

EXHIBIT A

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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3 NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, et al.,

4
5 Plaintiffs,

6 v. 17 CV 5427 (ALC)

7 DONALD J. TRUMP, et al.,

8 Defendants. Conference

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10 New York, N.Y.
October 13, 2017
3:00 p.m.

11 Before:

12 HON. ANDREW L. CARTER, JR. District Judge

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14 APPEARANCES

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16 NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.

17 Attorneys for Plaintiffs

18 BY: NATASHA C. MERLE

19 SHERRILYN A. IFILL

20 KAMUEL SPITAL

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22 MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

23 Attorneys for Plaintiffs

24 BY: ANDREA E.E. SENTENO

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27 LATINOJUSTICE PRLDEF

28 Attorneys for Plaintiffs

29 BY: JOANNA ELISE CUEVAS INGRAM

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31 ELIZABETH J. SHAPIRO

32 JOSEPH E. BORSON

33 KRISTINA WOLFE

34 U.S. Department of Justice

35 Attorneys for Defendants

1 steps about what actions it might take.

2 I know data collection has been a subject of this
3 litigation and a lot of litigations. Currently the commission
4 has received publicly available data from 19 states and one
5 county in Hawaii, which does things a little differently in
6 terms of how I collects record. Some states are still in the
7 process of submitting data. Importantly, the commission has
8 not made any decisions with respect to next steps about that
9 data.

10 There are no plans for data collection other than what
11 was already requested in the letters that Mr. Kobach sent that
12 are referenced in the complaint. While there have been some
13 preliminary discussions about data sharing with other agencies
14 within the federal government, those discussions have not taken
15 place recently and no decisions have been made about that.
16 Importantly, again, no data has been shared.

17 Finally, there is no set ending for the commission
18 other than what is set out in the executive order, which calls
19 for the commission to end two years after May 11, 2017, so May
20 11, 2019, or one month after the commission submits a final
21 report, wherever comes first.

22 THE COURT: Thank you.

23 Is there a representative from the plaintiffs who has
24 anything they would like to add on that issue?

25 MR. SPITAL: Your Honor, the only thing I would add is

1 that the spokesperson for Vice President Pence, who is the
2 chair of the commission, did say there is an intention among
3 the commission to compare voter information that has been
4 received from the states with federal databases, such as the HS
5 databases. This is an allegation in paragraph 146 of our
6 complaint. I don't understand the government to be suggesting
7 that is not going to happen. If they are suggesting that, that
8 would be important information for us to have.

9 THE COURT: I don't know if the government takes a
10 position on that one way or the other. Counsel for the
11 government?

12 MR. BORSON: I don't think we would take a position on
13 that representation other than to say that there are no current
14 plans made with regard to any data analysis of the election.

15 THE COURT: Thank you.

16 Next question. I will direct this at the government
17 first, and then I will hear a representative from plaintiffs.
18 Let me get an update as to the number of and the status of
19 analogous lawsuits to this and how analogous they are to this
20 current suit that is before me. Starting with counsel for the
21 government.

22 MR. BORSON: Your Honor, bear with me. There are
23 quite a few. The first case filed and probably the most
24 advanced is Electronic Privacy Information Center v.
25 Commission, which is case 17 CV 1320, in the District of