



National Office

518 C St., N.E.

Washington, D.C. 20002

(202) 466-3234

(202) 466-2587 fax

[americansunited@au.org](mailto:americansunited@au.org)

[www.au.org](http://www.au.org)

## FAX TRANSMISSION MEMO

**To:** Butch Bowers, Esq. **Date:** 10/15/2008  
**Company/Organization:** Nelson Mullins  
**Fax #:** 803-255-9046 **Pages:** 14  
**From:** Elizabeth J. Stevens  
**Subject:** Summers v. Adams, 08-cv-2265, Discovery Requests

Mr. Bowers

Plaintiffs' First Set of Interrogatories and First Set of Requests for Production are attached. I have also dispatched these documents to you by email and U.S. mail. Please contact us should you have any questions or concerns.

Best regards,  
Elizabeth J. Stevens  
Madison Fellow

**THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR INDIVIDUALS TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR AN ATTORNEY WORK PRODUCT AND EXEMPT FROM DISCLOSURE.** If the reader is not the intended recipient or an employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return the original transmission to us by mail. Thank you.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

\_\_\_\_\_  
REV. DR. THOMAS A. SUMMERS,  
REV. DR. ROBERT M. KNIGHT,  
RABBI SANFORD T. MARCUS, REV.  
DR. NEAL JONES, HINDU  
AMERICAN FOUNDATION, and  
AMERICAN-ARAB  
ANTI-DISCRIMINATION COMMITTEE

*Plaintiffs,*

v.

MARCIA S. ADAMS, in her  
official capacity as the Director of the  
South Carolina Department of Motor  
Vehicles; JON OZMINT, in his official  
capacity as the Director of the Department  
of Corrections of South Carolina.

*Defendants.*

Case No. 08-2265-CMC

**PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Aaron J. Kozloski (D. S.C. Bar No. 9510)  
CAPITOL COUNSEL  
1201 Main Street Suite 1980  
Box 11902 Capitol Station  
Columbia, SC 29211  
Tel: (803) 748-1320  
Fax: (888) 513-6021  
[aaron@capitolcounsel.us](mailto:aaron@capitolcounsel.us)

Ayesha N. Khan (appearing *pro hac vice*)  
Alex J. Lichenitser (appearing *pro hac vice*)  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
518 C Street, NE  
Washington, DC 20002  
Tel: (202) 466-3234  
Fax: (202) 466-2587  
[khan@au.org](mailto:khan@au.org) / [luchenitser@au.org](mailto:luchenitser@au.org)

*Counsel for Plaintiffs*

Under Federal Rule of Civil Procedure 33, Plaintiffs request that Defendant Marcia S. Adams answer, within thirty days of service, each of the following Interrogatories separately and fully, in writing and under oath, and in accordance with the definitions and instructions set forth below.

#### DEFINITIONS AND INSTRUCTIONS

1. Each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Interrogatories, the following terms should be interpreted as indicated below:

- a. The present tense includes the past and future tenses.
- b. *DMV*: The term "*DMV*" means the South Carolina Department of Motor Vehicles.
- c. *You/Your*: The terms "*you*" and "*your*" refer to DMV, Director Marcia S. Adams, all DMV employees and agents, and all DMV subsidiary or affiliated entities or agencies.
- d. *I Believe license plate*: The term "*I Believe license plate*" means the license plate referred to in South Carolina General Assembly Act No. 253 of June 5, 2008.

2. These Interrogatories, with respect to the subjects about which they inquire, require Defendants to provide all information available to them and their officials, employees, agents, representatives, and, unless privileged, attorneys.

3. These Interrogatories are continuing in character, thus requiring *you* to serve supplemental answers within a reasonable time after obtaining further or different information concerning any Interrogatory.

4. If, in responding to these Interrogatories, *you* perceive any ambiguity in an Interrogatory, definition, or instruction, *your* response must set forth the matter deemed ambiguous and the construction used in responding.

5. *You* should not leave any part of an Interrogatory unanswered merely because an objection is interposed to another part of the Interrogatory. If *you* provide a partial or incomplete answer in response to any Interrogatory, *you* should state that the answer is partial or incomplete.

