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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mi Familia Vota; Arizona Coalition for Change; Living United for Change in Arizona; and League of Conservation Voters, Inc. d/b/a Chispa AZ,

Plaintiffs,

and

DSCC and DCCC,

Plaintiff-Intervenors,

v.

Adrian Fontes, in his official capacity as Arizona Secretary of State; et al.,

Defendants,

and

RNC and NRSC,

Defendant-Intervenors.

Case No. CV-21-01423-PHX-DWL

PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM NON-PARTY ARIZONA LEGISLATORS PURSUANT TO FED. R. CIV. P. 37 AND 45

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Pursuant to Federal Rules of Civil Procedure 37 and 45, Plaintiffs Mi Familia Vota, Arizona Coalition for Change, Living United for Change in Arizona, and League of Conservation Voters, Inc. d/b/a Chispa AZ (jointly, "Plaintiffs"), hereby move the Court for an order compelling the non-party Arizona legislators to produce documents responsive to the Rule 45 subpoenas that Plaintiffs served on January 7 and April 27, 2022 ("the Subpoenas"). *See* Exhibit 1. Plaintiffs have included the information required by Local Civil Rule 37.1 in the declaration filed concurrently in support of this motion and the exhibits attached thereto.[1]

INTRODUCTION

This case concerns equal access to the fundamental right to vote. Plaintiffs allege that the Arizona legislature passed S.B. 1485 for the purpose of denying voters of color their equal right to vote. Information relating to how legislators understood the law in question, and what they were trying to accomplish with it, is central to that claim. Accordingly, Plaintiffs served the Subpoenas on the Arizona legislators.

The legislators have withheld approximately 196 documents pursuant to claims of legislative privilege, a qualified privilege that protects legislators' communications with other members of the legislative branch regarding matters connected with their legislative duties. The legislators cannot rely on this privilege for two reasons.

First, approximately 39 of the documents over which the legislators have claimed privilege are communications with third parties. Legislative privilege does not protect legislators' communications with third parties outside the legislative branch. The doctrine protects deliberation *within* the legislature, and does not shield communications by legislators with third parties or members of the public.

Second, legislative privilege is a qualified privilege that can be overcome when weighty interests—such as protecting the right to vote—are at stake. As to the

[1] All exhibits are attached to the Declaration of Jed W. Glickstein in Support of Plaintiffs' Motion to Compel Discovery from Non-Party Arizona Legislators filed concurrently in support of this motion.

approximately 157 documents on the legislators' privilege log that are not communications with or including third parties, Plaintiffs have made the requisite showing to overcome the qualified privilege. Specifically, Plaintiffs are entitled to this material because they seek to vindicate federal rights of paramount importance, the legislature's decision-making process is at the heart of their claim, and they cannot obtain this crucial information from any other source.

Accordingly, Plaintiffs respectfully request that this Court order the production of the documents the Arizona legislators have withheld under legislative privilege.

BACKGROUND

Plaintiffs allege that the Arizona legislature intentionally discriminated against Arizonans of color when it passed S.B. 1485. In its order resolving Defendants' motion to dismiss, this Court held that Plaintiffs plausibly alleged intentional discrimination through a variety of evidence: evidence of S.B. 1485's disparate effects on voters of color; legislative history, including Representative Kavanagh's remark that the legislation was necessary to ensure "quality" voting; and departures from ordinary legislative procedure after the 2020 election, including a sham election audit despite no evidence of fraud. *See* ECF No. 154, at 52-59.

Plaintiffs intend to prove their claim based on this and other evidence bearing on the *Arlington Heights* factors for showing intentional discrimination. *See Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-68 (1977). As this Court has twice made clear, contemporaneous statements of legislators constitute an important source of evidence directly relevant to the inquiry under *Arlington Heights*. *See* ECF No. 154, at 55 (noting that such statements can be "probative when evaluating a discriminatory purpose claim"); *id.* at 57 (concluding that Representative Kavanagh's statement "provides plausible support for Plaintiffs' overall claim"); ECF No. 184, at 18 (emphasizing that the Court "already addressed, and rejected," argument that legislators' statements are irrelevant to discriminatory intent); *id*. at 23 & n.11 (reiterating that "[c]ommunications with government actors are potentially relevant 'contemporary statements' under *Arlington Heights*," and

citing cases recognizing the same). Indeed, such evidence is by definition central to a claim that is based on legislative intent.

