

Exhibit 3

From: Smith, Nicole <nsmith@rumberger.com>
Sent: Wednesday, November 6, 2024 8:04 PM
To: Warren, Catherine J.; Duquette, Carlie; Shalini Agarwal
Cc: Oberlander, Lynn; Relyea, Ryan R.; Tran, Patrick; Fehlan, Kirsten; ori.lev@protectdemocracy.org; Fields, Goldie; Bouzat, Facundo; Kilgariff, Mike; eDiscovery Services; Duke, Samantha; Moseley, Cayla; Petagna, Kristen; Ellinor Heywood; Kussmaul, Matthew
Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

⚠ EXTERNAL

Yes, in the unlikely event the restricted status of one of the Relevant Books changes, we agree to notify Plaintiffs. As for the personal communications, we will respond accordingly in our filing. Thanks.

Nicole Sieb Smith

Attorney at Law
nsmith@rumberger.com | [View my online bio](#)

Rumberger | Kirk

101 North Monroe Street MAIN 850.222.6550
Suite 1050
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is.

From: Warren, Catherine J. <warrenc@ballardspahr.com>
Sent: Wednesday, November 6, 2024 6:53 PM
To: Duquette, Carlie <cduquette@rumberger.com>; Smith, Nicole <nsmith@rumberger.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>
Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgariff, Mike <kilgariffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>
Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

Nicole,

Regarding the reconsideration spreadsheet, if you agree that in the event there in fact is a change to the restricted status of any book, you will let us know and let us know the date of the change, then your proposal sounds fine and we agree this dispute will be resolved.

We disagree with you regarding the Board communications. First, we should be given the context around all responsive messages so that we can determine whether they are relevant. You previously agreed to do this via email on October 3, 2024. Carlie's chart is not a substitute for providing those messages surrounding the responsive messages so that we can

see the full context. Second, we should be provided the names of the parties that the messages are with. The messages are different from the emails because there is no metadata attached to the messages where we can identify the recipients. The ESI protocol requires that metadata reflecting the author, sender and recipients should be provided for images. [Dkt. No. 80, p.7]. Third, given the issues that have come up related to Mr. Adams' phone, we would like to know what investigation Defendant has conducted to determine whether any of Mr. Adams' communications are recoverable.

Based on the above, if you agree to inform us of any changes to book restriction status, we are fine with you telling the court that, contingent on your promised production Friday, issues (1)-(4) below are resolved, and the Board communications issue (number (5) below) is the only issue in the Motion to Compel that remains unresolved.

Best,
Catherine

Catherine J. Warren
She/Her/Hers

Ballard Spahr
LLP

1225 17th Street, Suite 2300
Denver, CO 80202-5596
303.299.7387 DIRECT

508.523.2590 MOBILE | warrenc@ballardspahr.com
VCARD

www.ballardspahr.com

From: Duquette, Carlie <cduquette@rumberger.com>

Sent: Wednesday, November 6, 2024 2:01 PM

To: Smith, Nicole <nsmith@rumberger.com>; Warren, Catherine J. <warrenc@ballardspahr.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgariff, Mike <kilgarriffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

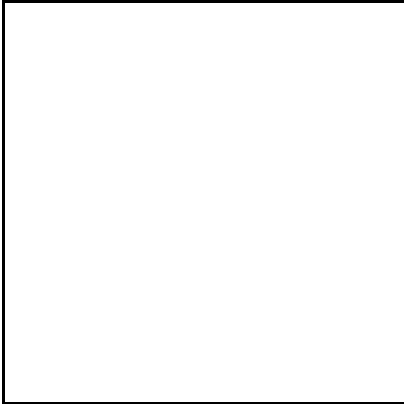
Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

⚠ EXTERNAL

Please see attached Defendant's responses to Plaintiff's noted deficiencies in personal communications

Carlie Duquette
Florida Registered Paralegal

cduquette@rumberger.com



101 North Monroe Street DIRECT 850.841.8371
Suite 1050 MAIN 850.222.6550
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is.

From: Smith, Nicole <nsmith@rumberger.com>

Sent: Wednesday, November 6, 2024 3:46 PM

To: Warren, Catherine J. <warrenc@ballardspahr.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>; Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgarrieff, Mike <kilgarrieffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

Please see my responses below. Thanks.

