Composite Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.04-22572-CIV-KING

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EMMA YAIZA DIAZ, *et al.*, :

Plaintiffs, :

v. :

KURT S. BROWNING, Secretary of State of Florida, *et al.*, :

Defendants. :

----------X

PLAINTIFF FLORIDA PUBLIC EMPLOYEES COUNCIL 79, AFSCME, AFL-CIO'S RESPONSES AND OBJECTIONS TO DEFENDANT SECRETARY OF STATE'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Florida Public Employees Council 79, AFSCME, AFL-CIO, ("Plaintiff" or "AFSCME Council 79") by its attorneys, submits the following Objections and Responses to Defendant Secretary of State's First Set of Interrogatories, dated April 24, 2007.

GENERAL OBJECTIONS TO ALL INTERROGATORIES

The following General Objections are incorporated into each Specific Response and Objection as if fully set forth therein:

1. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they: (a) are improper; (b) are overly

broad as to time and content; (c) are unduly burdensome or oppressive; (d) are vague or ambiguous; (e) are unreasonably cumulative or duplicative; or (f) seek information that is neither relevant to the claims or defenses of any party nor is reasonably calculated to lead to the discovery of admissible evidence, or is immaterial.

2. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent the information sought: (a) is subject to the attorney-client privilege; (b) constitutes work product; (c) was prepared in anticipation of litigation or for trial; or (d) is otherwise privileged or exempt from discovery. In responding to these Interrogatories, Plaintiff does not intend to waive, and shall not be construed as having waived, any privilege or protection, including but not limited to, the attorney-client and work product privileges.

3. Plaintiff objects to the Interrogatories to the extent that they seek the identification of persons including, but not limited to, any of Plaintiff's counsel, who have gained knowledge or information of facts solely by virtue of their participation in this litigation on the grounds that to list such persons is not reasonably calculated to lead to the discovery of information relevant to the claims or defenses of any party, and impermissibly seeks discovery of attorney work product and attorney-client communications.

4. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they contain undefined or other terminology that is vague, ambiguous or colloquial, insofar as such terminology does not permit Plaintiff to reasonably ascertain the content of the request, rendering the request unduly burdensome and not reasonably calculated to lead to the discovery of admissible

evidence. Nonetheless, Plaintiff will make a good faith effort to interpret and respond to the Interrogatories subject to the limitations stated herein.

5. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting each of them.

6. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that the information sought contains confidential, personal or private, or sensitive business information, or sensitive union membership or political strategy information protected by the First Amendment, or are protected from disclosure by any agreement with respect to confidentiality or nondisclosure. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

7. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information or documents that Plaintiff may not produce pursuant to the law or a court order of any county or jurisdiction in which it does business. Plaintiff will not produce such information or documents without an appropriate court order addressing such confidentiality issues or obligations.

8. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information outside Plaintiff's possession, custody or control.

9. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information already in Defendant's possession, custody or control.

10. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information readily available through public sources, from sources that are more convenient, less burdensome or less expensive, or from sources that are more readily available to Defendant than to Plaintiff.

11. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they are not narrowly tailored to call for information likely to be in Plaintiffs' possession, custody or control, but rather seek information likely to be in the possession of other parties or non-parties to this action.

12. Plaintiff objects to the Definition of the terms "you," and "your" on the grounds that such definitions are vague, overly broad and unduly burdensome, except insofar as such definitions refer to those Plaintiff entities, subsidiaries, employees or members with significant involvement in voter registration.

13. Plaintiff objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad, unduly burdensome and oppressive, and seek the identities of "all" individuals with knowledge of a particular subject matter, since it is not feasible to identify "all" individuals with knowledge of a particular subject matter.

14. Plaintiff objects to each and every request to the extent that it calls for the production of "all" documents pertaining to a specific subject, on the ground that such language is overbroad and unduly burdensome. Plaintiff will search those files in its

possession, custody, or control where there is a reasonable likelihood that responsive documents may be located.

15. Plaintiff objects to the definition of "2006 Election Cycle" as the "time period beginning on October 4, 2004, and ending on November 7, 2006" on the grounds that it is overly broad and does not reflect accepted practice that the earliest date upon which an election cycle begins is the day following a general election.

16. Plaintiff objects to the Definition of the term "Person" on the grounds that it is vague, overly broad, and unduly burdensome, except insofar as such definition refers to a natural person or legal entity.

17. Plaintiff objects to the Definition of the term "documents" on the grounds that it is vague, overly broad, and unduly burdensome, and to the extent that it would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting them.

18. Plaintiff objects to the Definition of the term "communication" on the grounds that it is vague, overly broad and unduly burdensome.

19. Plaintiff objects to the Definition of the term "identify" on the grounds that providing the witness's telephone number; the name address and telephone number of each of the witness's employers; the corporations of which the witness is an officer or director; and each business in which the witness is a principal is vague, ambiguous, and unduly burdensome. To the extent known, Plaintiff will provide the name and title of persons identified herein and their last known address or present contact address.

20. Plaintiff's responses and objections to the Interrogatories are not intended to be, and shall not be construed as, an agreement or concurrence by Plaintiff with Defendant's characterization of any facts, circumstances, and/or legal obligations. Plaintiff also reserves the right to contest any such characterization as inaccurate. Plaintiff further objects to the Interrogatories to the extent that they contain express or implied assumptions of fact or law with respect to matters at issue in this case.

21. The fact that Plaintiff has responded to a particular request shall not be interpreted as implying that responsive documents exist or that Plaintiff acknowledges the propriety of the request.

22. Plaintiff's responses are not intended to, and shall not, be construed as an admission that the information is relevant, material, admissible in evidence or as a waiver of any applicable privilege.

