

Michigan Independent Citizens Redistricting Commission RFP

Request for Proposal (RFP) No. 920,
210000001965

Litigation Counsel

BakerHostetler

July 2021

Submitted by:
E. Mark Braden
Of Counsel

mbraden@bakerlaw.com
T +1.202.861.1504
F +1.202.861.1783

1050 Connecticut Avenue, NW
Suite 1100
Washington, D.C. 20036

Contents

Confidential Treatment Form.....	1
Vendor Question Worksheet	2
Statement of Work.....	6
Contract Standard Terms	21
Contractor – Organization Chart	22
Contractor – Resumes	23



STATE OF MICHIGAN

MICHIGAN INDEPENDENT CITIZEN REDISTRICTING COMMISSION

CONFIDENTIAL TREATMENT FORM

INSTRUCTIONS. Complete either *Section 1* or *Section 2* of this CT Form and sign where indicated. This CT Form must be signed by the individual who signed the bidder's proposal. A completed CT Form must be submitted with your proposal, regardless of whether your proposal contains confidential information.

Failure to submit a completed CT Form with your bid is grounds for rejecting the proposal as non-responsive. See the **Confidential Treatment Form** and **The Freedom of Information Act (FOIA)** sections of the *Proposal Instructions* for additional information.

Section 1. CONFIDENTIAL TREATMENT IS NOT REQUESTED

This section must be completed, signed, and submitted with the proposal if the bidder does **not** request confidential treatment of any material contained in the proposal.

By signing below, the bidder affirms that confidential treatment of material contained in their proposal is not requested.

RFP Number No. 920, 210000001965

RFP Title

Litigation Counsel - Michigan Independent
Citizens Redistricting Commission RFP

Signature

A handwritten signature in black ink that reads "Kate M. L." with a stylized flourish at the end.

Date

7/29/2021

Printed Name, Title, Company

Katherine L. McKnight
Partner
BakerHostetler LLP

Vendor Question Worksheet

Information Sought	Bidder Response
1. Contact Information	
Bidder's sole contact person during the RFP process. Include name, title, address, email, and phone number.	Katherine L. McKnight Partner 1050 Connecticut Avenue N.W. Suite 1100 Washington, D.C. 20036 kmcknight@bakerlaw.com T: (202) 861-1618
Person authorized to receive and sign a resulting contract. Include name, title, address, email, phone number. The awarded vendor will be required to establish an account in SIGMA Vendor Self-Service	Katherine L. McKnight Partner BakerHostetler LLP 1050 Connecticut Avenue N.W. Suite 1100 Washington, D.C. 20036 kmcknight@bakerlaw.com T: (202) 861-1618
2. Company Background Information	
Legal business name and address. Include business entity designation, e.g., sole proprietor, Inc., LLC, or LLP.	Baker & Hostetler LLP 1050 Connecticut Avenue N.W. Suite 1100 Washington, D.C. 20036
What State was the company formed in?	The first office was opened in Cleveland, Ohio
Phone number.	(202) 861-1500
Website address.	www.bakerlaw.com
Number of years in business and number of employees.	Years in business: 105 years Number of employees: about 1,000 attorneys
Legal business name and address of parent company, if any.	Baker & Hostetler LLP
Has there been a recent change in organizational structure (e.g., management team) or control (e.g., merger or acquisition) of your company? If the answer is yes: (a) explain why the change occurred and (b) how this change has affected your company.	No.
Discuss your company's history. Has growth been organic, through mergers and acquisitions, or both?	BakerHostetler was formed in Cleveland, Ohio, in 1916, and currently has 17 offices in the United States. Growth at the firm has been primarily organic and focused on hiring specific lawyers or teams of lawyers. In 2014, the firm merged with the intellectual property law firm Woodcock Washburn LLP.

Has bidder ever been debarred, suspended, or disqualified from bidding or contracting with any entity, including the State of Michigan? If yes, provide the date, the entity, and details about the situation.	NO.
Has your company been a party to litigation against the State of Michigan? If the answer is yes, then state the date of initial filing, case name and court number, and jurisdiction.	NO.
Within the last 5 years, has your company or any of its related business entities defaulted on a contract or had a contract terminated for cause? If yes, provide the date, contracting entity, type of contract, and details about the termination or default.	NO.
State your gross annual sales for each of the last 5 years. If receiving a contract under this RFP will increase your gross revenue by more than 25% from last year's sales, explain how the company will scale-up to manage this increase.	BakerHostetler is a legal service provider and does not have gross annual sales of any product.
Describe partnerships and strategic relationships you think will bring significant value to the Commission.	BakerHostetler's political law team has worked with the best data and map drawing experts in the field of redistricting who understand the complexities of Census 2020 data and are at the forefront of cutting-edge map analysis techniques. These relationships will bring significant value to the Commission as it addresses map drawing and map analysis using the delayed Census 2020 data.
State the physical address of the place of business that would have primary responsibility for this account if bidder is awarded a contract under this RFP.	BakerHostetler LLP 1050 Connecticut Avenue N.W. Suite 1100 Washington, D.C. 20036
3. Participation in RFP Development or Evaluation	
Did your company, an employee, agent, or representative of your company, or any affiliated entity participate in developing any component of this solicitation? For purposes of this question, business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has power to control the other or (2) a third-party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities or equipment, and common use of employees.	NO.
If you are awarded a contract under this solicitation, in order to provide the goods or services required under a resulting contract, do you intend to partner or subcontract with a person or entity that assisted in the development of this solicitation?	NO.

Will your company, or an employee, agent, or representative of your company, participate in the evaluation of the proposals received in response to this RFP?	NO.
4. State of Michigan Experience	
Does your company have experience working with the State of Michigan? If so, please provide a list (including the contract number) of the contracts you hold or have held with the State for the last 10 years.	NO.
5. Standard Contract Terms	
Bidder must affirm agreement with the attached Contract Terms. If not in agreement, written exceptions in accordance with the Evaluation Process section of the Proposal Instructions must be provided with Bidder's proposal.	Bidder does not agree with the attached Contract Terms. Bidder cannot agree to the "liquidated damages" provision in paragraph 20 on page 8 of the Contract Terms. Bidder cannot agree to inform the client of litigation, investigation, arbitration or other proceeding involving the Firm, or an officer or director of the Firm, that arises during the term of the contract as required in paragraph 27 on page 10 of the Contract Terms.
6. Michigan Economic Impact	
Number of employees currently employed at locations within the State of Michigan.	Unfortunately, BakerHostetler LLP does not have an office in Michigan. 0
Number of additional employees to be employed at locations within the State of Michigan if awarded this Contract (if any)	0
Minimum wage paid to employees employed at locations within the State of Michigan.	n/a
Average wage paid to employees employed at locations within the State of Michigan.	n/a
Percentage of employees employed at locations within the State of Michigan that are covered by employer- provided health insurance.	n/a
7. Other	
Abusive Labor Practices. The Contractor certifies that it will not furnish any Deliverable that was produced fully or partially by forced labor, forced or indentured child labor, or indentured servitude.	YES - we certify that we will not furnish any Deliverable that was produced fully or partially by forced labor, forced or indentured child labor, or indentured servitude.

<p>Certification of Michigan Business- Public Act 431 of 1984, Sec. 268. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Business Tax Corporate Income Tax Return. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Income Tax return showing income generated in, or attributed to the State of Michigan. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, withheld Michigan Income Tax from compensation paid to the company's owners and remitted the tax to the Michigan Department of Treasury.</p>	<p>BakerHostetler is not a Michigan Business.</p>
<p>Iran Linked Business- Public Act 517 of 2012. I certify that the Company is not an Iran-Linked business as defined by Public Act 517 of 2012.</p>	<p>YES - I certify that the Company is not an Iran-Linked business as defined by Public Act 517 of 2012.</p>
<p>Clean Corporate Citizen. I certify that the Company is a Clean Corporate Citizen as defined by the Environmental Protection Act, 1994 PA 451.</p>	<p>N/A. BakerHostetler is a law firm that does not have an office in Michigan and is not currently subject to the terms of the Environmental Protection Act, 1994 PA 451.</p>
<p>Convict Labor. The Contractor certifies that if using convict labor, it is complying with all applicable state and federal laws and policies.</p>	<p>YES.</p>
<p>SOM Debt/Tax Payment. I certify that all applicable State of Michigan taxes are paid, and that no outstanding debt is owed to the State of Michigan.</p>	<p>YES. The Firm's partners participate in a composite tax return and the Firm pays the composite taxes on the partner's behalf. The Firm is current with its payments. The Firm has no outstanding debt.</p>
<p>Authorization to Verify Information Provided by Vendor. I authorize the Commission to verify that all information provided in this registration, in bidding and contracting documents, and any attachments or supplement documents and processes are accurate.</p>	<p>YES.</p>

Statement of Work

1.1 Key Deliverable One:

Key expertise or desirable expertise to fulfill the Statement of Work located within Section A of this RFP:

(a) **Litigation Expertise.** The attorney, firm or other entity must demonstrate litigation experience and expertise to represent the Commission.

1. Briefly describe a maximum of 5 cases argued before the Michigan Supreme Court or the highest court of a State, including, in particular, cases involving constitutional or public policy issues. For each case, please include:

- i. The case caption.
- ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- iii. The outcome of the case and whether an appeal was pursued.

League of Women Voters of Pa. v. Commonwealth, 178 A.3d 737 (Pa. 2018).

Principal Legal Issues: Whether Pennsylvania's congressional districting plan violated the Free Speech, Equal Protection, and Free and Equal Elections Clause of the Pennsylvania Constitution.

Outcome: This involved a challenge to the state's congressional districting plan as an unconstitutional partisan gerrymander under the Free Speech, Equal Protection, and Free and Equal Elections Clause of the Pennsylvania Constitution. Following a one-week trial, and under existing Pennsylvania law, the Commonwealth Court rejected all of the plaintiffs' claims, finding that the plaintiffs had not demonstrated they were shut out of the political process and that they had failed to identify a judicially manageable standard for claims for partisan gerrymandering. *See League of Women Voters of Pennsylvania v. Commonwealth, 645 Pa. 1, 71-72 (2018).* The Pennsylvania Supreme Court ultimately reversed, finding the plan violated the state's Free and Equal Elections Clause, but only after changing the law, reading into the state constitution implicit redistricting criteria that are not expressed in the language of the constitution itself, and then finding that the plan subordinated these criteria in service of an unfair partisan advantage. *Id.* at 128.

Vesilind v. Virginia State Bd. of Elections, 813 S.E.2d 739 (Va. 2018).

Principal Legal Issues: Whether Virginia House of Delegates districts complied with the provision of the state constitution requiring that districts be "compact."

Outcome: Represented the Virginia House of Delegates and its speaker as intervenor-defendants in a case challenging five House districts, alleging that they did not comply with the provision of the state constitution requiring that districts be "compact." The case went to a three-day bench trial, and the House won a complete victory. The plaintiffs appealed, the Virginia Supreme Court took the case for plenary review and the House won a unanimous victory. The court adopted the House's arguments, which provided substantial clarity to the constitutional provision. The plaintiffs had argued that the state constitution required "compactness" to "predominate" over other redistricting criteria. The Virginia Supreme Court rejected that argument, reasoning that "predominance ... is not found in our Constitution," *id.* at 750, and it held that the state constitution does "not vest the judiciary with authority to establish a standard of compactness in the first instance," *id.* at 749. Instead, the state courts "give the General Assembly deference and wide discretion in determining compactness of legislative districts." *Id.*

Edwards v. Vesilind, 790 S.E.2d 469 (Va. 2016).

Principal Legal Issues: Scope and application of legislative privilege under the speech or debate clause of the Virginia Constitution.

Outcome: Represented the Virginia Division of Legislative Services (DLS), a legislative agency that provides technical assistance to the General Assembly and its members, in an interlocutory appeal in the *Vesilind* litigation from an order of the Richmond Circuit Court holding that DLS does not share in the state's Speech or Debate Clause privilege. DLS appealed from a ruling holding the agency in contempt. The Virginia Supreme Court took the case for plenary review and unanimously reversed.

Wilson v. Kasich, 134 Ohio St. 3d 221 (Oh. 2012).

Principal Legal Issues: Whether the Ohio Constitution required political neutrality when drawing districts and whether a districting plan complied with Article XI of the Ohio Constitution.

Outcome: Represented three of the five members of the Ohio Apportionment Board, including the governor, state auditor and president of the Ohio Senate, in defending an attack on the constitutionality of the Ohio House and Senate districts drafted by the board following the 2010 Census. In particular, the plaintiffs challenged that the Ohio Constitution required political neutrality when drawing districts and that the plan did not comply with Article XI of the Ohio Constitution. We successfully defended the plan in a direct action filed in the Ohio

Supreme Court. Following extensive briefing and oral argument, the Ohio Supreme Court ruled that the Ohio Constitution does not mandate political neutrality in the reapportionment of house and senate districts and upheld the state legislative plan in its entirety.

***Alexander v. Taylor*, 51 P.3d 1204 (Ok. 2002).**

Principal Legal Issues: Determining which districting plan to implement in an impasse case where a legislature fails to adopt a plan following release of Census data.

Outcome: Represented plaintiffs in an impasse case when the legislature failed to adopt a plan following the 2000 Census when Oklahoma went from six seats to only five. After the legislature failed to adopt a plan, five redistricting plans were submitted to the court. The trial court adopted the governor's plan, which we supported. We successfully argued in the Oklahoma Supreme Court to have that decision upheld.

2. Likewise, briefly describe, a maximum of 5 cases where a judgment was reached in a federal court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:

- i. The case caption.
- ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- iii. The outcome of the case and whether an appeal was pursued.

***Holloway v. City of Virginia Beach*, 2021 WL 1226554 (E.D. Va. 2021), appeal in Fourth Circuit pending.**

Principal Legal Issues: The case raises the question whether the at-large election process for the Virginia Beach city council violates the Voting Rights Act by diluting the voting strength of a coalition of Black, Hispanic American and Asian American voters. The predicate legal question is whether coalitional claims are cognizable under the Voting Rights Act, and there is a circuit split on that question. Another predicate question is the standard of cohesion applicable to coalitional claims, if they are cognizable.

Outcome: The district court concluded that coalitional claims are cognizable under the Voting Rights Act and that the plaintiffs were not required to establish voting preferences for each constituency of the alleged tripartite coalition but instead were permitted to aggregate voting estimates across all three without differentiation. The district court found liability after a trial and issued an injunction. The case is on appeal to the Fourth Circuit and may ultimately be presented to the U.S. Supreme Court.

***Ohio A. Philip Randolph Institute v. Householder*, 373 F. Supp. 3d 978 (S.D. Ohio 2019), vacated and remanded by 140 S. Ct. 101 (S.D. Ohio 2019).**

Principal Legal Issues: Whether Ohio's congressional plan was an unconstitutional partisan gerrymander under the First Amendment, Equal Protection Clause and Elections Clause of the United States Constitution.

Outcome: Represented 10 members of Ohio's congressional delegation as intervening defendants in a challenge to Ohio's congressional plan as an unconstitutional partisan gerrymander under the First Amendment, Equal Protection Clause and Elections Clause of the United States Constitution. We were able to successfully petition for intervention into the case to defend the plan on behalf of our clients. We then defended the plan in a two-week trial before a federal three-judge panel in Cincinnati along with the state defendants. Although the three-judge panel initially found the plan unconstitutional, we successfully obtained, along with the state defendants, a reversal and vacation of that decision by the United States Supreme Court.

***Agre v. Wolf*, 284 F. Supp. 3d 591 (E.D. Pa. 2018)**

Principal Legal Issues: Whether Pennsylvania's congressional plan violated the Elections Clause of the United States Constitution.

Outcome: Represented the speaker of the Pennsylvania House of Representatives in a challenge filed in federal court that Pennsylvania's congressional plan was an unconstitutional partisan gerrymander under the Elections Clause of the U.S. Constitution. Following a one-week trial, the federal three-judge panel rejected the plaintiffs' claims, finding them nonjusticiable.

***Bethune-Hill v. Virginia State Bd. of Elections*, 141 F. Supp. 3d 505 (E.D. Va. 2015) ("Bethune-Hill I")**

Principal Legal Issues: Whether the Virginia House of Delegates plan was an unconstitutional racial gerrymander.

Outcome: Represented the Virginia House of Delegates and its speaker in one of the most consequential federal redistricting cases of the past two decades. The plaintiffs challenged the 12 majority-minority districts in the Virginia House plan as unconstitutional "racial gerrymanders." The case went to trial in 2015, and the House won a complete victory, as the three-judge district court held that race did not predominate over other redistricting criteria, except in one district (HD75). The court did not strike down HD75 but rather held that it satisfied strict scrutiny because the House had a strong basis in evidence to conclude that it must be drawn to

comply with Section 5 of the Voting Rights Act. *Id.* at 555-59. The case was appealed to the United States Supreme Court which upheld the decision as to HD75 but remanded for further proceedings as to the remaining districts. *Bethune-Hill v. Virginia State Bd. of Elections*, 137 S. Ct. 788 (2017).

***Bethune-Hill v. Virginia State Bd. of Elections*, 326 F. Supp. 3d 128 (E.D. Va. 2018) (“Bethune-Hill II”)**

Principal Legal Issues: Whether the Virginia House of Delegates plan was an unconstitutional racial gerrymander.

Outcome: On remand (*see Bethune-Hill I* above), a split three-judge panel (including a new judge who did not preside at the original trial) found against the House, including by reference to findings of fact that contradicted the prior three-judge panel’s holdings. *Bethune-Hill v. Virginia State Bd. of Elections*, 326 F. Supp. 3d 128 (E.D. Va. 2018). The case was ultimately resolved 5–4 in the Supreme Court on procedural grounds, without a ruling on the merits. *Virginia House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945 (2019).

3. Please describe experience, if any, before the U.S. Supreme Court. For each case, please include:

- i. The case caption.
- ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- iii. The outcome of the case and whether an appeal was pursued.

***Bethune-Hill v. Virginia State Bd. of Elections*, 137 S. Ct. 788 (2017) (“Bethune-Hill I”)**

Principal Legal Issues: Whether the Virginia House of Delegates plan was an unconstitutional racial gerrymander.

