

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

CHRISTINE JENNINGS, nominee of the
Democratic Party for Representative in Congress
From the State of Florida's Thirteenth Congressional
District, *Plaintiff*,

v.

Case No.: 2006 CA 2973

**ELECTIONS CANVASSING COMMISSION OF
THE STATE OF FLORIDA**, *et al.*, *Defendants*.

ELLEN FEDDER, *et al.*, *Plaintiffs*,

v.

Case No. 2006 CA 2996
(consolidated)

**FLORIDA ELECTIONS CANVASSING
COMMISSION**, *et al.*, *Defendants*.

**NOTICE OF SERVING STATE DEFENDANTS'
FIRST SET OF INTERROGATORIES TO EACH FEDDER PLAINTIFF**

Defendants, Elections Canvassing Commission of the State of Florida, Sue M. Cobb, Secretary of State of the State of Florida, and Dawn K. Roberts, Director of the Division of Elections, ("State Defendants"), pursuant to Florida Rule of Civil Procedure 1.340, propounds the following Interrogatories to each of the Fedder Plaintiffs, Ellen Fedder, Lance Jones, Ernest Lasche, Barbara Klein, Lois Harnes, John Minder, Dovie Murray, John McBride, Susan Gaar, Gary Lamer, and Charles Clifton, to be answered fully, in writing and under oath, within thirty (30) days from the date of service.

When answering the following Interrogatories, please refer to Schedule "A" attached hereto.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile or Electronic Transmission this 5 day of Dec, 2006, to the following:

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SCHEDULE "A" TO INTERROGATORIES

DEFINITIONS AND INSTRUCTIONS

These instructions and definitions pertain to the Interrogatories immediately following.

1. **"Plaintiff"** means each of the Fedder Plaintiffs: Ellen Fedder, Lance Jones, Ernest Lasche, Barbara Klein, Lois Harmes, John Minder, Dovie Murray, John McBride, Susan Gaar, Gary Lamer, and Charles Clifton, and their respective employees, agents, and attorneys.
2. The word **"person(s)"** means any natural person, individual, entity, including but not limited to, joint owners, companies, partnerships, joint ventures, corporations, trusts, estates, limited partnerships, associations, proprietorships, firms, other business enterprises, or government bodies.
3. The word **"document(s)"** means all written, recorded or graphic matter, however produced or reproduced, pertaining in any manner to the subject matter indicated and including without limiting the generality of the foregoing, all originals, copies and drafts of all correspondence, office memoranda, memoranda of telephone conversations, telegraphs, messages, contracts, studies, cancelled checks, graphs, photographs, releases, newspaper or magazine articles, books, financial statements, ledgers, transcripts, affidavits, tapes, tape recordings and phonograph records, whether originals, and all non-identical copies, or drafts, however produced or reproduced.
4. **"Communication"** means any oral statement or writing.
5. As used herein, the singular and masculine form of noun or pronoun shall embrace, and be read and applied as the plural or the feminine or neuter, as circumstances may make appropriate.
6. As used herein, the terms **"relating, related to or referring to"** shall mean referring to, reflecting, regarding, discussing, constituting, supporting and/or evidencing.
7. The word **"identify"** when used with respect to a person means:
 - A. State the full name, present address, and telephone number of said person;
 - B. State the full name, address and telephone number of each of his employers, each corporation of which he is an officer or director, and each business in which he is a principal.
8. The word **"identify"** when used with respect to a document means:
 - A. Describe document by date and subject matter;

- B. Identify the person or persons that authored, wrote, signed, initialed, dictated, or otherwise participated in the creation of document; and
 - C. Identify the name, address, and telephone number of the person who has custody of the document.
9. The word **“identify”** when used with respect to an act, occurrence, statement, event or conduct, means to describe the substance of such act, occurrence, statement, event or conduct; the date of occurrence; the identity of and every person participating in such act, occurrence, statement, event or conduct, whether any minutes, notes memoranda or any other writing or recordation exists regarding such act, occurrence, statement, event or conduct; and identify the person or persons who presently have custody of said recordation or writing.
10. If all the information furnished in answer to all or any part of an interrogatory is not within the personal knowledge of the affiant, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the affiant any part of the information furnished.
11. If the answer to all or any part of the interrogatory is not presently known or available, include a statement to that effect and furnish the information known or available and in response to the entire interrogatory by supplemental answer in writing, and under oath, within three (3) days from the time the entire answer becomes known or available.
12. **“You”** or **“your”** means and refers to each of the Fedder Plaintiffs: Ellen Fedder, Lance Jones, Ernest Lasche, Barbara Klein, Lois Harmes, John Minder, Dovie Murray, John McBride, Susan Gaar, Gary Lamer, and Charles Clifton. Each reference to **“you”** or **“your”** should be understood to include your attorneys (but excluding privileged communications), and any investigator, agent, representative or employee of you or your attorneys, and also any person under the control of you or your attorneys.

