

IN THE SUPREME COURT OF KANSAS

SCOTT SCHWAB, Kansas Secretary )  
of State, in his official capacity, )

and )

MICHAEL ABBOTT, Wyandotte )  
County Election Commissioner, )  
in his official capacity, )

Petitioners, )

v. )

Case No. 124849  
(Original Action)

THE HONORABLE BILL KLAPPER, )  
in his official capacity as a District )  
Court Judge, Twenty-Ninth Judicial )  
District, )

Respondent. )

\_\_\_\_\_  
FAITH RIVERA, DIOSSELYN TOT- )  
VELASQUEZ, KIMBERLY WEAVER, )  
PARIS RAITE, DONNAVAN DILLON, )  
and LOUD LIGHT, )

Plaintiffs in Wyandotte )  
County District Court Case )  
2022-CV-89 and Respondents )  
under Kansas Supreme Court )  
Rule 9.01(a)(1), )

and )

TOM ALONZO, SHARON AL-UQDAH, )  
AMY CARTER, CONNIE BROWN )  
COLLINS, SHEYVETTE DINKENS, )  
MELINDA LAVON, ANA MARCELA )  
MALDONADO MORALES, LIZ )  
MEITL, RICHARD NOBLES, ROSE )  
SCHWAB, and ANNA WHITE, )

Plaintiffs in Wyandotte )  
County District Court Case )  
2022-CV-90 and Respondents )  
under Kansas Supreme Court )  
Rule 9.01(a)(1). )

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**NOTICE IN SUPPORT OF MOTION FOR A STAY OF DISTRICT COURT  
PROCEEDINGS**

Petitioners write to notify this Court of recent developments in the district court litigation that Petitioners have asked this Court to stay that demonstrate why such a stay is warranted. On February 24, 2022, the *Alonzo* Plaintiffs filed 18 subpoenas seeking documentary and other evidence related to the Kansas Legislature’s “development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption” of SB 355. *See* Exhibits A-R. The subpoenas are addressed to a host of political actors—including current legislators who voted for and against SB 355, lobbyists, an expected congressional candidate, and other political figures. These subpoenas throw into sharp relief why a stay of the district court proceedings is warranted.

Without this Court’s guidance, it is not clear how the evidence sought in the subpoenas is relevant to the constitutionality of the challenged congressional map. Subpoenas are subject to a “stringent” relevancy requirement. *State ex rel. Stephan v. Clark*, 243 Kan. 561, 568, 759 P.2d 119 (1988). Relevance is keyed to the elements of the claims. *See* Reply ISO Stay Mot. At 3-4. But the contours of Plaintiffs’ claims are unknown. It is unclear whether Plaintiffs’ claims are even cognizable—let alone what the elements of those claims are. Indeed, the nature of the subpoenas—which

seek documents and communications exchanged between political actors about a political topic made during a political process—highlights why Plaintiffs’ political gerrymandering claims are not justiciable. As the subpoenas demonstrate, such claims would cast courts right into the “political thicket,” *Vieth v. Jubelirer*, 541 U.S. 267, 310 (2004) (Kennedy, J., concurring), that this Court’s political question doctrine aims to keep them out of. Without this Court’s guidance on whether Plaintiffs’ claims are justiciable and, if so, what legal standard applies to those claims, the parties and the district court will be without direction in charting a course forward into unknown territory.

The subpoenas also illustrate the substantial burden that would attend this Court’s allowing the district court proceedings to continue. The subpoenas raise knotty constitutional questions that would need to be resolved. Among other issues, the subpoenas raise constitutional questions under the Kansas Constitution’s Legislative Immunity Clause. *See Kan. Const. art 2, § 22; State v. Neufeld*, 260 Kan. 930, 847-48, 926 P.2d 1325 (1996) (“Trying to persuade a representative to change his or her vote is an integral part of the communicative processes by which members participate in House proceedings with respect to the passage or rejection of proposed legislation.”). They also raise issues under the U.S. Constitution’s and Kansas Constitution’s Free Speech Clauses. *See Kan. Const. Bill of Rights, § 11; ETSI Pipeline Project v. Burlington N., Inc.*, 674 F. Supp. 1489, 1490 (D.D.C. 1987) (subpoena seeking testimony regarding policy group’s “involvement in legislative, judicial or administrative proceedings” raised First Amendment concerns). The

subpoenas also seek a broad swath of documents relating to the political process from—among others—legislators who are presently in session. Neither the parties subpoenaed, the parties in the litigation, nor the district court should be prematurely saddled with such intrusive and burdensome discovery that is unlikely to prove relevant to any cognizable claim.

For these reasons, Petitioners respectfully request that this Court stay all district court proceedings in *Rivera v. Schwab*, No. 22-CV-89 (Wyandotte County D. Ct.), and *Alonzo v. Schwab*, No. 22-CV-90 (Wyandotte County D. Ct.).

Respectfully submitted,

OFFICE OF ATTORNEY GENERAL  
DEREK SCHMIDT

By: /s/ Brant M. Laue

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*Attorneys for Petitioners Scott Schwab and  
Michael Abbott*

### **CERTIFICATE OF SERVICE**

I certify that on February 25, 2022, the above document was electronically filed with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to registered participants, and a copy was placed in the U.S. mail addressed to:

Judge Bill Klapper  
Wyandotte County Courthouse  
710 N. 7th St.  
Kansas City, KS 66101  
*Respondent*

/s/ Brant M. Laue  
Brant M. Laue

# **Exhibit A**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Adkins

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

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**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: AMANDA ADKINS :P.O. BOX 24085, OVERLAND PARK, KS 66283

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

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Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202 1**

Date and Time: **By 5:00 p.m. on**  
**Friday, March 4, 2022**



The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
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**TOMASIC & REHORN**  
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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

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**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,



## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – AMANDA ADKINS**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on your electoral prospects.

4. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

## **Exhibit B**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Baysinger

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: JENNIFER BAYSINGER: 15435 WINDHAM CIRCLE, WICHITA, KS 67230

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
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[rick@tomasicrohorn.com](mailto:rick@tomasicrohorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).



**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed  
by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_  
for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing  
is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – JENNIFER BAYSINGER**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,



## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit C**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Cobb

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: ALAN COBB: 835 SW TOPEKA BLVD, TOPEKA, KS 66612

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
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**CAMPAIGN LEGAL CENTER**

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[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)  
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**ARNOLD & PORTER KAYE  
SCHOLER LLP**

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**TOMASIC & REHORN**  
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*Attorneys for Plaintiffs*

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**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

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\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*



Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

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3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
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## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – ALAN COBB**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

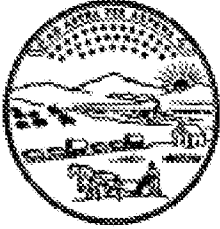


## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit D**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Croft

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

---

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: CHRIS CROFT: 8909 W. 148th Terr. Overland Park, KS 66221

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
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Overland Park, KS 66202  
(913) 490-4100  
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[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

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**TOMASIC & REHORN**  
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Kansas City, KS 66117-0855  
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[rick@tomasicrehorn.com](mailto:rick@tomasicrehorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:



**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## ATTACHMENT A

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR ALICIA STRAUB**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan or racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to those related to any efforts to convince Sen. Steffan, Sen. Pyle, Sen. Straub, and Sen. Doll to vote in favor of override, either initially or during the motion to reconsider, including but not limited to, any documents or communications regarding Senate Bill 381 and any documents or communications related to the Kansas Board of Healing Arts' investigation into Sen. Steffan.

## **Exhibit E**





**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Doll

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: JOHN DOLL, 2927 Cliff Place, Garden City, KS 67846

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
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application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).



## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
4. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR JOHN DOLL**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts made to get you to vote in favor of a veto override, or in favor of a veto override during the motion to reconsider.

