

Exhibit A

From: Strach, Phillip J. <Phil.Strach@ogletreedeakins.com>
Sent: Monday, February 17, 2014 3:36 PM
To: 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.; O'Connor, Bridget K.; JDevaney@perkinscoie.com; melias@perkinscoie.com; efrost@perkinscoie.com; Meza, Catherine (CRT)
Subject: RE: NC HB 589 - Meet and Confer Follow Up
Attachments: Research.xlsx

Winn:

Attached is a spreadsheet breaking down the number of individual files or records per search term for the State Board of Elections. We don't have the information broken down by custodian. Please note this information is being provided subject to and without waiving any objection, privileges or immunities and is provided solely for the purpose of engaging in good faith attempts to resolve this discovery issue. While we have a similar breakdown for the legislative search, we will only provide it if Plaintiffs agree that providing it does not constitute any waiver of legislative immunity, privilege, or confidentiality that may apply in this case. If Plaintiffs so agree, please let me know. Please let us know your proposal for prioritization asap.

As to your first question regarding the review process, we are not sure what you mean. In general, we will review the ESI in a litigation software program, Relativity, specifically designed for ESI review.

Also, as we mentioned on the call today, while prioritization would certainly assist with the review, we are also concerned with the unreasonableness of having to review over 700,000 individual files (plus possibly more since, as mentioned, the agencies' software could not process some of the search terms) and with reviewing anything outside of the 2013 timeframe. As stated in our response to the motion to compel, we are also concerned about seemingly endless requests for production and the likelihood that many of the current search terms are just too broad in general to generate meaningful and relevant data especially when compared against the cost of obtaining and reviewing it. Accordingly, please let us know if plaintiffs will continue to stand on their position that everything plaintiffs have requested is relevant and will not be narrowed irrespective of any prioritizing in the near term.

Regards,

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From: Strach, Phillip J. <Phil.Strach@ogletreedeakins.com>
Sent: Wednesday, February 19, 2014 10:12 AM
To: O'Connor, Bridget K.; 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); *ijoyner@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
Attachments: Legislative Searches.xlsx

Bridget:

Attached is the spreadsheet containing the legislative search. We do not have the search terms broken down by custodian.

Regards,

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

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