gov; Elizabeth.Ryan@usdoj.gov; Frost, Elisabeth C. (Perkins Coie (EFrost@perkinscoie.com)); melias@perkinscoie.com; Devaney, John (Perkins Coie (JDevaney@perkinscoie.com))  
**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL026753.000007]

Alec,  
 With regard to your note of Sunday, July 13 regarding Plaintiffs' objections to the descriptions of the deposition designations provided by the Defendants to the Court, we respectfully decline to withdraw those objections. As your note acknowledges, and as the email string below makes clear, Plaintiffs raised by email on Thursday, July 10, 2014 at 4:14 PM our concerns about the Defendants' descriptions compliance with the Court's directive as to those descriptions. That note reminded Defendants that, "the Court directed the parties to provide very short descriptions of the testimony designated." Rather than revise the descriptions to conform to the Court's guidance or engage in a discussion with Plaintiffs as to the issues we had identified, Defendants responded that you were "comfortable" that the form of Defendants' descriptions complied with the Court's expectations and stated that if Plaintiffs disagreed that we should file separately. (See July 10, 2014 10:04 PM Email from P. Strach to K. Rancour et. al.) Given the upcoming hard deadline set by the Court for submission of the designations and descriptions and the continued disagreement over the descriptions, and Defendants' refusal to engage in any discussion re same as reflected in Mr. Strach's response, Plaintiffs confirmed by email on July 11 that we would file our designations and descriptions separately. (July 11, 2014 2 PM Email from K. Rancour to M. McKnight et. al.) Plaintiffs raised our concerns about the Defendants' descriptions directly, and Defendants declined to engage in a discussion as to the appropriate form for those descriptions and suggested instead that Plaintiffs file separately if they disagreed. Under the circumstances, we believe that our filing complied with the Court's requests and deadlines, as well as any meet and confer obligations that applied.

In addition, should Defendants feel the need to file a response with the Court, we would ask that you refrain from any further suggestion that Defendants were deprived of the opportunity to depose Plaintiffs' experts, as was stated erroneously several times during last week's hearing and repeated again in your Sunday email. The record on this point is clear: per the Court's schedule, Plaintiffs' experts served their opening reports on April 11 and sur-rebuttal reports on May 2; Defendants did not even request any expert depositions until May 15, and never requested depositions of any of the NAACP experts; by the afternoon of May 15 the dates and times for several of the plaintiffs' expert depositions were set, with the remainder set by May 19. Plaintiffs timely responded to the Defendants' requests for depositions of Plaintiffs' experts, and any suggestion to the contrary is at odds with the facts.

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

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**From:** Peters, Alec [mailto:apeters@ncdoj.gov]  
**Sent:** Sunday, July 13, 2014 2:51 PM  
**To:** Rancour, Kimberly D.  
**Cc:** McKnight, Michael D.; Strach, Phillip J.; butch@butchbowers.com; Farr, Thomas A.; Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; \*phair@advancementproject.org; \*dlieberman@advancementproject.org; \*CSwain@advancementproject.org; Shropshire, Stephanie; AllisonRiggs@southerncoalition.org; Julie Ebenstein (jebenstein@aclu.org) (jebenstein@aclu.org); dale.ho@aclu.org; Christopher Brook (cbrook@acluofnc.org) (cbrook@acluofnc.org); John.Russ@usdoj.gov; Catherine.Meza@usdoj.gov; Elizabeth.Ryan@usdoj.gov; Frost, Elisabeth C. (Perkins Coie (EFrost@perkinscoie.com); melias@perkinscoie.com; Devaney, John (Perkins Coie (JDevaney@perkinscoie.com)  
**Subject:** Re: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS-OGL.026753.000007]

Counsel,

We are writing concerning the objections included in plaintiffs' Designations of Deposition Testimony in Support of Motion for Preliminary Injunction. As we read those objections, they appear to be predicated on three grounds: the form of the descriptions of testimony, the length of the designations and the content of the descriptions. Because we believe that none of the grounds are well founded, we request that plaintiffs withdraw their objections.