23. The information provided herein is based on Plaintiff's present knowledge, information, and belief. Plaintiff reserves the right to supplement, amend or correct all or any parts of any response provided herein, and reserves the right to object to the admissibility of all or any part of the responses provided herein and any information contained herein.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1: What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

Response to Interrogatory No. 1:

Subject to, and without waiving any of the foregoing General Objections, the name of the person answering the Interrogatories is: Alma R. Gonzales, Special Counsel, AFSCME Council 79, 3064 Highland Oaks Terrace, Tallahassee, FL 32301

Interrogatory No. 2: List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this action; and specify the subject matter about which the witness has knowledge.

Response to Interrogatory No. 2:

Plaintiff objects to Interrogatory No. 2 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: Based on information to date and a reasonable inquiry, Plaintiff believes that Alma R. Gonzales, Damon A. Silvers, Cynthia Hall, Dale Ewart, Monica Russo, Debra Dion, Clarence Frost, John Henley, and Carolyn Thompson (c/o undersigned counsel) may have knowledge concerning voter registration by the unions in Florida; that Dennis D. Graham and Robert Hauptman (c/o undersigned counsel) may have knowledge concerning the computation process by which potentially injured union members were identified in 2004 as set forth in their affidavit; that Emma Y. Diaz, Guillermo Diaz, and John Lanman (c/o undersigned counsel), and Andre Neal Bembry, Jorge A. Gonzalez, Ebony S. Roberts, Lesonia G. Adams, Linda S. Delpiano,

Fernando Canada, who have provided affidavits (including their then current addresses), and certain other injured union members listed in the exhibits to the original complaint or the second or third amended complaints (whose addresses are provided on such lists, if known), each may have knowledge concerning the burden imposed on him or her due to the lack of a grace period; and that Ion Sancho, Supervisor of Elections for Leon County, may have knowledge concerning the voter registration process in Florida. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 3: Have you heard or do you know about any statement or remark made by or on behalf of any party to this action, other than yourself, concerning any issue in this action? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

Response to Interrogatory No. 3:

Plaintiff objects to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General or Specific Objections, Plaintiff responds as follows: Plaintiff refers the defendant Secretary to the affidavits filed in this action together with certain pleadings on behalf of plaintiffs for responsive materials that are already in the possession of the defendants. Plaintiff further responds that based on information to date and a reasonable inquiry, those individuals who have provided affidavits that were filed in this action have made statements concerning issues in this action, and Alma R. Gonzalez, Cynthia Hall, and Dale Ewart have made statements concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb,*

et al., Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.). Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 4: Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 4:

Plaintiff objects to Interrogatory No. 4 on the grounds that it is premature. Plaintiff will designate expert witnesses and provide expert disclosures, if any, in accordance with its obligations under the Federal Rules of Civil Procedure.

Interrogatory No. 5: Identify all persons whom you intend to call as witnesses at trial.

Response to Interrogatory No. 5:

Plaintiff objects to Interrogatory No. 5 on the grounds that it is premature. Plaintiff will provide a list of witnesses that it intends to call at an appropriate time before trial.

Interrogatory No. 6: Do you contend that any of your members who timely filed their voter registration applications during 2006 Election Cycle were not placed on the voter rolls and were prevented from casting a vote in the November 2006 elections? If your answer is "yes," please identify each member, and identify all other persons, facts, and documents which support or are related to your contention.

Response to Interrogatory No. 6:

Plaintiff objects to Interrogatory No. 6 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant

to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Subject to its General and Specific Objections, Plaintiff agrees to identify such members and produce relevant non-privileged documents as such information becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 7: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they did not receive timely notice of an error or omission on their application before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 7:

Plaintiff objects to this Interrogatory on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible

evidence. Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Based upon information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 8: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they were not provided an opportunity to correct their applications deemed incomplete before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 8:

Plaintiff objects to Interrogatory No. 8 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague and ambiguous as to the term "before the general election", overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims

or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: For the reasons given in Interrogatory No. 6 Plaintiff has not identified any union members in Interrogatory No. 6, but Plaintiff agrees to provide information to the extent that such information has a bearing on the issues in this case if and when it becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 9: Please describe in detail your voter registration efforts during the 2006 Election Cycle, identifying all persons, facts and documents which relate to those efforts, including but not limited to, training provided to persons who conducted or otherwise participated in the voter registration drive, the specific steps taken to register voters, efforts to confirm registration after submission of applications, efforts to correct errors or omissions in the applications both before and after submission of those applications, and voter registration goals.

Response to Interrogatory No. 9:

Plaintiff objects to Interrogatory No. 9 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory in that it improperly seeks the disclosure of sensitive political information of an association engaged in advocacy to a governmental entity in violation of the plaintiff union members' rights under the First Amendment of the United States Constitution. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539

(1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002). Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Plaintiff refers the defendant Secretary to the statements of Alma Gonzalez, Cynthia Hall, and Dale Ewart concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb, et al.*, Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.) already in the possession of the defendant Secretary. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 10: Do you contend that any of your members did not register to vote during the 2006 Election Cycle because of the 29-day voter registration deadline? If so, identify each such member, explain why the member did not register before the deadline, and identify all individuals and documents relating to that member's failure to register.

Response to Interrogatory No. 10:

Plaintiff objects to Interrogatory No. 10 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this Interrogatory on the grounds that the phrase "did not register to vote because of the 29-day voter registration deadline" is vague, ambiguous, and/or undefined and is therefore incapable of any precise determination or interpretation. Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Based on information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted

voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 11: Identify all individuals who are not your members but who were initially registered during the 2006 Election Cycle as a result of your voter registration efforts.