## **Exhibit F**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Eckles

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

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**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: JAMES ECKLES: GRAVITAS CONSULTING GROUP LLC, 12516 S SUMMERTREE  
LN, OLATHE, KS 66062

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the  
following documents, electronically stored information, or objects, and to permit inspection,  
copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**



The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpieron@aclukansas.org](mailto:jpieron@aclukansas.org)  
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**CAMPAIGN LEGAL CENTER**

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Kevin Hancock\* ^^  
Sam Horan\* ^^  
Christopher Lamar\*  
Orion de Nevers\* ^^  
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[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)  
[shoran@campaignlegalcenter.org](mailto:shoran@campaignlegalcenter.org)  
[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)  
[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

**ARNOLD & PORTER KAYE  
SCHOLER LLP**

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[stanton.jones@arnoldporter.com](mailto:stanton.jones@arnoldporter.com)  
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**TOMASIC & REHORN**  
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**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

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***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

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***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

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## ATTACHMENT A

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## ATTACHMENT A

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## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – JAMES ECKLES**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit G**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Franko

SO ORDERED.



*Krista L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

---

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: JAMES FRANKO, KANSAS POLICY INSTITUTE, 250 N. Water, Suite 216, Wichita,  
KS 67202

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)  
[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

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Kevin Hancock\* ^^  
Sam Horan\* ^^  
Christopher Lamar\*  
Orion de Nevers\* ^^  
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(202) 736-2200  
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[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)  
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[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

**ARNOLD & PORTER KAYE  
SCHOLER LLP**

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R. Stanton Jones\*



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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking



## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – JAMES FRANKO**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit H**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Garber

SO ORDERED.



*Krista L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: RANDY GARBER: 2424 Timberlane Terr. Sabetha, KS 66534

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
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[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)  
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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
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application pending  
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supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).



**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## ATTACHMENT A

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – REPRESENTATIVE RANDY GARBER**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,



## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts made to convince you to vote in favor of a veto override.

# **Exhibit I**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Gawdun

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

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**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: JEANNE GAWDUN, KANSANS FOR LIFE: 735 SW Jackson St. Topeka, KS 66603203

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_

Sharon Brett KS Bar #28696

Josh Pierson KS Bar #29095

Kayla DeLoach\* ^

6701 W 64<sup>th</sup> St. Suite 210

Overland Park, KS 66202

(913) 490-4100

[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)

[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)

[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

Mark P. Gaber\*

Kevin Hancock\* ^^

Sam Horan\* ^^

Christopher Lamar\*

Orion de Nevers\* ^^

1101 14th St. NW, Suite 400

Washington, DC 20005

(202) 736-2200

[mgaber@campaignlegalcenter.org](mailto:mgaber@campaignlegalcenter.org)

[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)

[shoran@campaignlegalcenter.org](mailto:shoran@campaignlegalcenter.org)

[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)

[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

**ARNOLD & PORTER KAYE  
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[stanton.jones@arnoldporter.com](mailto:stanton.jones@arnoldporter.com)  
[john.freedman.@arnoldporter.com](mailto:john.freedman.@arnoldporter.com)

**TOMASIC & REHORN**  
Rick Rehorn KS# 13382  
P.O. Box 171855  
Kansas City, KS 66117-0855  
Tel: (913) 371-5750  
Fax: (913) 713-0065  
[rick@tomasicrohorn.com](mailto:rick@tomasicrohorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:



**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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compliance.

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***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

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## ATTACHMENT A

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7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

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12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

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16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – JEANNE GAWDUN**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.



## **Exhibit J**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Lee

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

---

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: TATUM LEE: P.O. Box 382; Ness City, KS 67560

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

**via email to:**

Place: **sbrett@aclukansas.org; or to:  
6701 W 64th Street, Suite 210,  
Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on  
Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)  
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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the



serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – REPRESENTATIVE TATUM LEE**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts to made to convince you to vote in favor of a veto override.

