

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI CIVIL DIVISION**

Case No. 1:12-cv-22282-WJZ
Honorable Judge William J. Zloch

KARLA VANESSA ARCIA, an individual,
MELANDE ANTOINE, an individual, VEYE
YO, a civic organization based in Miami-
Dade County, FLORIDA IMMIGRANT
COALITION, INC., a Florida non-profit
corporation, NATIONAL CONGRESS FOR
PUERTO RICAN RIGHTS, a Pennsylvania
non-profit corporation, FLORIDA NEW
MAJORITY, INC., a Florida non-profit
corporation, and 1199SEIU UNITED
HEALTHCARE WORKERS EAST, a Labor
Union,

Plaintiffs,

v.

KEN DETZNER, in his official capacity as
Florida Secretary of State,

Defendant.

PLAINTIFFS' PRETRIAL DISCLOSURES

Pursuant to Rule 16.1.D of the Local Rules of the United States District Court for the Southern District of Florida, Rule 26(a)(3) of the Federal Rules of Civil Procedure, and the Order for Pre-Trial Conference entered August 13, 2012, (DE 36), Plaintiffs KARLA VANESSA ARCIA, MELANDE ANTOINE, VEYE YO, FLORIDA IMMIGRANT COALITION, INC., NATIONAL CONGRESS FOR PUERTO RICAN RIGHTS, FLORIDA NEW MAJORITY, INC., and 1199SEIU UNITED HEALTHCARE WORKERS EAST hereby make the following disclosures. As a result of the nature of this litigation, the parties began discovery without

exchanging Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1). Plaintiffs' Pretrial Disclosures nevertheless also include information required to be disclosed thereunder.

I. WITNESSES

A. Witnesses/Affiants Plaintiffs Expect to Present

1. Professor Daniel A. Smith, ElectionSmith, Inc., 1614 NW 14th Ave, Gainesville, Florida 32605, 352-283-6482 (expert witness)
2. Ion V. Sancho, Supervisor of Elections, Leon County, 315 South Calhoun Street, Suite 110, Tallahassee, Florida 32301, 850- 606-8683

B. Witnesses Plaintiffs May Call if the Need Arises

1. Plaintiffs may and hereby reserve the right to call as witnesses the parties to this lawsuit and/or their authorized representatives, including but not limited to the following individuals. Except as identified on Plaintiffs' exhibit list below, Plaintiffs do not believe they possess any additional documents supporting the remaining claims or defenses in this action.
 - a) Badili Jones, Political Alliance Officer, Florida New Majority, 8330 Biscayne Blvd, Suite 1, Miami, Florida 33138, 305-754-0118.
 - b) Maria del Rosario Rodriguez, Executive Director, Florida Immigrant Coalition, 2800 Biscayne Blvd, Suite 800, Miami, Florida 33137, 305-571-7254.
 - c) Tony Jeanthenor, Vice Chairman, Veye Yo, 39 NW 54th Street, Miami, Florida 33137, 305-759-1126.
 - d) Wilfredo Seda, Chair, National Congress for Puerto Rican Rights, 4322 North 5th Street, Philadelphia, PA 19140, 305-401-5612
 - e) Dale Ewart, Assistant Regional Director, 1199SEIU, United Healthcare East, Florida Region, 14645 NW 77th Avenue, Suite 201, Miami Lakes, FL 33014, 305-785-1951
 - f) Plaintiff Karla Vanessa Arcia, 9967 NW 25th Ave, Miami, FL 33147, 786-879-4752
 - g) Plaintiff Melande Antoine, 301 NE 152nd Street, Miami, FL 33162, 305-409-6194
2. Plaintiffs reserve the right to call any and all expert witnesses and fact witnesses listed by any parties of this lawsuit.

3. Plaintiffs reserve the right to call any and all witnesses arising out of discovery not completed to date.
4. Plaintiffs reserve the right to call impeachment and rebuttal witnesses, as necessary.
5. Plaintiffs reserve the right to amend and/or supplement this Witness List as any time in the future.

