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4 Contestant, In Pro Per
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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SAN DIEGO**
8

9 RAYMOND LUTZ) Case No.: 37-2016-00023347-CU-PT-CTL
10)
Contestant,) Assigned for All Purposes to the
11) Honorable Laura H. Parsky
HILLARY CLINTON, Democratic Presidential) Dept: C-903
12 Party candidate named as an indispensable party,)
and DOES 1-10) **CONTESTANT RAYMOND LUTZ'S**
13) **REQUEST FOR PRODUCTION OF**
Defendant(s)) **DOCUMENTS TO REAL PARTY OF**
14) **INTEREST, MICHEAL VU AND THE**
Michael Vu, San Diego County Registrar of) **COUNTY OF SAN DIEGO,**
15 Voters and San Diego County) **SET ONE**
16) Action Filed: 07/11/2016
Real Party of Interest) Trial Date: Unassigned
17)

18 PROPOUNDING PARTY: CONTESTANT RAYMOND LUTZ

19 RESPONDING PARTY: REAL PARTY OF INTEREST MICHAEL VU and THE
20 COUNTY OF SAN DIEGO

21 SET NO.: ONE

22 Pursuant to California Code of Civil Procedure Sections 2031.010, Contestant RAYMOND
23 LUTZ hereby demands Real Party of Interest MICHEAL VU produce for inspection and copying
24 the originals of all documents described below, in writing and under oath within 30 days after
25 service hereof (thirty-five days if served by U.S. Mail). The answers to the following requests shall
26 be provided by email to raylutz@citizenoversight.org and/or provided during one or more
27 inspection days at a room provided by COUNTY.
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DEFINITIONS

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2 1. **“DOCUMENT”** shall mean “writing” as defined in Evidence Code section 250 as
3 follows: **“WRITING”** means handwriting, typewriting, printing, photostating, photographing, and
4 every other means of recording upon any tangible thing of any form of communication and
5 representation, including letters, words, pictures, sounds, or symbols, or combinations thereof,
6 statements, printed, or graphic representations, catalogues, circulars, manuals, brochures, reports,
7 memoranda, transcripts, communication, letters, e-mail correspondence, labels, advertisements,
8 directions, procedures, manifests, voted ballots, or other Document and/or writings as defined in the
9 California Evidence Code and Code of Civil Procedure, including drafts of any of the above.
10 DOCUMENT includes the originals, electronic or native files, any copies of originals not available,
11 or any non-identical copies (or copies different from the original because of notes made on such
12 copies, or because of an indication that such copies were sent to individuals different from those to
13 whom the originals were sent, or different for any other reason).

14 2. As used in this Request, the word “and” also means “or”; the word “or” also means
15 “and.”

16 3. **“RELATING TO”** means evidencing, supporting, contracting, pertaining to, referring to,
17 connected to, stating, constituting, reflecting, respecting, describing, recording, noting, embodying,
18 containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

19 4. **“YOU”** or **“YOUR”** as used herein refers to MICHAEL VU, SAN DIEGO COUNTY, or
20 any individual acting on MICHAEL VU’s or SAN DIEGO COUNTY’s behalf.

21 5. **“CORRESPONDENCE”** mean any writing demonstrating communication between
22 persons and/or entities, including but not limited to letters, emails, notes, text messages, and
23 facsimiles.

24 6. **“AFFIDAVIT”** as used herein refers to the Second Amended Affidavit of Contest
25 (lawsuit) filed in this case, Case No. 37-2016-00023347-CU-PT-CTL.

26 7. If not otherwise specified, the relevant time period is from January 1, 2016 to the present.

27 8. **CONTESTANT** refers to RAYMOND LUTZ, associated staff, or volunteers who may
28 be assisting in the inspection of the documents.

- 1 9. **PRECINCT** is defined by Elections Code §338.6¹, or consolidation thereof.
- 2 10. **BALLOT** as defined by §302 “Ballot Card” or §305.5 “Paper Cast Vote Record,” or
3 §344 “Punchcard”.
- 4 11. **Polls Ballots** – Ballots cast at polling places on election day. (§14000-§14443).
- 5 12. **Vote-By-Mail (VBM) Ballot** – is a BALLOT which was completed and cast in any way
6 other than at the polling place, as defined by §300.
- 7 13. **Early VBM Ballots** – Vote-by-Mail (VBM) ballots cast and received and processed
8 prior to the closing of the polls on election day. (§3000 - §3026).
- 9 14. **Later VBM Ballots** – Ballots postmarked on or prior to election day and not received
10 until up to three days after election day, and VBM ballots brought to polling places. These ballots
11 must be processed in the days and weeks after election day, including validating the ballot, scanning
12 them, and including those results in the tabulation. (§3000 - §3026).
- 13 15. **Accepted Provisional Ballots** – Ballots cast provisionally at polling places due to some
14 concern of their validity. Once these ballots are validated and accepted, they are removed from the
15 provisional ballot envelope and included in the tabulation. Not all provisional ballots are validated
16 and accepted. (§14310 - §14314)
- 17 16. **One Percent Manual Tally** – is the election audit process defined by §15360 and
18 §336.5.
- 19 17. **Semi-Final Official Canvass** – The tabulation of the election at the end of election
20 night which includes only the Early VBM Ballots and the Polls Ballots but not the Later VBM
21 Ballots nor the Accepted Provisional Ballots. (§15150, §353.5)
- 22 18. **BATCH** refers to an unopened box of voted BALLOTS which are either all of the same
23 PRECINCT or are all VOTE-BY-MAIL ballots which were processed at approximately the same
24 time but are of various precincts, and are stored together, and which have a corresponding computer
25 report. (“Batch is defined by §15360(a)(2)(B)(ii)). COUNTY sometimes uses the term “DECK” as a
26 synonym for BATCH.