In light of the crucial importance of contemporaneous legislative statements to a claim of intentional discrimination, Plaintiffs have sought documents and communications relating to S.B. 1485 and the process of its enactment from the legislature. Plaintiffs served targeted subpoenas on the legislators most likely to have relevant information. Plaintiffs then worked in good faith with the legislators and their counsel to minimize the burden on legislators and their staff and to avoid unnecessary motions practice. For example, Plaintiffs agreed to accommodate the legislators' concerns over interference with the legislative calendar, to limit or narrow several of their requests, and to proceed using a phased approach. Plaintiffs also agreed with the legislators' counsel that the legislators would produce "mass" third-party communications (principally in the nature of form emails or communications sent by constituents) with both sides reserving all rights.

Following these discussions, the legislators have continued to assert privilege over approximately 39 documents sent to or from third parties, which are likely to reflect more substantive discussions concerning the challenged legislation and could be very significant to Plaintiffs' case. The legislators have also asserted privilege over approximately 157 internal documents, which again are far more likely to contain candid exchanges about the legislators' intent or expectation when considering the challenged legislation. In short, while the legislators have produced some documents, they have asserted legislative privilege over the documents most likely to have relevant information. The parties are now at an impasse.

ARGUMENT

The legislators cannot rely on state legislative privilege to withhold the documents on their privilege logs for two independent reasons. First, the privilege does not apply to the approximately 39 logged communications with third parties *outside* the legislative branch. Second, legislative privilege is a qualified privilege, which gives way when the discovery sought is as central as it is here to a claim vindicating federal constitutional rights.

I. LEGISLATIVE PRIVILEGE DOES NOT EXTEND TO LEGISLATORS' COMMUNICATIONS WITH THIRD PARTIES

The court should find that state legislative privilege does not cover the legislators' communications with third parties outside the legislature, and order those communications to be produced. The legislative privilege "protects state legislators and their staffs from compelled disclosure of documentary and testimonial evidence with respect to actions within the scope of legitimate legislative activity." *Mich. State A. Philip Randolph Inst. v. Johnson*, No. 16-cv-11844, 2018 WL1465767, at *4 (E.D. Mich. Jan. 4, 2018). The privilege is recognized under federal common law, and is meant to protect "candor in … internal exchanges." *United States v. Gillock*, 445 U.S. 360, 373 (1980); *see also id.* at 367-68. The weight of authority holds that the privilege does not extend to communications with third parties outside the legislature, and the few outlier cases to the contrary are in error.

A. The Overwhelming Majority Of Courts Agree That Communications With Third Parties Are Not Privileged.

As a clear majority of courts have held, legislative privilege does not extend to communications with outside parties, who do not deliberate over and vote for legislation. Courts have offered two related but distinct rationales for this conclusion. Some hold that legislative privilege does not apply to communications with third parties at all. *See, e.g.*, *League of Women Voters of Mich. v. Johnson*, No. 17-14148, 2018 WL 2335805, at *6 (E.D. Mich. May 23, 2018) ("Communications between legislators or staff members and third parties consulted during the redistricting process are not protected by the legislative privilege."); *Bethune-Hill v. Va. State Bd. of Elections*, 114 F. Supp. 3d 323, 343 (E.D. Va. 2015) ("a conversation between legislators and knowledgeable outsiders, such as lobbyists, to mark up legislation is a session for which no one could seriously claim privilege"); *Page v. Virginia State Bd. Of Elections,* 15 F. Supp. 3d 657, 664 (E.D.V.A. 2014) ("a legislative consultant and independent contractor paid by a political group . . . has no grounds to claim . . . that he should be treated as a legislative alter ego and extended the benefit of legislative privilege"); *Favors v. Cuomo*, 285 F.R.D. 187, 212 (E.D.N.Y. 2012) ("communications with 'knowledgeable outsiders'—e.g., lobbyists—fall outside the privilege").

