

**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.

No: *2006 CA 2973*

ELECTIONS CANVASSING COMMISSION OF
THE STATE OF FLORIDA, consisting of Governor Jeb
Bush, Chief Financial Officer Tom Gallagher, and State
Senator Daniel Webster; SARASOTA COUNTY
CANVASSING BOARD, consisting of Supervisor of
Elections Kathy Dent, Judge Phyllis Galen, and
Commissioner Paul Mercier; KATHY DENT, as
SARASOTA COUNTY SUPERVISOR OF ELECTIONS;
SUE M. COBB, as SECRETARY OF STATE OF THE
STATE OF FLORIDA; DAWN K. ROBERTS, as
DIRECTOR OF THE DIVISION OF ELECTIONS OF
THE STATE OF FLORIDA; and VERN BUCHANAN,
as nominee of the Republican Party for Representative
in Congress from the State of Florida's Thirteenth
Congressional District,

Defendants.

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
AND FOR INSPECTION OF TANGIBLE THINGS**

Plaintiff, CHRISTINE JENNINGS, respectfully submits this Request for Production to the
Defendants, ELECTIONS CANVASSING COMMISSION OF THE STATE OF FLORIDA;
SARASOTA COUNTY CANVASSING BOARD; KATHY DENT, SARASOTA COUNTY
SUPERVISOR OF ELECTIONS; SUE M. COBB, SECRETARY OF STATE OF THE STATE OF

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CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

FLORIDA; and DAWN K. ROBERTS, DIRECTOR OF THE DIVISION OF ELECTIONS OF THE STATE OF FLORIDA, pursuant to Rule 1.350 of the Florida Rules of Civil Procedure.

DEFINITIONS

A. "Document" means any document in your custody, possession, or control, including, but not limited to, any printed, written, recorded, tapes, electronic, graphic or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy(ies) (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, telegrams, facsimiles, telex communications, cables, e-mail, notes, notations, papers, newsletters, memoranda, inter-office communications, releases, agreements, contracts, books, pamphlets, photographs, studies, minutes of meetings, recordings or other memorials of any type of personal or telephone conversations, meetings or conferences (including, but not limited to, telephone bills, and long distance charge slips), reports, analyses, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer's notebooks, transcripts, ledgers, registers, worksheets, journals, statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks or drafts, vouchers, charge slips, invoices, purchase orders, hotel charges, accountant's reports, financial statements, newspapers, periodical or magazine materials, any material underlying, supporting, or used in the preparation of any documents and all tangible things, of any and every kind whatsoever that could be considered a writing.

B. "Thing" means any thing in your custody, possession, or control, including, but not limited to, any voting system machine, voting system technology, voting system software, or voting system hardware.

C. "You," "Your," or "Defendants" shall mean the Defendants, as identified above, all of its subdivisions, agents, contractors, officers, directors, employees, attorneys, expert witnesses, accountants, auditors, subsidiaries, related agencies and companies and all other persons and/or entities over whom/which the Defendants has or has attempted to exercise control or authority, or which the Defendants or other persons or entities acting under its authority, control and/or direction, has hired, retained, and/or employed for any purpose relating to the issues in this case.

D. The words "pertain to" or "pertaining to" mean: relates to, refers to, references, revealing, reveals, reflects, regarding, contains, concerns, describes, embodies, mentions, constitutes, in connection, constituting, supports, corroborates, demonstrates, illustrates, proves, evidences, encompasses, shows, refutes, disputes, rebuts, controverts, or contradicts. Each of these words shall be interpreted to include the meaning of each other word or words.

E. Defendants shall mean ELECTIONS CANVASSING COMMISSION OF THE STATE OF FLORIDA; SARASOTA COUNTY CANVASSING BOARD; KATHY DENT, SARASOTA COUNTY SUPERVISOR OF ELECTIONS; SUE M. COBB, SECRETARY OF STATE OF THE STATE OF FLORIDA; and DAWN K. ROBERTS, DIRECTOR OF THE DIVISION OF ELECTIONS OF THE STATE OF FLORIDA.