6. If *you* elect to specify and produce business records in answer to any Interrogatory, *you* must, in producing those records, state the Interrogatory to which those records are deemed responsive.

7. If *you* withhold any information responsive to these Interrogatories based on an objection that providing the information in question would be unduly burdensome, *you* must describe the burden or expense of the proposed discovery and include in that description a statement of the total person-hours that would be required to provide the information in question.

#### INTERROGATORIES

1. Explain in detail the purpose(s) of offering the *I Believe license plate*.
2. Identify the agency, entity, or individual who bears responsibility for crafting, devising, or otherwise originating the design and marketing plan for the *I Believe license plate* as well as the status of this design and marketing plan.
3. Identify the agency, entity, or individual who normally assumes the cost and responsibility for developing the design and marketing plan for each of the following classes of specialty license plate:

- a. A license plate authorized statutorily by the General Assembly, at the request of a private organization, pursuant to South Carolina Code section 56-3-8100;
  - b. A license plate authorized statutorily by the General Assembly, on its own initiative and without any request from a private organization, pursuant to South Carolina Code section 56-3-8100;
  - c. A license plate approved by DMV at the request of a private individual or organization, pursuant to South Carolina Code section 56-3-8000;
  - d. A license plate approved by DMV at the request of an individual, organization, fraternity, sorority, college, or university, pursuant to either South Carolina Code section 56-3-3700 or section 56-3-7750 of that Code.
4. Identify the price that DMV will charge an applicant for initial passenger motor vehicle registration, and for renewal of registration, when the applicant requests an *I Believe license plate*; or if this price is unknown, provide an estimated price range and the factual basis for that estimate.
- a. Of that amount, identify the portion (in dollars and cents) that will serve to defray the cost of producing the *I Believe license plate*; or if this specific value is unknown, provide an estimated range of values and the factual basis for that estimate.
  - b. Of that amount, identify the portion (in dollars and cents) that will serve to defray administrative and other costs of vehicle registration, exclusive of license plate production; or if this specific value is unknown, provide an estimated range of values and the factual basis for that estimate.

- c. Identify the purpose, agency, or fund to which DMV will direct any remaining monies, above the costs indicated in Interrogatories 4a and 4b, received from registrants selecting the *I Believe license plate*.
- 5. For the basic South Carolina license plate, identify the portion (in dollars and cents) of the \$24.00 biennial registration fee that serves to defray:
  - a. the cost of plate production; and
  - b. the cost of processing the vehicle registration.
- 6. For the current complement of specialty license plates offered by DMV, indicate (in dollars and cents):
  - a. the range of per-plate production costs; and
  - b. the range of per-vehicle registration processing costs.
- 7. Identify the source of any funds or other contributions received by DMV for the design, production, or distribution of the *I Believe license plate* – including, but not limited to, contributions to be credited to the \$4000 statutory prerequisite for specialty license plate production specified in South Carolina Code section 55-3-8100.
- 8. State whether DMV has ever ultimately denied an organization's request for a specialty license plate pursuant to South Carolina Code section 55-3-8000, and if so, identify the organization whose application was denied and the date of denial.

/s/ Ayesha N. Khan  
Ayesha N. Khan (*appearing pro hac vice*)  
Alex J. Luchenitsen (*appearing pro hac vice*)  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
518 C Street, NE  
Washington, DC 20002  
Tel: (202) 466-2234  
Fax: (202) 466-2587  
*khan@au.org / luchenitser@au.org*

Aaron J. Kozloski (D. S.C. Bar No. 9510)  
1201 Main Street Suite 1980  
Box 11902 Capitol Station  
Columbia, SC 29211  
Tel: (803) 748-3320  
Fax: (888) 513-6021  
*aaron@capitolcounsel.us*

*Counsel for Plaintiffs*

Dated: October 15, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that I caused this First Set of Interrogatories to be served via first-class mail, fax, and e-mail on October 15, 2008, on the following counsel for the defendants:

J. Emory Smith, Jr. (*AGESMITH@ag.state.sc.us*)  
Assistant Deputy Attorney General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Fax: (803) 734-3677

Karl Smith Bowers (*butch.bowers@nelsonmullins.com*)  
Kevin A. Hall (*kevin.hall@nelsonmullins.com*)  
Nelson Mullins  
Meridian, 17th Floor  
1320 Main Street  
Columbia, SC 29201  
Fax: (803) 255-9046

/s/ Elizabeth J. Stevens  
Elizabeth J. Stevens



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

\_\_\_\_\_)  
REV. DR. THOMAS A. SUMMERS, )  
REV. DR. ROBERT M. KNIGHT, )  
RABBI SANFORD T. MARCUS, REV. )  
DR. NEAL JONES, HINDU )  
AMERICAN FOUNDATION, and )  
AMERICAN-ARAB )  
ANTI-DISCRIMINATION COMMITTEE )

*Plaintiffs,* )

v. )

Case No. 08-2265-CMC

MARCIA S. ADAMS, in her )  
official capacity as the Director of the )  
South Carolina Department of Motor )  
Vehicles; JON OZMINT, in his official )  
capacity as the Director of the Department )  
of Corrections of South Carolina. )

*Defendants.* )  
\_\_\_\_\_)

---

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

---

Aaron J. Kozloski (D. S.C. Bar No. 9510)  
CAPITOL COUNSEL  
1201 Main Street Suite 1980  
Box 11902 Capitol Station  
Columbia, SC 29211  
Tel: (803) 748-1320  
Fax: (888) 513-6021  
[aaron@capitolcounsel.us](mailto:aaron@capitolcounsel.us)

Ayesha N. Khan (appearing *pro hac vice*)  
Alex J. Luchenitser (appearing *pro hac vice*)  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
518 C Street, NE  
Washington, DC 20002  
Tel: (202) 466-3234  
Fax: (202) 466-2587  
[khan@au.org](mailto:khan@au.org) / [luchenitser@au.org](mailto:luchenitser@au.org)

*Counsel for Plaintiffs*

Please respond to these Requests for Production within 30 days of service by producing the documents and other specified items in accordance with Federal Rule of Civil Procedure 34.

### DEFINITIONS AND INSTRUCTIONS

1. Each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Requests, the following terms are to be interpreted as indicated below:

- a. The present tense includes the past and future tenses.
- b. *DMV*: The term “*DMV*” means the South Carolina Department of Motor Vehicles.
- c. *You/Your*: The terms “*you*” and “*your*” refer to DMV, Director Marcia S. Adams, all DMV employees and agents, and all DMV subsidiary or affiliated entities or agencies.
- d. *I Believe license plate*: The term “*I Believe license plate*” means the license plate referred to in South Carolina General Assembly Act No. 253 of June 5, 2008.
- e. *Document(s)*: The terms *document* and *documents* mean documents, records, books, papers, contracts, memoranda, invoices, correspondence, notes, studies, reports, minutes of meetings, manuals, photographs, drawings, charts, maps, graphs, data compilations, other writings, microfilm, microfiche, audio recordings (including phono records, audiotapes, and audio disks), video recordings (including film, videotapes, and video disks) electronic mail, information stored in any other electronic form (including on computer tapes, computer disks, and computer memory, and including backup copies and “deleted” files on computers or computer storage devices or media), and any other “documents” within the meaning of Federal Rule of Civil Procedure 34. The

terms also cover any drafts, superceded versions, edited versions, or copies bearing any notations or comments on any document or draft.

2. These Requests require *you* to produce all responsive documents that are in *your* possession, custody, or control, including documents in the possession of *your* agents, attorneys, and representatives.

3. These Requests are continuing in nature, and in the event that *you* become aware of or acquire possession, custody, or control of additional responsive documents, *you* should promptly produce them for inspection and copying (or provide Plaintiffs with copies).

4. If a document has been prepared in several versions, or if additional copies of a document have been made that are not identical to the original or are no longer identical to the original by reason of subsequent notation or marking of any kind, produce each nonidentical version or copy of the document.