Response to Interrogatory No. 11:

Plaintiff objects to Interrogatory No. 11 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

Dated: New York, New York
May 29, 2007

As to Objections:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: _____
Michael Halberstam (MH-3488)

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* *Pro hac vice* motion to be filed.

VERIFICATION

Florida Public Employee Council 79, AFSCME, AFL-CIO

A. R. Gonzalez

STATE OF FLORIDA

COUNTY OF Leon

BEFORE ME, the undersigned authority, personally appeared Alan R. Gonzalez, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced DL as identification.

SWORN TO OR AFFIRMED before me this 29th day of May, 2007.

Signature of Notary

Diamond M. Popour

PRINT, TYPE OR STAMP NAME OF NOTARY

Diamond M. Popour
Commission # DD416969
Expires April 10, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of Florida, *et al.*,

Defendants.

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PLAINTIFF AFL-CIO'S RESPONSES AND OBJECTIONS TO DEFENDANT SECRETARY OF STATE'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff American Federation of Labor and Congress of Industrial Organizations ("Plaintiff" or "AFL-CIO"), by its attorneys, submits the following Objections and Responses to Defendant Secretary of State's First Set of Interrogatories, dated April 24, 2007.

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evidence. Nonetheless, Plaintiff will make a good faith effort to interpret and respond to the Interrogatories subject to the limitations stated herein.

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21. The fact that Plaintiff has responded to a particular request shall not be interpreted as implying that responsive documents exist or that Plaintiff acknowledges the propriety of the request.

22. Plaintiff's responses are not intended to, and shall not, be construed as an admission that the information is relevant, material, admissible in evidence or as a waiver of any applicable privilege.

23. The information provided herein is based on Plaintiff's present knowledge, information, and belief. Plaintiff reserves the right to supplement, amend or correct all or any parts of any response provided herein, and reserves the right to object to the admissibility of all or any part of the responses provided herein and any information contained herein.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1: What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

Response to Interrogatory No. 1:

Subject to, and without waiving any of the foregoing General Objections, the name of the person answering the Interrogatories is: Damon A. Silvers, General Counsel for the AFL-CIO, 815 16th Street N.W. Washington, DC 20006.

Interrogatory No. 2: List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this action; and specify the subject matter about which the witness has knowledge.

Response to Interrogatory No. 2:

Plaintiff objects to Interrogatory No. 2 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: Based on information to date and a reasonable inquiry, Plaintiff believes that Alma R. Gonzales, Damon A. Silvers, Cynthia Hall, Dale Ewart, Monica Russo, Debra Dion, Clarence Frost, John Henley, and Carolyn Thompson (c/o undersigned counsel) may have knowledge concerning voter registration by the unions in Florida; that Dennis D. Graham and Robert Hauptman (c/o undersigned counsel) may have knowledge concerning the computation process by which potentially injured union members were identified in 2004 as set forth in their affidavit; that Emma Y. Diaz, Guillermo Diaz, and John Lanman (c/o undersigned counsel), and Andre Neal Bembry, Jorge A. Gonzalez, Ebony S. Roberts, Lesonia G. Adams, Linda S. Delpiano,

Fernando Canada, who have provided affidavits (including their then current addresses), and certain other injured union members listed in the exhibits to the original complaint or the second or third amended complaints (whose addresses are provided on such lists, if known), each may have knowledge concerning the burden imposed on him or her due to the lack of a grace period; and that Ion Sancho, Supervisor of Elections for Leon County, may have knowledge concerning the voter registration process in Florida. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 3: Have you heard or do you know about any statement or remark made by or on behalf of any party to this action, other than yourself, concerning any issue in this action? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

Response to Interrogatory No. 3:

Plaintiff objects to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General or Specific Objections, Plaintiff responds as follows: Plaintiff refers the defendant Secretary to the affidavits filed in this action together with certain pleadings on behalf of plaintiffs for responsive materials that are already in the possession of the defendants. Plaintiff further responds that based on information to date and a reasonable inquiry, those individuals who have provided affidavits that were filed in this action have made statements concerning issues in this action, and Alma R. Gonzalez, Cynthia Hall, and Dale Ewart have made statements concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb,*

et al., Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.). Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 4: Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 4:

Plaintiff objects to Interrogatory No. 4 on the grounds that it is premature. Plaintiff will designate expert witnesses and provide expert disclosures, if any, in accordance with its obligations under the Federal Rules of Civil Procedure.

Interrogatory No. 5: Identify all persons whom you intend to call as witnesses at trial.

Response to Interrogatory No. 5:

Plaintiff objects to Interrogatory No. 5 on the grounds that it is premature. Plaintiff will provide a list of witnesses that it intends to call at an appropriate time before trial.

Interrogatory No. 6: Do you contend that any of your members who timely filed their voter registration applications during 2006 Election Cycle were not placed on the voter rolls and were prevented from casting a vote in the November 2006 elections? If your answer is "yes," please identify each member, and identify all other persons, facts, and documents which support or are related to your contention.

Response to Interrogatory No. 6:

Plaintiff objects to Interrogatory No. 6 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant

to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Subject to its General and Specific Objections, Plaintiff agrees to identify such members and produce relevant non-privileged documents as such information becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 7: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they did not receive timely notice of an error or omission on their application before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 7:

Plaintiff objects to this Interrogatory on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible

evidence. Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Based upon information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 8: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they were not provided an opportunity to correct their applications deemed incomplete before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 8:

Plaintiff objects to Interrogatory No. 8 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague and ambiguous as to the term "before the general election", overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims

or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: For the reasons given in Interrogatory No. 6 Plaintiff has not identified any union members in Interrogatory No. 6, but Plaintiff agrees to provide information to the extent that such information has a bearing on the issues in this case if and when it becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 9: Please describe in detail your voter registration efforts during the 2006 Election Cycle, identifying all persons, facts and documents which relate to those efforts, including but not limited to, training provided to persons who conducted or otherwise participated in the voter registration drive, the specific steps taken to register voters, efforts to confirm registration after submission of applications, efforts to correct errors or omissions in the applications both before and after submission of those applications, and voter registration goals.