Outcome: Represented the Virginia House of Delegates and its speaker in one of the most consequential federal redistricting cases of the past two decades. The plaintiffs challenged the 12 majority-minority districts in the Virginia House plan as unconstitutional “racial gerrymanders.” The case went to trial in 2015, and the House won a complete victory, as the three-judge district court held that race did not predominate over other redistricting criteria, except in one district (HD75). *Bethune-Hill v. Virginia State Bd. of Elections*, 141 F. Supp. 3d 505 (E.D. Va. 2015). The court did not strike down HD75 but rather held that it satisfied strict scrutiny because the House had a strong basis in evidence to conclude that it must be drawn to comply with Section 5 of the Voting Rights Act. *Id.* at 555-59. The case was appealed to the United States Supreme Court (the House was represented on appeal by Paul Clement and BakerHostetler as co-counsel) which upheld the decision as to HD75 but remanded for further proceedings as to the remaining districts.

***Virginia House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945 (2019) (“Bethune-Hill II”)**

Principal Legal Issues: Whether the Virginia House of Delegates plan was an unconstitutional racial gerrymander.

Outcome: On remand (*see Bethune-Hill I* above), a split three-judge panel (including a new judge who did not preside at the original trial) found against the House, including by reference to findings of fact that contradicted the prior three-judge panel’s holdings. *Bethune-Hill v. Virginia State Bd. of Elections*, 326 F. Supp. 3d 128 (E.D. Va. 2018). The case was ultimately resolved 5–4 in the Supreme Court (the House was represented on appeal by Paul Clement and BakerHostetler as co-counsel) on procedural grounds, without a ruling on the merits.

***Cox v. Larios*, 124 S. Ct. 2806 (2004)**

Principal Legal Issues: The case presented the question whether Georgia’s legislative reapportionment plans for the State House of Representatives and Senate violated the one-person, one-vote principle of the Equal Protection Clause. The predicate question was whether state legislative redistricting plans can be challenged under the one-person, one-vote principle even if the total population deviation falls below the 10% range afforded to state legislatures for discretionary use and, if so, under what circumstance such a challenge could succeed.

Outcome: We represented plaintiff a challenge to Georgia’s legislative districts, and the three-judge panel ruled in our clients’ favor. The court concluded that the 10% threshold sets the standard for shifting the burden of proof to a challenger, but that the range is not a “safe harbor.” The court concluded that, where the legislature utilized the 10% range to discriminate against some residents and in favor of others, the plan violates the one-person, one-vote principle and that this discrimination occurred in Georgia. The U.S. Supreme Court summarily affirmed the judgment of a three-judge panel in favor of our client.

***Georgia v. Ashcroft*, 123 S. Ct. 2498 (2003)**

Principal Legal Issues: The case presented the question whether Georgia’s legislative reapportionment plan demonstrated a lack of retrogressive effect sufficient to satisfy the preclearance requirements of Section 5 of the Voting Rights Act. There were several predicate legal questions. One was whether minority voters (our clients) would be permitted to intervene to challenge the plan. Another was whether dropping minority voting-

age population levels in performing Section 5 districts could satisfy Section 5 if a sufficient number of additional “influence” districts replaced them.

Outcome: Represented racial minority plaintiff intervenors in lawsuit alleging that Georgia’s plan reduced the minority percentage in “majority minority” districts to a level that risked retrogression under Section 5 and, therefore, the plan should not be precleared. The three-judge panel permitted intervention. It also agreed that the plan failed to demonstrate a lack of retrogressive effect and refused to preclear it. The state appealed and the Supreme Court, which affirmed the intervention of our clients based on our positions in briefing and at oral argument. A split court, however, determined that preclearance may be permissible notwithstanding the drop in minority voting-age population, giving the state the opportunity to replace majority-minority districts with influence district in the state’s discretion. Justice Souter and three other justices disagreed, concluding that this course of conduct must be supported with proof of the absence of legally significant racially polarized voting. In 2006, Congress reauthorized Section 5 and adopted the position of Justice Souter’s dissent, thereby reversing the Ashcroft decision.

***Fund for Accurate & Informed Representation, Inc. v. Weprin*, 796 F. Supp. 662 (N.D.N.Y. 1992), aff’d, 506 U.S. 1017 (1992)**

Principal Legal Issues: Whether the 1992 New York General Assembly reapportionment plan as violating “one person, one vote” under Equal Protection Clause of the Fourteenth amendment, as a partisan and racial gerrymander, and as violating the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment’s protection against abridgement of the right to vote based on race.

Outcome: BakerHostetler represented Fund for Accurate and Informed Representation, Inc. (“FAIR”) and other corporate and individual plaintiffs challenging the 1992 reapportionment plan. A three-judge panel found no constitutional or statutory violations, except for two districts that were to be redrawn by a special master for failure to be precleared under the VRA. The Supreme Court summarily affirmed.

4. Describe representative legal work performed on behalf of public agencies and state boards or commissions in the past 5 years, providing dates and references as appropriate.

In the past five years, the Political Law team at BakerHostetler has represented the following entities in redistricting litigation:

- The Virginia Beach City Council (Virginia Beach, Virginia)
- Sumter County Board of Elections and Registration (Sumter County, Georgia)
- Virginia’s Division of Legislative Services (Virginia General Assembly)

5. Describe the attorney or firm’s experience with complex and/or electronic discovery.

Most of the attorneys in BakerHostetler’s Political Law group are commercial litigators and have deep and broad experience with complex and electronic discovery. Several recent redistricting lawsuits, including the representation of Ohio’s congressional delegation in the 2019 *Householder* matter, involved scores of depositions, complex electronic discovery demands on individual and entity clients, and navigating attorney client privilege and legislative privilege issues. The *Vesilind* matter before the Virginia Supreme Court involved a member of our team arguing as a matter of first impression whether the state’s speech and debate clause extended to communications with the General Assembly’s Division of Legislative Services. Needless to say, the matter of discovery in redistricting cases is substantial and challenging and our team has a deep bench of experience with it. Finally, the firm has robust e-discovery tools and templates at the ready, and reliable relationships with e-discovery vendors should they be necessary.

- (b) **Redistricting Experience.** It is desirable that the attorney, firm or other entity demonstrate experience and expertise in legal and advisory services specific to redistricting. However, extensive expertise is not required, as federal and state litigation experience are of paramount importance.

1. Briefly describe a maximum of 5 redistricting representations. For each case, please include:

- i. The case caption.
- ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- iii. The outcome of the case and whether an appeal was pursued.

See all cases identified above.

Principal Legal Issues: All litigation detailed above was related to redistricting and involved a legal assessment of map drawing and its compliance with federal and state law.

Outcome: See individual case descriptions.

2. Briefly describe any legal and advisory services provided specific to redistricting providing dates and references as appropriate.

Mark Braden has provided strategic legal advice to legislators and other redistricting stakeholders around the country for several decades. Our team has advised on questions of compliance with federal and state constitutional provisions as well as compliance with the Voting Rights Act. As one recent prominent example, in the 2010 cycle, BakerHostetler's Political Law team provided legal advisory services to multiple members of Ohio's Apportionment Board in connection with the crafting of Ohio's state legislative plans. We were then successful in defending those plans in a direct action filed in the Ohio Supreme Court charging that the Ohio Constitution required political neutrality in drawing districts and that the plan did not comply with Article XI of Ohio's Constitution. Following extensive briefing and argument, the Ohio Supreme Court upheld the plan. *Wilson v. Kasich*, 134 Ohio St.3d 221, 981 N.E.2d 814 (2012).

(c) **Election Law Expertise.** It is desirable that the attorney, firm or other entity demonstrate experience in election law.

1. Briefly describe a maximum of 5 election law representations. For each case, please include:

- i. The case caption.
- ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- iii. The outcome of the case and whether an appeal was pursued.

Ohio State Conference of the NAACP v. Husted

Principal Legal Issues: This lawsuit alleged that Ohio's passage of S.B. 238, which reduced the number of days of early in-person voting from 35 to 28, as well as a Directive issued by the Secretary of State establishing uniform hours of early in-person voting, violated the Equal Protection Clause and Section 2 of the Voting Rights Act. BakerHostetler represented the Ohio General Assembly as an intervenor in the case to defend S.B. 238.

Outcome: The challenge to S.B. 238 was unsuccessful, vindicating our client's position. Although the district court enjoined S.B. 238 only two months before the 2014 General Election, 43 F. Supp. 3d 808 (S.D. Ohio 2014), the United States Supreme Court stayed the injunction, 573 U.S. 988 (2014), and the 2014 election successfully proceeded with a 28-day early voting period. Plaintiffs then settled the litigation around the Directive and voluntarily dismissed their claims challenging S.B. 238.

State ex rel. Leneghan v. Husted

Principal Legal Issues: This was an original action in the Ohio Supreme Court brought by a candidate challenging the outcome of the 2018 Republican primary for Representative to Congress from Ohio's 12th District. BakerHostetler represented the prevailing candidate, the Honorable Troy Balderson, in defending this recount and as a proposed intervenor in an election contest proceeding brought by the contestant in the Ohio Supreme Court.

Outcome: We represented Rep. Balderson's campaign in recount proceedings before the county boards of election for the counties within the 12th District. After briefing, the Ohio Supreme Court dismissed the election contest, 154 Ohio St.3d 60, 110 N.E.3d 1275 (2018), which officially confirmed Rep. Balderson as the prevailing candidate.

Libertarian Party of Ohio v. Ohio Elections Commission

Principal Legal Issues: BakerHostetler represented the Ohio Debate Commission, a nonpartisan group of newspapers, TV stations, and the City Club of Cleveland, in the defense of an action brought by the Libertarian Party of Ohio before the Ohio Elections Commission challenging that the Commission's exclusion of the Libertarian Party gubernatorial candidate for the 2018 General Election violated provisions of Ohio's Elections Code.

Outcome: The Ohio Elections Commission granted a motion to dismiss filed by our client after a hearing on December 6, 2018. The dismissal was upheld on appeal in the Franklin County Court of Common Pleas in Case No. 19CV001376 (Apr. 14, 2019).

Lecky v. Virginia State Board of Elec.

Principal Legal Issues: BakerHostetler represented the Honorable Robert Thomas, Jr. in a federal lawsuit brought by the losing candidate in Virginia's 28th House of Delegates district in the 2017 General Election. The contestant alleged the existence of irregularities in the administration of the election and sought an injunction barring Delegate Thomas from being seated and for a new election.

Outcome: The Court denied the motion for preliminary injunction, 285 F. Supp. 3d 908 (E.D. Va. 2018), and the litigation was subsequently dismissed.

2. Briefly describe any legal and advisory services provided specific to election law providing dates and references as appropriate.

The examples in the cases set forth above illustrate the types of election-law disputes our Political Law team litigates on behalf of clients. We represent clients in litigation over the constitutionality and legality of mechanisms of election administration, in recounts and election contest litigation, and in challenges to electoral processes under the Voting Rights Act

- (d) **Cumulative Experience.** Provide a summary of why, based on the aforementioned previous experience listed in (a) through (c), the Contractor is uniquely qualified to perform the services sought by this RFP and assume the role of Litigation Counsel for the Commission.

BakerHostetler has represented legislative bodies, elected officials, candidates, party committees, and other key stakeholders in some of the highest profile redistricting and election-law litigation in the past 20 years. We have a deep bench of experience litigating, in the redistricting field in particular, claims of partisan unfairness, of racial gerrymandering, and of racial vote-dilution under Section 2 of the Voting Rights Act. This experience allows our team to rapidly identify key issues, work with highly specialized experts in partisan fairness and racially polarized voting, and defend the legality of state and congressional redistricting legislation on what is oftentimes a highly expedited basis. This expertise extends to discovery issues commonly occurring in redistricting litigation, such as legislative privilege and First Amendment-based privileges.

1.2 Key Deliverable Two:

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

- (a) **Motivations.** Provide a summary of why the attorney, firm or other entity seeks to serve the Commission.

BakerHostetler's Political Law team has a very busy practice involving participation in a high number of redistricting and election law cases in the past decade. Every year for the past six years the team has gone to trial in a redistricting matter, sometimes multiple matters per year, and has represented clients in a variety of other election law matters. Our team is small and tight-knit, working well together to provide clients with efficient counsel on topics that the team has lived and breathed for years. Simply put, this is our expertise and we enjoy helping clients navigate this complex and sometimes murky area of law.

- (b) **Key Personnel.** In the case of a law firm or other entity, identify the lead attorney or other attorneys, if any, who will be assigned to the work and the anticipated percentage of time for each. Contractors, subcontractors and employees must be in compliance with any applicable law or policy at all times, and if an attorney be in good standing with the State Bar of Michigan or their state licensing entity through the full contract term and any extensions. If the primary contractor is not licensed to practice in the State of Michigan, please provide information on local counsel that would be engaged or the process that would be used to select local counsel, and whether their role is anticipated to be advisory or more substantive in nature. Contractor must possess the skill, experience, ability, background, certification and knowledge to provide the services described in this Contract on the terms and conditions describes herein.

The Key Personnel in this case will be:

1. E. Mark Braden
2. Patrick Lewis
3. Katherine L. McKnight
4. Richard B. Raile
5. Erika D. Prouty

(c) **Firm/Entity General Description.** If the RFP is submitted by a law firm or other entity, provide a general description of the firm or entity.

BakerHostetler, one of the nation's largest law firms, represents clients around the globe. With offices coast to coast, our nearly 1,000 attorneys litigate cases and resolve disputes that potentially threaten clients' competitiveness, navigate the laws and regulations that shape the global economy, and help clients develop and close deals that fuel their strategic growth.

1.3 Key Deliverable Three

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

- (a) **Conflicts.** The attorney or law firm must comply with the rules as set forth in the Michigan Rules of Professional Conduct or professional rules in the state of licensure as well as any applicable law, regulation or policy at all times. Please identify the following:
1. Any matter in which the attorney or firm is presently adverse or was adverse in the previous 5 years to the Commission or the State of Michigan.
 2. Any work previously provided by the attorney or law firm in the previous 5 years on behalf of any potential adverse party or witness, to the extent known.
 3. Whether any lawyer(s) identified as Key Personnel has ever been subject to any disciplinary proceeding or been sanctioned by a court

To the best of our knowledge, there are no such conflicts.

- (b) **Disclosures.** Disclose the following:
1. Previous legal services (paid or unpaid) by the attorney, firm, or other entity as it relates to redistricting, reapportionment, districting and elections activities provided from January 2010 to present day to:
 - i. Persons holding elective office.
 - ii. Partisan or non-partisan entities or organizations.

Please describe the implications of the current or prior representations listed on this RFP. In particular, address whether it could present the appearance of a conflict in connection with the representation of the Commission in connection with the defense of its maps.

Previous legal services provided from January 2010 to present day are identified above in sections 1.1(a)(1), (2), (3), and (4); and, 2(c)(1).

As far as implications of these representations, a number of these cases have been partisan due to the nature of this field. Political Law work often involves representation of one political party (political parties do not tend to hire attorneys who have represented the other political party), and the Political Law team at BakerHostetler has tended to represent Republican interests in partisan cases. However, the team also has represented a number of non-partisan elected bodies. Moreover, the team benefits from the participation and support of attorneys who are either not political or not members of the Republican party and provide important insight in both partisan and non-partisan matters. These attorneys include Steve Dettelbach, Ivory Bishop, Jr., and Andrea Wiltrout.

2. Any lobbying work the firm, other entity or attorneys listed as Key Personnel has performed in Michigan as it relates to redistricting, reapportionment, districting and elections activities from January 2010 to present day.

To the best of our knowledge, there has been no such lobbying.

3. Any monetary political contributions or donations made on behalf of the firm, other entity or attorneys listed as Key Personnel, including contributions made by a firm political action committee, from January 2010 to present day.

There are no reportable contributions in Michigan during the relevant time period.

4. Any monetary political contributions personally made by the attorneys listed as Key Personnel from January 2010 to present day.

. There are no reportable contributions in Michigan during the relevant time period.

5. With respect to Key Personnel who are expected to work in connection with this representation, please disclose any financial, business, professional, lobbying or other relationship not previously identified that presents a potential conflict with the services to be performed under this Contract.

. There are no reportable contributions in Michigan during the relevant time period.

- (c) **Approach.** In keeping with the Commission's constitutional obligation to perform its duties in an impartial manner that reinforces public confidence in the integrity of the redistricting process, it is desired that Litigation Counsel operate in the same manner. Provide a description of the approach and methodology that will be used by the attorney, firm or other entity to performing the responsibilities of Litigation Counsel while remaining impartial, unbiased and non-partisan as set forth in Article IV, Section 6, Subsections 4 and 5 of the Michigan Constitution.

BakerHostetler is committed both by its ethical duties and its general business practices to represent all clients in a manner which represents the integrity of the firm and its partners. Our bipartisan team consists of a former U.S. Attorney for the Northern District of Ohio who was a classmate of President Barack Obama and the former Chief Counsel of the Republican National Committee. Our team has a history of working together to create a result that instills confidence in the public, whether prosecuting a criminal or civil matter, working closely with a pro bono partner like the Veterans Consortium or the Boys & Girls Clubs of America, or advising elected bodies such as Republican members of Congress in Ohio or the Democratic members of the City Council in Virginia Beach, Virginia. We consider our clients our partners, and we would be honored to partner with the Commission to achieve an impartial, unbiased, and non-partisan result that can make the members of the Commission and the citizens of Michigan proud.

If retained by the Commission, Contractor and all Key Personnel will be expected, for the duration of the representation, to update their disclosures as necessary through the contract term.

The fact that a conflict is identified pursuant to this section is not an automatic disqualification but is information the Commission will consider in the selection process.

2 Service Requirements

2.1 Timeframes

All Contract Activities must be delivered pursuant to deadlines imposed by a court or work plans and internal deadlines set by the Commission. The receipt of order date is pursuant to the **Notices** section of the *Standard Contract Terms*.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	
Bidder must describe how they comply with the above requirement(s): Bidder is	

3. Diversity

The Commission seeks to enhance diversity in its contracts. This is an opportunity to describe any efforts in this area and is not a contract requirement. Describe your firm's commitment to diversity and your efforts to promote diversity. This may include your firm's policies and procedures; initiatives and strategies to recruit, hire, train, and promote a diverse workforce; awards; in-house diversity programs; training.

At BakerHostetler, embracing people of all backgrounds is essential to our identity and to our business. Recruiting, developing and promoting diverse talent enables us to best serve our clients and makes us a stronger, more successful firm.

Our commitment to inclusion and diversity promotes the best in our practice, leadership and community. Fostering a supportive, inclusive environment allows us to bring together a variety of perspectives and experiences to provide creative solutions for the challenges our clients face. Greater understanding and appreciation for issues of race, gender, sexual orientation and culture also makes us better attorneys, a stronger firm and a more respectful place to work.

We demonstrate our commitment to inclusion and diversity in our targeted recruiting of minorities and women at all levels, representation of women and minority lawyers in management of the firm, our [Paul D. White Diversity Scholars Program](#), our strategic partnerships with organizations dedicated to improving inclusion in the legal profession, our use of gender pronouns, our diversity-focused [pro bono](#) work, and our deep support of related organizations in the communities where we live and work.

"BakerHostetler is fully committed to an equitable, inclusive and diverse work environment, one that actively supports the recruitment, retention and advancement of people of all backgrounds. This commitment is core to our culture of mutual respect, which defines us as a law firm, and is essential to our ability to effectively represent our clients."

— Paul M. Schmidt, Chairman

4. Staffing

4.10 Contractor Representative

The Contractor must appoint one (1) contract administrator specifically assigned to the Commission account(s), who will respond to Commission inquiries regarding the Contract Activities, answer questions related to ordering and delivery, etc. (the "Contractor Representative").

The Contractor must notify the Contract Administrator at least 14 calendar days before removing or assigning a new Contractor Representative.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	
Bidder must identify its Contract Administrator:	

Katherine L. McKnight
 Partner
 BakerHostetler LLP
 1050 Connecticut Avenue N.W.
 Suite 1100
 Washington, D.C. 20036
 kmcknight@bakerlaw.com
 T: (202) 861-1618

4.11 Work Hours

The Contractor must provide Contract Activities. This may be accomplished during the Commission’s normal working hours Monday – Friday, 7:00 a.m. to 6:00 p.m. EST as well as possible night and weekend hours depending on the requirements of the project.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

4.12 Key Personnel

The Contractor must identify all Key Personnel who will be directly responsible for the day-to-day operations of carrying out the key deliverables of the Contract (“Key Personnel”). Key Personnel must be specifically assigned to the Commission account, be knowledgeable on the contractual requirements, and respond to Commission inquiries within 24 hours.

Contractor’s Key Personnel may be requested to be available to participate in MICRC meetings virtually or in person.

The Commission has the right to recommend and approve in writing the initial assignment, as well as any proposed reassignment or replacement, of any Key Personnel. Before assigning an individual to any Key Personnel position, Contractor will notify the Commission of the proposed assignment, introduce the individual to the Commission’s Program Manager, and provide the Commission with a resume and any other information about the individual reasonably requested by the Commission. The Commission reserves the right to interview the individual before granting written approval. In the event the Commission finds a proposed individual unacceptable, the Commission will provide a written explanation including reasonable detail outlining the reasons for the rejection. The Commission may require a 30-calendar day training period for replacement personnel.

Contractor will not remove any Key Personnel from their assigned roles on this Contract without the prior written consent of the Commission. The Contractor’s removal of Key Personnel without the prior written consent of the Commission is an unauthorized removal (“Unauthorized Removal”). An Unauthorized Removal does not include replacing Key Personnel for reasons beyond the reasonable control of Contractor, including illness, disability, leave of absence, personal emergency circumstances, resignation, or for cause termination of the Key Personnel’s employment. Any Unauthorized Removal may be considered by the Commission to be a material breach of this Contract, in respect of which the Commission may elect to terminate this Contract for cause under the Termination for Cause section of the Standard Contract Terms. It is further acknowledged that an Unauthorized Removal will interfere with the timely and proper completion of this Contract, to the loss and damage of the Commission, and that it would be impracticable and extremely difficult to fix the actual damage sustained by the Commission as a result of any Unauthorized Removal. Therefore, Contractor and the Commission agree that in the case of any Unauthorized Removal in respect of which the Commission does not elect to exercise its rights under Termination for Cause, Contractor will issue to the Commission the corresponding credits set forth below (each, an “Unauthorized Removal Credit”):

- i. For the Unauthorized Removal of any Key Personnel designated in the applicable Statement of Work, the credit amount will be \$25,000.00 per individual if Contractor identifies a replacement approved by the Commission and assigns the replacement to shadow the Key Personnel who is leaving for a period of at least 30-calendar days before the Key Personnel's removal.
- ii. If Contractor fails to assign a replacement to shadow the removed Key Personnel for at least 30-calendar days, in addition to the \$25,000.00 credit specified above, Contractor will credit the Commission \$833.33 per calendar day for each day of the 30-calendar day shadow period that the replacement Key Personnel does not shadow the removed Key Personnel, up to \$25,000.00 maximum per individual. The total Unauthorized Removal Credits that may be assessed per Unauthorized Removal and failure to provide 30-calendar days of shadowing will not exceed \$50,000.00 per individual.

Contractor acknowledges and agrees that each of the Unauthorized Removal Credits assessed above: (i) is a reasonable estimate of and compensation for the anticipated or actual harm to the Commission that may arise from the Unauthorized Removal, which would be impossible or very difficult to accurately estimate; and (ii) may, at the Commission's option, be credited or set off against any fees or other charges payable to Contractor under this Contract.

The Contractor must identify the Key Personnel, indicate where they will be physically located, describe the functions they will perform, and provide current chronological résumés.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

1. The Contractor must identify all Key Personnel that will be assigned to this contract in the table below which includes the following: Name and title of staff that will be designated as Key Personnel.
2. Key Personnel years of experience in the current classification.
3. Identify which of the required key personnel positions they are fulfilling.
4. Key Personnel's roles and responsibilities, as they relate to this RFP, if the Contractor is successful in being awarded the Contract. Descriptions of roles should be functional and not just by title.
5. Identify if each Key Personnel is a direct, subcontract, or contract employee.
6. Identify if each Key Personnel staff member is employed full-time (FT), part-time (PT) or temporary (T), including consultants used for the purpose of providing information for the proposal.
7. List each Key Personnel staff member's length of employment or affiliation with the Contractor's organization.
8. Identify each Key Personnel's percentage of work time devoted to this Contract.
9. Identify where each Key Personnel staff member will be physically located (city and state) during the Contract performance.

1. Name	2. Years of Experience in Current Classification	3. Role(s) / Responsibilities	4. Direct / Subcontract/ Contract	5. % of Work Time	6. Physical Location
E. Mark Braden	45 years	Senior Attorney	Direct	12	Washington, DC
Katherine McKnight	13 years	Lead Attorney	Direct	22	Washington, DC
Patrick Lewis	17 years	Attorney	Direct	22	Cleveland, OH

Richard Raile	9 years	Attorney	Direct	22	Washington, DC
Erika Prouty	5 years	Attorney	Direct	22	Columbus, OH

- A.** The Contractor must provide **detailed, chronological resumes** of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the required resume template labeled as Appendix A

Qualifications will be measured by education and experience with particular reference to experience on projects similar to that described in the RFP.

Bidder must provide the resumes and information as required above – as an attachment to this RFP labelled as Contractor–Resumes.

4.13 Organizational Chart.

The Contractor must provide an overall organizational chart that details staff members, by name and title, and subcontractors.

Bidder must provide detailed information as required above – as an attachment to this RFP labelled as Contractor—Organizational chart

4.14 Disclosure of Subcontractors

If the Contractor intends to utilize subcontractors, the Contractor must disclose the following:

- The legal business name; address; telephone number; a description of subcontractor’s organization and the services it will provide; and information concerning subcontractor’s ability to provide the Contract Activities.
- The relationship of the subcontractor to the Contractor.
- Whether the Contractor has a previous working experience with the subcontractor. If yes, provide the details of that previous relationship.
- A complete description of the Contract Activities that will be performed or provided by the subcontractor.

Bidder must provide detailed information as requested in the above requirement(s).	
The legal business name, address, telephone number of the subcontractor(s).	Not Applicable
A description of subcontractor’s organization and the services it will provide and information concerning subcontractor’s ability to provide the Contract Activities.	Not Applicable
The relationship of the subcontractor to the Bidder.	Not Applicable
Whether the Bidder has a previous working experience with the subcontractor. If yes, provide the details of that previous relationship.	Not Applicable
A complete description of the Contract Activities that will be performed or provided by the subcontractor.	Not Applicable
Of the total bid, the price of the subcontractor’s work.	Not Applicable

<p>The subcontractor must provide detailed, chronological resumes of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the provided template labeled as Appendix A. Qualifications will be measured by education and experience with particular reference to experience on projects similar to that described in the RFP.</p>	<p>Subcontractor must provide the resumes and information as required above –as an attachment to this RFP labelled as: Subcontractor Resume.</p>
---	--

4.15 Security

The Contractor may be subject to the following security procedures – Background Checks. The Commission may require the Contractor’s personnel to wear Commission issued identification badges for in person meetings.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	
Bidder must identify its Contract Administrator:	

5 Project Management

5.10 Meetings

The Contractor may be requested to attend Commission meetings through the contract term either virtually or in person. The Commission will give the vendor as much notice as practical however, in no circumstances less than 18 hours of when they will be required to participate.

The Commission may require attendance at other meetings or events, as it deems appropriate.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

5.11 Reporting

In addition to submitting weekly status reports to the General Counsel of the Commission the Contractor should also identify other reports that would be helpful in accomplishing the Key Deliverables.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	
Bidder must explain its reporting capabilities and any reporting that is included in its proposal: Bidder has the ability to provide any reports as necessary.	
Bidder must provide samples of required reports as attachments to this RFP. List file names here.	

6 Pricing
6.10 Price Term

Pricing is firm for the entire length of the Contract.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

6.11 Price Changes

Adjustments will be based on changes in actual Contractor costs. Any request must be supported by written evidence documenting the change in costs. The Commission may consider sources, such as the Consumer Price Index; Producer Price Index; other pricing indices as needed; economic and industry data; manufacturer or supplier letters noting the increase in pricing; and any other data the Commission deems relevant.

Following the presentation of supporting documentation, both parties will have 30 days to review the information and prepare a written response. If the review reveals no need for modifications, pricing will remain unchanged unless mutually agreed to by the parties. If the review reveals that changes are needed, both parties will negotiate such changes, for no longer than 30 days, unless extended by mutual agreement.

The Contractor remains responsible for Contract Activities at the current price for all orders received before the mutual execution of a Change Notice indicating the start date of the new Pricing Period.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

7 Ordering
7.10 Authorizing Document

The appropriate authorizing document for the Contract will be a Delivery Order.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

8 Invoices and Payment
8.10 Invoice Requirements

All invoices submitted to the Commission must include: (a) date; (b) delivery order; (c) quantity; (d) description of the Contract Activities; (e) unit price; (f) shipping cost (if any); and (g) total price. Overtime, holiday pay, and travel expenses will not be paid.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

8.11 Payment Methods

The Commission will make payment for Contract Activities via EFT to the banking information established in your vendor account within SIGMA-Vendor Self-Service.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

8.12 Procedure

Invoices must be submitted to: Julianne Pastula, the General Counsel of the MICRC for review, approval and forwarding for payment to Suann Hammersmith, the Executive Director of the MICRC.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

9 Liquidated Damages

Late or improper completion of the Contract Activities will cause loss and damage to the Commission and it would be impracticable and extremely difficult to fix the actual damage sustained by the Commission. Therefore, if there is late or improper completion of the Contract Activities the Commission is entitled to collect liquidated damages in the amount of \$50,000 and an additional \$1,000 per day for each day Contractor fails to remedy the late or improper completion of the Work.

<input type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input checked="" type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s): Bidder cannot agree to liquidated damages.	

Contract Standard Terms

BakerHostetler – Request For Proposal No. 920, 210000001965

1. The Contractor must provide a pricing schedule for the proposed Contract Activities using the table below. Failure to complete the pricing schedule as requested may result in disqualification of your proposal.
2. Price proposals must include all costs, including but not limited to, any one-time or set-up charges, fees, and potential costs that Contractor may charge the Commission.
3. By submitting its proposal, the Contractor certifies that the prices were arrived at independently, and without consultation, communication, or agreement with any other Contractor.

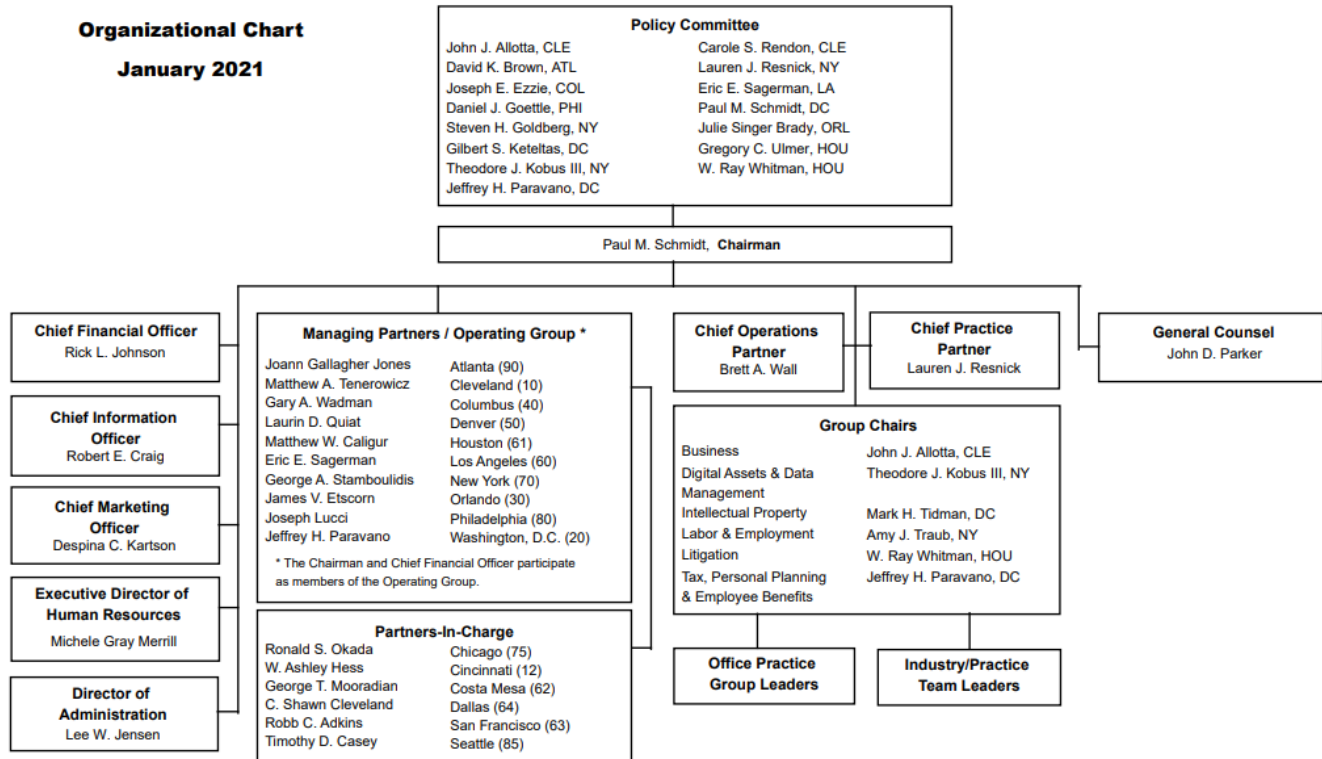
Deliverables	Cost
Key Deliverable 1:	Work for this deliverable will be handled by attorneys and staff at their hourly rate as detailed in the following table.
Key Deliverable 2:	Work for this deliverable will be handled by attorneys and staff at their hourly rate as detailed in the following table.
Key Deliverable 3:	Work for this deliverable will be handled by attorneys and staff at their hourly rate as detailed in the following table.
Option A) fixed fee for work described in RFP, assuming the assignment will continue through March 31, 2022	
Option B) Hourly rate fee schedule for attorneys and staff	
Total:	

Attorney	Title	Office	Rate
Mark Braden	Senior Counsel	Washington, D.C.	\$915
Patrick Lewis	Partner	Cleveland, Ohio	\$490
Kate McKnight	Partner	Washington, D.C.	\$670
Erika Prouty	Associate	Columbus, Ohio	\$355
Richard Raile	Associate	Washington, D.C.	\$670
Forrest Williamson	Paralegal	Washington, D.C.	\$205

Contractor – Organization Chart

BakerHostetler

Organizational Chart January 2021



Contractor – Resumes

E. Mark Braden

Of Counsel

Washington, D.C.

T +1.202.861.1504 F +1.202.861.1783

mbraden@bakerlaw.com



Services

- Political Law

Prior Positions

- Republican National Committee: Chief Counsel
- Ohio Elections Commission: Chief Counsel
- Ohio Secretary of State: Election Counsel
- Catholic University Joint Political Science and Law School Program Faculty
- United States Army Reserve: Captain

Admissions

- U.S. Supreme Court
- U.S. District Court, District of Columbia
- District of Columbia
- Ohio

Education

- J.D., Washington and Lee University School of Law, 1976
- B.A., Washington and Lee University, 1973

Mark Braden concentrates his work principally on the law of the political process, including work with election and campaign agencies, voting issues, redistricting, and ethics and lobbying regulations – areas in which he has substantial knowledge and unusual experience. He provides effective, and often highly innovative, legal guidance when representing individuals and organizations in the political arena and counseling some of the largest political action committees (PACs) and campaigns in the nation. Mark spent 10 years as chief counsel to the Republican National Committee prior to joining BakerHostetler. He is widely recognized for his knowledge of state election laws, having served as chief counsel to the Ohio Elections Commission and election counsel to the Ohio Secretary of State. Mark has played a large part in the redistricting process and has argued before the Supreme Court level in redistricting litigation, and in campaign finance was the father of “soft money” as originally used in national campaigns.

Mark is a member of the adjunct faculty of George Washington University and former special election law counsel to the United States House of Representatives’ Administration Committee. He has testified before congressional committees and the Federal Election Commission, and his experience in the legal and political arenas has resulted in invitations to lecture at universities and institutes nationwide. He has authored *International Election Principles: Election*, Chapter: “Early and Absentee Voting” (ABA Publishing, 2009) and *Election Reform in the United States after Bush v. Gore*, eds. Grofman & Alvarez, Chapter: “Entering the Political Thicket” (Cambridge University Press, 2013).

Experience

- Has represented Republican members of or candidates for the United States Senate and House of Representatives, and Republican governors, former cabinet secretaries and presidential candidates on campaign financing and ethical issues/criminal and civil enforcement.
- Assists trade associations and businesses in participation in government affairs, the creation of PACs, state and federal lobbying regulations, gift rules, and state and local ballot initiatives. Assists a nonprofit organization in such a context, advising on issues related to fundraising restrictions, ethical concerns based on lobbying requirements and completed campaign funding issues. Also provides presentations on campaign financing.

- Supervised and directed the corporate reorganization of a large nonprofit fraternal organization, involving \$500 million plus assets and 1.6 million organization members.
- Served as lead counsel in redistricting/Voting Rights Act litigation in recent cycles in Ohio, Virginia, New York, Wyoming, New Mexico, Oklahoma, Georgia, Nevada, Maryland and Connecticut. Has argued before the U.S. Supreme Court and state supreme courts throughout the country, in which the redistricting at issue was affirmed.
- Has been a principal lawyer in many of the largest recounts in political history, including recount and contest litigation in Ohio, Pennsylvania, Indiana, California, North Carolina, Virginia, Illinois, New Jersey, Washington and New Mexico.
- Was the key negotiator for convention contracts and site city agreements for the 1980, 1984, 1988 and 1996 Republican National Conventions.
- Served as an international election consultant on a dozen different national election systems for the International Republican Institute, International Foundation for Election Systems, National Democratic Institute and Organization for Security and Co-operation in Europe.

Recognition

- Republican National Lawyers Association: Republican Lawyer of the Year (2014)

Memberships

- American Bar Association
- American Law Institute

Community

- George Washington University Adjunct Faculty Graduate School of Politics
- St. James Episcopal Church Vestry
- International Conservation Caucus Foundation
- Ripon Society
- Republican National Lawyers Association

Katherine L. McKnight

Partner

Washington, D.C.

T +1.202.861.1618 F +1.202.861.1783

kmcknight@bakerlaw.com



Services

- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation
- Tax Controversy and Litigation
- Political Law
- Compliance

Prior Positions

- Law Clerk for the Honorable Claude M. Hilton of the United States District Court for the Eastern District of Virginia
- National Democratic Institute for International Affairs

Admissions

- U.S. Supreme Court
- U.S. Tax Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- Virginia
- District of Columbia
- New York

Education

- J.D., University of Minnesota Law School, 2008, Dean's List; Editor-in-Chief, *Minnesota Journal of International Law*
- B.A., Brown University, 2000

Kate McKnight is a first-chair trial lawyer and experienced advocate who represents clients in a range of litigation matters. From start to finish, she helps clients develop their litigation strategy, navigate complex discovery obligations, advocate their positions in court, prepare for and present their case at trial, and, if necessary, resolve cases at the appellate level. Kate litigates in federal and state trial and appellate courts, and has particular experience in federal district courts, including the Eastern District of Virginia's "Rocket Docket."

Experience

Tax Controversy, Litigation and Corporate Investigations

- Represented clients before the United States Tax Court in actions involving historic tax credit and conservation easement issues.
- Represented a multinational financial institution facing a federal grand jury investigation for allegedly assisting U.S. taxpayers in evading their U.S. tax obligations.
- Served on legal team examining fatal shipping accident for client responding to regulatory investigation.
- Represented individuals facing civil and criminal tax investigations involving alleged tax fraud and evasion.
- Represented U.S. individuals participating in the IRS' Offshore Voluntary Disclosure Programs.
- Served on a team acting as independent examiner for a major Swiss bank.
- Served as a member of a team acting as court-appointed counsel to SIPA Trustee Irving Picard for the liquidation of Bernard L. Madoff Investment Securities LLC, investigating and recovering assets from offshore hedge funds and international financial institutions.
- Represented a large publicly owned client in a controversy with the Commonwealth of Virginia concerning real property tax overpayments. Filed a complaint and negotiated a settlement for the entire monetary amount with counsel for the Commonwealth.

Election Law

Kate is a member of the Firm's robust election law team and has litigated and counseled clients at the forefront of an area of law that has diminishing clarity. She has served redistricting clients in substantial matters in North Carolina, Virginia, Pennsylvania, Ohio and Georgia. Matters include:

- Represented members of Congress from Ohio in defending the 2011 Congressional redistricting plan in the case brought before a three-judge panel in the Southern District of Ohio alleging that the plan was a partisan gerrymander (*Ohio A. Philip Randolph Inst. v. Householder*).
- Represented the North Carolina Senate and House of Representatives and their leadership in defending redistricting plans in state court-litigation brought late in the census decade (*Common Cause v. Lewis; Harper v. Lewis*).
- Represented the Virginia House of Delegates and its Speaker in defending the 2011 state legislative redistricting plan in the case brought before a three-judge panel in the Eastern District of Virginia alleging violations of the Equal Protection Clause of the Fourteenth Amendment (*Bethune-Hill v. Virginia State Board of Elections*).
- Represented the Virginia House of Delegates and its Speaker against a claim brought by plaintiffs alleging that the 2011 redistricting plans drawn by both the Virginia House and Senate violated the Virginia Constitution's requirement that all districts be drawn to be compact.
- Presented oral argument to the Virginia Supreme Court about legislative privilege, an issue of first impression under the Virginia Constitution's Speech or Debate Clause.
- Counsels legislatures and local governments in litigation brought against districting maps alleging violations of the Voting Rights Act, the Fourteenth Amendment's Equal Protection Clause, the First Amendment's Free Speech Clause and similar state law provisions.

Commercial Litigation

- Defended insurance companies in the Eastern District of Virginia against class action claims related to a data breach incident.
- Lead trial attorney in a breach of contract case in the Eastern District of Virginia involving an issue of piercing the corporate veil.
- Defended an equipment manufacturer from antitrust claims in the United States District Court for the Eastern District of Virginia.
- Represented a technology/software company in patent litigation in the District Court for the Eastern District of Virginia. Worked to develop litigation strategy, prepared and argued motions in *limine*, jury instructions and other pre-trial matters.
- Represented a large publicly-owned client in anticipation of a contract dispute concerning construction delays. Conducted an extensive internal investigation into the client's contract performance and developed a defense resulting in a settlement without litigation.

Other

- Assisted client in developing policies and procedures to address and prevent workplace harassment.

- Co-lead of office-based Women's Committee supporting the advancement of female attorneys in the office and Firm.
- Volunteer with local organization to educate sixth grade students about good citizenship.

Recognition

- Washington, D.C., Super Lawyers "Rising Star" (2017 to 2019)
- American Bankruptcy Institute: Medal of Excellence (2008)

Memberships

- American Bar Association
- Federal Bar Association

Pro Bono

- Defended client against claims of defamation resulting from her speaking out against sexual misconduct in her profession. Obtained protective order prohibiting abusive discovery and engaged experts to provide Court educated explanation of issues of consent.
- Represented tenants facing residential eviction in the Landlord/Tenant Branch of the Superior Court of the District of Columbia, and helped negotiate a settlement allowing tenants to remain in their home.

Patrick T. Lewis

Partner

Cleveland

T +1.216.861.7096 F +1.216.696.0740

plewis@bakerlaw.com



Services

- Class Action Defense
- Commercial Litigation
- Appellate and Major Motions
- Restructuring and Bankruptcy
- Political Law

Industries

- Financial Services Industry

Admissions

- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- Ohio

Education

- J.D., Harvard Law School, 2004, *cum laude*
- A.B., Economics and Government, College of William and Mary, 2000; *summa cum laude*

Patrick Lewis represents clients in high-stakes litigation, with emphases on class-action defense, commercial litigation, and election law matters. Patrick defines the issues facing his clients early on and helps them craft a winning litigation strategy and navigate complex legal and discovery challenges. He has experience trying difficult cases in both federal and state court and frequently represents his clients on appeal.

Patrick has in-depth experience with matters affecting the financial services industry, having represented clients in this space for most of his career. He recently completed a four-year secondment to a super-regional bank, where he managed portfolios of consumer and commercial litigation across the bank's multistate footprint, successfully resolving over a hundred matters. Patrick also leverages his financial services expertise to assist banks and other secured parties in restructuring work, with experience in loan workouts, foreclosure/receivership litigation and bankruptcy proceedings.

Finally, Patrick maintains a national election-law practice, recently trying high-impact redistricting cases in Pennsylvania, North Carolina, Ohio and Virginia. He has represented members of Congress, legislative bodies, candidates, political parties and other stakeholders in litigation involving redistricting, challenges to electoral procedures, and recounts and election contests. He has also represented clients in state and FEC campaign-finance enforcement proceedings under state and federal campaign finance law.

Experience

Class Action & Commercial

- Successfully defended on appeal the dismissal of a multistate class action checking overdraft lawsuit challenging a bank client's policy of electronically sequencing debits and credits from the largest to the smallest amounts. The plaintiffs' claims, brought under Ohio common law and the Expedited Funds Availability Act, were dismissed with prejudice.
- Defended a prominent Ohio bank in litigation involving several tort and equitable claims brought by another lender in the aftermath of a nearly \$10 million commercial loan refinance gone sour, all predicated on the plaintiff's allegation that a loan officer orally agreed to release a multimillion-dollar mortgage on land as part of a refinance of other debt.

Matter settled after nearly every claim was dismissed.