Other courts hold that legislators waive any privilege that might have existed when they communicate with a third party. *See, e.g.*, *La Union Del Pueblo Entero v. Abbott,* No. 21-cv-844, 2022 WL 1667687, at *3 (W.D. Tex. May 25, 2022) ("the legislative privilege was waived when the State Legislators communicated with parties outside the legislature, such as party leaders and lobbyists"); *Jackson Mun. Airport Auth. v. Bryant*, No. 16-cv-246, 2017 WL 6520967, at *7 (S.D. Miss. Dec. 19, 2017) ("courts have also found that a legislator waives legislative privilege with regard to any document he shares with a third party"); *Perez v. Perry*, 2014 WL 106927, at *2 (W.D. Tex. Jan. 8, 2014) ("[t]o the extent . . . that any legislator, legislative aide, or staff member had conversations or communications with any outsider (e.g. party representatives, non-legislators, or non-legislative staff), any privilege is waived as to the contents of those specific communications").

Under either rationale, legislators "cannot cloak conversations with executive-branch officials, lobbyists, and other interested outsiders in *their* privilege." *League of United Latin Am. Citizens v. Abbott*, No. 21-cv-299, 2022 WL 2921793, at *4 (W.D. Tex. July 25, 2022) (emphasis added). It would not make sense for a privilege designed to protect deliberation among lawmakers to extend to communications with third parties when those outsiders "could not vote for or against [legislation], nor did they work for someone who could." *Comm. for a Fair & Balanced Map v. Illinois State Bd. of Elections*, No. 11-cv-5065, 2011 WL 4837508, at *10 (N.D. Ill. Oct. 12, 2011).

B. The Outlier Decisions The Legislators Rely On Are Not Persuasive.

In opposition to the weight of authority, one court in the District of Arizona has extended legislative privilege to communications with third parties. *Puente Arizona v. Arpaio*, 314 F.R.D. 664 (D. Ariz. 2016). However, for three reasons, *Puente Arizona*'s reasoning is unpersuasive, and multiple courts have declined to follow it in recent years.

First, in holding that state legislators' communications with third parties were covered by legislative privilege, the *Puente Arizona* court incorrectly relied on two decisions that address the Speech and Debate Clause of the *federal* constitution. In one, the

Ninth Circuit held that a U.S. congressman could invoke the Speech and Debate Clause to avoid answering deposition questions about his source for an article he had introduced into the Congressional Record. *Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 530-31 (9th Cir. 1983). In the other, the court held that "a Member's gathering of information beyond the formal investigative setting is protected by the Speech or Debate Clause so long as the information is acquired in connection with or in aid of an activity that qualifies as 'legislative' in nature." *Jewish War Veterans of the U.S. of Am., Inc. v. Gates*, 506 F. Supp. 2d 30, 57 (D.D.C.2007). By its terms, however, the Speech and Debate Clause does not apply to state legislators. These cases therefore do not support a similar privilege in the state legislator context.

Doctrine confirms this textual point. As a three-judge panel in this district has explained, the Supreme Court has "refused 'to recognize an evidentiary privilege similar in scope to the Federal Speech or Debate Clause for state legislators.'" *Harris v. Arizona Indep. Redistricting Comm'n*, 993 F. Supp. 2d 1042, 1069 (D. Ariz. 2014), *aff'd*, 578 U.S. 253 (2016) (quoting *Gillock*, 445 U.S. at 366). That is because federal courts' potential intrusion on state legislatures "is not on the same constitutional footing with the interference of one branch of the Federal Government in the affairs of a coequal branch." *Gillock*, 445 U.S. at 370; *see also In re Grand Jury*, 821 F.2d 946, 948 (3d Cir. 1987) (reasoning that, for state legislators, no interest "justifies a qualified privilege for the full range of legislative activities normally protected by the Speech or Debate Clause"). As several courts have recognized, *Puente Arizona*'s reliance on *Miller* and *Jewish War Veterans* in the state legislative privilege context was error. *See La Union Del Pueblo Entero*, 2022 WL 1667687 at *3-4; *Jackson Mun. Airport Auth.*, 2017 WL 6520967, at *7.