With regard to the form of the descriptions, plaintiffs indicate that the form used by defendants is not what the Court requested—that the Court asked for “a couple of lines per witness.” This does not reflect defendants' understanding. Defendants understood the Court to ask for brief descriptions of each portion of designated testimony so that the Court would understand the nature of that testimony and why the designating parties thought the evidence was relevant. We believe that the Court expressed this reason for requesting the descriptions numerous times.

With regard to the length of the designations, we note that the length was driven by two factors: our understanding of the Court's request for descriptions and the fact that we were required to include testimony from two of plaintiffs' experts and from other key witnesses—such as Gary Bartlett or legislators—because plaintiffs failed to make those witnesses available for deposition in time to include the depositions with defendants' Response to plaintiffs' Preliminary Injunction Motion. Indeed, the Court first suggested use of designations when defendants inquired during the prehearing conference held by telephone about how to provide to the Court the depositions that could not be filed with their Response.

Most importantly, with regard to the content of the descriptions, plaintiffs state “many of the descriptions mischaracterize testimony and purport to provide findings of fact.” Plaintiffs also state that the descriptions provided by defendants are “misleading.” This amounts to an assertion that we have made intentional misrepresentations to the Court. We strenuously reject that assertion, and we note that plaintiffs' objections fail to provide even one example of any purported “mischaracterization” or “misrepresentation.”

In addition to our belief that plaintiffs' objections are not well founded, we are concerned that you raised this issue with the Court without addressing it with us first. As can be seen from the email chain below, the only specific objection raised to our designations was to note that we had gotten some page numbers wrong, which we rectified. Beyond that, all that plaintiffs said was that “the Court directed the parties to provide very short descriptions of the testimony designated. In light of the Court's instruction, please provide revised descriptions. Plaintiffs will provide their descriptions as soon as they are available.” Plaintiffs offered no indication of how plaintiffs believed defendants' designations were not “very short descriptions of the testimony designated,” which is not the same as short descriptions

of a witness's total testimony. Moreover, plaintiffs did not provide defendants with their descriptions prior to filing as they indicated they would. Had plaintiffs specifically noted the basis for any belief that defendants' descriptions did not comply with the Court's request, or had plaintiffs provided defendants with their descriptions in advance of filing as you indicate you would do, defendants might have been afforded an opportunity to try and resolve differences between the parties. As it was, defendants did not know why plaintiffs took issue with defendants' designations until plaintiffs' designations were filed—a filing that we note occurred after the 5:00 deadline clearly set by the Court and acknowledged in Kimberly Rancour's email at the beginning of this email chain below.

Plaintiffs' failure to raise any specific concerns with defendants prior to noting an objection with the Court constitutes a failure to comply with Judge Peake's directive that the parties consult and try to work out differences prior to the filing of a motion or request to the Court, as well as her directive that any such motion or request note the position of the opposing party. Plaintiffs' limited communications with defendants on the matters raised in the objections—by which plaintiffs request that the Court reject the descriptions provided with defendants' designations and order defendants to provide new descriptions—cannot be considered a good faith effort to comply with Judge Peake's directive.

For all of these reasons, defendants request that plaintiffs withdraw their objections. If plaintiffs are not willing to do so, then defendants will file a response with the Court; that response will include this email chain, which shows that plaintiffs did not raise their concerns with defendants prior to making their objections, as well as emails showing when defendants requested that plaintiffs make various witnesses available and when plaintiffs in fact made those witnesses available.

We appreciate your prompt response to our request.

Best regards,  
Alec

On Jul 11, 2014, at 2:00 PM, "Rancour, Kimberly D." <[kimberly.rancour@kirkland.com](mailto:kimberly.rancour@kirkland.com)> wrote:

Michael,

Given our disagreement over the submission you intend to file, we will be filing our designations separately.

**From:** McKnight, Michael D. [<mailto:Michael.McKnight@ogletreedeakins.com>]

**Sent:** Friday, July 11, 2014 11:47 AM

**To:** Strach, Phillip J.; Rancour, Kimberly D.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [meliass@perkinscoie.com](mailto:meliass@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

In addition to the designations we sent over yesterday, we are also designating and filing all of both depositions given by Kim Strach. If you intend to incorporate our designations with yours, please note this in the filing.