## **Exhibit K**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Masterson

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court



IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

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**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: TY MASTERSON: 1539 S Phyllis Ln; Andover 67002

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

via email to:  
sbrett@aclukansas.org; or to:  
Place: 6701 W 64th Street, Suite 210,  
Overland Park, KS 66202

Date and Time: **By 5:00 p.m. on  
Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
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*Attorneys for Plaintiffs*

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^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control



## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR TY MASTERSON**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to those related to any efforts to convince Sen. Steffan, Sen. Pyle, Sen. Straub, and Sen. Doll to vote in favor of override, either initially or during the motion to reconsider, including but not limited to, any documents or communications regarding Senate Bill 381 and any documents or communications related to the Kansas Board of Healing Arts' investigation into Sen. Steffan.

## **Exhibit L**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Northcott

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

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**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: PETER NORTHCOTT: 735 SW Jackson St. Topeka, KS 66603

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)  
[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

Mark P. Gaber\*  
Kevin Hancock\* ^^  
Sam Horan\* ^^  
Christopher Lamar\*  
Orion de Nevers\* ^^  
1101 14th St. NW, Suite 400  
Washington, DC 20005  
(202) 736-2200  
[mgaber@campaignlegalcenter.org](mailto:mgaber@campaignlegalcenter.org)  
[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)  
[shoran@campaignlegalcenter.org](mailto:shoran@campaignlegalcenter.org)  
[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)  
[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

**ARNOLD & PORTER KAYE  
SCHOLER LLP**

Elisabeth S. Theodore\*  
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[stanton.jones@arnoldporter.com](mailto:stanton.jones@arnoldporter.com)  
[john.freedman.@arnoldporter.com](mailto:john.freedman.@arnoldporter.com)

**TOMASIC & REHORN**  
Rick Rehorn KS# 13382  
P.O. Box 171855  
Kansas City, KS 66117-0855  
Tel: (913) 371-5750  
Fax: (913) 713-0065  
[rick@tomasicrehorn.com](mailto:rick@tomasicrehorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

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***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

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***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

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***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

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**(2) Claiming privilege or protection.**

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(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

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## ATTACHMENT A

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3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

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9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

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12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

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## **ATTACHMENT A**

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17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – PETER NORTHCOTT**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit M**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - O'Neal

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: MIKE O'NEAL: 800 SW JACKSON ST / SUITE 808; TOPEKA, KS 66612

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
6701 W 64<sup>th</sup> St. Suite 210  
Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpieron@aclukansas.org](mailto:jpieron@aclukansas.org)  
[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

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[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)  
[shoran@campaignlegalcenter.org](mailto:shoran@campaignlegalcenter.org)  
[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)  
[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

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[rick@tomasicrohorn.com](mailto:rick@tomasicrohorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).



**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – MIKE O’NEAL**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,



## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

## ATTACHMENT A

law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.

## **Exhibit N**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Pyle

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: DENNIS PYLE: 2979 Kingfisher Road, Hiawatha, KS 66434

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or to:**  
**6701 W 64th Street, Suite 210,**  
**Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
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Overland Park, KS 66202  
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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*



Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR DENNIS PYLE**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts made to get you to vote in favor of a veto override, or in favor of a veto override during the motion to reconsider.



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## ATTACHMENT A

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## ATTACHMENT A

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## **ATTACHMENT A**

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## ATTACHMENT A

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# **Exhibit O**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Ryckman

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: RON RYCKMAN: 14234 W. 158th St., Olathe, KS 66062

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*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**



The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_

Sharon Brett KS Bar #28696

Josh Pierson KS Bar #29095

Kayla DeLoach\* ^

6701 W 64<sup>th</sup> St. Suite 210

Overland Park, KS 66202

(913) 490-4100

[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)

[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)

[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

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Kevin Hancock\* ^^

Sam Horan\* ^^

Christopher Lamar\*

Orion de Nevers\* ^^

1101 14th St. NW, Suite 400

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(202) 736-2200

[mgaber@campaignlegalcenter.org](mailto:mgaber@campaignlegalcenter.org)

[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)

[shoran@campaignlegalcenter.org](mailto:shoran@campaignlegalcenter.org)

[clamar@campaignlegalcenter.org](mailto:clamar@campaignlegalcenter.org)

[odenevers@campaignlegalcenter.org](mailto:odenevers@campaignlegalcenter.org)

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[john.freedman.@arnoldporter.com](mailto:john.freedman.@arnoldporter.com)

**TOMASIC & REHORN**  
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P.O. Box 171855  
Kansas City, KS 66117-0855  
Tel: (913) 371-5750  
Fax: (913) 713-0065  
[rick@tomasicrohorn.com](mailto:rick@tomasicrohorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

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**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

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1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,



## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## ATTACHMENT A

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR ALICIA STRAUB**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan or racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to those related to any efforts to convince Sen. Steffan, Sen. Pyle, Sen. Straub, and Sen. Doll to vote in favor of override, either initially or during the motion to reconsider, including but not limited to, any documents or communications regarding Senate Bill 381 and any documents or communications related to the Kansas Board of Healing Arts' investigation into Sen. Steffan.

## **Exhibit P**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Steffen

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

---

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: MARK STEFFEN: 3500 N. Mayfield Rd., Hutchinson, KS 67502

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or to:**  
**6701 W 64th Street, Suite 210,**  
**Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_

Sharon Brett KS Bar #28696

Josh Pierson KS Bar #29095

Kayla DeLoach\* ^

6701 W 64<sup>th</sup> St. Suite 210

Overland Park, KS 66202

(913) 490-4100

[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)

[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)

[kdeloach@aclukansas.org](mailto:kdeloach@aclukansas.org)

**CAMPAIGN LEGAL CENTER**

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**TOMASIC & REHORN**  
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[rick@tomasicrohorn.com](mailto:rick@tomasicrohorn.com)

*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).



**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

***(A) Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

***(B) Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

***(i)*** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

***(ii)*** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

***(A) When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

***(i)*** Fails to allow a reasonable time to comply;

***(ii)*** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

***(iii)*** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

***(iv)*** subjects a person to undue burden.

***(B) When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

***(ii)*** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

***(iii)*** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

***(C) Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## ATTACHMENT A

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR MARK STEFFEN**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,



## ATTACHMENT A

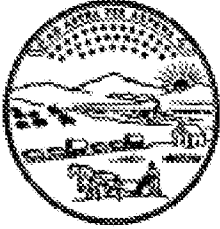
racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts made to get you to vote in favor of a veto override, or in favor of a veto override during the motion to reconsider, including but not limited to, any documents or communications regarding Senate Bill 381 and any documents or communications related to the Kansas Board of Healing Arts' investigation related to your medical practice.

## **Exhibit Q**



**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Straub

SO ORDERED.



*Kesh L. Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: ALICIA STRAUB: 401 S. Kennedy, Ellinwood, KS 67526

---

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_

Sharon Brett KS Bar #28696

Josh Pierson KS Bar #29095

Kayla DeLoach\* ^

6701 W 64<sup>th</sup> St. Suite 210

Overland Park, KS 66202

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*Attorneys for Plaintiffs*

*\*Pro Hac Vice Motion pending  
^Licensed to practice in MO; KS bar  
application pending  
^^Licensed to practice in NY only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^Licensed to practice in MA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar  
^^^^Licensed to practice in CA only;  
supervised by Mark P. Gaber, member of  
the D.C. Bar*

---

**Notice to the person who requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice must be served on each party in this case before the subpoena is served on the person to whom it is directed. K.S.A. 60-245(b).

**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

**or**

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:



**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

**(1) *Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

***(2) Command to produce materials or permit inspection.***

**(A) *Appearance not required.*** A person commanded to produce designated documents, electronically stored information or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing or trial.

**(B) *Objections.*** A person commanded to produce designated materials or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the designated materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection; and

**(ii)** these acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from

compliance.

***(3) Quashing or modifying a subpoena.***

**(A) *When required.*** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** Fails to allow a reasonable time to comply;

**(ii)** requires a resident of this state who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed or regularly transacts business in person or requires a nonresident who is neither a party nor a party's officer to travel more than 100 miles from where the nonresident was served with the subpoena, is employed or regularly transacts business in person, except that, subject to paragraph (3)(B)(iii), the person may be commanded to travel to the place of trial;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) *When permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** Disclosing a trade secret or other confidential research development or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) *Specifying conditions as an alternative.*** In the circumstances described in subsection (c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions as the

serving party:

(i) Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(4) **Person in prison.** A person confined in prison may be required to appear for examination by deposition only in the county where the person is imprisoned.

**(d) Duties in responding to a subpoena.**

(1) **Producing documents or electronically stored information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for producing electronically stored information not specified.** If a subpoena does not specify a form for producing electronically stored information, a person responding to a subpoena must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically stored information produced in only one form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible electronically stored information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A) of K.S.A. 60-226, and amendments thereto. The court may specify conditions for the discovery.

**(2) Claiming privilege or protection.**

(A) **Information withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) Expressly make the claim; and

(ii) describe the nature of the withheld documents, communications or things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. Punishment for contempt should be in accordance with K.S.A. 20-1204, and amendments thereto. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of subsection (c)(3)(A)(ii).

## ATTACHMENT A

### **DEFINITIONS AND INSTRUCTIONS**

1. “Communication” means all contact, oral or written, formal or informal, at any time or place, electronic or otherwise, under any circumstances whatsoever, whereby any information of any nature was transmitted or received.
2. “Document” includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically-recorded, typed, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
3. The terms “document” and “documents” include all matter within the foregoing description that is within your possession, custody or control, or within the possession, custody or control of any agent or attorney for you. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.
4. “Enacted Plan” means the new Kansas congressional redistricting plan, enacted as Sub. Senate Bill 355, following an override vote.
5. “Legislator” means a past or present elected member of the Kansas House of Representatives (“Kansas House”) or the Kansas Senate, including such member’s past or present employees, legislative office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control

## ATTACHMENT A

or on behalf of any committee or other body to which the elected member is a member.

6. “Member of the U.S. House of Representatives” means a past or present elected member of the United States House of Representatives, including such member’s past or present employees, legislative staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member’s behalf or subject to the member’s control or on behalf of any committee or other body which the elected member is a member.

7. “Regarding” means relating to, referring to, consisting of, concerning, pertaining to, reflecting, evidencing, describing, constituting, mentioning, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

## ATTACHMENT A

interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

## **ATTACHMENT A**

what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – SENATOR ALICIA STRAUB**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

## ATTACHMENT A

racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan or racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to any efforts made to get you to vote in favor of a veto override, or in favor of a veto override during the motion to reconsider.

## **Exhibit R**





**Court:** Wyandotte County District Court  
**Case Number:** 2022-CV-000090  
**Case Title:** Thomas Alonzo, et al. vs. Scott Schwab, et al.  
**Type:** Subpoena for Documents - Trabert

SO ORDERED.



*Kesh L Hill*

/s/ Clerk of District Court

IN THE TWENTY-NINTH JUDICIAL DISTRICT  
WYANDOTTE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB, and  
ANNA WHITE,

Plaintiffs,

v.

SCOTT SCHWAB, Kansas Secretary of State  
and Kansas Chief Election Officer, in his  
official capacity, and MICHAEL ABBOTT,  
Wyandotte County Election Commissioner, in  
his official capacity,

Defendants.

Case No. 2022-CV-0000090

**K.S.A. 60-245: SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS OR TO PERMIT INSPECTION OF PREMISES WITHOUT TESTIMONY**

To: DAVE TRABERT: 12980 METCALF AVE. SUITE 130, OVERLAND PARK, KS 66213

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A.**

Place: **via email to:**  
**sbrett@aclukansas.org; or**  
**to: 6701 W 64th Street, Suite**  
**210, Overland Park, KS 66202**

Date and Time: **By 5:00 p.m. on**  
**Monday, March 7, 2022**

The following provisions of K.S.A. 60-245 are attached – K.S.A. 60-245(c), relating to your protection as a person subject to a subpoena and the place of compliance; and K.S.A. 60-245(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS**

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett KS Bar #28696  
Josh Pierson KS Bar #29095  
Kayla DeLoach\* ^  
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Overland Park, KS 66202  
(913) 490-4100  
[sbrett@aclukansas.org](mailto:sbrett@aclukansas.org)  
[jpiereson@aclukansas.org](mailto:jpiereson@aclukansas.org)  
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**CAMPAIGN LEGAL CENTER**

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**ARNOLD & PORTER KAYE  
SCHOLER LLP**

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**PROOF OF SERVICE**

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_.

***Complete one of the following:***

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_;

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I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

Under K.S.A. 60-303(d)(3) and K.S.A. 28-110, my fees are \$ \_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service:

**K.S.A. 60-245(c), (d), and (e)**

***(c) Protecting a person subject to a subpoena.***

***(1) Avoiding undue burden or expense; sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

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***(i)*** Disclosing a trade secret or other confidential research development or commercial information;

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## ATTACHMENT A

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## ATTACHMENT A

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8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. This means that you must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain or demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person’s behalf or subject to the control of such person.

10. All references in these requests to an entity, governmental entity, or any other type of organization includes past or present officers, executives, directors, employees, staff,

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interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms “and” and “or” either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular include the plural.

12. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

13. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation, file folders with tabs or labels identifying documents responsive to these requests should be produced intact with the documents; and documents attached to each other should not be separated.

14. Each document produced should be categorized by the number of the document request in response to which it is produced.

15. Any claim of privilege or work product protection must be individually asserted on a privilege log, produced by the time for compliance listed on the subpoena, identifying sufficient information, including the document author, sender, recipient(s), date, description, type of privilege asserted, and basis for the privilege asserted.

16. If you contend that it would be unduly burdensome to obtain and provide all the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking

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what you contend would be an unduly burdensome effort; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

17. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or otherwise permitted by court order.

18. In the event that a responsive document has been destroyed or passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

19. These requests are continuing in nature. Your response must be supplemented and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

20. Unless otherwise specified, all document requests concern the period of time from January 1, 2019 to the present.

### **DOCUMENT REQUESTS – DAVE TRABERT**

1. All documents and data related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the Enacted Plan or any draft(s) thereof, or any election or other partisan data,

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racial data, or any other data relied upon or otherwise considered in connection with the Enacted Plan.

2. All communications between you and/or other members of your office and any other person(s) or entity(ies) related to the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the Enacted Plan.

3. All documents and communications regarding redistricting and the partisan and racial implications of placing Kansas City or Lawrence in particular congressional districts, or the effects of particular congressional district boundaries on the electoral prospects of Congresswoman Sharice Davids.

4. All documents and communications regarding the placement of racial, ethnic, or language minorities in congressional districts.

5. All documents and communications regarding redistricting for the Kansas congressional districts exchanged between, among, with, or within the Office of the Kansas Secretary of State, the Office of the Kansas Attorney General, any legislator, the Kansas House Committee on Redistricting or any members or staff thereof, the Kansas Senate Committee on Redistricting or any members or staff thereof, the Kansas Legislative Research Department, any member of the U.S. House of Representatives, any candidate to represent Kansas in the U.S. House of Representatives, any campaign to represent Kansas in the U.S. House of Representatives, any national political party, any state political program organization, any local political party organization, any national congressional campaign committee, the National Republican Redistricting Trust, any political action committee, any lobbyist, any political activist or operative, any other governmental entity, any local elected official in Kansas, any consultant, any expert, any

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law firm or attorney, any vendor, any other political or community group or organization, or any member of the public.

6. All documents and communications regarding the legislative override of Governor Kelly's veto of the legislatively adopted redistricting plan for Kansas congressional districts, including but not limited to documents and communications between you and any current member of the Kansas House or Kansas Senate regarding their vote in favor of or against a legislative override.