Response to Interrogatory No. 9:

Plaintiff objects to Interrogatory No. 9 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory in that it improperly seeks the disclosure of sensitive political information of an association engaged in advocacy to a governmental entity in violation of the plaintiff union members' rights under the First Amendment of the United States Constitution. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539

(1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002). Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Plaintiff refers the defendant Secretary to the statements of Alma Gonzalez, Cynthia Hall, and Dale Ewart concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb, et al.*, Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.) already in the possession of the defendant Secretary. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 10: Do you contend that any of your members did not register to vote during the 2006 Election Cycle because of the 29-day voter registration deadline? If so, identify each such member, explain why the member did not register before the deadline, and identify all individuals and documents relating to that member's failure to register.

Response to Interrogatory No. 10:

Plaintiff objects to Interrogatory No. 10 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this Interrogatory on the grounds that the phrase "did not register to vote because of the 29-day voter registration deadline" is vague, ambiguous, and/or undefined and is therefore incapable of any precise determination or interpretation. Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Based on information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted

voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 11: Identify all individuals who are not your members but who were initially registered during the 2006 Election Cycle as a result of your voter registration efforts.

Response to Interrogatory No. 11:

Plaintiff objects to Interrogatory No. 11 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

Dated: New York, New York
May 29, 2007

As to Objections:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: _____
Michael Halberstam (MH-3488)

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* *Pro hac vice* motion to be filed.

VERIFICATION

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

_____

DISTRICT OF COLUMBIA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared Damon Silvers, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced MD License as identification.

SWORN TO OR AFFIRMED before me this 29th day of May, 2007.

_____
Signature of Notary

CASSANDRA E. PARKER
PRINT, TYPE OR STAMP NAME OF NOTARY

My Commission Expires June 14, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.04-22572-CIV-KING

----------X

EMMA YAIZA DIAZ, *et al.*, :
:
Plaintiffs, :
:
v. :
:
KURT S. BROWNING, Secretary of State of Florida, *et al.*, :
:
:
:
Defendants. :

----------X

PLAINTIFF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO'S RESPONSES AND OBJECTIONS TO DEFENDANT SECRETARY OF STATE'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff American Federation of State, County and Municipal Employees, AFL-CIO ("Plaintiff" or "AFSCME") by its attorneys, submits the following Objections and Responses to Defendant Secretary of State's First Set of Interrogatories, dated April 24, 2007.

GENERAL OBJECTIONS TO ALL INTERROGATORIES

The following General Objections are incorporated into each Specific Response and Objection as if fully set forth therein:

1. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they: (a) are improper; (b) are overly

broad as to time and content; (c) are unduly burdensome or oppressive; (d) are vague or ambiguous; (e) are unreasonably cumulative or duplicative; or (f) seek information that is neither relevant to the claims or defenses of any party nor is reasonably calculated to lead to the discovery of admissible evidence, or is immaterial.

2. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent the information sought: (a) is subject to the attorney-client privilege; (b) constitutes work product; (c) was prepared in anticipation of litigation or for trial; or (d) is otherwise privileged or exempt from discovery. In responding to these Interrogatories, Plaintiff does not intend to waive, and shall not be construed as having waived, any privilege or protection, including but not limited to, the attorney-client and work product privileges.

3. Plaintiff objects to the Interrogatories to the extent that they seek the identification of persons including, but not limited to, any of Plaintiff's counsel, who have gained knowledge or information of facts solely by virtue of their participation in this litigation on the grounds that to list such persons is not reasonably calculated to lead to the discovery of information relevant to the claims or defenses of any party, and impermissibly seeks discovery of attorney work product and attorney-client communications.

4. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they contain undefined or other terminology that is vague, ambiguous or colloquial, insofar as such terminology does not permit Plaintiff to reasonably ascertain the content of the request, rendering the request unduly burdensome and not reasonably calculated to lead to the discovery of admissible

evidence. Nonetheless, Plaintiff will make a good faith effort to interpret and respond to the Interrogatories subject to the limitations stated herein.

5. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting each of them.

6. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that the information sought contains confidential, personal or private, or sensitive business information, or sensitive union membership or political strategy information protected by the First Amendment, or are protected from disclosure by any agreement with respect to confidentiality or nondisclosure. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

7. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information or documents that Plaintiff may not produce pursuant to the law or a court order of any county or jurisdiction in which it does business. Plaintiff will not produce such information or documents without an appropriate court order addressing such confidentiality issues or obligations.

8. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information outside Plaintiff's possession, custody or control.

9. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information already in Defendant's possession, custody or control.

10. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information readily available through public sources, from sources that are more convenient, less burdensome or less expensive, or from sources that are more readily available to Defendant than to Plaintiff.

11. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they are not narrowly tailored to call for information likely to be in Plaintiffs' possession, custody or control, but rather seek information likely to be in the possession of other parties or non-parties to this action.

12. Plaintiff objects to the Definition of the terms "you," and "your" on the grounds that such definitions are vague, overly broad and unduly burdensome, except insofar as such definitions refer to those Plaintiff entities, subsidiaries, employees or members with significant involvement in voter registration.