Nicole Sieb Smith

Attorney at Law
Tallahassee
850.222.6550
Ext. 8367

From: Warren, Catherine J. <warrenc@ballardspahr.com>

Sent: Wednesday, November 6, 2024 1:14 PM

To: Smith, Nicole <nsmith@rumberger.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>; Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgarrieff, Mike <kilgarrieffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

Nicole,

Thanks for your response. Below are our follow up questions/comments to your email yesterday regarding the remaining discovery disputes:

(1) We had asked Defendant to produce the 76 unproduced documents it released from the original to the amended log. Your response makes it sound like Defendant is offering to produce all of the documents listed on the amended privilege log. Please confirm that you are producing all documents listed on either the original or the amended privilege log by this Friday. You do not need to re-produce the 61 documents from the original log that were already produced on November 1. If Defendant is producing the 76 unproduced documents from the original log and the 53 documents on the revised log, Plaintiffs agree that the privilege log dispute will have been resolved. **Confirmed.**

(2) As to the documents linked in the HB 1069-related emails, you offered to produce all documents in the Google Classroom training folder, assuming they are not voluminous. Please confirm that these will also include all the documents we listed on page 4 of our October 22, 2024 deficiency letter. If Defendant is producing the documents from the training folder as well as each document listed in our letter, Plaintiffs agree that this discovery dispute will have been resolved. **Confirmed.**

(3) As to Interrogatory 15, as Ms. Vinson is providing the requested information this Friday, this dispute will be resolved. **Confirmed.**

(4) As to Defendant's agreement to provide the Reconsiderations Spreadsheet on a monthly basis going forward, Plaintiffs request clarification that you mean you will provide all unique versions of the spreadsheet over the past month on a monthly basis. If that is what Defendant is agreeing to do, this dispute will also have been resolved. **We agree to send one version per month because it will be clear from the spreadsheet if (1) a new challenge is filed; (2) the DMRC makes a decision; or (3) a book is removed to a Resolved Challenge tab, as all of these actions will contain an associated date, which will be obvious to you. The only column where a date will not be reflected is the Restricted Access column, but no changes to the restricted status of the Relevant Books are being made at this point in the process. The only other column Plaintiffs would need to check is the Community Input form. The District will be uploading completed forms soon. Clearly comparing one spreadsheet to the previous month's spreadsheet is not burdensome and will lessen Ms. Vinson's role. Please confirm this is agreeable.**

1. (5) As to Mr. Adams' cell phone text messages, Plaintiffs again ask if and when a litigation hold was sent to Mr. Adams. We understand that Board member communications on personal devices will be a continuing area of dispute between the parties.

A written litigation hold was not sent to Mr. Adams; however, he will be attesting in the form of a declaration if required that he understands that records created in connection with the transaction of his official Board member duties are public records, even if maintained on an individual Board member's personal device or account. As an elected constitutional officer, under Florida law, he is required each calendar year to complete four hours of ethics training which addresses, at a minimum, section 8, Article II of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of Florida.

Mr. Adams if necessary will also be explaining what happened with the phone. He was on a boat and leaned against the gunwale and the phone was pushed out of his pocket and fell into the saltwater. He attempted to recover the data without success. He did not realize that the phone was not backed up. When he looked for messages in the Spring of 2024, it was not surprising to him that no messages were found as he does not regularly conduct Board business through his personal cell phone. It was not until he searched for messages again after Dr. Smith produced his

in response to the subpoena that Mr. Adams realized text messages were missing. It is clear this is not an issue of spoliation.

Additionally, we have now had an opportunity to review each of your concerns with regard to the personal communications in detail. Carlie will be able to attest if necessary to the completeness of each communication. If we can reach an agreement, there are four communications where we are willing to go back and confirm that we did not miss anything. We are attaching a detailed response for your review.

Further, we do not believe that the ESI Protocol or the federal rules of procedure require Defendant to go back and interview Board members to determine if they know who certain people are with whom they are communicating, based upon a telephone number or a first name. Clearly, you know who "Vicki" is. We view this situation no differently than emails we produced where an agreed-upon custodian corresponded with a third party. There, Defendant was not required to investigate who the email address belonged to.

Since the personal communications issue is the last item in dispute, please let us know today whether the parties can reach an agreement on this issue or we will proceed with filing the response tomorrow. Thanks

Please let us know your response to the above points by 5pm today.