5. If a document was prepared or exists electronically, produce it in its native electronic format and in hard copy.

6. If documents responsive to these Requests are maintained in a file or binder, produce a copy of any labels, markings, or notations on the file or binder.

7. If, in responding to these Requests, *you* perceive any ambiguity in a Request, definition, or instruction, set forth the matter deemed ambiguous and the construction used in responding.

8. If a document responsive to these Requests contains both privileged and nonprivileged material, disclose the nonprivileged material to the fullest extent possible without disclosing the privileged material, and produce all nonprivileged portions. If *you* assert a privilege

with regard to part of the material contained in a document, clearly describe the portions for which the privilege is claimed. If any document has been redacted or altered in any fashion, identify the reason for the redaction or alteration, the date of the redaction or alteration, and the person who made the redaction or alteration. The location and size of any redactions must be clearly depicted on any redacted documents.

9. If *you* withhold any documents responsive to these Requests based on an objection that providing the documents in question would be unduly burdensome, describe the burden or expense of the proposed discovery and include in the description a statement of the total person-hours that would be required to produce the documents in question.

10. If *you* withhold any documents responsive to these Requests for any reason other than privilege (including a claim of protection under the attorney-work-product doctrine) or an objection that providing the documents in question would be unduly burdensome, describe in writing each document so withheld, and provide a detailed statement of the reasons for withholding the document, including any facts supporting the claim of a right to withhold the document.

#### DOCUMENT REQUESTS

1. All predecessor policies to the DMV Department Policy known as "Policy RG-504, Specialized Plates for Organizations," effective June 11, 2007 – including, but not limited to, the version of Policy RG-504 adopted February 5, 2007, as well as the documents referred to on page three of the current policy as "PM 07-404 and PM 00-407."

2. All documents related to or otherwise referring to the adoption of Policy RG-504 on February 5, 2007, and/or to its June 11, 2007 revision – including, but not limited to, any memoranda, analyses, drafts, and proposed changes.

3. All documents related to or otherwise referring to the design and marketing of the *I Believe license plate* – including, but not limited to, any approved designs or plans, proposed designs or plans, printed or electronic or digital visual depictions, drafts, analyses, agreements, correspondence, bills, and receipts.

4. Any physical representation of the *I Believe license plate*, whether accurate, inaccurate, approved, or merely proposed – including, but not limited to, any sample, proof, or mock-up.

5. All documents related to or otherwise referring to the registration fee DMV may charge to applicants requesting the *I Believe license plate* – including, but not limited to, any final or draft fee schedules, memoranda, correspondence, agreements, formal or informal estimates, bids, bills, and receipts.

6. All documents related to or otherwise referring to the *I Believe license plate* that DMV has made available to the public.

/s/ Ayesha N. Khan  
Ayesha N. Khan (appearing *pro hac vice*)  
Alex J. Luchenitser (appearing *pro hac vice*)  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
518 C Street, NE  
Washington, DC 20002  
Tel: (202) 466-3234  
Fax: (202) 466-2587  
[khan@au.org](mailto:khan@au.org) / [luchenitser@au.org](mailto:luchenitser@au.org)

Aaron J. Kozloski (D. S.C. Bar No. 9510)  
1201 Main Street Suite 1980  
Box 11902 Capitol Station  
Columbia, SC 29211  
Tel: (803) 748-4320  
Fax: (888) 513-6021  
*aaron@capitolcounsel.us*

*Counsel for Plaintiffs*

Dated: October 15, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that I caused this First Set of Requests for Production of Documents to be served via first-class mail, fax, and e-mail, on October 15, 2003, on the following counsel for the defendants:

J. Emory Smith, Jr. (*AGESMITH@ag.state.sc.us*)  
Assistant Deputy Attorney General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Fax: (803) 734-3677

Karl Smith Bowers (*butch.bowers@nelsonmullins.com*)  
Kevin A. Hall (*kevin.hall@nelsonmullins.com*)  
Nelson Mullins  
Meridian, 17th Floor  
1320 Main Street  
Columbia, SC 29201  
Fax: (803) 255-9046

/s/ Elizabeth J. Stevens  
Elizabeth J. Stevens