Second, the *Puente Arizona* court incorrectly concluded that *Rodriguez v. Pataki*, 280 F. Supp. 2d 89 (S.D.N.Y. 2003), was "abrogated" by *Almonte v. City of Long Beach*,

478 F.3d 100 (2d Cir. 2007).[2] *See* 314 F.R.D. at 670. Again, this was error. The mistake resulted from conflating legislative *immunity* and legislative *privilege*, which are different doctrines. As the *Rodriguez* court itself explained:

> Legislative immunity entitles a state legislator, in an appropriate case, to the dismissal of all of the claims against him or her in the complaint, much as judicial immunity entitles judges to the dismissal of suits against them arising out of the performance of their judicial functions. Legislative privilege, on the other hand, is not absolute. Thus, courts have indicated that, notwithstanding their immunity from suit, legislators may, at times, be called upon to produce documents or testify at depositions.

Rodriguez, 280 F. Supp. 2d at 95. Ironically, one of the decisions that the legislators rely on recognizes this difference as well. *See League of Women Voters of Fla., Inc. v. Lee*, 340 F.R.D. 446, 453 (N.D. Fla. 2021) ("[L]egislative immunity shields legislators from direct liability for actions taken during legislative proceedings; legislative privilege shields legislators from indirect liability through the costs of litigation.").

The decision in *Almonte* addressed only legislative *immunity* from suit under § 1983 and did not mention *Rodriguez* or legislative privilege. Thus, *Almonte* "does not … appear to have abrogated *Rodriguez*" and "no other opinion" besides *Puente Arizona* has "held similarly." *Jackson Mun. Airport Auth.*, 2017 WL 6520967, at *8 & n.9; *see also La Union Del Pueblo Entero*, 2022 WL 1667687, at *5 (recognizing "legislative immunity and legislative privilege are distinct concepts"). Indeed, after *Almonte*, *Rodriguez*'s holding that conversations between legislators and outsiders are not privileged from discovery continues to be cited by courts in the Second Circuit and this Circuit. *See Harris*, 993 F. Supp. 2d at 1070-71; *Favors*, 285 F.R.D. at 212.

Third, *Puente Arizona* did not recognize the tension between its holding that legislators could retain privilege over communications with third parties and the general rules of waiver. *See Comm. for a Fair & Balanced Map*, 2011 WL 4837508, at *10 ("As with any privilege, the legislative privilege can be waived when the parties holding the

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[2] In *Rodriguez*, the court held that "a conversation between legislators and knowledgeable outsiders, such as lobbyists" is "a session for which no one could seriously claim privilege." 280 F. Supp. 2d at 101.

privilege share their communications with an outsider."). The court acknowledged that legislative privilege can be waived when "purportedly privileged communications are shared with outsiders," *Puente Arizona*, 314 F.R.D. at 671, but nowhere addressed how some communications with those same outsiders could nonetheless be privileged.

The other case the legislators cited in their joint statement, *League of Women Voters*, is similarly unpersuasive. The district court in that case acknowledged ample contrary authority outside the Eleventh Circuit. *See* 340 F.R.D. at 454. It also followed an Alabama case, *Thompson v. Merrill*, No. 16-cv-783, 2020 WL 2545317 (M.D. Ala. May 19, 2020), that has itself been discredited. *Thompson* relied on *In re Hubbard*, 803 F.3d 1298 (11th Cir. 2015), which courts have recognized is "inconsistent" with the "apparent majority view . . . of the legislative privilege as a limited, qualified privilege." *La Union Del Pueblo Entero*, 2022 WL 1667687, at *4 (distinguishing *Thompson* and quoting *Jackson Mun. Airport Auth.*, 2017 WL 6520967, at *9). In sum, the decisions the legislators rely on are outlier decisions. None provides a good reason to depart from the rule that state legislative privilege does not extend to communications with third parties.

II. PLAINTIFFS OVERCOME THE CLAIM OF LEGISLATIVE PRIVILEGE OVER THE REMAINING DOCUMENTS

Plaintiffs are also entitled to the production of the approximately 157 documents on the legislators' privilege logs that were not shared with third parties. State legislative privilege is a qualified privilege. *See In re Grand Jury*, 821 F.2d at 957 ("*Gillock* instructs us that any such privilege must be qualified, not absolute."); *Harris v. Arizona Indep. Redistricting Comm'n*, 993 F. Supp. 2d at 1069 ("State legislators do not have an absolute right to refuse deposition or discovery requests in connection with their legislative acts."). Thus, state legislative privilege must give way when "important federal interests are at stake." *Gillock*, 445 U.S. 360, 373 (1980). Application of the privilege "depend[s] on a balancing of the legitimate interests on both sides," *In re Grand Jury*, 821 F.2d at 957, and "should surrender when opposed by significant countervailing interests," *Tohono O'odham Nation v. Ducey*, No. 15-cv-1135, 2016 WL 3402391, at *6 (D. Ariz. June 21, 2016).