Thanks,
Catherine

Catherine J. Warren
She/Her/Hers

Ballard Spahr
LLP

1225 17th Street, Suite 2300
Denver, CO 80202-5596
303.299.7387 DIRECT

508.523.2590 MOBILE | warrenc@ballardspahr.com
VCARD

www.ballardspahr.com

From: Smith, Nicole <nsmith@rumberger.com>

Sent: Tuesday, November 5, 2024 3:58 PM

To: Warren, Catherine J. <warrenc@ballardspahr.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>; Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgarriff, Mike <kilgarriffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715510]

 **EXTERNAL**

Hello Catherine,

I was actually just writing your team in a separate email, so I will respond here to your questions.

Privilege Log - Defendant maintains that the communications identified in our amended privilege log are protected work product and/or attorney client privileged communications and that our log is sufficient. Nevertheless, in an effort to resolve the pending motion to compel, Defendant is willing to waive privilege with regard to these emails and produce them to Plaintiff on Friday. Such waiver extends only to the emails identified in the log and should not be construed as a general waiver. When we do the Friday production, if one of the items in your chart was not previously produced, it will be included.

Google Classroom Docs - We anticipate producing the docs identified in Plaintiffs' deficiency letter in our Friday production. In order to more broadly resolve that aspect of the motion to compel, we have reviewed the ESI database and located approximately 100 emails that mention and/or link to Google Classroom. It appears these emails pertain to a 1069 training that was housed in a folder in Google Classroom. We propose, rather than worry about each link in each email, that Defendant review the contents of that training folder to confirm the 1069 training materials have been produced to Plaintiffs. We will aim to provide any additional documents located in the folder to you by Friday unless the folder turns out to be voluminous, in which case we will let you know.

Interrogatory No. 15 - We can have this to you by Friday.

Reconsiderations Spreadsheet - We would send you updated versions of the Reconsideration Spreadsheet monthly. With the DMRC process back up and running, along with her other duties, we don't want to ask Ms. Vinson to have to create such a document every month.

Please let us know by 5pm tomorrow if Plaintiffs agree to these proposed resolutions. If we are able to reach agreement on the foregoing issues, Defendant will represent in its response to the motion to compel that the parties have resolved the particular issue. Otherwise, we are working on our response pursuant to the Court's order and will proceed with filing it on Thursday if the parties cannot reach an agreement.

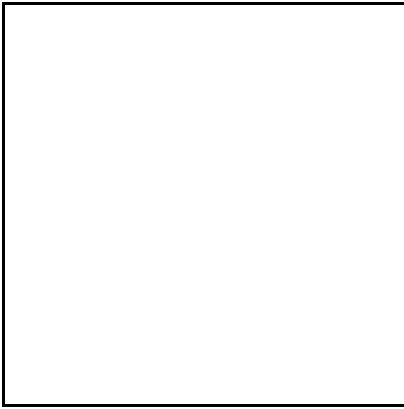
Adams' cell phone - On or about December 9, 2023, Mr. Adams was on a boat and dropped his cell phone in the ocean. He was able to dive in and retrieve it but our understanding is that the data was not able to be transferred from the phone because of the damage caused by the saltwater. It was not backed up to the cloud. As of now, we plan on responding to the issues regarding the personal communications, including Adams' cell phone, in the response to the motion to compel but will be in touch if there is anything we think we can resolve.

Thanks,
Nicole

Nicole Sieb Smith

Attorney at Law

nsmith@rumberger.com | [View my online bio](#)



101 North Monroe Street MAIN 850.222.6550
Suite 1050
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is.

From: Warren, Catherine J. <warrenc@ballardspahr.com>

Sent: Tuesday, November 5, 2024 5:27 PM

To: Smith, Nicole <nsmith@rumberger.com>; Shalini Agarwal <shalini.agarwal@protectdemocracy.org>; Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgarriff, Mike <kilgarriffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715517]

Nicole,

Thanks for your responses. A few points of clarifications:

1. From our review, we see 61 of the documents that were removed from the privilege log are now produced, but there are still 76 documents that were removed from the privilege log that have not been produced. Attached is a chart showing the documents we do not believe have been produced. If already produced, can you please include the Bates numbers, or if not produced, please produce and include the Bates numbers in the attached chart?
2. On a similar note, do you plan to address the other deficiencies in the revised privilege log identified in our email from October 31?
3. Thanks for confirming regarding the attachments to the HB 1069 documents. When do you anticipate you will have an update on those Google Classroom documents?
4. For Interrogatory No. 15, we are fine with the approach you outline below. When will Ms. Vinson be able to complete that process?
5. On the monthly updates, can you please clarify what you mean when you say "Defendant can once per month (date to be decided by the parties) notify Plaintiffs of changes that are made to the Reconsiderations

Spreadsheet"? Does being "notified" of changes "that are made" to spreadsheet once per month mean you will tell us that, for example, on X date, Y change was made? Will you send us a document that lists the changes? Or, will you send us updated versions of the Reconsideration Spreadsheet?

