

CAUSE NO. 2022-79328

ERIN ELIZABETH LUNCEFORD,	§	IN THE DISTRICT COURT
	§	
Contestant,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
TAMIKA "TAMI" CRAFT,	§	
	§	
Contestee.	§	164TH JUDICIAL DISTRICT

**CONTESTEE TAMIKA CRAFT'S FIRST SET OF DISCOVERY
REQUESTS TO CONTESTANT ERIN ELIZABETH LUNCEFORD**

TO: Contestant, Erin Elizabeth Lunceford, by and through her attorneys of record, Andy Taylor, ANDY TAYLOR & ASSOCIATES, P.C., 2628 Highway 36S, #288, Brenham, Texas 77833, and Sonya L. Aston, SONYA L ASTON LAW PLLC, 1151 Curtin Street, Houston, Texas 77018.

Contestee Tamika "Tami" Craft serves the following First Request for Production of Documents and First Request for Admissions to Contestant Erin Elizabeth Lunceford. Contestant is advised that the responses to the requests must be served upon the undersigned counsel within the deadlines set forth by the Texas Rules of Civil Procedure. However, due to the accelerated nature of this election contest, Contestee requests that these discovery requests be responded to immediately. No extensions of time shall be valid unless such agreement is set forth in writing and signed by counsel for Contestee. This document is governed by the definitions and instructions that follow.

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Respectfully submitted,

KHERKHER GARCIA, LLP

By: /s/ Ryan S. MacLeod
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ATTORNEYS FOR TAMIKA CRAFT

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Texas Rule of Civil Procedure 21a, a true and correct copy of the foregoing instrument was forwarded to all counsel of record and/or parties on December 21, 2022.

Via Email:

Andy Taylor
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ATTORNEYS FOR CONTESTANT

/s/ Ryan S. MacLeod
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DEFINITIONS

“Contestant” shall mean the named Contestant, Erin Elizabeth Lunceford, in the instant styled and captioned lawsuit.

“Contestee” shall mean the named Contestee, Tamika “Tami” Craft, in the instant styled and captioned lawsuit.

The “**Election**,” and any similar or reasonably related terms and phrases refer to the November 8, 2022, General Election cycle.

“Document” or “documents,” as used herein, is to be interpreted broadly and liberally and includes any original, reproduction or copy of any kind, typed, recorded, electronic, digital, graphic, printed, written or documentary, including without limitation, correspondence, memoranda, calendars, desk files, interoffice communications, notes, diaries, contracts, documents, drawings, plans, specifications, estimates, inventories, vouchers, permits, written ordinances, minutes of meetings, transcripts, written statements, digitally written statements, invoices, billings, checks, reports, studies, telegrams, notice of telephone conversations, sales receipts and notes of any and all communications and every other means of recording any tangible thing, any form of communication of representation, including letters, words, pictures, sounds or symbols, or combinations thereof in your possession, custody, or control. This term is intended to include information, data, and items generated by, recorded by, and/or stored by or in electronic or digital means and formats, such as computer drives, computer servers, and/or any other computer, electronic, or digital means. Such digital or electronic information, data, and items should be produced in their original, unaltered versions; however, this term also expressly seeks any corollary files generated pursuant to any alterations of the original versions and files that otherwise evidence the history, tracking, deletion, and/or other alteration of such information, data, and items (i.e., metadata). Information, data, and items generated by, recorded by, and/or stored by or in electronic or digital means and formats are requested to be produced via digital format and to include metadata. This term is also intended to include electronic communications such as e-mail, text messages, communications and information uploaded to and downloaded from websites, weblogs, social media sites and services (e.g., Facebook, Instagram, Twitter). Finally, this term is intended to have the broadest meaning allowed under law.

“Statement(s)” means (a) a written statement signed or otherwise adopted or approved by the person making it, or (b) a stenographic, mechanical, electronic, or other type of recording, or any transcription thereof which is a substantially verbatim recital of a statement made by the person and contemporaneously recorded.

“Communication(s)” includes, without limitation, every manner or means of statement, utterance, notation, disclaimer, transfer, or exchange of information of any nature whatsoever, by or to whomever, whether oral, written, or face-to-face, by telephone, U.S. mail, personal delivery, electronic mail, SMS, text message, social media message, computer, or otherwise, specifically including, without limitation, correspondence, conversations, dialogue, discussions, interviews, consultations, agreements, and other understandings.

“Electronically stored information” (and its acronymic short form, “ESI”) has the same meaning as in *In re State Farm Lloyds*, 520 S.W.3d 595 (Tex. 2017), and FEDERAL RULE OF CIVIL PROCEDURE 34.

