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COUNSEL FOR DEFENDANTS

MONTANA FOURTEENTH JUDICIAL DISTRICT COURT  
WHEATLAND COUNTY

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ROBERT WILLEMS, PHYLLIS WILLEMS, TOM	)	
BENNETT, BILL JONES, PHILIP WILSMAN,	)	Cause No. DV-13-07
LINDA WILSMAN, JASON CARLSON, MICK	)	
JIMMERSON, DWAYNE CROOK, MARY JO	)	
CROOK, JAMES STUNTZ, RANDY BOLING,	)	
ROD BOLING, BOB KELLER, GLORIA	)	
KELLER, ROLAND TORGESON,	)	
RUTH TORGESON, ED TIMPANO,	)	<b>DEFENDANTS'</b>
JENNIE RICKERT, TED HOGLAND,	)	<b>RESPONSE TO</b>
KEITH KLUCK, PAM BUTCHER, TREVIS	)	<b>PLAINTIFFS' FIRST</b>
BUTCHER, BOBBIE LEE COX, WILLIAM COX,	)	<b>COMBINED SET OF</b>
and DAVID ROBERTSON,	)	<b>DISCOVERY</b>
	)	<b>REQUESTS</b>
Plaintiffs,	)	
v.	)	
	)	
STATE OF MONTANA, LINDA McCULLOCH,	)	
in her capacity as Secretary of State for the State	)	
of Montana,	)	
	)	
Defendants.	)	

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**INTERROGATORY NO. 1:** Please identify each individual who assisted in answering these discovery requests.

**RESPONSE:**

All members of the 2010 Districting Commission

Julianne Burkhardt, Legislative Services Division

Joe Kolman, Legislative Services Division

Kendra Miller, Director, Redistricting Project, Montana Democratic Party

Jorge Quintana, Chief Legal Counsel to the Montana Secretary of State

Stuart Segrest, Assistant Attorney General

Lawrence VanDyke, Solicitor General

Rachel Weiss, Legislative Services Division

**INTERROGATORY NO. 2:** Please identify all persons who have received communications from, or sent communications to, any member, employee or agent of the Districting Commission, either orally or in writing, concerning the assignment of holdover senators. (You may limit your response to those persons who have sent or received communications that are not a matter of public record).

**RESPONSE:**

Defendants object that this question is overly broad and burdensome. It is impossible for the commissioners or their staff to remember every person they spoke to or communicated with regarding the assignment of holdover senators during this months-long process. Without waiving the objection, individuals would include:

All members of the 2010 Districting Commission

Individuals listed in the documents provided in response to RFPs 1-5

Most, if not all, of the sitting Montana Senators and Representatives

Julianne Burkhardt, Legislative Services Division

Joe Kolman, Legislative Services Division

Kendra Miller, Director, Redistricting Project, Montana Democratic Party

Rachel Weiss, Legislative Services Division

**INTERROGATORY NO. 3:** Please identify all persons who have received communications from, or sent communications to, any member, employee or agent of the Districting Commission, either orally or in writing, concerning Llew Jones. (You may limit your response to those persons who have sent or received communications that are not a matter of public record).

**RESPONSE:**

Defendants object that this question is overly broad and burdensome. It is impossible for the commissioners or their staff to remember every person they spoke to or communicated with regarding Llew Jones during this months-long process.

Defendants further object to the term “concerning” as vague and ambiguous.

Without waiving the objection, see the response to Interrogatory 2.

**INTERROGATORY NO. 4:** Please identify all persons who have received communications from, or sent communications to, any member, employee or agent of the Districting Commission, either orally or in writing, concerning the reassignment of Senator Ripley from SD-9 to SD-10. (You may limit your response to those persons who

have sent or received communications that are not a matter of public record).

**RESPONSE:**

Defendants object that this question is overly broad and burdensome. It is impossible for the commissioners or their staff to remember every person they spoke to or communicated with regarding the reassignment of Senator Ripley from SD-9 to SD-10 during this months-long process. Defendants further object to the term “concerning” as vague and ambiguous.

Without waiving the objection, see the response to Interrogatory 2.

**INTERROGATORY NO. 5:** Please identify all persons who have received communications from, or sent communications to, any member, employee or agent of the Districting Commission, either orally or in writing, concerning the reassignment of Senator Hamlett from SD-10 to SD-15. (You may limit your response to those persons who have sent or received communications that are not a matter of public record).

**RESPONSE:**

Defendants object that this question is overly broad and burdensome. It is impossible for the commissioners or their staff to remember every person they spoke to or communicated with regarding the reassignment of Senator Hamlett from SD-10 to SD-15 during this months-long process. Defendants further object to the term “concerning” as vague and ambiguous.

Without waiving the objection, see the response to Interrogatory 2.

**REQUEST FOR PRODUCTION NO. 1:** Please produce all documents relating to the assignment of holdover senators that have been generated by, received by, or sent from, the Districting Commission, one of the Commission's members, or any current or former agent, employee, representative, attorney, or other person purporting to act on behalf of the Commission.

**RESPONSE:**

Defendants object that this request asks for at least one document that is subject to the attorney-client privilege and which has not been provided. It is an e-mail from Rachel Weiss, Legislative Services staffer, to Julianne Burkhardt, Legislative Services attorney, regarding legal advice on the assignment of holdover senators. The e-mail is dated September 21, 2012. Defendants further object to the term "relating to" as overbroad, vague, and ambiguous.

Otherwise, see enclosed CD, Bates # 1-237; some of the documents produced in response to the other RFPs may also be responsive to this Request.

**REQUEST FOR PRODUCTION NO. 2:** Please produce all documents relating to Llew Jones that have been generated by, received by, or sent from, the Districting Commission, one of the Commission's members, or any current or former agent, employee, representative, attorney, or other person purporting to act on behalf of the Commission.

**RESPONSE:**

Defendants object to the term "relating to" as overbroad, vague, and ambiguous.

See enclosed CD, Bates # 238-258; some of the documents produced in response to the other RFPs may also be responsive to this Request.

**REQUEST FOR PRODUCTION NO. 3:** Please produce all documents relating to Rob Cook that have been generated by, received by, or sent from, the Districting Commission, one of the Commission's members, or any current or former agent, employee, representative, attorney, or other person purporting to act on behalf of the Commission.

**RESPONSE:**

Defendants object to the term "relating to" as overbroad, vague, and ambiguous. See enclosed CD, Bates # 259-261; some of the documents produced in response to the other RFPs may also be responsive to this Request.

**REQUEST FOR PRODUCTION NO. 4:** Please produce all documents relating to SD-9 that have been generated by, received by, or sent from, the Districting Commission, one of the Commission's members, or any current or former agent, employee, representative, attorney, or other person purporting to act on behalf of the Commission.

**RESPONSE:**

Defendants object to the term "relating to" as overbroad, vague, and ambiguous. See enclosed CD, Bates # 262-317; some of the documents produced in response to the other RFPs may also be responsive to this Request.

**REQUEST FOR PRODUCTION NO. 5:** Please produce all documents giving the public notice of the Districting Commission's actions or deliberations concerning the assignment of holdover senators.

**RESPONSE:**

See enclosed CD, Bates # 318-344; some of the documents produced in response to the other RFPs may also be responsive to this Request.

**REQUEST FOR PRODUCTION NO. 6:** Please produce all documents supporting your denial of Plaintiffs' assertion in Paragraph 9 of the Complaint.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**REQUEST FOR PRODUCTION NO. 7:** Please produce all documents supporting your denial of Plaintiffs' assertion in Paragraph 63 of the Complaint.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation

is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**REQUEST FOR PRODUCTION NO. 8:** Please produce all documents supporting your denial of Plaintiffs' assertion in Paragraph 107 of the Complaint.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**REQUEST FOR PRODUCTION NO. 9:** Please produce all documents supporting your denial of Plaintiffs' assertion in Paragraph 139 of the Complaint.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**REQUEST FOR PRODUCTION NO. 10:** Please produce all documents supporting your denial of Plaintiffs' assertion in Paragraph 160 of the Complaint.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than



publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**REQUEST FOR PRODUCTION NO. 11:** Please produce all documents supporting the Sixth Affirmative Defense contained in your Answer.

**RESPONSE:**

Defendants are not aware at this time of any additional documents, other than publically available documents and the documents are being produced in response to RFPs 1 through 5, which may be responsive to this request. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

**INTERROGATORY NO. 6:** Please identify all facts supporting the contention in your Sixth Affirmative Defense that Plaintiffs are obligated to join Llew Jones as a party to this action.

**RESPONSE:**

See allegations in Plaintiffs' Complaint, ¶¶ 62-67, 74-77, 82-84, 88. Discovery and investigation is still ongoing, and Defendants accordingly reserve the right to supplement as necessary.

DATED this 10th day of June, 2013.

TIMOTHY C. FOX  
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LAWRENCE VANDYKE  
Montana Solicitor General  
J. STUART SEGREST  
Assistant Attorney General  
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215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

By:   
LAWRENCE VANDYKE

**VERIFICATION**

Julianne Burkhardt hereby declares under penalty of perjury that the following is true and correct:

That she is a staff attorney of Legislative Services who served the Montana Districting and Apportionment Commission in the above matter, that she has read the foregoing, and that the representations are true and correct to the best of her knowledge.

Dated this 10th day of June, 2013, at Helena, Montana.

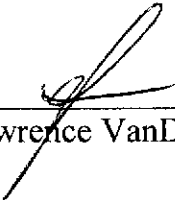
  
JULIANNE BURKHARDT  
Legislative Services  
Staff Attorney

**CERTIFICATE OF SERVICE**

I certify that I caused a true and accurate copy of the foregoing to be mailed to:

Mr. Matthew G. Monforton  
Monforton Law Offices, PLLC  
32 Kelly Court  
Bozeman, MT 59718

Dated: 6-10-13

  
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Lawrence VanDyke