In determining whether federal interests outweigh a claim of legislative privilege, courts generally apply a five-factor test: "(i) the relevance of the evidence sought to be protected; (ii) the availability of other evidence; (iii) the seriousness of the litigation and the issues involved; (iv) the role of the government in the litigation; and (v) the possibility of future timidity by government employees who will be forced to recognize that their secrets are violable." *La Union Del Pueblo Entero*, 2022 WL 1667687 at *6 (internal quotation marks omitted). Altogether, these factors weigh in favor of disclosure of the documents the Arizona legislators have withheld.

First, the evidence Plaintiffs seek is highly relevant. The legislature's decision-making process behind S.B. 1485 is at the crux of Plaintiffs' claim of intentional discrimination under *Arlington Heights*. *Cf. Harris v. Arizona Indep. Redistricting Comm'n*, 993 F. Supp. 2d at 1070 ("Because what motivated the Commission to deviate from equal district populations is at the heart of this litigation, evidence bearing on what justifies these deviations is highly relevant."); *Bethune-Hill*, 114 F. Supp. 3d at 339 ("Any documents containing the opinions and subjective beliefs of legislators or their key advisors would be relevant to the broader inquiry into legislative intent."). As this Court has already recognized, contemporaneous statements by legislators are clearly relevant to Plaintiffs' intentional discrimination claim, and any communications evidencing discriminatory intent would be "highly relevant to the *Arlington Heights* analysis." ECF No. 184, at 23 (quoting *Arce v. Douglas,* 793 F.3d 968, 979 n.5 (9th Cir. 2015)); *see also* ECF No. 154, at 55-57 (noting that legislators' statements can be "probative" under *Arlington Heights* and ultimately concluding that Representative Kavanagh's statement "provides plausible support for Plaintiffs' overall claim); ECF No. 184, at 18-19 (rejecting argument that individual legislators' statements are irrelevant).

Second, direct evidence of legislative intent is not otherwise available, "given the practical reality that officials 'seldom, if ever, announce on the record that they are pursuing a particular course of action because of their desire to discriminate against a racial minority.'" *Veasey v. Perry*, No. 13-cv-193, 2014 WL 1340077, at *2 (S.D. Tex. Apr. 3,

2014) (quoting *Smith v. Town of Clarkton*, *N.C.*, 682 F.2d 1055, 1064 (4th Cir. 1982)); *see La Union Del Pueblo Entero*, 2022 WL 1667687 at *6 (concluding that this factor weighs in favor of disclosure for the same reason). "The real proof is what was in the contemporaneous record," and the only way to obtain that direct evidence is through legislators' contemporaneous communications. *Bethune-Hill*, 114 F. Supp. 3d at 341 (concluding that this factor weighs in favor of disclosure).

Here, of course, there is evidence that some legislators pursued S.B. 1485 out of a desire to ensure only "quality" voters could access the franchise—evidence that the Court held supported an inference that the law was motivated by a constitutionally impermissible purpose. ECF No. 154, at 56 (noting that these remarks "could be viewed" as justifying the challenged legislation with "the discriminatory trope that minorities are uneducated voters"). But that unusual feature only highlights why it is critical that the legislators produce their communications and documents, so that Plaintiffs can explore the basis for that statement and place it in context with other relevant information.

In their joint statement, the legislators assert that Plaintiffs do not need the disputed documents because public legislative history materials are already available. But as this Court previously recognized, "most of the relevant facts . . . about the purposes animating . . . SB 1485 are possessed solely by the State, its counties, and other governmental actors," and discovery is needed to "illuminate those purposes." ECF No. 154, at 57 (quoting Statement of Interest of the United States, ECF No. 78, at 15). The mere fact that legislators' communications "may not be the only evidence" that would allow Plaintiffs to prove their discriminatory intent claim does not lessen Plaintiffs' need for this unique source of direct evidence. *Veasey*, 2014 WL 1340077, at *3; *see La Union Del Pueblo Entero*, 2022 WL 1667687 at *6 (holding this factor supported disclosure despite existence of other evidence); *Bethune-Hill*, 114 F. Supp.3d at 341 (same).