13. Plaintiff objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad, unduly burdensome and oppressive, and seek the identities of "all" individuals with knowledge of a particular subject matter, since it is not feasible to identify "all" individuals with knowledge of a particular subject matter.

14. Plaintiff objects to each and every request to the extent that it calls for the production of "all" documents pertaining to a specific subject, on the ground that such language is overbroad and unduly burdensome. Plaintiff will search those files in its

possession, custody, or control where there is a reasonable likelihood that responsive documents may be located.

15. Plaintiff objects to the definition of "2006 Election Cycle" as the "time period beginning on October 4, 2004, and ending on November 7, 2006" on the grounds that it is overly broad and does not reflect accepted practice that the earliest date upon which an election cycle begins is the day following a general election.

16. Plaintiff objects to the Definition of the term "Person" on the grounds that it is vague, overly broad, and unduly burdensome, except insofar as such definition refers to a natural person or legal entity.

17. Plaintiff objects to the Definition of the term "documents" on the grounds that it is vague, overly broad, and unduly burdensome, and to the extent that it would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting them.

18. Plaintiff objects to the Definition of the term "communication" on the grounds that it is vague, overly broad and unduly burdensome.

19. Plaintiff objects to the Definition of the term "identify" on the grounds that providing the witness's telephone number; the name address and telephone number of each of the witness's employers; the corporations of which the witness is an officer or director; and each business in which the witness is a principal is vague, ambiguous, and unduly burdensome. To the extent known, Plaintiff will provide the name and title of persons identified herein and their last known address or present contact address.

20. Plaintiff's responses and objections to the Interrogatories are not intended to be, and shall not be construed as, an agreement or concurrence by Plaintiff with Defendant's characterization of any facts, circumstances, and/or legal obligations. Plaintiff also reserves the right to contest any such characterization as inaccurate. Plaintiff further objects to the Interrogatories to the extent that they contain express or implied assumptions of fact or law with respect to matters at issue in this case.

21. The fact that Plaintiff has responded to a particular request shall not be interpreted as implying that responsive documents exist or that Plaintiff acknowledges the propriety of the request.

22. Plaintiff's responses are not intended to, and shall not, be construed as an admission that the information is relevant, material, admissible in evidence or as a waiver of any applicable privilege.

23. The information provided herein is based on Plaintiff's present knowledge, information, and belief. Plaintiff reserves the right to supplement, amend or correct all or any parts of any response provided herein, and reserves the right to object to the admissibility of all or any part of the responses provided herein and any information contained herein.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1: What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

Response to Interrogatory No. 1:

Subject to, and without waiving any of the foregoing General Objections, the name of the person answering the Interrogatories is: Jessica Robinson, Associate General Counsel, American Federation of State, County and Municipal Employees, 1101 17th Street, N.W., Suite 900, Washington, DC 20036.

Interrogatory No. 2: List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this action; and specify the subject matter about which the witness has knowledge.

Response to Interrogatory No. 2:

Plaintiff objects to Interrogatory No. 2 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: Based on information to date and a reasonable inquiry, Plaintiff believes that Alma R. Gonzales, Damon A. Silvers, Cynthia Hall, Dale Ewart, Monica Russo, Debra Dion, Clarence Frost, John Henley, and Carolyn Thompson (c/o undersigned counsel) may have knowledge concerning voter registration by the unions in Florida; that Dennis D. Graham and Robert Hauptman (c/o undersigned counsel) may have knowledge concerning the computation process by which potentially injured union members were identified in 2004 as set forth in their affidavit; that Emma Y. Diaz, Guillermo Diaz, and John Lanman (c/o undersigned counsel), and Andre Neal

Bembry, Jorge A. Gonzalez, Ebony S. Roberts, Lesonia G. Adams, Linda S. Delpiano, Fernando Canada, who have provided affidavits (including their then current addresses), and certain other injured union members listed in the exhibits to the original complaint or the second or third amended complaints (whose addresses are provided on such lists, if known), each may have knowledge concerning the burden imposed on him or her due to the lack of a grace period; and that Ion Sancho, Supervisor of Elections for Leon County, may have knowledge concerning the voter registration process in Florida. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 3: Have you heard or do you know about any statement or remark made by or on behalf of any party to this action, other than yourself, concerning any issue in this action? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

Response to Interrogatory No. 3:

Plaintiff objects to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General or Specific Objections, Plaintiff responds as follows: Plaintiff refers the defendant Secretary to the affidavits filed in this action together with certain pleadings on behalf of plaintiffs for responsive materials that are already in the possession of the defendants. Plaintiff further responds that based on information to date and a reasonable inquiry, those individuals who have provided affidavits that were filed in this action have made statements concerning issues in this action, and Alma R. Gonzalez, Cynthia Hall, and Dale Ewart have made statements concerning the unions' voter registration activities in

testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb, et al.*, Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.). Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 4: Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 4:

Plaintiff objects to Interrogatory No. 4 on the grounds that it is premature. Plaintiff will designate expert witnesses and provide expert disclosures, if any, in accordance with its obligations under the Federal Rules of Civil Procedure.

Interrogatory No. 5: Identify all persons whom you intend to call as witnesses at trial.

Response to Interrogatory No. 5:

Plaintiff objects to Interrogatory No. 5 on the grounds that it is premature. Plaintiff will provide a list of witnesses that it intends to call at an appropriate time before trial.

Interrogatory No. 6: Do you contend that any of your members who timely filed their voter registration applications during 2006 Election Cycle were not placed on the voter rolls and were prevented from casting a vote in the November 2006 elections? If your answer is "yes," please identify each member, and identify all other persons, facts, and documents which support or are related to your contention.

Response to Interrogatory No. 6:

Plaintiff objects to Interrogatory No. 6 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant

to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Subject to its General and Specific Objections, Plaintiff agrees to identify such members and produce relevant non-privileged documents as such information becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 7: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they did not receive timely notice of an error or omission on their application before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

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Plaintiff objects to this Interrogatory on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible

evidence. Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Based upon information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 8: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they were not provided an opportunity to correct their applications deemed incomplete before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 8:

Plaintiff objects to Interrogatory No. 8 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague and ambiguous as to the term "before the general election", overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims

or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: For the reasons given in Interrogatory No. 6 Plaintiff has not identified any union members in Interrogatory No. 6, but Plaintiff agrees to provide information to the extent that such information has a bearing on the issues in this case if and when it becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 9: Please describe in detail your voter registration efforts during the 2006 Election Cycle, identifying all persons, facts and documents which relate to those efforts, including but not limited to, training provided to persons who conducted or otherwise participated in the voter registration drive, the specific steps taken to register voters, efforts to confirm registration after submission of applications, efforts to correct errors or omissions in the applications both before and after submission of those applications, and voter registration goals.

Response to Interrogatory No. 9:

Plaintiff objects to Interrogatory No. 9 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory in that it improperly seeks the disclosure of sensitive political information of an association engaged in advocacy to a governmental entity in violation of the plaintiff union members' rights under the First Amendment of the United States Constitution. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539

(1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002). Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Plaintiff refers the defendant Secretary to the statements of Alma Gonzalez, Cynthia Hall, and Dale Ewart concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb, et al.*, Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.) already in the possession of the defendant Secretary. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 10: Do you contend that any of your members did not register to vote during the 2006 Election Cycle because of the 29-day voter registration deadline? If so, identify each such member, explain why the member did not register before the deadline, and identify all individuals and documents relating to that member's failure to register.

Response to Interrogatory No. 10:

Plaintiff objects to Interrogatory No. 10 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this Interrogatory on the grounds that the phrase "did not register to vote because of the 29-day voter registration deadline" is vague, ambiguous, and/or undefined and is therefore incapable of any precise determination or interpretation. Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Based on information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted

voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 11: Identify all individuals who are not your members but who were initially registered during the 2006 Election Cycle as a result of your voter registration efforts.

Response to Interrogatory No. 11:

Plaintiff objects to Interrogatory No. 11 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

Dated: New York, New York
May 29, 2007

As to Objections:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: _____
Michael Halberstam (MH-3488)

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* *Pro hac vice* motion to be filed.

VERIFICATION

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

Jessica Robinson

DISTRICT OF COLUMBIA

~~COUNTY OF~~ _____

BEFORE ME, the undersigned authority, personally appeared Jessica Robinson, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced herself in person as identification.

SWORN TO OR AFFIRMED before me this 29 day of May, 2007.

Beverly Smith Contee
Signature of Notary

Beverly Smith Contee
PRINT, TYPE OR STAMP NAME OF NOTARY

My Commission Expires
June 14, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.04-22572-CIV-KING

EMMA YAIZA DIAZ, *et al.*,	:
Plaintiffs,	:
v.	:
KURT S. BROWNING, Secretary of State of Florida, *et al.*,	:
Defendants.	:

PLAINTIFF SEIU'S RESPONSES AND OBJECTIONS TO DEFENDANT SECRETARY OF STATE'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Service Employees International Union ("Plaintiff" or "SEIU"), by its attorneys, submits the following Objections and Responses to Defendant Secretary of State's First Set of Interrogatories, dated April 24, 2007.

GENERAL OBJECTIONS TO ALL INTERROGATORIES

The following General Objections are incorporated into each Specific Response and Objection as if fully set forth therein:

1. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they: (a) are improper; (b) are overly broad as to time and content; (c) are unduly burdensome or oppressive; (d) are vague or

ambiguous; (e) are unreasonably cumulative or duplicative; or (f) seek information that is neither relevant to the claims or defenses of any party nor is reasonably calculated to lead to the discovery of admissible evidence, or is immaterial.

2. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent the information sought: (a) is subject to the attorney-client privilege; (b) constitutes work product; (c) was prepared in anticipation of litigation or for trial; or (d) is otherwise privileged or exempt from discovery. In responding to these Interrogatories, Plaintiff does not intend to waive, and shall not be construed as having waived, any privilege or protection, including but not limited to, the attorney-client and work product privileges.

3. Plaintiff objects to the Interrogatories to the extent that they seek the identification of persons including, but not limited to, any of Plaintiff's counsel, who have gained knowledge or information of facts solely by virtue of their participation in this litigation on the grounds that to list such persons is not reasonably calculated to lead to the discovery of information relevant to the claims or defenses of any party, and impermissibly seeks discovery of attorney work product and attorney-client communications.

4. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they contain undefined or other terminology that is vague, ambiguous or colloquial, insofar as such terminology does not permit Plaintiff to reasonably ascertain the content of the request, rendering the request unduly burdensome and not reasonably calculated to lead to the discovery of admissible

evidence. Nonetheless, Plaintiff will make a good faith effort to interpret and respond to the Interrogatories subject to the limitations stated herein.

5. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting each of them.

6. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that the information sought contains confidential, personal or private, or sensitive business information, or sensitive union membership or political strategy information protected by the First Amendment, or are protected from disclosure by any agreement with respect to confidentiality or nondisclosure. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

7. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information or documents that Plaintiff may not produce pursuant to the law or a court order of any county or jurisdiction in which it does business. Plaintiff will not produce such information or documents without an appropriate court order addressing such confidentiality issues or obligations.

8. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information outside Plaintiff's possession, custody or control.

9. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information already in Defendant's possession, custody or control.

10. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they call for information readily available through public sources, from sources that are more convenient, less burdensome or less expensive, or from sources that are more readily available to Defendant than to Plaintiff.

11. Plaintiff objects to the Interrogatories, and each and every definition and instruction therein, to the extent that they are not narrowly tailored to call for information likely to be in Plaintiffs' possession, custody or control, but rather seek information likely to be in the possession of other parties or non-parties to this action.

12. Plaintiff objects to the Definition of the terms "you," and "your" on the grounds that such definitions are vague, overly broad and unduly burdensome, except insofar as such definitions refer to those Plaintiff entities, subsidiaries, employees or members with significant involvement in voter registration.

13. Plaintiff objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad, unduly burdensome and oppressive, and seek the identities of "all" individuals with knowledge of a particular subject matter, since it is not feasible to identify "all" individuals with knowledge of a particular subject matter.

14. Plaintiff objects to each and every request to the extent that it calls for the production of "all" documents pertaining to a specific subject, on the ground that such language is overbroad and unduly burdensome. Plaintiff will search those files in its

possession, custody, or control where there is a reasonable likelihood that responsive documents may be located.

15. Plaintiff objects to the definition of "2006 Election Cycle" as the "time period beginning on October 4, 2004, and ending on November 7, 2006" on the grounds that it is overly broad and does not reflect accepted practice that the earliest date upon which an election cycle begins is the day following a general election.

16. Plaintiff objects to the Definition of the term "Person" on the grounds that it is vague, overly broad, and unduly burdensome, except insofar as such definition refers to a natural person or legal entity.

17. Plaintiff objects to the Definition of the term "documents" on the grounds that it is vague, overly broad, and unduly burdensome, and to the extent that it would impose on it obligations beyond those imposed by applicable provisions of the Federal Rules of Civil Procedure, the Rules of this Court, or the case law interpreting them.

18. Plaintiff objects to the Definition of the term "communication" on the grounds that it is vague, overly broad and unduly burdensome.

19. Plaintiff objects to the Definition of the term "identify" on the grounds that providing the witness's telephone number; the name address and telephone number of each of the witness's employers; the corporations of which the witness is an officer or director; and each business in which the witness is a principal is vague, ambiguous, and unduly burdensome. To the extent known, Plaintiff will provide the name and title of persons identified herein and their last known address or present contact address.

20. Plaintiff's responses and objections to the Interrogatories are not intended to be, and shall not be construed as, an agreement or concurrence by Plaintiff with Defendant's characterization of any facts, circumstances, and/or legal obligations. Plaintiff also reserves the right to contest any such characterization as inaccurate. Plaintiff further objects to the Interrogatories to the extent that they contain express or implied assumptions of fact or law with respect to matters at issue in this case.

21. The fact that Plaintiff has responded to a particular request shall not be interpreted as implying that responsive documents exist or that Plaintiff acknowledges the propriety of the request.

22. Plaintiff's responses are not intended to, and shall not, be construed as an admission that the information is relevant, material, admissible in evidence or as a waiver of any applicable privilege.

23. The information provided herein is based on Plaintiff's present knowledge, information, and belief. Plaintiff reserves the right to supplement, amend or correct all or any parts of any response provided herein, and reserves the right to object to the admissibility of all or any part of the responses provided herein and any information contained herein.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1: What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

Response to Interrogatory No. 1: Subject to, and without waiving any of the foregoing General Objections, the name of the person answering the Interrogatories is: John J. Sullivan, Associate General Counsel, SEIU, 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Interrogatory No. 2: List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this action; and specify the subject matter about which the witness has knowledge.

Response to Interrogatory No. 2:

Plaintiff objects to Interrogatory No. 2 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: Based on information to date and a reasonable inquiry, Plaintiff believes that Alma R. Gonzales, Damon A. Silvers, Cynthia Hall, Dale Ewart, Monica Russo, Debra Dion, Clarence Frost, John Henley, and Carolyn Thompson (c/o undersigned counsel) may have knowledge concerning voter registration by the unions in Florida; that Dennis D. Graham and Robert Hauptman (c/o undersigned counsel) may have knowledge concerning the computation process by which potentially injured union members were identified in 2004 as set forth in their affidavit; that Emma Y. Diaz, Guillermo Diaz, and John Lanman (c/o undersigned counsel), and Andre Neal Bembry, Jorge A. Gonzalez, Ebony S. Roberts, Lesonia G. Adams, Linda S. Delpiano,

Fernando Canada, who have provided affidavits (including their then current addresses), and certain other injured union members listed in the exhibits to the original complaint or the second or third amended complaints (whose addresses are provided on such lists, if known), each may have knowledge concerning the burden imposed on him or her due to the lack of a grace period; and that Ion Sancho, Supervisor of Elections for Leon County, may have knowledge concerning the voter registration process in Florida. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 3: Have you heard or do you know about any statement or remark made by or on behalf of any party to this action, other than yourself, concerning any issue in this action? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

Response to Interrogatory No. 3:

Plaintiff objects to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General or Specific Objections, Plaintiff responds as follows: Plaintiff refers the defendant Secretary to the affidavits filed in this action together with certain pleadings on behalf of plaintiffs for responsive materials that are already in the possession of the defendants. Plaintiff further responds that based on information to date and a reasonable inquiry, those individuals who have provided affidavits that were filed in this action have made statements concerning issues in this action, and Alma R. Gonzalez, Cynthia Hall, and Dale Ewart have made statements concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb,*

et al., Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.). Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 4: Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

Response to Interrogatory No. 4:

Plaintiff objects to Interrogatory No. 4 on the grounds that it is premature. Plaintiff will designate expert witnesses and provide expert disclosures, if any, in accordance with its obligations under the Federal Rules of Civil Procedure.