INTERROGATORIES

1. What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

RESPONSE:

2. List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this action; and specify the subject matter about which the witness has knowledge.

RESPONSE:

3. Have you heard or do you know about any statement or remark made by or on behalf of any party to this action, other than yourself, concerning any issue in this action? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

RESPONSE:

4. Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

RESPONSE:

5. Identify all facts, persons and documents which support the allegation in paragraph 41 of your Complaint that "[w]hen the Secretary of State certified the iVotronic, it was widely known among Florida elections officials that key components of ES&S voting systems suffered from serious defects and had experienced serious failures in multiple elections in multiple jurisdictions."

RESPONSE:

6. Identify all facts, persons and documents which support the allegation in paragraph 41 of your complaint that "ES&S systems in other states were known to have lost votes and attributed votes to the wrong candidates."

RESPONSE:

7. Identify all facts, persons and documents which support the allegation in paragraph 42 of your Complaint that in certifying the iVotronic, the former Secretary of State "[d]isregard[ed] these warnings concerning the reliability and trustworthiness of ES&S voting systems."

RESPONSE:

8. Identify all facts, persons and documents which support the allegation in paragraph 42 of your Complaint that the former Secretary of State "substantially fail[ed] to comply with the statutory requirements for electronic voting system certification."

RESPONSE:

9. Identify all facts, persons and documents which support the allegation in paragraph 42 of your Complaint that the former Secretary of State's alleged noncompliance with the statutory requirements for electronic voting system certification "left uncorrected a defect or defects in the hardware, firmware and/or software of the iVotronic voting machines."

RESPONSE:

10. Identify all facts, persons and documents which support the allegation in paragraph 42 of your Complaint that "a defect or defects in the hardware, firmware and/or software of the iVotronic voting machines ... caused the certified results of the 13th Congressional District election to include false, grossly excessive undervote figures."

RESPONSE:

11. Do you contend that "a defect or defects in the hardware, firmware and/or software of the iVotronic voting machines" was responsible for all undervotes in the 13th Congressional District election?

(a) If your answer is "yes," please identify all facts, persons and documents which account for any such undervote attributable to such a defect.

(b) If your answer is "no," please identify any undervotes you believe are attributable to such a defect, and identify all facts, persons and documents to support that number.

RESPONSE:

12. Describe your voting experience for the November 7, 2006 general election, identifying the precinct at which you voted, whether you voted on November 7, or during the early voting period, all races for which you voted or intended to vote, all races for which you intentionally undervoted, the specific difficulties you had in using the iVotronic voting system and whether you reported your difficulties to poll workers or asked for assistance.

RESPONSE:

13. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and, if so, state whether you were plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.

RESPONSE:

14. Were you suffering from physical infirmity, disability, or sickness at the time you voted in the November, 2006 general election? If so, what was the nature of the infirmity, disability or sickness?

RESPONSE:

15. Do you wear glasses, contact lenses, or hearing aids? If so, who prescribed them, when were they prescribed, when were your eyes or ears last examined, and what is the name and address of the examiner?

RESPONSE:

16. Did you consume any alcoholic beverages or take any drugs (prescribed or not) or medications within 12 hours before the time you voted in the November, 2006 general election? If so, state the type and amount of alcoholic beverages, drugs (prescribed or not), or medication which were consumed, and when and where you consumed them.

RESPONSE:

17. Identify all persons whom you intend to call as witnesses at trial.

RESPONSE:

If it is claimed that any of the information covered by these interrogatories are privileged or otherwise not subject to discovery pursuant to the Florida Rules of Civil Procedure, the State Defendants respectfully request that such information be identified by description and a statement as to the nature of the claim of privilege or the basis for claiming that such information is not subject to discovery be made in response to these interrogatories so that the court may rule upon such matters.

ELLEN FEDDER

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared ELLEN FEDDER, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

LANCE JONES

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared LANCE JONES, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

ERNEST LASCHE

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared ERNEST LASCHE, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

BARBARA KLEIN

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared BARBARA KLEIN, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

LOIS HARMES

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared LOIS HARMES, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

JOHN MINDER

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared JOHN MINDER, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

DOVIE MURRAY

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared DOVIE MURRAY, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

JOHN McBRIDE

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared JOHN McBRIDE, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

SUSAN GAAR

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared SUSAN GAAR, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

GARY LAMER

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared GARY LAMER, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

CHARLES CLIFTON

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared GARY LAMER, who swears or affirms that s/he has read the above and foregoing Answers to Interrogatories and the same are true and correct to the best of her/his knowledge and belief. S/he is personally known to me or has produced _____ as identification.

SWORN TO OR AFFIRMED before me this ___ day of _____, 2006.

Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY