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4 Attorney for Plaintiffs

5 MICHAEL CHAMNESS, DANIEL FREDERICK,
6 and RICH WILSON

7
8 IN THE UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 MICHAEL CHAMNESS, DANIEL
12 FREDERICK, and RICH WILSON,

13 *Plaintiffs,*

14 vs.

15 DEBRA BOWEN, in only her
16 official capacity as California
17 Secretary of State; DEAN LOGAN,
18 in only his official capacity as
19 Registrar-Recorder / County Clerk of
20 the County of Los Angeles; and
21 DOES 1-10;

22 *Defendants.*

CASE NO. 2:11-CV-01479 ODW
(FFMx)

**PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS,
SET ONE**

HEARING DATE: N/A
HEARING TIME: N/A
JUDGE: Hon. Otis D. Wright
II
COURTROOM: 11

23 PROPOUNDING PARTIES: Plaintiffs Michael Chamness, Daniel Frederick, and
24 Rich Wilson

25 RESPONDING PARTY: Defendant Debra Bowen, in only her official
26 capacity as California Secretary of State

27 SET NUMBER: One

28 Pursuant to Federal Rule of Civil Procedure 34, Plaintiffs Michael Chamness,
Daniel Frederick, and Rich Wilson ask that Defendant Debra Bowen respond

1 separately, both under oath and in writing, to each category of documents specified
2 below within thirty (30) days of service of this request.

3 *Please take notice* that, within thirty (30) days of service of this request,
4 Defendant Bowen is directed to produce all documents and materials specified
5 below that are in your possession, custody, and/or control, to 39270 Paseo Padre
6 Parkway # 206, Fremont, CA 94538, in order that those documents may be
7 inspected and copied. Unless otherwise indicated, Defendant Bowen may satisfy
8 this request by providing a copy of every document requested.

9 **INSTRUCTIONS AND DEFINITIONS**

10 1. The word “documents” mean (a) any correspondence, emails, notes,
11 memoranda, writings, reports, drafts, books, papers, drawings, ledgers, journals,
12 charts, blueprints, photographs, facsimiles, electronic data, or any other type of
13 records or form of data compilation of any kind (b) that are in the possession,
14 custody, or control of the Office of the California Secretary of State.

15 2. Please note that for purposes of summary judgment or trial, Plaintiffs will ask
16 the Court for an order precluding Defendant Bowen from introducing evidence
17 relating to the subject matter of this request that has not been disclosed by her
18 responses to this request.

19 3. If any document called for by any request herein is withheld because of claim
20 of privilege or other objection, please state for each document:

- 21 a. Its date and type (e.g., letter or memorandum);
- 22 b. Its author;
- 23 c. The identity of the addressee or recipient(s);
- 24 d. The identity of all other persons who have received, copied or
25 otherwise have been permitted to see all or part of the original or any
26 copy of the original;
- 27 e. A description of each subject matter discussed, described or referred to
28 therein;
- f. The name of its present custodian; and
- g. The specific reason for the claim of privilege or other objection.

1 4. Unless otherwise indicated, this request for production of documents pertains
2 to the period February 1, 2009 through the present.

3 **DOCUMENTS REQUESTED**

4 1. All documents personally written, drafted, received or sent by Defendant
5 Debra Bowen regarding, referring, or pertaining to Senate Bill 6 (Maldonado),
6 Senate Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two
7 Primary, or the Open Primary.¹

8 2. All documents personally written, drafted, received or sent by Defendant
9 Debra Bowen regarding, referring, or pertaining to (a) any lawsuit that challenges
10 the constitutionality or enforceability of Senate Bill 6 (Maldonado), Senate
11 Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two Primary,
12 or the Open Primary; (b) any party to such a lawsuit; or (c) any attorney for any
13 party to such a lawsuit.

14 3. All documents personally written, drafted, received or sent by Defendant
15 Debra Bowen regarding, referring, or pertaining to any communications or
16 correspondence between the Office of the Secretary of State and the Office of
17 former Lieutenant Governor Abel Maldonado.

18 4. All documents written, drafted, received or sent by Chief Deputy Secretary
19 of State Evan Goldberg regarding, referring, or pertaining to Senate Bill 6
20 (Maldonado), Senate Constitutional Amendment 4 (Maldonado), Proposition 14,
21 the Top Two Primary, or the Open Primary.