C. Deposition Designations

1. Plaintiffs do not expect to designate or present any witness testimony by deposition.

II. EXHIBITS

A. Exhibits Plaintiffs Expect to Offer

1. National Voter Registration Act ("Motor Voter law"), 42 U.S.C. 1973gg to 1973gg-10.
2. List of 180,506 names of potential non-citizens prepared by Florida Department of State, received in the mail on a CD rom as .txt file ("PR_Redacted_HSMV_IMMIGRANT_180506.txt"), created by DOS and received as a public records request from Chris Cate on 9/7/2012.
3. List of 2,625 names of potential non-citizens prepared by Florida Department of State, received as two Excel files ("DHSMV Potential Non-Citizen File A.xlsx" and "DHSMV Potential Non-Citizen File B.xlsx"), created by DOS and received as a forwarded public records request from Chris Cate on 5/10/2012.
4. "6.14.2012 Voters Removed for Being a NonCitizen.xls," created by DOS on 6/7/2012 and last modified by Chris Cate on 6/14/2012, received as a public records request from Chris Cate on 6/19/2012.
5. List of potential Miami-Dade non-citizens, received as an Excel file ("noncitizenlistfromDade.xlsx," created by Michelle McClain, as a forwarded public records request from Mami-Dade County Supervisor of Elections on 6/1/2012.
6. December 31, 2011 Florida voter file. "Voter File 1/2012 (Data as of 12/31/2011)," CD rom received as a "hand pick-up" from FDOS in Tallahassee on 1/27/2012.
7. Brennan Center Report, Voting Purges, Myrna Perez (Sept. 30, 2008), available at http://brennan.3cdn.net/5de1bb5cbe2c40cb0c_s0m6bqskv.pdf (accessed last September 18, 2012).

8. Ken Detzner, Secretary of State, Florida Department of State, "Letter to The Honorable Janet Napolitano, U.S. Department of Homeland Security," June 19, 2012, available http://www.dos.state.fl.us/news/communications/pressRelease/pdf/6-19-2012_Sec_Detzner_Letter_to_DHS_Sec_Napolitano.pdf (last accessed August 31, 2012).
9. Secretary of State Detzner and Dr. Gisela Salas, Florida Department of State, PowerPoint Presentation, "Processing Ineligible Registered Voters- Non-Immigrants," Presented by Dr. Christopher Sharp, Chief Bureau of Voter Registration Services, April 2012.
10. Email from Eddie Phillips to Supervisors of Elections, re List Maintenance of Potential Non-Citizen Matches, April 23, 2012.
11. Florida Department of State, Model Letter, Notification of Alleged Non-Citizenship, as emailed to Supervisors of Elections, April 23, 2012.
12. Florida Department of State, Model Voter Eligibility Form, as emailed to Supervisors of Elections, April 23, 2012.
13. Florida Department of State Presentation, List Maintenance Categories and Procedures, Dr. Gisela Salas and Maria Matthews, May 2012.
14. U.S. Citizenship and Immigration Services, Systematic Alien Verification for Entitlements Program, Web 3 Presentation.
15. Ken Detzner, Secretary of State, Florida Department of State, "Letter to Florida Supervisors of Elections," July 14, 2014. Available at <http://electionsmith.files.wordpress.com/2012/07/7-14-2012-letter-to-supervisors-regarding-save1.pdf> (Accessed last September 18, 2012).
16. Secretary of State Detzner and Maria Matthews, PowerPoint Presentation, Identification Process of Potential Non-U.S. Citizens and SAVE Verification and Access, September 2012.
17. AP, "Florida: Voter Purge Results in Countersuits," June 11, 2012. Available at http://www.nytimes.com/2012/06/12/us/florida-voter-purge-results-in-countersuits.html?_r=0 (last accessed September 9, 2012).
18. Steve Bousquet, "12,165 now on Florida's 'no match' vote list," Tampa Bay Times, October 28, 2008. Available at <http://www.tampabay.com/news/politics/state/article877094.ece> (last accessed September 18, 2012).
19. Steve Bousquet, "State won't release larger list of possible non-citizen voters," *Tampa Bay Times*, June 26, 2012. Available at <http://www.tampabay.com/news/politics/elections/state-wont-release->

