



**I. PLAINTIFFS HAVE NOT RESPONDED TO THE CAREFULLY CIRCUMSCRIBED DISCOVERY REQUESTS AT ISSUE**

Two business days after this Court's order unconditionally granting Representative Van Hollen's motion to intervene, counsel transmitted Intervenor's sole discovery requests to Plaintiffs. (*See* Ex. 1 at 9; Ex. 2 at 8.)<sup>1</sup> Ignoring a request for expedition in light of the Court's briefing schedule,<sup>2</sup> (Ex. 1 at 1-2; Ex. 2 at 1), Plaintiffs stated that they would respond in accordance with all applicable local and federal rules—that is on March 25, 2009,<sup>3</sup> approximately two weeks after the oppositions to Plaintiffs' motion for summary judgment were due. (Ex. 3 (Declaration of Lauren E. Baer) ¶¶ 4, 5.)<sup>4</sup> On March 9, 2009, counsel sent a letter to Plaintiffs reminding them of their "obligation to respond to all pending discovery requests in accordance with the Federal Rules of Civil Procedure." (*Id.* ¶ 2, Ex. A.)

On March 16, 2009, however, Plaintiffs requested an extension beyond March 25, explaining that responding to discovery would divert them from preparing their summary judgment reply brief, which was due on March 24. (*Id.* ¶ 3, Ex. B.) Counsel accommodated

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<sup>1</sup> The First Set of Discovery Requests to Plaintiff Republican National Committee consists of eleven requests for production. (*See* Ex. 1.) The First Set of Discovery Requests to Plaintiffs California Republican Party and Republican Party of San Diego consists of eight requests for production. (*See* Ex. 2.) Pursuant to Local Rule 26.2(d), the requests at issue in this motion to compel, (RNC RFP Nos. 1-11; CRP/SDRP RFP Nos. 1-8), are identified and quoted in full—with Plaintiffs' respective objections and responses—in the attached Appendix.

<sup>2</sup> Counsel had requested that Plaintiffs respond before the deposition of the RNC's Rule 30(b)(6) designee, which had been scheduled for March 3, 2009. (Ex. 1 at 1-2.)

<sup>3</sup> Federal Rule of Civil Procedure 34(b)(2) sets a 30-day deadline for responses to discovery requests.

<sup>4</sup> In a March 5, 2009 telephone conversation, counsel for Plaintiffs represented to counsel for Intervenor that Plaintiffs (1) saw no need to respond to the discovery requests after the March 9, 2009 deadline for the oppositions to Plaintiffs' motions for summary judgment, and (2) had no intention of responding to the discovery requests before March 9, 2009. (Ex. 3 ¶ 6.) Counsel for Plaintiffs did not indicate that Plaintiffs would seek a protective order deferring discovery.

Plaintiffs by agreeing to extend the production deadline to the earlier of March 30 or five business days before oral argument, which at that point had not been scheduled. (*Id.*)

Plaintiffs now take the position that, having responded to the Federal Election Commission (“FEC”)’s discovery, they need not respond to Intervenor’s discovery requests to the extent that those requests differ from the FEC’s.<sup>5</sup> (App., RNC RFP Nos. 1-4, 6-8, 10-11; CRP/SDRP RFP Nos. 1-8.) Plaintiffs have also filed a Motion for a Protective Order Deferring Discovery, arguing that they should not have to comply with their discovery obligations at this time because “the Court’s resolution of the dispositive motions could render these requests irrelevant” and “any further discovery prior to the resolution of the dispositive motions imposes a higher burden upon the Plaintiffs than any possible benefit to the defendants.” (Mot. for Protective Order Deferring Disc. at 2.)

Plaintiffs do not—and cannot—rely on any Order of this Court in these proceedings,<sup>6</sup> any provision of the Federal Rules of Civil Procedure, or any applicable precedent for the proposition that, after having sought an extension to respond to Intervenor’s modest discovery requests, they may arrogate to themselves the right, in effect, to ignore those requests. Nor, as shown below,

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<sup>5</sup> Plaintiffs produced documents in response to only two requests—numbers 5 and 9 of Intervenor’s request for production to the RNC. In each case, Plaintiffs reproduced documents that had already been produced to the FEC. (*See* App., RNC RFP Nos. 5, 9). Plaintiffs’ objection at issue, which Plaintiffs repeat verbatim in response to each request for production, states: “The RNC [or Plaintiffs] objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC [or Plaintiffs] will respond only to those requests that overlap with the discovery already requested by the FEC.” (*See* App., RNC RFP Nos. 1-11; CRP/SDRP RFP Nos. 1-8).