27
28 ¹ Henceforth, unannotated references are to the California Elections Code.

INSTRUCTIONS

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2 1. Responding Party is requested, pursuant to Code of Civil Procedure section 2031.010 eq
3 seq., to produce for inspection and photocopying all DOCUMENTS responsive to the categories set
4 forth below that are in his possession, custody, care, or control, including DOCUMENTS and
5 tangible things in the possession, custody, care, or control of their attorneys, investigators, agents, or
6 persons acting on their behalf.

7 2. In the event YOU are not able to produce all of the DOCUMENTS requested, produce
8 those DOCUMENTS which YOU are able to provide, and state the reason for YOUR inability to
9 provide the remainder. If any requested DOCUMENT was, but no longer is, in YOUR possession,
10 custody, or control, identify the DOCUMENT (stating its date, author, subject, recipient, intended
11 recipients, custodians, and specific location); explain the circumstances by which the
12 DOCUMENT(S) ceased to be in YOUR possession, custody, or control; and identify (stating the
13 person’s name, employer, title, business address and telephone number, and home address and
14 telephone number) all persons known to have or believed to have the DOCUMENT(S) or a copy of
15 the DOCUMENT(S) in their possession, custody, or control.

16 3. With respect to any requested DOCUMENT for which protection from discovery is
17 asserted on any ground, including, but not limited to, the attorney-client privilege or the work-
18 product privilege, YOU are requested to describe such DOCUMENT with particularity. If a
19 DOCUMENT is withheld, state its date, author, subject matter, number of pages, and all recipients
20 thereof. For any DOCUMENT(S) withheld, specify the claimed factual and legal bases for
21 protection from discovery.

22 4. File folders with tabs or labels identifying DOCUMENTS called for by this Demand are
23 required to be produced intact with such DOCUMENTS.

24 5. With respect to any produced ELECTRONIC FILES, YOU are requested to produce
25 them in their native format. Native format refers to the electronic entries and files recorded by any
26 electronic software program.

27 6. COUNTY is reminded that it is required to keep ballots for 22 months as evidence of the
28 election, and must not destroy them “so long thereafter as any contest involving the vote at the
election remains undetermined.” (§17305). Since this Contest Action was considered “commenced”
upon filing (CA CCP §583.210), the ballot evidence must not be destroyed until we have been able

1 to access it per this request, or you will be in violation of that statute. With your cooperation, we can
2 complete this request in an expeditious manner and there will be no need to continue to store the
3 ballots.

4 **REQUEST FOR PRODUCTION No. 1:**

5 Manifest or other documents describing the VOTED BALLOTS in storage for the June
6 Primary Election in 2016, including the number of ballots in each BATCH, and their type (Early
7 VBM, Later VBM, Polls, or Provisional), and PRECINCT if applicable. This will include a
8 comprehensive SEMI-FINAL CANVASS report providing the vote totals in each BATCH.

9 353.5. The "semifinal official canvass" is the public process
10 of collecting, processing, and tallying ballots and, for state
11 or statewide elections, reporting results to the Secretary of
12 State on election night. The semifinal official canvass may
13 include some or all of the absentee and provisional vote
14 totals.

15 **REQUEST FOR PRODUCTION No. 2:**

16 Access for inspection of VOTED BALLOTS in the 2016 Primary Election, most specifically
17 regarding the Early VBM ballots. The purpose of this inspection is to conduct an independent
18 random audit. This inspection process will not permanently alter the ballot evidence in any way.
19 This process will proceed as follows:

- 20 1. Based on the result of Production No. 1 (above), CONTESTANT will provide YOU with the
21 BATCH numbers to be inspected. This information will be withheld until the day of the
22 inspection process to avoid any possibility that they may be fixed up or pre-stacked.
23 CONTESTANT will specify ten batches to be accessed in the initial request, out of
24 approximately 723 batch boxes included in the Early VBM Ballots category.
- 25 2. CONTESTANT will be allowed to witness the process of pulling the BATCH boxes from
26 storage and brought – without opening or unsealing them – to an inspection room provided
27 by YOU.
- 28 3. CONTESTANT will inspect the ballots by counting, photographing, or scanning using a
high-speed scanner or other equipment provided by CONTESTANT and used in the
inspection room by CONTESTANT under YOUR supervision.

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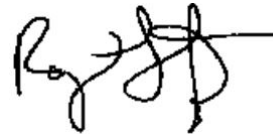
4. CONTESTANT will be allowed to peel back and inspect under any white-out tape applied on ballots, if desired.

5. CONTESTANT will have the right to video record the process in detail, with the understanding that no voter-identifiable information may be included in the video.

CONTESTANT is willing to meet and confer with YOU to facilitate this process and revise it as necessary.

Dated: March 7, 2018

Respectfully Submitted,



Raymond Lutz,
Contestant, in Pro Per