- After securing a partial dismissal of the plaintiffs' claims, negotiated an early settlement for a financial institution in a statewide class-action brought by Minnesota consumers alleging their automobiles had been improperly repossessed.
- Representing super-regional financial institution in connection with multiple national putative class actions challenging certain of the bank's alleged checking and card-related fees practices.
- Represented a credit life insurance company in putative multistate class action litigation arising out of challenges to the carrier's claims handling practices.
- Defended Ohio's three largest banks in a putative class action brought by county prosecutors challenging the use of the MERS System and seeking to require lenders to publicly record all residential mortgage assignments in the state of Ohio.
- Defended clients from claims arising under the Fair Credit Reporting Act (FCRA), the Real Estate Settlement Procedures Act (RESPA), the Telephone Consumer Protection Act (TCPA), the Expedited Funds Availability Act (EFAA), and other consumer-protection statutes.
- Represented a secured creditor with a \$12 million claim in a complex Chapter 11 proceeding to include defending the client's lien position and securing favorable cash collateral orders and plan treatment; also prosecuted related-party state court foreclosure proceedings in two states. The creditor was repaid nearly in full.
- Served as lead counsel to a real estate investor and borrower in high-profile litigation with a lender arising out of a nonrecourse \$135 million commercial mortgage-backed security loan used to acquire a multibuilding office portfolio in suburban Cleveland. The lender claimed that the borrower and investor were personally liable for the loan under controversial nonrecourse "carve out" provisions.
- Represented a special servicer in complex foreclosure and receivership litigation to liquidate defaulted portfolio of hospitality properties, including securing the dismissal of multiple Chapter 11 bankruptcy filings.

Election Law.

- Represented eight members of Congress from Ohio in successfully defending the 2011 Congressional redistricting plan in the case brought before a three-judge panel in the Southern District of Ohio alleging a partisan-gerrymandering claim. (*Ohio A. Philip Randolph Inst. v. Householder*).
- Represented the North Carolina Senate and House of Representatives and their leadership in defending state redistricting plans in state court-litigation (*Common Cause v. Lewis*; *Harper v. Lewis*).
- Served as trial and appellate counsel to the Speaker of the Pennsylvania House of Representatives in a political gerrymandering challenge against the Commonwealth of Pennsylvania's Congressional districting plan. (*League of Women Voters of Pa. v. Cmwlth.*).
- Represented candidates in recount and election-contest proceedings in Ohio, Virginia, and North Carolina. In Virginia, defended the client's

House of Delegates victory against three different lawsuits, in both federal and state court, seeking to overturn the outcome of that race—including helping to defeat an emergency stay application in the U.S. Court of Appeals for the Fourth Circuit that would have prevented the candidate from being seated in the House of Delegates.

- Represented the Ohio General Assembly in a 2014 challenge to legislation that reconfigured Ohio’s election calendar to end so-called “Golden Week.”

Recognition

- Ohio Super Lawyers “Rising Star” (2014 to 2019)

Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- American Bankruptcy Institute
- William K. Thomas Inn of Court
- Eighth District Judicial Conference (Life Member)

Community

- Federalist Society for Law & Public Policy Studies: President, Cleveland Lawyers Chapter

Richard B. Raile

Associate

Washington, D.C.

T +1.202.861.1711 F +1.202.861.1783

rraile@bakerlaw.com



Services

- Commercial Litigation
- Appellate and Major Motions
- Political Law

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Western District of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Eastern District of Wisconsin
- District of Columbia
- Virginia

Education

- J.D., University of Minnesota Law School, 2012, *magna cum laude*, Order of the Coif, Dean's List
- B.A., St. John's University, 2007, English Literature, *magna cum laude*, All College Honors, Departmental Distinction, Dean's List

Richard Raile is a member of the litigation team and focuses his practice on appeals and major motions. He frequently plays the principal role in drafting briefs for his clients and in delivering oral argument, including on dispositive motions, bench trials and appeals. He has represented parties and amici curiae at every level of the judiciary, including in merits briefing in the Supreme Court. He also has extensive experience in examining and cross-examining witnesses at trial and in depositions, in preparing briefing on discovery and pre-trial motions, and in preparing litigation strategy. His litigation experience runs the gamut, including everything from commercial, civil rights, constitutional, campaign finance, voting rights, labor and bankruptcy law.

Experience

- Represented Virginia House of Delegates in redistricting litigation under the state's constitution, winning a complete victory both at trial and on appeal. Delivered oral argument before the Virginia Supreme Court and authored merits and petition-stage briefing. Played a significant role at trial in the same case, including by examining witnesses, arguing dispositive motions and preparing briefing.
- Represented Virginia legislative agency in Virginia Supreme Court on appeal regarding issues of first impression under the Virginia Constitution's Speech or Debate Clause and played principal role in drafting opening and reply briefs. The Virginia Supreme Court unanimously adopted the position stated in those briefs and vacated the lower court's decision holding the legislative agency in contempt of court.
- Successfully represented winning candidate in state legislative election in federal-court litigation attempting to block or vacate certification of the election results. Briefed, argued and won in temporary-restraining order proceedings litigated to a conclusion within 24 hours of the case filing. Assisted in briefing subsequent emergency motions in the court of appeals, which resulted in a complete victory for the client.
- Represented the Virginia House of Delegates in redistricting litigation in a case that reached trial, Supreme Court review and a second trial on remand. Played the principal role in drafting trial briefing and jurisdictional briefing before the Supreme Court. The Supreme Court partially adopted the Virginia House's position and remanded for further proceedings. Played integral role at both trials, including examining and

cross examining multiple witnesses before three-judge panels.

- Represented the Arizona Secretary of State as an appellee before the Supreme Court in litigation concerning the one-person, one-vote principle in state legislative redistricting. Played the principal role in drafting the opening and reply briefing.
- Representing employer in appellate litigation regarding issues of first impression under 2006 and 2014 amendments to the Employee Retirement Income Security Act. Played principal role in drafting legal briefs before the federal district court and the federal court of appeals.
- Involved in representing multiple parties and amici in a series of cases arising from the Wisconsin gubernatorial and senatorial recall elections in 2011 and 2012 and related campaign finance and corruption investigations. Responsible for developing legal strategy and drafting briefs on dispositive and non-dispositive motions and on appeal in state and federal court, often on an expedited basis. The Wisconsin Supreme Court adopted the legal positions advanced in these briefs and enjoined the investigations.
- Assisted in the formulation and drafting of a successful petition for certiorari before the United States Supreme Court on the validity of *cy pres* class-action settlements.
- Assisted in the formulation and drafting of multiple amicus briefs and certiorari petitions in the Supreme Court on behalf of various parties, including in cases involving the scrutiny of racial classification under the Fourteenth Amendment, bankruptcy standing, class action settlements, the Appointments Clause, voting rights, and Section 1983 litigation and immunity defenses.
- Assisted in formulating and drafting a briefing for the court after a bench trial concerning a complex real estate deal and related breach-of-contract claims.

Memberships

- American Bar Association
- Virginia Bar Association
- District of Columbia Bar Association

Pro Bono

- Performed work on landlord/tenant matters in conjunction with the District of Columbia Bar Association Pro Bono Project.

Erika Dackin Prouty

Associate

Columbus

T +1.614.462.4710 F +1.614.462.2616

eprouty@bakerlaw.com



Services

- Commercial Litigation
- Political Law

Prior Positions

- The Honorable Edmund A. Sargus, Jr., U.S. District Court for the Southern District of Ohio: Law Clerk (2019 to 2020)
- U.S. Congressman Patrick J. Tiberi: Intern (2011)

Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- Ohio

Education

- J.D., Duke University School of Law, 2016, *cum laude*; Faculty Graduation Award for Outstanding Achievement in Labor and Employment
- B.A., The Ohio State University, 2013, *summa cum laude*; Phi Beta Kappa

An enthusiastic and hardworking advocate for clients, Erika Prouty focuses her growing practice on commercial litigation and election law matters. Erika is a member of the firm's political law team, and has litigated election law matters at the trial and appellate levels in state and federal court.

Experience

- Represents City of Virginia Beach in federal court litigation challenging method of electing city council members in at-large elections under Section 2 of the Voting Rights Act (*Holloway v. City of Virginia Beach*)
- Represented 10 members of Congress and several other voters in intervening to defend Ohio's Congressional districts against partisan gerrymandering claims in federal court litigation including a trial before a three-judge panel and appeal to the United States Supreme Court (*Ohio A Philip Randolph Institute v. Householder*).
- Represented the North Carolina Senate and House of Representatives leadership in defending legislative redistricting plans in state court litigation including a trial before a three-judge panel (*Common Cause v. Lewis*).
- Represented winning congressional candidate in primary election recount and special election canvass activities. Drafted motion to intervene and briefing in opposition to temporary restraining order sought by primary opponent contesting election and recount results in mandamus action dismissed by Ohio Supreme Court.
- Represented insurance company in declaratory judgment action involving unique questions concerning scope of indemnification provision in release as it relates to claims in class action, including assisting in formulating strategy, identifying and analyzing fact and legal issues, and preparing pleadings.
- Member of team conducting internal investigation for insurance company. Assisted in performing early case assessment and interviews of employees. Managed discovery collection from client, document review by team of contract attorneys, and production to state and federal regulatory agencies.
- Defended insurance company against claims of bad faith and breach of the covenant of good faith and fair dealing in a putative class action.

Drafted discovery responses, dispositive motions and opposition to class certification briefing.

- Won motion to dismiss pro se complaint alleging negligence against healthcare company, which the court granted *sua sponte*.
- Seconded in litigation department of healthcare company.

BakerHostetler

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Dallas Denver Houston

Los Angeles New York Orlando Philadelphia San Francisco Seattle Washington, D.C. Wilmington

www.bakerlaw.com

©2021 BakerHostetler

C:\Users\kmcknight\Desktop\Michigan Independent Citizens Redistricting Commission Proposal - July 2021.docx