Interrogatory No. 5: Identify all persons whom you intend to call as witnesses at trial.

Response to Interrogatory No. 5:

Plaintiff objects to Interrogatory No. 5 on the grounds that it is premature. Plaintiff will provide a list of witnesses that it intends to call at an appropriate time before trial.

Interrogatory No. 6: Do you contend that any of your members who timely filed their voter registration applications during 2006 Election Cycle were not placed on the voter rolls and were prevented from casting a vote in the November 2006 elections? If your answer is "yes," please identify each member, and identify all other persons, facts, and documents which support or are related to your contention.

Response to Interrogatory No. 6:

Plaintiff objects to Interrogatory No. 6 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant

to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Subject to its General and Specific Objections, Plaintiff agrees to identify such members and produce relevant non-privileged documents as such information becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 7: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they did not receive timely notice of an error or omission on their application before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 7:

Plaintiff objects to this Interrogatory on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible

evidence. Subject to, and without waiving any of the foregoing General and Specific Objections, Plaintiff responds as follows: Based upon information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted voter registration applications the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 8: Do you contend that any of your members identified in your answer to interrogatory number (6) were prevented from casting a vote in the November 2006 elections because they were not provided an opportunity to correct their applications deemed incomplete before the general election? If your answer is "yes," please identify each member and identify all other persons, facts and documents which support or are related to your contention.

Response to Interrogatory No. 8:

Plaintiff objects to Interrogatory No. 8 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague and ambiguous as to the term "before the general election", overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims

or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving any of the foregoing General Objections, Plaintiff responds as follows: For the reasons given in Interrogatory No. 6 Plaintiff has not identified any union members in Interrogatory No. 6, but Plaintiff agrees to provide information to the extent that such information has a bearing on the issues in this case if and when it becomes available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 9: Please describe in detail your voter registration efforts during the 2006 Election Cycle, identifying all persons, facts and documents which relate to those efforts, including but not limited to, training provided to persons who conducted or otherwise participated in the voter registration drive, the specific steps taken to register voters, efforts to confirm registration after submission of applications, efforts to correct errors or omissions in the applications both before and after submission of those applications, and voter registration goals.

Response to Interrogatory No. 9:

Plaintiff objects to Interrogatory No. 9 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory in that it improperly seeks the disclosure of sensitive political information of an association engaged in advocacy to a governmental entity in violation of the plaintiff union members' rights under the First Amendment of the United States Constitution. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539

(1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002). Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Plaintiff refers the defendant Secretary to the statements of Alma Gonzalez, Cynthia Hall, and Dale Ewart concerning the unions' voter registration activities in testimony before Judge Seitz in *League of Women Voter of Florida,et al.* v. *Sue M. Cobb, et al.*, Case No. 06-21265-CIV-SEITZ/MCALILEY (S.D. Fla.) already in the possession of the defendant Secretary. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information comes to its attention.

Interrogatory No. 10: Do you contend that any of your members did not register to vote during the 2006 Election Cycle because of the 29-day voter registration deadline? If so, identify each such member, explain why the member did not register before the deadline, and identify all individuals and documents relating to that member's failure to register.

Response to Interrogatory No. 10:

Plaintiff objects to Interrogatory No. 10 on the grounds that it is premature. Further, Plaintiff objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this Interrogatory on the grounds that the phrase "did not register to vote because of the 29-day voter registration deadline" is vague, ambiguous, and/or undefined and is therefore incapable of any precise determination or interpretation. Subject to, and without waiving any of the foregoing General Objections, plaintiff responds as follows: Based on information to date and a reasonable search, Plaintiff is unable at present to respond to this interrogatory, given that it lacks certain information, which has yet to be provided to the Plaintiff by the defendant Secretary and/or the defendant counties, concerning identities of voters who submitted

voter registration applications to the defendant counties prior to the close of books in 2006 that were deemed incomplete, which information may be necessary to identify union members injured by the lack of a grace period in 2006 and any other relevant facts and circumstances that contributed to their injury. At present Plaintiff does not have an alternative method of identifying such union members that does not rely on the information yet to be provided by the defendants. Plaintiff agrees to provide information or produce non-privileged documents to the extent that such documents have a bearing on the issues in this case if and when they become available. Plaintiff reserves the right to supplement its response to this Interrogatory if and when additional information becomes available.

Interrogatory No. 11: Identify all individuals who are not your members but who were initially registered during the 2006 Election Cycle as a result of your voter registration efforts.

Response to Interrogatory No. 11:

Plaintiff objects to Interrogatory No. 11 on the grounds that it is vague, overly broad, unduly burdensome, and to the extent that it seeks material that is neither relevant to the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory on the grounds that it is calculated to subject Plaintiff to harassment, intimidation, and oppression, in that it has the effect of invading, intruding into, and chilling the First Amendment associational and privacy interests of Plaintiff and its constituents. *See, e.g.*, *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Talley* v. *California*, 362 U.S. 60 (1960); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Watchtower Bible & Tract Society* v. *Village of Stratton*, 536 U.S. 150 (2002).

Dated: New York, New York
May 29, 2007

As to Objections:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: _____
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* *Pro hac vice* motion to be filed.

VERIFICATION

SERVICE EMPLOYEES INTERNATIONAL UNION

DISTRICT OF COLUMBIA

~~COUNTY OF~~

BEFORE ME, the undersigned authority, personally appeared John J. Sullivan, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced Personally Known as identification.

SWORN TO OR AFFIRMED before me this 29th day of May, 2007.

Signature of Notary

Cheryl E. Alston
PRINT, TYPE OR STAMP NAME OF NOTARY