“Identify” or “identification” means:

- i. When used in reference to a natural person, to state his/her full name, present or last known residence address, present or last known business address, and present residence and/or business telephone number.
- ii. When used in reference to a public or private corporation, governmental entity, partnership, joint venture, association, or other entity, means to state the nature or form of the entity; its full name; present or last known business address or operating address; telephone number; principal line of business; and principals, officers, directors, or other persons authorized to act for it in connection with the matters referred to in the particular discovery requested.
- iii. When used in reference to a writing and recording or photograph, shall include a statement of the following:
 - a) The title, heading, or caption, if any, of such writing and recording, or photograph;
 - b) The identifying number, letter, or combination thereof, if any, and the significance or meaning of such numbers, letters, or combination thereof, if necessary to understand another writing and recording, or photograph;
 - c) The date appearing on such writing and recording, or photograph; if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such writing and recording, or photograph, was prepared;
 - d) The number of pages and the general nature or description of such writing and recording, or photograph (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), with sufficient particularity so as to enable such writing and recording, or photograph, to be precisely identified;
 - e) The name and capacity of the person who signed such writing and recording, or photograph; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;
 - f) The name and capacity of the person to whom such writing and recording, or photograph, was addressed, and the name and capacity of such person, other than such addressee, to whom such writing and recording, or photograph, or a copy thereof, was sent; and
 - 7) The physical location of the writing and recording, or photograph, and the name of its custodian.

The terms “and/or”, “or”, and “and” are used inclusively, not exclusively.

The term “or” shall include the term “and” and the term “and” shall include the term “or.”

The term “any” shall include the term “all” and the term “all” shall include the term “any.”

The terms “relate to,” “concerns,” “related to,” “relating to,” “arising out of,” “covering,”

“addressing,” “governing,” “describes,” and any similar or reasonably related terms and phrases shall be construed in their broadest sense and shall include anything that comprises, consists of, refers to, contains, mentions, describes, embodies, constitutes, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts, contradicts, negates, touches upon, or reflects the requested information.

The singular includes the plural number, and vice versa. The masculine includes the feminine and neutral gender. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

INSTRUCTIONS

Please produce reasonably legible versions of documents, communications, and electronically stored information.

Please produce documents, communications, and electronically stored information in their native format. If native format is not reasonably available in the ordinary course of business, please produce such items in near-native format.

To the extent you assert any objection to any request on the basis that the information sought is exempt or immune from discovery, then please respond to so much of the request that seeks information that you do not claim to be exempt or immune or that is otherwise partially responsive. Moreover, with respect to each objection made on the basis that the information sought is exempt or immune from discovery, identify the objectionable information to the extent that such information may be later accurately described or identified for purposes of a Court hearing regarding the objection. *See, e.g.*, TEX. R. CIV. P. 193.2(b); FED. R. CIV. P. 34(b)(2)(C); FED. R. CIV. P. 33(b)(3).

Unless otherwise indicated, documents, communications, electronically stored information, and tangible things requested by this instrument are those referring to, relating to, or prepared during the last ten (10) years.

If any document, communication, electronically stored information, and tangible thing requested has been lost or destroyed, please identify such item and, in addition, specify (a) the date of its loss or destruction; (b) the reason for its destruction; (c) the person authorizing its destruction; and (d) the custodian of the document immediately preceding its loss or destruction.

If you withhold responsive documents on a legal privilege, please make a withholding statement in the response. Please also provide a privilege log containing a description for each purportedly privileged document that you withhold, its author(s), recipient(s), nature (e.g. memorandum, letter), date, subject matter, the nature of the claimed privilege and all facts you rely on to support the claim of privilege. Please provide such descriptions within fifteen (15) days after service of your response, or responses, to these requests.