Third, this litigation involves equal access to the fundamental right to vote, a right that is "preservative of all other rights." *Yick Wo v. Hopkins,* 118 U.S. 356, 370 (1886). "Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry*

v. Sanders, 376 U.S. 1, 17 (1964); *cf. Harris*, 993 F. Supp. 2d at 1070 ("The federal government has a strong interest in securing the equal protection of voting rights guaranteed by the Constitution, an interest that can require the comity interests underlying legislative privilege to yield."). The foundational federal right that Plaintiffs seek to protect supports overcoming the legislators' qualified privilege here.

Fourth, the legislature's "direct role in the litigation supports overcoming the privilege." *Favors*, 285 F.R.D. at 220; *see La Union Del Pueblo Entero*, 2022 WL 1667687 at *6; *Bethune-Hill*, 114 F. Supp. 3d at 341 ("[T]he decision-making process remains at the core of the plaintiffs' claims … and the legislature's direct role in the litigation supports overcoming the privilege.") (quoting *Favors*, 285 F.R.D. at 220).

Fifth, the last factor recognizes the purpose behind the privilege, but there is no reason to believe that disclosure of the limited documents in dispute will chill legislative deliberation. Moreover, "where important federal interests are at stake," the "principle of comity, which undergirds the protection of legislative independence, yields." *Benisek v. Lamone*, 263 F. Supp. 3d 551, 555 (D. Md. 2017), *aff'd*, 241 F. Supp. 3d 566 (D. Md. 2017) (three-judge panel, quoting *Gillock*, 445 U.S. at 373); *see La Union Del Pueblo Entero*, 2022 WL 1667687 at *7. Speculative harm to legislative candor cannot prevail when every other factor supports disclosure, nor should concern over preserving a candid exchange of ideas protect communications revealing an unconstitutional intent behind a legislative enactment.

Considered as a whole, the five factors support the need for disclosure in this case. Any concerns about chilling legislative communications are "outweighed by the highly relevant and potentially unique nature of the evidence," in this case concerning the equal right to vote. *Baldus v. Brennan*, No. 11-cv-562, 2011 WL 6122542, at *2 (E.D. Wis. Dec. 8, 2011). When Plaintiffs seek crucial information directly relevant to claims vindicating federal voting rights, and the legislature's decision-making process is at the heart of the case, courts have recognized that state legislative privilege must yield and have ordered disclosure of at least some documents. *See, e.g., Benisek*, 241 F. Supp. 3d at 576-77;

Bethune-Hill, 114 F. Supp. 3d at 342-43; *La Union Del Pueblo Entero*, 2022 WL 1667687 at *7; *League of Women Voters of Michigan*, 2018 WL 2335805 at *5; *Baldus,* 2011 WL 6122542 at *2; *Rodriguez*, 280 F. Supp. 2d at 102-03. That is precisely the situation here. And in these specific circumstances, federal courts' duty to protect federal rights takes precedence over any concern for the prerogatives of state legislators. Plaintiffs overcome the Arizona legislators' claims of privilege.[3]

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order to compel the Arizona legislators to produce the documents they have withheld under legislative privilege.

Dated: March 14, 2023

Respectfully submitted,

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[3] At a minimum, if the Court is hesitant to conclude that legislative privilege is outweighed, it should review the withheld documents *in camera* to weigh the legislature's interests against the weighty federal interests on an individualized basis. *See Favors,* 285 F.R.D. at 220 (taking this approach). The legislators' assertions of privilege over all of the withheld documents are not enough to stand in the way of Plaintiffs' need for unique evidence centrally relevant to their claim regarding the equal right to vote.

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, a copy of the foregoing **PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM NON-PARTY ARIZONA LEGISLATORS PURSUANT TO FED. R. CIV. P. 37 AND 45** was filed electronically with the Arizona District Court Clerk's Office using the CM/ECF System for filing, which will provide a Notice of Electronic Filing to all CM/ECF registrants, and was served via e-mail on the following recipients:

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