22 5. All documents written, drafted, received or sent by Chief Deputy Secretary
23 of State Evan Goldberg regarding, referring, or pertaining to (a) any lawsuit that
24 challenges the constitutionality or enforceability of Senate Bill 6 (Maldonado),
25 Senate Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two
26

27 ¹ Please note that Senate Bill 6 may be abbreviated, *inter alia*, as “SB 6”; Senate
28 Constitutional Amendment 4, as “SCA 4”; Proposition 14, as “Prop 14”; the Top Two Primary, as
“Top Two”.

1 Primary, or the Open Primary; (b) any parties to such a lawsuit; or (c) any attorney
2 for any party to such a lawsuit.

3 6. All documents written, drafted, received or sent by Chief Deputy Secretary
4 of State Evan Goldberg regarding, referring, or pertaining to any communications
5 or correspondence between the Office of the Secretary of State and the Office of
6 former Lieutenant Governor Abel Maldonado.

7 7. All documents written, drafted, received or sent by Deputy Secretary of State
8 Ronda Paschal regarding, referring, or pertaining to Senate Bill 6 (Maldonado),
9 Senate Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two
10 Primary, or the Open Primary.

11 8. All documents written, drafted, received or sent by Deputy Secretary of State
12 Ronda Paschal regarding, referring, or pertaining to (a) any lawsuit that challenges
13 the constitutionality or enforceability of Senate Bill 6 (Maldonado), Senate
14 Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two Primary,
15 or the Open Primary; (b) any parties to such a lawsuit; or (c) any attorney for any
16 party to such a lawsuit.

17 9. All documents written, drafted, received or sent by Deputy Secretary of State
18 Ronda Paschal regarding, referring, or pertaining to any communications or
19 correspondence between the Office of the Secretary of State and the Office of
20 former Lieutenant Governor Abel Maldonado.

21 10. All documents written, drafted, received or sent by Legislative Analyst
22 Nichole Becker regarding, referring, or pertaining to Senate Bill 6 (Maldonado),
23 Senate Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two
24 Primary, or the Open Primary.

25 11. All documents written, drafted, received or sent by Legislative Analyst
26 Nichole Becker regarding, referring, or pertaining to (a) any lawsuit that challenges
27 the constitutionality or enforceability of Senate Bill 6 (Maldonado), Senate
28 Constitutional Amendment 4 (Maldonado), Proposition 14, the Top Two Primary,

1 or the Open Primary; (b) any parties to such a lawsuit; or (c) any attorney for any
2 party to such a lawsuit.

3 12. All documents written, drafted, received or sent by Legislative Analyst
4 Nichole Becker regarding, referring, or pertaining to any communications or
5 correspondence between the Office of the Secretary of State and the Office of
6 former Lieutenant Governor Abel Maldonado.

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10 DATED: July 15, 2011

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Respectfully submitted,

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By: _____
GAUTAM DUTTA, ESQ.

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Attorney for Plaintiffs

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MICHAEL CHAMNESS, RICH
WILSON, and DANIEL FREDERICK

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1 **PROOF OF SERVICE**

2 On penalty of perjury under the laws of the United States, I attest the following:

3 I am over 18 years of age and am not a party in this matter. On July 15, 2011, I served the
4 following document(s): Request for Production of Documents, Set One.

5 I sent the aforementioned document(s) via first-class mail, in a sealed envelope with the
6 postage fully prepaid, to the following individuals:

7 A. George Waters, Esq., Office of the Attorney General, P.O. Box 944255,
8 Sacramento, CA 94244-2550 (counsel for Defendant Debra Bowen).

9 B. Brandi Moore, Esq., Office of the Los Angeles County Counsel, 648 Kenneth
10 Hahn Hall of Administration, 500 West Temple St., Los Angeles, CA 90012-2713 (counsel for
11 Defendant Dean Logan).

12 C. Marguerite Mary Leoni, Esq. & Chris Skinnell Esq., Nielsen Merksamer Law
13 Firm, 2350 Kerner Blvd. #250, San Rafael, CA 94901 (counsel for all Intervenors-Defendants).

14
15 DATED: July 15, 2011

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17 Respectfully submitted,

18
19 By: _____
GAUTAM DUTTA, ESQ.

20 Attorney for Plaintiffs

21 MICHAEL CHAMNESS, RICH
22 WILSON, and DANIEL FREDERICK