

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,)	
a Delaware nonprofit corporation,)	
)	
Plaintiff,)	No.1:13-cv-01746-SLR
)	
v.)	
)	
JOSEPH R. BIDEN, III,)	
)	
and)	
)	
ELAINE MANLOVE,)	
)	
Defendants.)	

**PLAINTIFF’S RESPONSES AND OBJECTIONS TO DEFENDANTS’
DISCOVERY REQUESTS**

GENERAL OBJECTIONS

Plaintiff, Delaware Strong Families (“DSF”) generally objects to each document request, interrogatory, and request for admission (1) insofar as it seeks information not in DSF’s possession, custody, or control; (2) insofar as it seeks information which is publicly available or otherwise equally available to Defendants from sources other than DSF; (3) insofar as it seeks information that does not specifically refer to the subject matter of this litigation; and (4) insofar as it seeks information which is not reasonably calculated to lead to the discovery of admissible evidence.

By making the following responses and objections, DSF does not waive future or further objections to, or admit the relevancy and/or materiality of, any information requested. DSF does not waive the right to object to (1) the evidentiary use of the information contained herein and (2) further discovery requests related to Plaintiff’s objections and responses. DSF’s investigation, discovery, and preparation for proceedings are ongoing and all answers are given without

prejudice to DSF's right to introduce or object to the discovery of any documents, facts, or information discovered after January 14, 2014. These responses and objections are made on the basis of information which is known to DSF as of January 14, 2014.

**OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION OF
DOCUMENTS**

- 1. DSF's federal tax returns for the 2012 tax year, to the extent that they are ultimately required to be made publicly available.**

Response: DSF will timely respond to this request in accordance with Fed. R. Civ. P. 34(b)(2).

- 2. All publicly distributed versions of any voter guides or similar materials prepared, funded, or distributed in whole or in part by DSF or its predecessor organizations on or after January 1, 2010.**

Response: DSF objects insofar as DSF's 2012 voter guide remains within the custody and control of the Defendants, as Exhibit A to the Verified Complaint. Further, DSF objects to the relevance of all other named materials as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

- 3. All documents and communications on or after January 1, 2010 that solicit contributions to DSF. To the extent such documents or communications contain the name and/or contact information of a contributor or potential contributor and refer to the contributor or potential contributor in that capacity, you may redact the name and/or contact information. To the extent substantially identical versions of the same document or communication were distributed to multiple recipients, you need produce only one copy of the document or communication. This request encompasses only documents and communications distributed or made available to third parties and does not include documents and communications distributed or made available solely to DSF officers and employees.**

Response: DSF objects to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

4. **All documents that contain, constitute, describe, or memorialize any agreement between DSF and DFPC regarding the performance, funding, or support, in whole or in part, of electioneering activity.**

Response: DSF will timely respond to this request in accordance with Fed. R. Civ. P. 34(b)(2).

5. **Any documents that evidence or tend to prove or disprove the facts stated in your response to interrogatory number 1 below, are referred to in that answer, or that you relied on in preparing that answer.**

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

6. **Any documents or communications that tend to prove or disprove your allegations that the Delaware Elections Disclosure Act will “chill” or has “chilled” protected speech by DSF. *See, e.g.,* Complaint ¶¶ 5, 37, 75, 76.**

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, Plaintiff responds that the Verified Complaint contains DSF President Nicole Theis’s sworn statement that, absent injunctive relief, DSF will not produce a voter guide of substantial similarity to the one it produced and distributed in 2012. *See, e.g.,* V. Complaint ¶ 37.

7. **Any documents or communications from January 1, 2010, to the date of this request that contain, describe, or reflect any request by a contributor to DSF that the contributor’s identity, contact information, and/or other information about**

their contribution be kept confidential, or any promise or commitment by DSF to a contributor to keep such information confidential. To the extent such documents or communications contain the name and/or contact information of a contributor or potential contributor and refer to the contributor or potential contributor in that capacity, you may redact the name and/or contact information.

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSES TO INTERROGATORIES

1. **If you contend that disclosure of contributors' names will subject them to threats, harassment, or reprisals, then state all facts of which you were aware prior to the date of this request on which you base that contention.**

Response: DSF's Verified Complaint speaks for itself. DSF does not rely upon the exemption from political committee disclosure for groups showing a "reasonable probability" that [] compelled disclosure will subject those identified to 'threats, harassment, or reprisals.'" *Brown v. Socialist Workers '74 Campaign Comm.*, 459 U.S. 87, 88 (1982) (quoting *Buckley v. Valeo*, 424 U.S. 1, 74 (1976)).

Furthermore, DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

2. **For each of the years 2010, 2011, 2012, and 2013, state the total number of contributors to DSF.**

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

3. **For each of the years 2010, 2011, 2012, and 2013, state**

- a. the total number of contributors you contend you would have had to disclose under Del. Code Ann. tit. 15, § 8031, if the Delaware Elections Disclosure Act had been in effect in those years; and
- b. the aggregate amount of contributions made by the contributors listed in (a) in that year.

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

4. For each of the years 2010, 2011, 2012, and 2013, state
 - a. the total number of contributors you contend you would have had to disclose as a person who “is not an individual” within the meaning of Del. Code Ann. tit. 15, § 8031(a)(4), if the Delaware Elections Disclosure Act had been in effect in those years; and
 - b. the aggregate amount of contributions made by the contributors listed in (a) in that year.

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

5. For each voter guide included in request for production 2 above, state (a) the dates when the voter guide was distributed, (b) the groups or audiences to which the guide was distributed, and (c) the number of people reached in each such group or audience.

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

6. For each voter guide or similar material described in request for production 2 above, identify DSF’s expenditures related to that voter guide, including without limitation staff time, printing costs, distribution costs, marketing costs, and payments, reimbursements, or transfers to DFPC or other third parties.

Response: As to the 2012 voter guide attached to Plaintiff’s Verified Complaint as Exhibit A, DSF will timely respond to this request in accordance with Fed. R. Civ. P. 33(b)(2). As to any

other materials, DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

- 7. For each of the years 2010, 2011, 2012, and 2013, state DSF's (a) total expenditures and (b) total expenditures on electioneering activity. In your answer to (b), include all electioneering activity performed, funded, or supported by DSF, whether directly or through DFPC or another third party.**

Response: Insofar as DSF will provide a timely response to Interrogatory 6 and Document Request 1, all responsive information for the year 2012 will be within the custody and control of the Defendants. As to all other years or matters, DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

- 8. For each of the years 2010, 2011, 2012, and 2013, identify (a) any electioneering activity DFPC performed on DSF's behalf, at DSF's request, or at DSF's direction and (b) the amount of any reimbursement, payment, or other compensation by DSF for each activity.**

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving the foregoing objections, DSF will timely respond to this request in accordance with Fed. R. Civ. P. 33(b)(2).

RESPONSES TO REQUESTS FOR ADMISSION

- 1. Admit that the attached Exhibits A through G are true and accurate copies of the original documents.**

Response: Admitted.

2. Admit, for all copies of documents that you produce in response to any discovery request in this case, that the produced copies are true and accurate copies of the original documents.

Response: Admitted.

3. Admit or deny that you currently maintain records of individual contributions.

Response: DSF objects as to the relevance of this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, DSF responds as follows: Admitted.

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