Lastly, on our meet and confer last Monday, we learned for the first time that Mr. Adams' cell phone had water damage and no messages were recoverable. You mentioned that additional searches could be done to see if his communication could be located. Do you have an update for us on that? In addition, can you provide more detail around how/when Mr. Adams' phone was damaged?

Thanks,
Catherine

Catherine J. Warren
She/Her/Hers

Ballard Spahr
LLP

1225 17th Street, Suite 2300
Denver, CO 80202-5596
303.299.7387 DIRECT

508.523.2590 MOBILE | warrenc@ballardspahr.com
VCARD

www.ballardspahr.com

From: Smith, Nicole <nsmith@rumberger.com>

Sent: Monday, November 4, 2024 4:15 PM

To: Shalini Agarwal <shalini.agarwal@protectdemocracy.org>; Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgariff, Mike <kilgariffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Warren, Catherine J. <warrenc@ballardspahr.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715517]

 **EXTERNAL**

Hi Shalini, please see our responses below.

Nicole Sieb Smith

Attorney at Law

nsmith@rumberger.com | [View my online bio](#)



101 North Monroe Street MAIN 850.222.6550
Suite 1050
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is.

From: Shalini Agarwal <shalini.agarwal@protectdemocracy.org>

Sent: Monday, November 4, 2024 11:13 AM

To: Duquette, Carlie <cduquette@rumberger.com>

Cc: Oberlander, Lynn <oberlanderl@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgariff, Mike <kilgarriffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>; Smith, Nicole <nsmith@rumberger.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Warren, Catherine J. <warrenc@ballardspahr.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: Re: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715517]

Hi Carlie, Nicole, and team,

I'm writing to ask that Defendant let us know what's in this most recent production from Friday, both in general, and vis-a-vis Plaintiffs' pending motion to compel. **As noted in the service email, volume 8 contained documents responsive to Plaintiff's Request for Production Nos 56 and 57 and items released from the privilege log. As such the priv log docs relate to the pending motion to compel.**

And further, given Defendant's representation in its most recent filing that it needs time "to resolve further issues raised within Plaintiffs' Motion and potentially obviate or eliminate the need for judicial intervention," Plaintiffs would like to know which areas of dispute the parties may be able to narrow, in Defendant's view, and whether we should be expecting additional productions.

- **As discussed during our last meet and confer, we are collecting the Google Classroom docs Plaintiffs identified in the deficiency letter. Because this platform is no longer used by the District it has taken some time to find a way to access them. We are trying to see if we can determine how many links to documents in the emails were from Google Classroom.**
- **We are working with the Board's general counsel to determine if we can narrow the privilege log any further.**
- **For Rog 15, Ms. Vinson believes she can accomplish the chart in a reasonable amount of time if she does not have to cross-reference the entries with Destiny, which she was originally planning to do--and was included in our time estimates. She did this several times during her deposition. Please let us know your position on that approach.**
- **For the period post-discovery cut-off until trial, Defendant can once per month (date to be decided by the parties) notify Plaintiffs of changes that are made to the Reconsiderations Spreadsheet. Let us know if that is agreeable.**

Thanks,

Shalini

Shalini Goel Agarwal (she/her - [pronunciation](#))

Special Counsel, Protect Democracy
protectdemocracy.org | (850) 860-9344

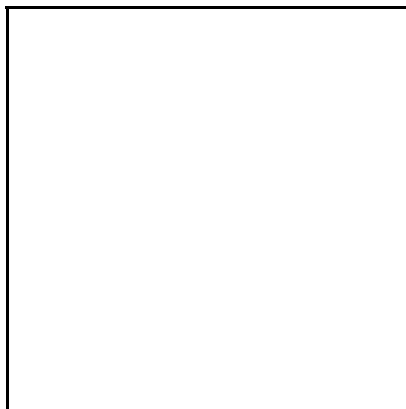
Sign up for our weekly email briefing: ifyoucankeep.it

On Fri, Nov 1, 2024 at 8:51 PM Duquette, Carlie <cduquette@rumberger.com> wrote:

Please see attached link to re-production of Volume 8: <https://rumberger.sharefile.com/d-s618cf764db324ceaaca7c7e01c9ece4f>

Carlie Duquette

Florida Registered Paralegal
cduquette@rumberger.com



101 North Monroe Street DIRECT 850.841.8371
Suite 1050 MAIN 850.222.6550
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is.

