IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEMOCRATIC NATIONAL COMMITTEE, et al., Plaintiffs, v. MARGE BOSTELMANN, et al., Defendants, and WISCONSIN LEGISLATURE, REPUBLICAN NATIONAL COMMITTEE, AND REPUBLICAN PARTY OF WISCONSIN, Intervening-Defendants.	20-cv-249-wmc
SYLVIA GEAR, et al., Plaintiffs, v. MARGE BOSTELMANN, et al., Defendants, and WISCONSIN LEGISLATURE, REPUBLICAN NATIONAL COMMITTEE, AND REPUBLICAN PARTY OF WISCONSIN, Intervening-Defendants.	20-cv-278-wmc
CHRYSTAL EDWARDS, et al., Plaintiffs,	

v. ROBIN VOS, et al., Defendants, and REPUBLICAN NATIONAL COMMITTEE, AND REPUBLICAN PARTY OF WISCONSIN, Intervening-Defendants.	20-cv-340-wmc
JILL SWENSON, et al., Plaintiffs, v. MARGE BOSTELMANN, et al., Defendants, and WISCONSIN LEGISLATURE, REPUBLICAN NATIONAL COMMITTEE, AND REPUBLICAN PARTY OF WISCONSIN, Intervening-Defendants.	20-cv-459-wmc

STIPULATION AND [PROPOSED] ORDER REGARDING DISCOVERY DISPUTE

Plaintiffs Jill Swenson, Melody McCurtis, Maria Nelson, Black Leaders Organizing for Communities, Disability Rights Wisconsin (collectively, "Plaintiffs" or "Swenson Plaintiffs") and Defendants Marge Bostelmann, Julie M. Glancey, Ann S. Jacobs, Dean Knudson, Robert F. Spindell, Jr., and Mark L. Thomsen, in their official capacities as members of the Wisconsin

Elections Commission, and Wisconsin Elections Commission; Meagan Wolfe, in her official capacity as Administrator of the Wisconsin Elections Commission (collectively, "Defendants" and, together with the Swenson Plaintiffs, the "Parties"), hereby stipulate and agree as follows:

WHEREAS, on July 6, 2020, Plaintiffs served their First Set of Requests for Production of Documents ("Requests") on Defendants;

WHEREAS, on July 7, 2020, Defendants requested to meet and confer regarding the scope of the Requests;

WHEREAS, on July 7 and 8, the Parties met and conferred;

WHEREAS, on July 9, 2020, Plaintiffs provided a written proposal to Defendants, significantly narrowing their Requests;

WHEREAS, on July 10, 2020, Defendants rejected Plaintiffs' proposal and filed an emergency motion with the Court;

WHEREAS, following a conversation with the Court on July 10, 2020, the Parties further met and conferred through the weekend, with the Parties having reached the following agreement:

1. Request Nos. 1-2: Certain aspects of these Requests overlap with Request Nos. 4-5 served by the Edwards Plaintiffs. The Swenson Plaintiffs and the Edwards Plaintiffs coordinated in the interests of efficiency and economy, with the Swenson Plaintiffs agreeing to the compromise agreement reached by the Edwards Plaintiffs with the Defendants. As to the balance of these Requests, the Defendants have agreed to identify in good faith the two senior WEC personnel most likely to have responsive documents for each of four agreed-upon topics and, for each such custodian, Defendants will run agreed-upon search terms across those custodians' email accounts using the "Advanced Find" feature in Outlook, as described in

Plaintiffs' July 9, 2020 email. Defendants agree to communicate with Plaintiffs to troubleshoot and/or work in good faith to refine searches if necessary, also as described in Plaintiffs July 9, 2020 email. Plaintiffs reserve the right to discuss the identified custodians with Defendants.

2. Request Nos. 3-4. In lieu of producing documents responsive to Request Nos. 3-4, the WEC's 30(b)(6) witness, Administrator Meagan Wolfe, will provide certain agreed-upon deposition testimony, as described in the Parties' July 11-12, 2020 emails. Plaintiffs reserve the right to seek documents from Defendants in the event Administrator Wolfe's testimony alters or deviates from that to which the parties agreed. Plaintiffs also reserve the right to ask follow up questions of Administrator Wolfe.

3. Request Nos. 5-6. Defendants agree to produce responsive documents.

4. Request No. 7. Defendants agreed to produce analyses of voter turnout in the April 7, 2020 election, analyses of anticipated voter turnout in the November 3, 2020 election, analyses of any of the relief requests by the Swenson Plaintiffs, and documents related to guidance the WEC intends to issue or considered issuing to local election officials in light of the pandemic, to the extent such documents are not available on the Defendants' publicly accessible website.

5. Request No. 8. Defendants have agreed to produce responsive documents.

6. Timing. Defendants agree to work in good faith to produce documents on a rolling basis and commit to completing its productions by July 23, 2020.

7. Reservation of Rights. Plaintiffs reserve their rights to seek additional documents and information to the extent they determine in good faith that such documents and information are necessary. Defendants similarly reserve their rights to argue in good faith that such additional documents and information are not warranted and burdensome. Nothing herein is intended as a waiver of any privilege protected by law.

DATED: July 13, 2020

O'MELVENY & MYERS LLP

By: */s/ Molly M. Lens*
Molly M. Lens

Attorneys for Plaintiffs

DATED: July 13, 2020

LAWTON & CATES, S.C.

By: */s/ Daniel S. Lenz*
Daniel S. Lenz

Attorneys for Defendants

[PROPOSED] ORDER

The Court, having reviewed the Parties' Stipulation and [Proposed] Order Regarding Discovery Dispute, hereby GRANTS the stipulation.

District Judge William M. Conley