F. As used herein, the past tense shall include the present tense, and vice versa. The singular includes the plural, and vice versa.

G. As used herein, the words “and” and “or” should be considered both conjunctive and disjunctive; the word “all” means “any and all.”

INSTRUCTIONS

H. Any documents or things to which a claim of privilege is or will be asserted should be identified by author, signatory, description (e.g., letter, memorandum, telex, recording, etc.), title (if any), date, address (if any), general subject matter, present depository and present custodian and a complete statement of the ground for the claim of privilege should be set forth.

I. If it is maintained that any document or thing which is requested has been destroyed, set forth the contents of the document or thing, the date of such destruction, and the name(s) of the person(s) who participated in, authorized, or directed such destruction.

J. If any of the documents or things cannot be produced in full, produce to the extent possible, specifying the reason for the inability to produce the remainder.

K. This request is a continuing one. If after producing documents or allowing inspection of things, you become aware of, generate, or acquire any additional documents or things responsive to this request, you are required to produce those additional documents or things.

L. If any portion of any document or thing called for in this Request is considered privileged or is otherwise not produced, but the document or thing in its entirety is not privileged or otherwise subject to production, the Defendants must include the document or thing in their responses but may omit or delete any portions that are privileged so long as the document or thing clearly shows what

portions have been omitted or deleted and a summary or description of the subject matter of the omitted or deleted portions is provided. In addition, the Defendants must state the grounds upon which each portion of the document or thing is considered privileged, including the specific privilege, statute, or regulation relied upon.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All “event logs” (or “audit logs”) in digital form (on a recordable compact disc), as produced by the Unity software suite, covering every voter who voted or attempted to vote on an iVotronic voting machine used in early voting or in Election Day voting in Sarasota County in the November 2006 general election.

2. All “ballot-image logs” (or “ballot-image summaries”) in digital form (on a recordable compact disc), as produced by the Unity software suite, covering every voter who voted or attempted to vote on an iVotronic voting machine used in early voting or in Election Day voting in Sarasota County in the November 2006 general election.

3. All documents pertaining to a list of the machines, by serial number, that were used in each precinct and each early-voting station during the November 2006 general election.

4. All documents pertaining to the Electronics Systems & Software, Inc. (ES&S) source code to the iVotronic system as used in the November 2006 general election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a)

5. All documents pertaining to the ES&S source code to all elements of the Unity software suite as used in the November 2006 general election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a).

6. All documents pertaining to the ES&S source code to the personal electronic ballots (PEBs) as used in the November 2006 general election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a).

7. All documents pertaining to the development tools, scripts, “makefiles,” and other software as used in the November 2006 general election in Sarasota County to compile, debug, and test the iVotronic system, the PEBs, and the elements of the Unity software suite.

8. All user manuals, operator manuals, training materials, and other documentation related to the use, operation, or maintenance of any part of the iVotronic system, the Unity software suite or any of its elements, or the PEBs.

9. All documentation necessary to extract and read the “three redundant memories” contained within the iVotronic machines.

10. All documents pertaining to election-definition files and other necessary data (including passwords) to configure an iVotronic for each of the nine ballot styles used in Sarasota County in the November 2006 general election.

11. All digital copies of the ballot-style files for all nine ballot styles.

12. All files loaded onto an iVotronic machine as part of the “ballot programming” process, either for early voting or for Election Day voting.

REQUEST FOR INSPECTION OF TANGIBLE THINGS

13. Plaintiff hereby requests temporary access to eight iVotronic machines that generated particularly high undervote rates in the recent congressional election in Sarasota County, including at least one machine used on Election Day in each of six specified precincts (Precincts 31, 44, 74, 105,

117, and 118) and at least one high-undervote machine used in early voting; the carrying cases for those iVotronic machines, power adaptors, and other apparatus to set up the voting booths; two supervisor personalized electronic ballots (“PEBs”); nine regular PEBs (one configured for each ballot style used in Sarasota County in the recent election); a standard ES&S “Communications Pack” (containing a thermal printer and all the necessary cabling); and one PEB reader for transferring data from a PEB to a standard personal computer.