If you would prefer that we file our designations separately, please let us know as soon as possible.

Thanks,

**Michael D. McKnight | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

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**From:** Strach, Phillip J.

**Sent:** Thursday, July 10, 2014 10:04 PM

**To:** Rancour, Kimberly D.; McKnight, Michael D.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com)); [meliass@perkinscoie.com](mailto:meliass@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Kimberly: Thanks for your note. We are comfortable that the form of our designations comply with the Court's expectations. If you disagree, we are happy to file these separately. Assuming we file our designations jointly, please let us know if you will be in a position to file them by 2:00 p.m. tomorrow as we will need the afternoon to ensure that we can e-file the actual deposition pages and exhibits before the Court's 5:00 deadline. While we assume you will respond to these issues very soon, if we have not heard from you by 2:00 tomorrow, we will proceed to file our designations and transcripts/exhibits separately. Thanks. Phil

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

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---

**From:** Rancour, Kimberly D. [<mailto:kimberly.rancour@kirkland.com>]

**Sent:** Thursday, July 10, 2014 4:14 PM

**To:** McKnight, Michael D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com)); [meliass@perkinscoie.com](mailto:meliass@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Thanks, Michael. With respect to the summaries Defendants provided, the Court directed the parties to provide very short descriptions of the testimony designated. In light of the Court's instruction, please provide revised descriptions. Plaintiffs will provide their descriptions as soon as they are available.

**From:** McKnight, Michael D. [<mailto:Michael.McKnight@ogletreedeakins.com>]  
**Sent:** Thursday, July 10, 2014 3:43 PM  
**To:** Rancour, Kimberly D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.  
**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))  
**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Please substitute the following designation in place of portion highlighted: Page 28, Line 14 through Page 30, Line 3

**Michael D. McKnight | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**  
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**From:** Rancour, Kimberly D. [<mailto:kimberly.rancour@kirkland.com>]  
**Sent:** Thursday, July 10, 2014 3:26 PM  
**To:** McKnight, Michael D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.  
**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))  
**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Please also clarify the end line designation for the following:

Kousser on page 23 - Kousser admits that cross-state comparisons are useful in attempting to draw causal relationships but he did not conduct a cross-state analysis comparing black turnout in states that do not have same day registration, early voting, or out-of-precinct voting to determine whether these practices actually impact black registration or turnout. (Page 26, Line 22 through Page 27, Line 6; Page 28, Line 13 through 30; Page 32, Lines 4 through 5)"

**From:** Rancour, Kimberly D.  
**Sent:** Thursday, July 10, 2014 2:54 PM  
**To:** 'McKnight, Michael D.'; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com)); [melias@perkinscoie.com](mailto:melias@perkinscoie.com)); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))  
**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Michael,

We noticed several dep citations in defendants' summaries that appear to be incorrect. Please clarify or correct as soon as possible the page and line designations for the following statements:

- Kousser Designation (p. 30) "Kousser admits that he has made no calculations about how the reduction of early voting from 17 to 10 days or the elimination of same-day registration and out-of-precinct voting will reduce black turnout in the 2014 or 2016 elections, and that his opinion that black participation will be suppressed is based solely on black participation in voting and registration in 2008 and 2012. (Page 110, Line 10 through Page 103, Line 18)"
- Kousser Designation (p. 37) "Kousser admits that no court has ever found that reducing early voting, eliminating same-day registration, or eliminating out-of-precinct voting are equivalent to a Senate factor under *Gingles* (Page 187, Line 21 through Page 188, Line 110), but that Kousser took "the spirit of" the Senate factors so that he could "make the best analogy I could to make the factors tailored for something else fit this particular case." (Page 187, Line 16 through Page 188, Line 16)"
- Allen Designation (p. 43) "For his definition of "long lines," Allen uses 30 minutes based on comments made by President Obama during a speech, but then he says 2 hours is a time limit for determining a long line that has some legal standing. (Page 28, Line 2 through Page 299, Line 11)"
- Allen Designation (p. 44) "The 2012 Wake County ballot was 2 pages vs. 11 pages for a Florida ballot, and Allen testified voters would most likely complete the North Carolina ballot more quickly. (Page 54, Line 10 through Page 5, Line 12)"

**From:** McKnight, Michael D. [<mailto:Michael.McKnight@ogletreedeakins.com>]

**Sent:** Thursday, July 10, 2014 2:03 PM

**To:** Rancour, Kimberly D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com)); [melias@perkinscoie.com](mailto:melias@perkinscoie.com)); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))  
**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS- OGL.026753.000007]

Yes.

