

Appendix A

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11
12 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
13 **AT YAKIMA**

14 STATE OF WASHINGTON, et al.,

NO. 20-cv-03127

15 Plaintiffs,

16 v.

PLAINTIFF STATES' FIRST
17 INTERROGATORIES AND
18 REQUESTS FOR PRODUCTION
OF DOCUMENTS TO
19 DEFENDANTS LOUIS DEJOY
AND UNITED STATES POSTAL
SERVICE

20 DONALD J. TRUMP, in his
official capacity as President of the
21 United States of America; UNITED
STATES OF AMERICA; LOUIS
22 DEJOY, in his official capacity as
Postmaster General; UNITED
STATES POSTAL SERVICE,

Defendants.

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the
2 Plaintiff States, through undersigned counsel, request that Defendants United
3 States Postal Service (USPS) and Louis DeJoy (hereinafter Defendants) respond
4 to the following Requests for Production within the time established by
5 applicable Court order. Please produce for inspection and copying the documents
6 specified in the Requests below to the offices of the Washington Attorney
7 General, Complex Litigation Division, 800 Fifth Avenue, Ste. 2000, Seattle, WA
8 98104, in accordance with the instructions set forth below.

9 **INSTRUCTIONS**

10 1. These requests seek all responsive documents in Defendants’
11 possession, custody, or control, or in the possession, custody, or control of
12 Defendants’ agents, employees, representatives, accountants, attorneys (unless
13 privileged), and all other persons acting for Defendants or on Defendants’ behalf.

14 2. Produce all documents in the form, order, and manner in which they
15 are regularly maintained, or, in the alternative, identify, by number, the request
16 or requests pursuant to which Defendants are producing each document. In the
17 absence of an agreement to the contrary, Plaintiff requests that all electronically
18 stored information (“ESI”) be produced in a reasonably usable electronic format
19 pursuant to Fed. R. Civ. P. 34(a)(1)(A).

20 3. These requests are continuing in character so as to require
21 Defendants to promptly produce supplemental documents if Defendants identify
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1 additional or different documents that are responsive at any time before trial in
2 accordance with Fed. R. Civ. P. 26(e).

3 4. A contention that some portion of the documents responsive to these
4 requests may already be in the possession, custody, or control of Plaintiffs does
5 not excuse compliance with these requests.

6 5. Defendants must produce the original or a copy of the original of
7 each requested document, as well as all non-identical copies, such as documents
8 and drafts with notations, markings, and the like.

9 6. If a document is undated but it appears otherwise responsive to a
10 request, it should be produced.

11 7. If a request seeks a document that is no longer in existence, please
12 identify each such document, and:

- 13 a. Identify the information contained in the document;
14 b. State the circumstances under which the document ceased to
15 exist; and
16 c. Identify all persons who have knowledge or had knowledge
17 of the document and its contents.

18 8. If, in responding to these requests, Defendants encounter what they
19 deem to be an ambiguity when construing any request, instruction, or definition,
20 please set forth the matter deemed ambiguous and the construction used in
21 responding.

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1 9. If Defendants elect to withhold any information or document under
2 a claim of privilege, Defendants shall provide a list identifying each document
3 for which privilege is claimed, and:

4 a. The date the document was produced or generated;

5 b. The name, address, and title of the person preparing the
6 document;

7 c. The name, address, and title for or to whom the document was
8 prepared or addressed;

9 d. The name, address, and title of all persons to whom copies of
10 the document were furnished or otherwise forwarded;

11 e. Without revealing any privileged information, the subject
12 matter and content of the document; and

13 f. The nature of the claim of privilege.

14 10. Plaintiffs reserve the right to pose additional or supplemental
15 requests as discovery continues. By propounding these requests, Plaintiffs do not
16 concede that any documents produced in response are relevant or admissible at
17 trial.

18 **DEFINITIONS**

19 1. The term “White House” refers to all of the current and former
20 employees, agents, officers, directors, representatives, consultants, advisors,
21 aides, counsel, and staff of the current President of the United States and the
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1 current Vice-President of the United States, including any person who has served
2 in any such capacity at any time since November 8, 2016.

3 2. The term “U.S. Department of the Treasury” refers to all of the
4 current and former employees, agents, officers, directors, representatives,
5 consultants, advisors, aides, counsel, and staff of the Treasury Department and
6 the current Treasury Secretary, including any person who has served in any such
7 capacity at any time since February 13, 2017.

8 3. The term “USPS” refers to Defendant United States Postal Service,
9 including without limitation, any and all of its employees, agents, contractors,
10 representatives, and attorneys; and any person acting on its behalf.

11 4. The term “Election Day” means November 3, 2020, the date of the
12 2020 United States presidential election.