- larger-list-of-possible-noncitizen-voters/1237192 (last accessed September 9, 2012).
20. Robbie Brown, *Florida Halts Its Search for Violations of Voter Law*, NY TIMES, A13 (Jun. 9, 2012), available at <http://www.nytimes.com/2012/06/09/us/politics/florida-stops-search-for-ineligible-voters-on-list.html> (accessed last September 18, 2012).
 21. Marc Caputo, "Florida voters roll listed Gov. Rick Scott as dead in 2006," Miami Herald, June 15, 2012. Available at <http://www.miamiherald.com/2012/06/15/2850710/florida-voter-roll-listed-gov.html#storylink=cpy> (accessed last September 18, 2012).
 22. Florida Department of State Press Office, "Florida's Voter Eligibility Initiative Confirms 207 Non-citizens on Voter Rolls Using SAVE Database, Around 8 Percent of Voters Checked," September 12, 2012 (email sent by DOSPressOffice@dos.myflorida.com at 2:46 PM).
 23. Barbara Geddes, "How the cases you choose affect the answers you get: Selection bias in comparative politics," *Political Analysis*, 2 (1990): pp. 131-150.
 24. Lisa Getter, "Florida Net Too Wide in Purge of Voter Rolls," *The Los Angeles Times*, May 21, 2012. Available at <http://articles.latimes.com/2001/may/21/news/mn-620> (last accessed September 18, 2012).
 25. Paul Koring, "Canadian the only illegal alien caught in U.S. fake-voter dragnet," *The Globe and Mail*, September 10, 2012. Available at <http://www.theglobeandmail.com/news/world/us-election/canadian-the-only-illegal-alien-caught-in-us-fake-voter-dragnet/article4531032/> (accessed last September 18, 2012).
 26. Lynn Hatter, *Florida Moves Forward with Voter Purge After Feds Grant Access to Database*, WFSU (August 16, 2012), available at <http://news.wfsu.org/post/florida-moves-forward-voter-purge-after-feds-grant-access-database> (last accessed Aug. 30, 2012)).
 27. Janet Buttolph Johnson and H.T. Reynolds (with Jason D. Mycoff), *Political Science Research Methods*, 6th ed. Washington, D.C.: CQ Press, 2008, pp. 217-19.
 28. Gary King, Robert O. Keohane, and Sidney Verba. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton, NJ: Princeton University Press, 1994.

29. Michael P. McDonald and Justin Levitt, "Seeing Double Voting: An Extension of the Birthday Problem," *Election Law Journal* 7 (2008): 111-22.
30. Tweet@ of Daniel A. Smith (@electionsmith) to @brianjburgess, June 20, 2012, 5:56 p.m., available at <http://de.twitter.com/electionsmith/status/215605407777959936> (last accessed September 9, 2012).
31. Tweet@ of Brian J. Burgess (@brianjburgess) to @electionsmith, June 20, 2012, 5:56pm, available at <http://de.twitter.com/brianjburgess/status/215609141799026688> (last accessed September 9, 2012).
32. Letter from Miami-Dade County Supervisor of Elections to Melande Antoine notifying her of her alleged non-citizenship.
33. Memorandum of Agreement between Florida Department of State and U.S. Department of Homeland Security, August 14, 2012.

B. Exhibits Plaintiffs May Offer if the Need Arises

1. Florida Voter Registration Application, available at <http://election.dos.state.fl.us/pdf/webappform.pdf> (last accessed September 18, 2012)
2. Stipulation of the Parties, *Arcia v. Detzner*, No. 1:12-cv-22282-WJZ (S.D. Fla. 2012), September 12, 2012.
3. Letter from Marc Goldman *et al.* to Secretary Ken Detzner re: *Arcia v. Florida Secretary of State*, No. 12-cv-22282 (S.D. Fla. filed June 19, 2012), August 3, 2012.
4. Any and all exhibits, papers, records, or writings attached to, filed with, or referenced in Plaintiffs' prior filings in this case.
5. Any and all exhibits, papers, records, or writings filed with the Court in *United States v. Florida*, No. 4:12-cv-00285-RH-CAS (N.D. Fla. 2012), or *Mia Familia Vota Education Fund v. Detzner*, No. 8:12-cv-01294-JDW-MAP (M.D. Fla. 2012).
6. All expert witness reports and materials generated in preparation for trial of this lawsuit.
7. Plaintiffs reserve the right to use any exhibits listed by any other party.
8. Any newly discovered evidence, records, reports, and exhibits.

9. Applicable Florida Statutes, Federal statutes, and all applicable ordinances, including but not limited to the Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666 (2002).
10. All papers, records, and writings provided by Defendant to Plaintiffs in this case and/or attached to pleadings, papers, motions or other filings in this case.
11. Plaintiffs reserve the right to supplement and/or amend this Exhibit List.
12. Plaintiffs reserve any and all objections to any and all exhibits listed by any other party in this action.

Dated: September 18, 2012

Respectfully submitted,

/s/ John De Leon

John De Leon

Florida Bar No. 650390

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 18, 2012, a true and correct copy of the foregoing was served on all counsel of record via CM/ECF.

Dated: September 18, 2012

By: /s/ John De Leon
John De Leon