14. Plaintiff hereby requests permission to physically open and inspect the internal components of one iVotronic machine and one PEB.

15. Plaintiff hereby requests a full copy of all ES&S source code to the iVotronic system as used in the November 2006 general election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a); a full copy of all ES&S source code to all elements of the Unity software suite as used in the recent election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a); and a full copy of all ES&S source code to the PEBs as used in the recent election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a).

Respectfully submitted this 20th day of November, 2006 by:


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Respectfully submitted

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CHRISTINE JENNINGS, nominee of the
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PLAINTIFF'S MOTION TO COMPEL EXPEDITED DISCOVERY

1. Based on the extraordinary number of undervotes recorded by iVotronic touchscreen voting systems in Sarasota County in the 2006 general election for Representative in Congress from Florida's Thirteenth Congressional District, Plaintiff Christine Jennings has initiated an election contest proceeding under Section 102.168, Florida Statutes. Plaintiff seeks to demonstrate that pervasive malfunctioning of the iVotronics voting systems manufactured by Electronics Systems & Software, Inc. caused at least 14,000 of the 18,382 undervotes reported in

the congressional race. In a race decided by just 369 votes, the number of undervotes is patently sufficient to cast doubt on the outcome of the election.

2. To determine the root cause of the pervasive malfunction of the iVotronics voting system and to assist the Court in establishing the reason for the extraordinary undervote in this race, Plaintiff must obtain expedited discovery of the items discussed herein, including logs generated by the iVotronic system, samples of the hardware on which the election was conducted, and the software used to operate that hardware. Therefore, Plaintiff hereby moves to compel, on an expedited basis, discovery required by Florida Rule of Civil Procedure 1.280. In view of the enormous public interests at stake, the pressing need for a prompt resolution of this matter, and the limited nature of the discovery requested in the accompanying Requests for Production, Plaintiff respectfully requests that this Court grant this motion by 12:00 noon on Tuesday, November 21, 2006, and that Defendants comply with the discovery sought herein by 5:00 p.m. on Wednesday, November 22, 2006, so that Plaintiff's experts can commence their analysis and testing immediately. *See Jacobs v. Seminole County Canvassing Bd.*, 2000 WL 1720698 (Fla. Cir. Ct. 2000) (granting an election-contest plaintiff's motion for expedited discovery); *cf.* Fla. Stat. § 102.168(6) (expediting the normal deadline for filing an answer in an election contest).

3. Plaintiff intends to establish that significant numbers of the undervotes are due to machine malfunctions in the iVotronic touchscreen voting systems and/or related equipment from the iVotronics' manufacturer, Election Systems and Software, Inc. ("ES&S"), including ES&S's Unity software suite. As explained in the expert affidavits attached to Plaintiff's Complaint To Contest Election, determining the causes of the irregularities requires analysis of certain documents in the Defendants' possession and examination of a select sample of iVotronic

machines and related equipment. See Declaration of MIT Political Science Professor Charles Stewart III on Excess Undervotes Cast in Sarasota County, Florida, for the 13th Congressional District Race [hereinafter “Stewart Decl.”]; Declaration of Rice University Computer Science Professor Dan S. Wallach [hereinafter “Wallach Decl.”].

4. Given the pace at which these proceedings must move forward, Plaintiff seeks the following discovery on an expedited basis:

- Logs: all “event logs” (or “audit logs”) and “ballot-image logs” (or “ballot-image summaries”) in digital form (on a recordable compact disc), as produced by the Unity software suite, covering every voter who voted or attempted to vote on an iVotronic voting machine used in early voting or in Election Day voting in Sarasota County in the recent election; and a list of the machines, by serial number, that were used in each precinct and each early-voting station;
- Machines: temporary access to eight iVotronic machines that generated particularly high undervote rates in the recent congressional election in Sarasota County, including at least one machine used on Election Day in each of six specified precincts (Precincts 31, 44, 74, 105, 117, and 118) and at least one high-undervote machine used in early voting; the carrying cases for those iVotronic machines, power adaptors, and other apparatus to set up the voting booths; two supervisor personalized electronic ballots (“PEBs”); nine regular PEBs (one configured for each ballot style used in Sarasota County in the recent election); a standard ES&S “Communications Pack” (containing a thermal printer and all the necessary cabling); one PEB reader for transferring data from a PEB to a standard personal computer; permission to physically open and inspect the internal components of one iVotronic machine and one PEB; any necessary tools and documentation to extract and read the “three redundant memories” contained within the iVotronic machines; election-definition files and other necessary data (including passwords) to configure an iVotronic for each of the nine ballot styles used in Sarasota County in the recent election; digital copies of the ballot-style files for all nine ballot styles; and every file that was loaded onto an iVotronic machine as part of the “ballot programming” process, either for early voting or for Election Day voting;
- Software: a full copy of all ES&S source code to the iVotronic system as used in the recent election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a); a full copy of all ES&S source code to all elements of the Unity software suite as used in the recent election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a); a full copy of all ES&S source code to the PEBs as used in the recent election in Sarasota County and escrowed with the Department of State under Fla. Stat. § 101.5607(1)(a); all necessary development tools, scripts,

“makefiles,” and other software as used in the recent election in Sarasota County to compile, debug, and test the iVotronic system, the PEBs, and the elements of the Unity software suite; and a copy of all user manuals, operator manuals, training materials, and other documentation related to the use, operation, or maintenance of any part of the iVotronic system, the Unity software suite or any of its elements, or the PEBs.

See generally Wallach Decl. at 6-16 (describing in detail how each of these items would be used to help conduct an exacting and thorough forensic investigation of the undervote); Stewart Decl. at 2 (statistically analyzing undervote rates in the 2006 elections and concluding that there is a “substantial possibility that the exaggerated undervote rates in Sarasota County were . . . caused by factors related to machine malfunction”).

THE PROPOSED DISCOVERY IS REQUIRED BY FLA. R. CIV. P. 1.280

5. Florida Rule of Civil Procedure 1.280 permits parties to “obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action.” Fla. R. Civ. P. 1.280(b)(1). The requested discovery is critical both to Plaintiff’s ability to prove her case and to satisfying the public’s legitimate concerns of disenfranchisement currently encircling this election. The eight machines requested cover six precincts in which the abnormal undercounts were especially pronounced. Once the logs and those eight machines and their accompanying software are obtained, Plaintiff’s experts will use them to simulate and analyze Election Day events. Starting from the logs that track each vote cast, Plaintiff’s experts will script out, re-enact, and record on videotape a realistic reconstruction of Election Day events on the affected machines. With a few, controlled variations, Plaintiff’s experts can test different hypotheses offered to explain the thousands of undervotes and can begin to assess the likely contributions of these explanations. *See* Wallach Decl. at 12.

6. This videotaped “election reconstruction test” would be conducted by the same expert, following virtually the same protocol, as was used earlier this year in Palm Beach

County. That expert is Jocelyn Whitney of JBS Associates in Tucson, Arizona. The results of that Palm Beach County videotaped test showed that the machines (which were not manufactured by ES&S) had not malfunctioned; similar tests conducted elsewhere have demonstrated that certain voting machines have malfunctioned. *See, e.g.,* Wallach Decl. at 1, 11, 13, 15.