13 **INTERROGATORIES**

14 **INTERROGATORY NO. 1:** Provide a list or chart of all mail sorting or
15 processing machines that were identified for decommissioning and/or removal at
16 any time on or after May 15, 2020; the location of each machine; each machine’s
17 current status, including the date it was decommissioned or removed, if
18 applicable; and the plans for each machine prior to Election Day, i.e., whether
19 the machine will be decommissioned and/or removed prior to Election Day or
20 whether the machine will be reinstalled if it has already been decommissioned
21 and/or removed.

1 **ANSWER:**

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3 **INTERROGATORY NO. 2:** State whether any requests to reinstall removed or
4 decommissioned machines identified in the response to Interrogatory No. 1 have
5 been denied, and if so, state the location of those machines and the dates of the
6 request and the denial.

7 **ANSWER:**

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9 **INTERROGATORY NO. 3:** Provide a list or chart of all processing and
10 distribution centers and other USPS facilities that were identified for full or
11 partial capacity reduction (e.g., ceasing functions such as processing outgoing
12 mail) at any time after May 15, 2020; each facility's current status; and the plans
13 for each facility prior to Election Day, i.e., whether the facility will remain open
14 and whether any operations will be discontinued.

15 **ANSWER:**

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17 **INTERROGATORY NO. 4:** State whether blue collection mailboxes that were
18 removed after June 16, 2020 will be reinstalled, and whether any further removals
19 of mailboxes will occur prior to Election Day; if so, identify the location of each
20 mailbox to be reinstalled or removed.

21 **ANSWER:**

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1 **INTERROGATORY NO. 5:** State whether USPS will treat ballots in particular
2 and other election mail in general as First Class mail, regardless of the paid class
3 of postage, for the November 2020 election; if not, describe any relevant policies,
4 guidance, or practices regarding the treatment of ballots in particular and other
5 election mail in general applicable to the November 2020 election.

6 **ANSWER:**

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8 **INTERROGATORY NO. 6:** The USPS Areas Receiving Mail Pacific Area
9 Virtual Meeting Presentation, dated August 13, 2020 and attached as Exhibit 1 to
10 these discovery requests, states on Page 8, under the heading “Election Mail
11 Delivery Standards,” that “Election Mail sent as Marketing Mail is not upgraded
12 to First Class service.” State whether this statement is an accurate reflection of
13 USPS policy with regard to the November 3, 2020 election.

14 **ANSWER:**

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16 **INTERROGATORY NO. 7:** State whether USPS is currently implementing or
17 enforcing any restrictions on transportation, including but not limited to late trips,
18 extra trips and/or final dispatches; if so, describe any relevant policies, guidance,
19 or practices concerning the timing of mail processing or delivery.

20 **ANSWER:**

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1 **INTERROGATORY NO. 8:** State whether USPS has made or will make prior
2 to Election Day any changes of any kind to its overtime policies and practices as
3 they existed on June 15, 2020; if so, describe any relevant policies, guidance, or
4 practices concerning overtime.

5 **ANSWER:**

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7 **INTERROGATORY NO. 9:** State whether USPS has made or will make prior
8 to Election Day any changes of any kind to Post Office retail operating hours as
9 they existed on June 15, 2020; if so, describe any relevant policies, guidance, or
10 practices concerning operating hours.

11 **ANSWER:**

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13 **INTERROGATORY NO. 10:** At an August 21, 2020, hearing before the Senate
14 Homeland Security and Governmental Affairs Committee, Senator Kyrsten
15 Sinema asked: “Will local postal managers be authorized to make decisions and
16 have postal employees make extra trips or late trips, [or] work overtime in order
17 to deliver ballots to ensure that plants and post offices don’t fall behind in
18 processing election mail?” In response, Postmaster General DeJoy said: “Yes,
19 ma’am. Effective October 1st, we will have redundant resources and
20 liberalization and aggressive efforts to make sure everything is moving and
21 flowing timely.” Describe any planned or implemented policies, guidance, or
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1 practices Mr. DeJoy referred to in his testimony or that otherwise respond to
2 Senator Sinema's question.

3 **ANSWER:**

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5 **REQUESTS FOR PRODUCTION**

6 **REQUEST FOR PRODUCTION NO. 1:** Produce any policies, guidance, or
7 written practices identified in the answers to Interrogatories Nos. 5, 7, 8, 9, and
8 10.

9 **RESPONSE:**

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11 **REQUEST FOR PRODUCTION NO. 2:** Produce all documents provided to
12 the U.S. Congress, including any congressional committee or member of any
13 such committee, related to any of the topics covered in the foregoing
14 Interrogatories.

15 **RESPONSE:**

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DATED this 21st day of August, 2020.

FOR THE PLAINTIFF STATES:

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/s/ Noah Guzzo Purcell

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