<sup>6</sup> This Court’s scheduling order does not establish a deadline for the completion of discovery. (*See* Dec. 22, 2008 Scheduling Order.) Moreover, in granting intervention without conditions, this Court implicitly rejected Plaintiffs’ contention that “Van Hollen should not be permitted to conduct any discovery of Plaintiffs.” (*See* Pls’ Mem. in Opp. to Rep. Van Hollen’s Mot. to Intervene at 5.)

can Plaintiffs establish that the requests at issue are beyond the scope of appropriate discovery, unduly burdensome, or in tension with the First Amendment.

**II. THE REQUESTED DOCUMENTS MAY BE RELEVANT TO PLAINTIFFS' CENTRAL FACTUAL ALLEGATIONS**

The discovery requests, which are limited in scope, are relevant to assessing the scope and plausibility of Plaintiffs' factual contentions. As explained in the opposition to Plaintiffs' motion for summary judgment, the Supreme Court's decision in *McConnell v. FEC*, 540 U.S. 93 (2003), renders Plaintiffs' factual contentions as to their intended future activities, fundraising, and provision of preferential access to soft-money donors irrelevant to the constitutionality of Title I. (*See, e.g.*, Rep. Van Hollen's Mem. in Opp. to Pls' Mot. for Summ. J. at 30 ("As Congress and the Supreme Court have common-sensically found, federal officeholders and candidates will predictably listen harder to donors who have made large soft money contributions to their parties . . . . Accordingly, it does not matter that the RNC promises to confer on soft money donors no greater benefits than hard money donors are currently afforded."); *see also id.* at 30 n.25 ("It is likewise irrelevant that the RNC promises not to respond to donor requests for one-on-one meetings with officeholders and candidates.")).

In opposing summary judgment, however, Intevenor is also entitled to test Plaintiffs' factual assertions that are relevant to Plaintiffs' *own* legal theory, even if that theory is legally flawed. In support of their motion for summary judgment, Plaintiffs submitted a declaration by a former RNC officer stating, in relevant part:

The RNC will not aid contributors to any of the accounts in obtaining preferential access to federal candidates or officeholders. For example, the RNC will not, in any manner different than or beyond that currently afforded to contributors of federal funds, (1) encourage officeholders or candidates to meet with or have other contact with contributors to these accounts, (2) arrange for contributors to participate in conference calls with federal candidates or officeholders, or (3) offer access to federal

officeholders or candidates in exchange for contributions. Furthermore, the RNC will not use any federal candidates or officeholders to solicit funds for any of the Accounts.

(Pls' Mot. for Summ. J., Ex. 1 ¶ 19.) In addition, Plaintiffs submitted a declaration by the former Chairman of the RNC, Robert M. Duncan,<sup>7</sup> stating that he "will not provide any donor who gives funds in response to the [proposed soft-money] solicitations with any preferential access to any federal candidate or officeholder." (Pls' Mot. for Summ. J., Ex. 2 ¶ 6.)

On Plaintiffs' theory of the case, whether *McConnell's* holding applies to their circumstances turns on, among other things, what constitutes "preferential access" and the level of access "currently afforded to contributors of federal funds." (Pls' Mot. for Summ. J., Ex. 1 ¶ 19.) It also turns on the plausibility of Plaintiffs' commitments in light of the internal structure and practices of the RNC, CRP, and SDRP. Accordingly, these matters, which Plaintiffs have put in dispute, may be relevant and therefore are a proper subject of focused discovery. *See* Fed. R. Civ. P. 26(b)(1).

The discovery requests at issue focus on these points. They seek information pertaining exclusively to: (1) the record-keeping and sharing of information about major donors (and targeted soft-money spending) among the RNC, federal candidates and officeholders, and the state and local parties (App., RNC RFP Nos. 1-3); (2) the participation of federal candidates and officeholders in the RNC's fundraising operations (App., RNC RFP Nos. 4, 10); (3) the RNC's peddling of access to contributors in exchange for large donations (App., RNC RFP Nos. 5-7, 9-

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<sup>7</sup> The RNC has recently filed a motion to amend the Complaint and submit a declaration by the RNC's current Chairman, Michael Steele, in substitution of the declaration of its former Chairman. The proposed declaration is identical to the declaration previously submitted by Robert M. Duncan in all material respects. (Pls' Mot. for Leave to Amend, Ex. 2 ¶ 6.)