7. Plaintiff's experts' proposed simulation of Election Day events on the six machines will proceed in several steps. With the six selected machines programmed as they were on Election Day, right down to the time and date settings, the ballot-image logs and event logs will be used to create test scripts of the day's events. The scripts will include various "voter scenarios," in which voters will (a) change a specified vote selection while on the same screen; (b) change a specified vote selection after advancing one or more screens; (c) from the confirmation screen (sometimes referred to as the "review" or "summary" screen), return to a contest and change the vote selection and quickly scroll to the confirmation screen; (d) from the "cast ballot" screen (but before casting the ballot), return to a specified contest and change a vote selection; (e) from the confirmation screen, return to a specified contest and make no change, and slowly scroll to the confirmation screen; (f) from the confirmation screen, return to a specified contest and change the vote selection to "no selection made," or blank, quickly scroll to the confirmation screen, return to the specified contest, reselect a candidate, and slowly scroll to the confirmation screen; and (g) from the confirmation screen, return to a contest with "no selection made," make a selection, and then scroll to the confirmation screen. For the undervoted congressional race, the scripts shall provide for the selection of one of the two candidates, or no candidate, randomly. For all other offices and measures, the scripts will follow the actual behavior of real voters, based on the precise data contained in the ballot-image logs.

8. The scripts will then be executed by testers at assigned times, based on the actual event log's record of Election Day voting, on the designated machines during a mock Election Day. Testers will be instructed to confirm that their vote selections are consistent with the script and, if they are, cast their ballot so that a video camera can confirm their selections. An observer will also be present to check the vote selections for consistency with the test script. A director, present throughout the testing, will sign off on reports prepared by the observer whenever there is a discrepancy between a vote and the test script. The video camera will be focused on and will record activity on the iVotronic screen throughout the test.

9. Once the testing is complete, the data will be promptly analyzed. Printouts from each machine will be compared to the expected baseline tally figures to identify any inconsistencies between the actual results and the expected baseline tally figures. Discrepancy reports, test scripts, and the videotapes will be reviewed to analyze any inconsistencies and the effect they would have on the actual results.

10. Once the reconstructed Election Day is completed, and the votes tallied by the iVotronic have been reconciled with the votes expected to be tallied according to the test scripts and videotapes (taking into account the noted discrepancies), a test summary report or report of findings will be prepared.

11. The other major aspect of an exacting and thorough forensic investigation is to have voting-machine and software experts test samples of the hardware and examine the source code (or "program code") that operates the iVotronic voting system. Examining the source code is absolutely necessary to determine the cause of the voting-machine irregularities at issue in this case. *See* Wallach Decl. at 13-15. For example, a software "bug" or other malfunction could disrupt or prevent the transfer of certain votes from the machine's temporary memory to its

permanent memory, so that the voter might well see a vote cast for a particular candidate on his or her confirmation screen even though no permanent record of the vote will ever be recorded. *See id.* at 14. Finally, physical review of the machines and their internal memory devices will help determine whether the software or firmware in the machines has been modified in certain ways to introduce bias into the machines' cast-vote records.

THERE IS NO BASIS FOR REFUSING OR DELAYING THE PROPOSED DISCOVERY

12. Prior to certification of the election, Plaintiff requested nearly identical information and items in proceedings in the circuit court for Sarasota County. During a hearing in that court on November 16, 2006, counsel for Defendant Vern Buchanan, the Republican nominee for the congressional seat, expressly acknowledged that, whether or not that discovery was permitted in the Sarasota County action, Plaintiff *is* entitled to this discovery in the election contest proceedings here. Specifically, Mr. Buchanan's counsel stated: "If this were a contest, what plaintiff's counsel is asking for would be appropriate If they want to bring a contest action Monday, we can then move into the formal discovery phase." Indeed, Mr. Buchanan's counsel expressly argued that the discovery was not appropriate in Sarasota County precisely *because* Plaintiff would be fully entitled to the information in this Court. Neither the counsel for the Secretary of State nor the counsel for the Sarasota County Supervisor of Elections expressed any disagreement with these statements. So there should be no objections to the proposed discovery from Buchanan or the Secretary or the Supervisor. Indeed, any such objections would be misplaced in any event, for four reasons.