From: Oberlander, Lynn <oberlanderl@ballardspahr.com>

Sent: Friday, November 1, 2024 11:05 AM

To: Duquette, Carlie <cduquette@rumberger.com>; shalini.agarwal@protectdemocracy.org; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgarriff, Mike <kilgarriffm@ballardspahr.com>; eDiscovery Services <eDiscoveryServices@ballardspahr.com>

Cc: Smith, Nicole <nsmith@rumberger.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>; Warren, Catherine J. <warrenc@ballardspahr.com>; Petagna, Kristen <petagnak@ballardspahr.com>; Ori Lev <ori.lev@protectdemocracy.org>; Ellinor Heywood <ellinor.heywood@protectdemocracy.org>; Kussmaul, Matthew <KussmaulM@ballardspahr.com>

Subject: RE: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715517]

Carlie, Nicole, Samantha, et al:

You will need to immediately rerun this production. Our eDiscovery folks have discovered that your Bates numbers are off. For example, in this production are several documents that bear the same Bates numbers as documents in earlier productions, but which are different documents. For example:

<u>Source</u>	<u>Prod Beg Bates</u>	<u>Prod End Bates</u>	<u>Description</u>
Within Prod 7:	E-ECSD_0068257	E- ECSD_0068258	Email dated 9/19/2023
Within Prod 8:	E-ECSD_0068258	E- ECSD_0068262	Email dated 10/9/2022

The two documents bearing E-ECSD_0068258 are attached.

Thank you.

Lynn

From: Duquette, Carlie <cduquette@rumberger.com>
Sent: Thursday, October 31, 2024 3:30 PM
To: shalini.agarwal@protectdemocracy.org; scott.welder@protectdemocracy.org; kristy.parker@protectdemocracy.org; john.langford@protectdemocracy.org; Oberlander, Lynn <oberlanderl@ballardspahr.com>; Safier, Paul J. <SafierP@ballardspahr.com>; Relyea, Ryan R. <RelyeaR@ballardspahr.com>; Tran, Patrick <tranp@ballardspahr.com>; Fehlan, Kirsten <FehlanK@ballardspahr.com>; ori.lev@protectdemocracy.org; Fields, Goldie <fieldsg@ballardspahr.com>; Bouzat, Facundo <bouzatf@ballardspahr.com>; Kilgariff, Mike <kilgariffm@ballardspahr.com>
Cc: Smith, Nicole <nsmith@rumberger.com>; Duke, Samantha <Sduke@rumberger.com>; Moseley, Cayla <cmoseley@rumberger.com>
Subject: Pen American Center, et al. v. Escambia County School Board - Case No. 3:23-cv-10385-TKW-ZCB - Production Volume 8 [RKC-ACTIVE.FID3715517]

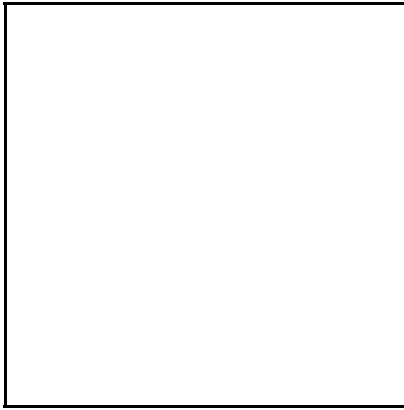
⚠ EXTERNAL

At the below link, please find Defendant's Production Volume 8 containing documents responsive to Plaintiff's Request for Production Nos 56, 57 and items released from the privilege log. Password will follow under separate cover.

<https://rumberger.sharefile.com/d-s056252619ad64342ba703f59dac569a8>

Carlie Duquette

Florida Registered Paralegal
cduquette@rumberger.com



101 North Monroe Street DIRECT 850.841.8371
Suite 1050 MAIN 850.222.6550
Tallahassee, FL 32301

The information in this e-mail message is legally privileged and confidential information. If you have received this e-mail in error, please delete from any device/media where the message is stored.