**Michael D. McKnight | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

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**From:** Rancour, Kimberly D. [<mailto:kimberly.rancour@kirkland.com>]

**Sent:** Thursday, July 10, 2014 1:59 PM

**To:** McKnight, Michael D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS-  
 OGL.026753.000007]

Michael,

Thank you for sending. Please confirm today whether defendants intend to provide the court with excerpts of the deposition testimony you cited in your witness summaries.

**From:** McKnight, Michael D. [<mailto:Michael.McKnight@ogletreedeakins.com>]

**Sent:** Thursday, July 10, 2014 11:57 AM

**To:** Rancour, Kimberly D.; Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov); [Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** RE: NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations [ODNSS-  
 OGL.026753.000007]

As requested, attached are defendants' deposition declarations.

Thanks,

**Michael D. McKnight | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

4208 Six Forks Road, Suite 1100 | Raleigh, NC 27609 | Telephone: 919-789-3159 | Fax: 919-783-9412  
[michael.mcknight@ogletreedeakins.com](mailto:michael.mcknight@ogletreedeakins.com) | [www.ogletreedeakins.com](http://www.ogletreedeakins.com) | [Bio](#)

**From:** Rancour, Kimberly D. [<mailto:kimberly.rancour@kirkland.com>]

**Sent:** Wednesday, July 09, 2014 10:10 PM

**To:** Strach, Phillip J.; [apeters@ncdoj.gov](mailto:apeters@ncdoj.gov); [butch@butchbowers.com](mailto:butch@butchbowers.com); Farr, Thomas A.

**Cc:** Donovan, Daniel T.; O'Connor, Bridget K.; Allen, Winn; Nkwonta, Uzoma; Wu, Jodi; Maner, Christopher Joseph; [\\*phair@advancementproject.org](mailto:*phair@advancementproject.org); [\\*dlieberman@advancementproject.org](mailto:*dlieberman@advancementproject.org); [\\*CSwain@advancementproject.org](mailto:*CSwain@advancementproject.org); Shropshire, Stephanie; [AllisonRiggs@southerncoalition.org](mailto:AllisonRiggs@southerncoalition.org); Julie Ebenstein ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)) ([jebenstein@aclu.org](mailto:jebenstein@aclu.org)); [dale.ho@aclu.org](mailto:dale.ho@aclu.org); Christopher Brook ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)) ([cbrook@acluofnc.org](mailto:cbrook@acluofnc.org)); [John.Russ@usdoj.gov](mailto:John.Russ@usdoj.gov); [Catherine.Meza@usdoj.gov](mailto:Catherine.Meza@usdoj.gov);

[Elizabeth.Ryan@usdoj.gov](mailto:Elizabeth.Ryan@usdoj.gov); Frost, Elisabeth C. (Perkins Coie ([EFrost@perkinscoie.com](mailto:EFrost@perkinscoie.com))); [melias@perkinscoie.com](mailto:melias@perkinscoie.com); Devaney, John (Perkins Coie ([JDevaney@perkinscoie.com](mailto:JDevaney@perkinscoie.com)))

**Subject:** NAACP v. McCrory / LWV v. NC / US v. NC: Dep Designations

Defense counsel:

For purposes of meeting the Court ordered deadline of Friday at 5:00 pm, please provide plaintiffs with your deposition designations as soon as possible for review and counter-designation.

Kimberly D. Rancour | Kirkland & Ellis LLP  
655 Fifteenth St. N.W. | Washington, DC | 20005  
202-879-5931(Direct) | 202-879-5200 (Fax)

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

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