10); and (4) the involvement of federal candidates and officeholders in the planning and funding of the RNC's proposed activities (App., RNC RFP No. 8).<sup>8</sup>

Furthermore, the discovery requests are carefully limited to the factual contentions on which Plaintiffs rely most strenuously. In seeking to overcome the preclusive effect of *McConnell*, and prove that this case “presents a markably different factual record,” Plaintiffs point to “[t]he absence of federal candidates and officeholders in fundraising, the elimination of preferential access given to large donors, and the manner in which the RNC intends to solicit non-federal funds and state funds.” (Pls' Mem. in Opp. to Mot. to Dis. at 14-15.)

Similarly, in their motion for summary judgment and reply memorandum, Plaintiffs purport to distinguish *McConnell* on the ground that this case does not present the “fundraising relationships and practices . . . that rendered all national party non-federal funds suspect” in *McConnell*. (Pls' Mot. In Supp. of Summ. J. at 21). As support for their purported distinction, Plaintiffs again point to their factual contentions that (1) “no federal officeholders or candidates will solicit, receive, direct, transfer, or spend non-federal/state funds[,] SUF ¶ 24”; and (2) “the RNC will not grant contributors to the Accounts at issue with any preferential access to federal officeholders or candidates . . . [by] facilitate[ing] meetings between officeholders and contributors, encourage[ing] officeholders to meet with contributors, or provid[ing] any other opportunities for access, different than or beyond that provided to contributors of federal funds.” (*Id.* at 23; *see also* Pls' Reply Mem. in Supp. of Summ. J. at 21-22 (“Plaintiffs’ intended activities . . . do not directly benefit federal candidates and . . . the RNC will not facilitate

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<sup>8</sup> The discovery requests directed to the CRP and SDRP are analogous in content and narrower in scope. (*See* App., CRP/SDRP RFP Nos. 1-8.)

preferential access to federal candidates or officeholders. . . . [F]ar from [being] irrelevant, the[se] two factual assertions . . . are dispositive in this case.”.)

### III. PLAINTIFFS’ FIRST AMENDMENT, “UNDUE BURDEN,” AND VAGUENESS OBJECTIONS HAVE NO BASIS IN LAW

Contrary to Plaintiffs’ general objection, *FEC v. Wisconsin Right to Life (“WRTL II”)*, 127 S. Ct. 2652 (2007), does not justify Plaintiffs’ categorical refusal to respond to the discovery requests at issue (while responding to another party’s discovery requests). At most, *WRTL II* considered the demands of litigation as one among several factors militating in favor of an easily discernible standard for assessing the constitutionality of regulating political ads. *See id.* at 2666 & n.5. *WRTL II* did not announce a self-standing constitutional limitation on discovery in campaign finance cases, much less establish such a limitation in connection with actions brought by *political parties* seeking to challenge *contribution* regulations.

Plaintiffs’ burdensomeness objections are also unpersuasive. In its responses to the requests, the RNC asserts only one specific reason for its burdensomeness objection: that “the RNC stores its archived files in an offsite warehouse.”<sup>9</sup> (App., RNC RFP Nos. 1, 2, 4.) Plaintiffs have made no showing of any undue burden arising from this not uncommon fact.<sup>10</sup>

<sup>9</sup> To the extent that Plaintiffs generally object to individual requests as “unduly burdensome” without stating any specific reasons, such objections lack the required specificity. *See Athridge v. Aetna Cas. and Sur. Co.*, 184 F.R.D. 181, 191 (D.D.C. 1998) (“[M]erely stat[ing], in conclusory fashion, that the requests are unduly burdensome . . . is insufficient.”) (footnote omitted). Moreover, general objections incorporated in a “boilerplate ‘general objections’ section in . . . response[] to [a party’s] request for production which includes blanket objections as to relevance, burdensomeness and attorney-client privilege and work product privilege . . . do not comply with Fed. R. Civ. P. 34(b) and courts disfavor them.” *Id.* at 190.

<sup>10</sup> In their motion to defer discovery, Plaintiffs also contend that “Van Hollen requests all documents and correspondence in the care, custody, or control of a joint fundraising committee established by the RNC” and that “[t]his request seeks information from organizations not involved in this litigation.” (Mot. for Protective Order Deferring Disc. at 3.) But, in the relevant request, Intervenor seeks to obtain:

(continued)

Nor is there any basis for Plaintiffs' generalized assertion that some of the discovery requests at issue "are unduly burdensome as their broad nature alludes to countless documents." (Mot. for Protective Order Deferring Disc. at 3.) In their motion, Plaintiffs point to one request, which seeks the following production:

All documents you[, the RNC,] have created or received that (a) identify persons who attended, or were invited or scheduled to attend, a fundraising event, (b) which you[, the RNC] hosted, co-hosted, sponsored, co-sponsored, organized, or participated in organizing, and (c) which at least one federal candidate, officeholder, or executive branch official also attended or was invited or scheduled to attend.

(*Id.*; App., RNC RFP No. 4.) Of course, identifying and producing responsive documents may, as in any document production, pose *some* burden on the producing party. But such burden is not *undue* here, since Plaintiffs' theory of the case purportedly turns on "[t]he absence of federal candidates and officeholders in fundraising . . . and the manner in which the RNC intends to solicit non-federal funds and state funds." (Pls' Mem. in Opp. of Mot. to Dismiss at 14-15.)<sup>11</sup>

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All documents and correspondence *you* have created or received that relate to the consequences or benefits resulting from making aggregate contributions equal to or greater than \$20,000 to a joint fundraising committee established by you, or for which you are a committee participating in joint fundraiser, including, but not limited to, the MCCAIN-PALIN VICTORY 2008 committee.

(App., RNC RFP No. 6 (emphasis added).) Thus, the request pointedly seeks information relating only to the RNC's peddling of access in exchange for contributions to an RNC joint fundraising committee, not "all documents and correspondence" within the entity's control. (Mot. for Protective Order Deferring Disc. at 3.) Moreover, like all the requests at issue here, this request is limited to "documents . . . that are in *your* [the RNC's] possession, custody, or control, or otherwise available to *you* [the RNC]." (Ex. 1 at 2 (emphasis added).)

<sup>11</sup> Plaintiffs CRP and SDRP assert a specific burdensomeness objection, in response to Intervenor's request for production of the following:

All correspondence between you, or any person acting on your behalf, and any federal candidate, officeholder, or executive branch official, which identifies any person who made

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Plaintiffs also generally object that, as defined in the First Set of Discovery Requests, the terms “donation,” “donor,” “officeholder,” and “solicitation” are vague, overbroad and ambiguous. (Ex. 4 at 3 ¶ 7; Ex. 5 at 3 ¶ 7.) The definition of the term “donation” contained in the requests—i.e., “any direct or indirect payment, contribution, grant, loan, advance, deposit, gift, provision, or other transfer of money, services, or anything of value” (Ex. 1 at 3 ¶ 4, Ex. 2 at 3 ¶ 4)—is virtually identical to the one adopted in the FEC regulations, which define a “donation” as “a payment, gift, subscription, loan, advance, deposit, or anything of value given to a person.” 11 C.F.R. § 300.2(e).

Similarly, Plaintiffs generally object to the inclusion of “indirect” requests in the definition of “solicitation,” (Ex. 4 at 3 ¶ 7; Ex. 5 at 3 ¶ 7); yet, FEC regulations make it clear that “[a] solicitation may be made directly or indirectly.” 11 C.F.R. § 300.2(m). Nor is there anything vague, ambiguous, or overbroad about the definition of “officeholders” as “any United States Representative, United States Senator, or President or Vice President of the United States, or any person acting on behalf of any of the foregoing.” (Ex. 1 at 5 ¶ 15; Ex. 2 at 4 ¶ 14.) The only material distinction between this definition and the definition adopted by the FEC in 11 C.F.R. § 113.1(c) is the inclusion, in the requests at issue, of individuals acting “on behalf” of the elected officials. Far from being vague, ambiguous or overbroad, the inclusion of such

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contributions or donations totaling \$10,000 or more to you in a given calendar year.

(App., CRP/SDRP RFP No. 1.) Plaintiffs, however, do not assert any facts that may be relevant to the determination whether “compiling all such correspondence since 2002 is unduly burdensome.” (*Id.*) *Cf. Athridge*, 184 F.R.D. at 191 (“[M]erely stat[ing], in conclusory fashion, that the requests are unduly burdensome . . . is insufficient.”). Moreover, Plaintiffs’ Rule 30(b)(6) designees have testified that neither the CRP nor the SDRP distribute donor information to federal candidates and officeholders, which, if true, suggests that Plaintiffs should have few documents to “compil[e]” in response to this request. (Deposition of Jonathan Buettner, Feb. 24, 2009, 34:10-35:1 (Ex. 6 (excerpted)); Deposition of William Christiansen III, Feb. 24, 2009, 79:19-80:18 (Ex. 7 (excerpted)).)

individuals reflects the common sense realization that the elected officials' delegates are natural vehicles for Plaintiffs' provision of preferential access to federal officeholders in exchange for large donations.

**CONCLUSION**

For all the reasons set forth above, Representative Van Hollen respectfully requests that the Court DENY Plaintiffs' Motion for a Protective Order Deferring Discovery, GRANT Representative Van Hollen's Motion to Compel Production of Documents, and ORDER Plaintiffs to produce all documents responsive to Representative Van Hollen's discovery requests.

Dated this 9th day of April 2009.

Respectfully submitted,

/s/ Randolph D. Moss

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<p><b>Republican National Committee, <i>et al.</i>,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p style="text-align: center;">v.</p> <p><b>Federal Election Commission, <i>et al.</i>,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Civ. No. 08-1953 (BMK, RJL, RMC)</b></p> <p><b>THREE-JUDGE COURT</b></p>
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**APPENDIX**

Pursuant to Local Rule 26.2(d), the requests for production of documents (“RFP”), objections, and responses that are the subject to this motion to compel are hereby identified and quoted in full:

**First Set of Discovery Requests to Plaintiff Republican National Committee**

**[RNC RFP No.] 1.** All correspondence between you, or any person raising money on your behalf, and any federal candidate, officeholder, or executive branch official, which identifies any person who made contributions or donations totaling \$20,000 or more to you in a given calendar year.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

Furthermore, the RNC stores its archived files in an offsite warehouse. To review such documents, especially in response to an overreaching request, is unduly burdensome.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 2.** All documents you have created or received and all correspondence between you, or any person raising money on your behalf, and any federal candidate, officeholder, or executive branch official, that identify persons (a) who made contributions and/or donations to more than one Republican party organization or candidate (including nonfederal candidates) during an election cycle, and (b) whose total aggregate contributions and/or donations to such Republican party organizations during said election cycle are equal to or greater than \$20,000.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC. Furthermore, the RNC stores its archived files in an offsite warehouse. To review such documents, especially in response to an overreaching request, is unduly burdensome.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 3.** All correspondence between you and (a) the California Republican Party (“CRP”), (b) the Republican Party of San Diego (“RPSD”), or (c) any person affiliated with the CRP or RPSD, which relates to the use of non-federal funds by the CRP or RPSD in connection with an election in which both federal and nonfederal candidates appeared on the ballot.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 4.** All documents you have created or received that (a) identify persons who attended, or were invited or scheduled to attend, a fundraising event, (b) which you hosted, co-hosted, sponsored, co-sponsored, organized, or participated in organizing, and (c) which at least one federal candidate, officeholder, or executive branch official also attended or was invited or scheduled to attend.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC. Furthermore, the RNC stores its archived files in an offsite warehouse. To review such documents, especially in response to an overreaching request, is unduly burdensome.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 5.** All documents you have created or received that relate to the membership requirements or benefits—including access to federal candidates, officeholders, or executive branch officials—mentioned by you to current and prospective members of any of the following groups, or any other donor group affiliated with you:

- a. The Chairman’s Advisory Board
- b. The President’s Club
- c. Republican Eagles
- d. RNC Majority Fund
- e. Sustaining Members

f. Team 100

g. Young Eagles

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** Subject to and without waiving the objections above, the RNC produces all documents in its possession, custody and control responsive to this request. *See* RNC00058-RNC000371.

**[RNC RFP No.] 6.** All documents and correspondence you have created or received that relate to the consequences or benefits resulting from making aggregate contributions equal to or greater than \$20,000 to a joint fundraising committee established by you, or for which you are a committee participating in joint fundraiser, including, but not limited to, the MCCAIN-PALIN VICTORY 2008 committee.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

The RNC objects to this request as intrusive and irrelevant, as information about joint fundraising committees is outside the bounds of this litigation.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 7.** All correspondence between you and any federal candidate, officeholder, or executive branch official, which refers implicitly or explicitly to (a) a contribution to you, and (b) a past or future meeting or other form of contact between the federal candidate, officeholder, or executive branch official and the individual making the contribution.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 8.** All correspondence between you, or any person acting on your behalf, and any federal candidate, officeholder, or executive branch official, relating to the planning or funding of any of the activities described in ¶¶ 16-28 of the Complaint.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, the RNC has no response at this time.

**[RNC RFP No.] 9.** All documents you have created or received relating to measures you have taken, or intend to take, to ensure that you “will not aid contributors to any of the accounts in obtaining preferential access to federal candidates or officeholder,” Pls’ Stat. Undisp. Mat. Facts ¶ 24, whether or not you deem a particular type of access to be “preferential,” including, but not limited to, policy guidelines that you have created or issued during the period covered by this discovery request.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** Subject to and without waiving the objections above, the RNC produces all documents in its possession, custody and control responsive to this request. *See* RNC00047-RNC00057. The RNC has withheld two responsive documents because they are protected under the attorney-client privilege.

	Date	From	To	cc:	Privilege	Doc. Type	Description	Bates	Pgs
1	2/3/09	Counsel's Office			Attorney-Client Communication	Memo	Internal memo discussing campaign finance issues	RNC000 48-49	2

**[RNC RFP No.] 10.** All documents you have created or received that relate to measures you have taken, or intend to take, to ensure that you “will not use any federal candidates or officeholders to solicit funds for any of the Accounts,” Pls’ Stat. Undisp. Mat. Facts ¶ 24, including, but not limited to, policy guidelines that you have created or issued during the period covered by this discovery request.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, RNC has no response at this time.

**[RNC RFP No.] 11.** All documents (other than privileged communications) consulted or used in the preparation of your responses to the foregoing interrogatories, requests for admission, or document requests. Documents produced in response to other document requests are excluded from this request.

**Objection:** The RNC objects to further discovery until the dispositive motions are decided and additional briefing is required. The RNC will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** Subject to and without waiving any objection, the RNC can find no responsive documents in it’s possession, custody, or control.

**First Set of Discovery Requests to  
Plaintiffs California Republican Party and Republican Party of San Diego**

**[CRP/SDRP RFP No.] 1.** All correspondence between you, or any person acting on your behalf, and any federal candidate, officeholder, or executive branch official, which identifies any person who made contributions or donations totaling \$10,000 or more to you in a given calendar year.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC. Plaintiffs object to this request as compiling all such correspondence since 2002 is unduly burdensome.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 2.** All correspondence between you and the Republican National Committee (“RNC”), or any person affiliated with the RNC, which relates to the use of non-federal funds by you in connection with an election in which both federal and nonfederal candidates appeared on the ballot.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 3.** All documents you have created or received that (a) identify persons who attended, or were invited or scheduled to attend, a fundraising event (b) which you hosted, co-hosted, sponsored, co-sponsored, organized, or participated in organizing, and (c) which at least one federal candidate, officeholder, or executive branch official also attended or was invited or scheduled to attend.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 4.** All documents you have created or received that relate to the membership requirements or benefits—including access to federal candidates, officeholders, or executive branch officials—mentioned by you to

current and prospective members of any of the following groups, or any other donor group affiliated with you:

- a. Chairman's Council
- b. Golden Circle
- c. Leadership Circle
- d. Golden Bears
- e. Chairman's Pinnacle
- f. Chairman's Circle
- g. Reagan Club
- h. Century Club

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 5.** All documents and correspondence you have created or received that relate to the consequences or benefits resulting from making aggregate contributions equal to or greater than \$10,000 to a joint fundraising committee established by you and for which you are a committee participating in joint fundraiser, including, but not limited to, the MCCAIN-PALIN VICTORY CALIFORNIA committee.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

Plaintiffs object to this request as intrusive and irrelevant, as information about joint fundraising committees is outside the bounds of this litigation.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 6.** All correspondence between you and any federal candidate, officeholder, or executive branch official, which refers implicitly or explicitly to (a) a contribution to you, and (b) a past or future meeting or other form of contact between the federal candidate, officeholder, or executive branch official and the individual making the contribution.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 7.** All correspondence between you, or any person acting on your behalf, and any federal candidate, officeholder, or executive branch official, relating to the planning or funding of any of the activities described in ¶¶ 22-28 of the Complaint.



**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** As this request is not encompassed in discovery already completed, Plaintiffs have no response at this time.

**[CRP/SDRP RFP No.] 8.** All documents (other than privileged communications) consulted or used in the preparation of your responses to the foregoing interrogatories, request for admission, or document requests. Documents produced in response to other document requests are excluded from this request.

**Objection:** Plaintiffs object to further discovery until the dispositive motions are decided and additional briefing is required. Plaintiffs will respond only to those requests that overlap with the discovery already requested by the FEC.

**Response:** Subject to and without waiving any objection, Plaintiffs can find no responsive documents in their possession, custody, or control.