13. *First*, Florida law gives Plaintiff a clear right to examine the machines and related software in the careful manner here. As with a request for "permission to enter upon land or

other property for inspection and other purposes,” Fla. R. Civ. P. 1.280(a), examination of computer equipment is appropriate so long as the examination is likely to retrieve relevant information and there are no less intrusive means of gathering it. *See Strasser v. Yalamanchi*, 669 So. 2d 1142, 1145 (Fla. 4th DCA 1996). The protocol proposed by Plaintiff’s experts is carefully crafted to obtain only information critical to this investigation. No aspect of the inquiry is more intrusive than necessary to resolve the critical issues before this Court.

14. *Second*, although the software may belong to a third-party vendor, there is no doubt that the Secretary of State is plainly able to produce it, and must produce it in response to a court order. Florida law requires that it be held in escrow by the Secretary of State. Fla. Stat. § 101.5607(1)(a). Any promises that the Secretary may have made to the vendor regarding the software’s confidentiality cannot justify withholding the software in response to a proper discovery request. *See Procter & Gamble Co. v. Swilley*, 462 So. 2d 1188, 1195-96 (Fla. 1st DCA 1985) (concluding that “the right to every man’s evidence” trumps party’s promise not to disclose researcher’s data). That is especially true given the fundamental rights and overarching public interests at stake here. *See, e.g., Burson v. Freeman*, 504 U.S. 191, 198 (1992) (calling the right to vote “a right at the heart of our democracy”); *Broward County v. Kerr*, 454 So. 2d 1068, 1070 (Fla. 4th DCA 1984) (“Discovery which is otherwise appropriate should not be refused solely because production of documents would hamper a party’s business operations.”). To the extent the materials constitute trade secrets, Plaintiff’s experts will enter a nondisclosure agreement prohibiting team members from divulging trade secrets or other proprietary information, and Plaintiff agrees to the imposition of an appropriate protective order, and further agrees to produce public and nonpublic versions of any findings as this Court deems appropriate.

15. *Third*, the ballot-image and event logs requested can be produced easily in the format Plaintiff has requested. The Unity software suite creates these logs, which track the votes cast (without identifying the voter) and the times at which the votes were recorded, as a matter of course, and the files can be transferred onto a CD with ease — literally in a matter of minutes. While they may contain a large number of records, producing them is not a burden. *See Coastal Physician Servs. of Broward County, Inc. v. Ortiz*, 720 So. 2d 324, 327 (Fla. 4th DCA 1998) (“Other than the number of potential recipients of the form bill, petitioner has made no showing that the disk or computer tape would require substantial effort to produce. In fact, we think that the information may be very easily retrieved from the computer.”). These logs are public records and cannot be withheld. (Indeed, they currently are the subject of a public-records request that Plaintiff has made to Defendant Dent, who has been busy with recount activity and has not yet produced them.)

16. *Fourth*, there is no other way to obtain this information. To determine what went wrong with certain machines in identified precincts in this election, there is no substitute for examining those particular machines and recreating the circumstances in which they were used. Although the Secretary of State has announced a state audit of what went wrong, it will not substitute for the discovery sought here. The state audit is a forward-looking inquiry designed to address long-term policy considerations about the efficacy of certain voting systems, rather than the key question here — whether faulty voting machines and systems rejected enough legal votes to change or place in doubt the result of the election. Fla. Stat. § 102.168. And more fundamentally, no state audit — overseen by the same actors who oversaw the certification of the allegedly defective voting machines — can have the independence necessary for adversarial judicial proceedings. To the contrary, barring the Plaintiff’s proposed audit because the

Department of State is conducting its own would be like forcing a malpractice plaintiff to rely on the defendant doctor's analysis of his own actions. *See Moore v. Schlesinger*, 150 F. Supp. 2d 1308, 1313 (M.D. Fla. 1991) (recognizing that discovery "within the adversarial arena" has the benefit of "the attendant safeguards of the judicial process"). There is thus no likelihood that the information sought here can be obtained through other means.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiff' Motion to Compel Expedited Discovery.

Respectfully submitted this 20th day of November, 2006 by:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was transmitted via facsimile or e-mail, and overnight mail this 20th day of November, 2006, to:

Elections Canvassing Commission
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