March 2, 2012

VIA ECF
Diane P. Wood, Circuit Judge
J.P. Stadtmueller, District Judge
Robert M. Dow, Jr., District Judge
United States District Court for the
Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202


Your Honors:

We write, without advocacy, to call to the Court’s attention several redistricting orders entered earlier this week by the three-judge panel in Perez, et al. v. Perry, et al., No. 5:11-cv-00360-OLG-JES-XR (W.D. Tex.). The orders, dated February 28 and March 1, 2012, involve judicially-drawn boundaries for Texas House of Representatives and U.S. House of Representative districts based, in part, on a decision under the Voting Rights Act. This Court will recall that the matter had been remanded to the three-judge panel in the Western District of Texas by a January 20, 2012 order of the U.S. Supreme Court. See Perez, et al. v. Perez, et al., ___ U.S. ___, 132 S. Ct. 934, Nos. 11-713, 11-714, 11-715 (Jan. 20, 2012).

The three-judge panel’s February 28th orders adopting new districts note that an explanatory opinion will be forthcoming. In two companion orders issued on February 28th and March 1st, the three-judge panel also established new election dates, election-related deadlines, and interim party convention process rules.

Very truly yours,

GODFREY & KAHN, S.C.

Douglas M. Poland

cc: Maria Lazar (by ECF)
    Patrick Hodan (by ECF)
    Daniel Kelly (by ECF)
    Peter Earle (by ECF)
    P. Scott Hassett (by ECF)
    Thomas L. Shriner, Jr. (by ECF)
March 1, 2012

BY HAND DELIVERY
Eric M. McLeod
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
Madison, WI 53703

Baldus et al. v. Brennan et al.
U.S. Eastern District of Wisconsin Case No. 11-CV-562

Dear Eric:

We received by ECF last Friday, February 24th, your personal certification that the production of documents by the legislature in response to our subpoenas and the Court’s serial orders was, without exception, complete and comprehensive. Late yesterday, however, we became aware of the attached document. The original email appears to have been sent from Sen. Fitzgerald to Tad Ottman on January 20, 2011. Sen. Fitzgerald appears to have forwarded to Mr. Ottman an email notification that he had received from the American Legislative Executive Council (“ALEC”) regarding a conference call to discuss redistricting.

As you know, our subpoena to Mr. Ottman contained a series of broad document production requests, several of which covered the production of this email. We do not recall seeing this email among the documents that were produced in response to the subpoena or to the Court’s orders. If it was produced, please identify the production in which it was included. If it was not produced, please provide us with an explanation.

We look forward to your written response.

GODFREY & KAHN, S.C.

[Signature]

Douglas M. Poland

DMP:mem
Enc.

cc: Maria Lazar (By Hand Delivery)
Patrick Hodan (By Hand Delivery)
Daniel Kelly (By Hand Delivery)
Peter Earle (By E-mail and U.S. Mail)
ALEC's Public Safety and Elections Task Force is pleased to announce its Redistricting Working Group, chaired by Rep. Paul Ray, UT. The Working Group will host a conference call on the potential legal issues of Redistricting, as well as the software available to help make the process easier.

Call date/time: January 27, 1 PM – 2 PM EST. All ALEC members are invited to call-in.

Speakers: Rep. Paul Ray, UT (ALEC, Public Sector Subcommittee Chair), Mr. Mark Braden (Baker Hostetler), and Mr. Richard Leadbeater (ESRI).

Thursday, January 27, 2011
1 pm – 2 pm EST
Conference Line: (712) 432-0075
Passcode: 448313

Please RSVP to cobrien@alec.org by Wednesday, January 26.