**FIRST REQUEST FOR PRODUCTION TO
CONTESTANT ERIN ELIZABETH LUNCEFORD**

1. All documents, communications, materials, statements, and ESI evidencing the “established procedure” for scanning election ballots. *See* Contestant’s Original Petition at ¶¶ 12 – 14.
2. All documents, communications, materials, statements, and ESI evidencing how EA Tatum’s alleged new procedure for scanning election ballots violated the Texas Election Code. *Id.* at ¶ 12.
3. All documents, communications, materials, statements, and ESI evidencing the “significant number of double voting or double counting” Contestant alleges occurred as a result of the scanning procedure allegedly utilized by EA Tatum. *Id.* at ¶ 21. Such request includes, but is not limited to, each and every instance where voters had their votes recorded twice as Contestant alleges in her Original Petition.
4. All documents, communications, materials, statements, and ESI evidencing the “procedure” Contestant alleges should have been utilized for scanning ballots with legibility problems. *Id.* at ¶ 22.
5. All documents, communications, materials, statements, and ESI evidencing how the alleged procedure utilized by EA Tatum for ballots that could not be scanned and ballots with legibility problems materially impacted the November 8, 2022, election, such that Contestee would not have been declared the winner. *Id.* at ¶¶ 12 – 22.
6. All documents, communications, materials, statements, and ESI evidencing the quantity of ballot paper that Contestant alleges was required for each polling location, pursuant to Texas Election Code § 51.004, 51.010, and 51.011. *Id.* at ¶ 23.
7. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that “at least 3,135 voters were tuned away from 26 specific polling locations on Election Day” and all documents, communications, materials, statements, and ESI evidencing whether those “at least 3,135 voters” voted at another polling location on Election Day. *Id.*
8. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that “Contestant picks up an additional 325 votes in her favor” and all documents, communications, materials, statements, and ESI evidencing how those 325 votes would have materially impacted the Election. *Id.* at ¶ 29.
9. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that the Early Voting ballot collection process violated the Texas Election Code. *Id.* at ¶ 30.

10. All documents, communications, materials, statements, and ESI evidencing how the alleged Early Voting ballot collection process affected the vote count and/or materially impacted the Election. *Id.*
11. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that EA Tatum violated Texas Election Code § 85.009. *Id.* at ¶ 34.
12. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that "numerous early voting polls were not provided with equal representation" and all documents, communications, materials, statements, and ESI evidencing how Contestant's allegation, if true, would have materially impacted the Election. *Id.* at ¶ 35.
13. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that "EA Tatum failed to contact each and every person on HCRP's list of Republican volunteers," all documents, communications, materials, statements, and ESI evidencing the allegation that "Tatum allowed persons not appearing on HCRP's list to serve as alternate judges and election clerks wrongfully and illegally," and all documents, communications, materials, statements, and ESI evidencing how the above allegations, if true, would have materially impacted the Election. *Id.* at 37.
14. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that "700 mail-in ballots were counted that should not have been counted due to the several violations of the requirements of the Texas Election Code" and all documents, communications, materials, statements, and ESI evidencing how the above allegation, if true, would have materially impacted the Election. *Id.* at ¶ 38.
15. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that "at least sixteen (16) specific voters voted more than once in the November 8, 2022 General Election" and all documents, communications, materials, statements, and ESI evidencing how the above allegation, if true, would have materially impacted the Election that Contestee was declared the winner by 2,743 votes. *Id.* at ¶ 40.
16. All documents, communications, materials, statements, and ESI evidencing Contestant's allegations that "certain mail-in ballots that were cast and counted should not have been counted" and "certain mail-in ballots were cast but not counted that should have been counted." *Id.* at ¶¶ 41 – 42.
17. All documents, communications, materials, statements, and ESI evidencing Contestant's allegations that "certain provisional ballots that were cast and counted should not have been counted" and "certain provisional ballots were cast but not counted that should have been counted." *Id.* at ¶¶ 43 – 44.
18. All documents, communications, materials, statements, and ESI evidencing Contestant's allegation that "voters who were required to fill out a Statement of Residence ("SOR") prior to be accepted for voting voted illegally by not filling out the required document in violation of the Texas Election Code Section 64.0011." *Id.* at ¶ 45. Such request includes,

but is not limited to, all documents, communications, materials, statements, and ESI evidencing each and every voter Contestant alleges “voted illegally,” all documents, communications, materials, statements, and ESI evidencing the basis for Contestant’s allegation that these voters “voted illegally,” and all documents, communications, materials, statements, and ESI evidencing how Contestant’s allegations, if true, would have materially impacted the Election.

19. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that “illegally registered voters voted in violation of Texas Election Code Sections 1.015, 13.001 and 13.002” and all documents, communications, materials, statements, and ESI evidencing how Contestant’s allegation, if true, would have materially impacted the Election. *Id.* at ¶ 46.
20. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that “the cast votes record for all county-wide races is not consistent amongst the various contests” and all documents, communications, materials, statements, and ESI evidencing how this allegation, if true, would have materially impacted the Election. *Id.* at ¶ 47.
21. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that the “Harris County Election Administrator’s Office failed to adequately supply election equipment for polling locations on Election Day in violation of the Texas Election Code as identified in Section 51.004, 51.010 and 51.011,” all documents, communications, materials, statements, and ESI evidencing the specific “election equipment” Contestant is referring to, and all documents, communications, materials, statements, and ESI evidencing how this alleged failure would have materially impacted the Election. *Id.* at ¶ 48.
22. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that polling locations were inadequately staffed in violation of Texas Election Code Sections 32.002 and 85.009 and all documents, communications, materials, statements, and ESI evidencing how the above allegation, if true, “plac[ed] the November 8, 2022, General Election in jeopardy” and would have materially impacted the Election. *Id.* at ¶ 49.
23. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that the Harris County Election Administrator’s Office “failed to adequately instruct presiding judges how to prepare returns of the election for the polling location...in violation of Texas Election Code Section 65.014.” *Id.* at ¶ 50.¹ Such request includes, but is not limited to, the following:
 - a. All documents, communications, materials, statements, and ESI evidencing that Section 65.014 applies to the Harris County electronic voting system;

¹ Contestant’s Original Petition has two Paragraph 50s. This request refers to the first Paragraph 50, under “Example Seventeen.”

- b. All documents, communications, materials, statements, and ESI evidencing each and every alleged “failure to prepare required returns at certain polling locations”; and
 - c. All documents, communications, materials, statements, and ESI evidencing how these alleged failures, if true, would have materially impacted the Election.
24. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that EA Tatum inserted “non-polling location workers into the role of Presiding Judge” in alleged violation of Texas Election Code Section 66.051, all documents, communications, materials, statements, and ESI evidencing that Section 66.051 applies to the Harris County electronic voting system, and all documents, communications, materials, statements, and ESI evidencing how the above allegation, if true, would have materially impacted the Election. *Id.* at ¶ 50.²
25. All documents, communications, materials, statements, and ESI evidencing Contestant’s allegation that “EA Tatum rarely provided chain of custody documentation that indicated the materials that were delivered, the time of delivery or the person receiving the documentation” and all documents, communications, materials, statements, and ESI evidencing how the above allegation, if true, would have materially impacted the Election. *Id.* at ¶ 51.
26. All documents, communications, materials, statements, and ESI arising out of or relating to any and all investigations you conducted, or someone conducted on your behalf, including the Harris County Republican Party (“HCRP”) and its officers, agents, and/or representatives, into the Election. Such investigations include, but are not limited to, investigations regarding process errors and voting irregularities for the Election.
27. All documents, communications, materials, statements, and ESI (other than privileged communications) exchanged between you and the following regarding the outcome of the Election:
 - a. Harris County Republican Party;
 - b. Alan Vera;
 - c. Colleen Vera;
 - d. Cindy Siegel;
 - e. Marga Matthews;
 - f. Casey Voeks;
 - g. Donna Garcia Davidson;
 - h. Ed Hubbard;
 - i. Melissa Conway; and
 - j. Carmen Cavazos.

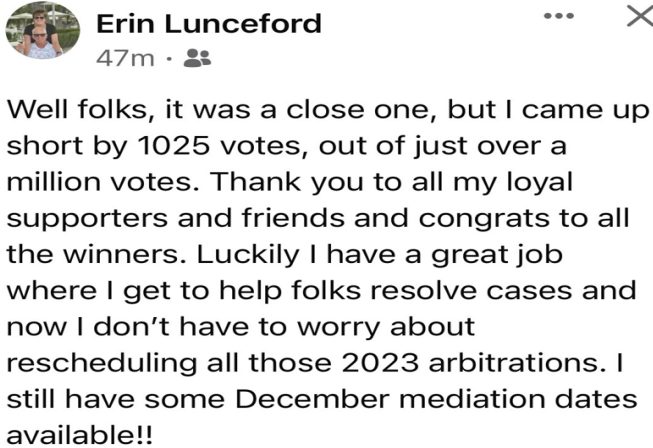
² Contestant’s Original Petition has two Paragraph 50s. This request refers to the second Paragraph 50, under “Example Eighteen.”

28. All documents, communications, materials, statements, and ESI (other than privileged communications) exchanged between you and the following regarding the instant lawsuit and/or any contemplation of filing the instant lawsuit:
- a. Harris County Republican Party;
 - b. Alan Vera;
 - c. Colleen Vera;
 - d. Cindy Siegel;
 - e. Marga Matthews;
 - f. Casey Voeks;
 - g. Donna Garcia Davidson;
 - h. Ed Hubbard;
 - i. Melissa Conway; and
 - j. Carmen Cavazos.
29. A privilege log for all documents, communications, materials, statements, and ESI you are withholding on privilege, pursuant to Texas Rule of Civil Procedure 193.3.

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**FIRST REQUEST FOR ADMISSIONS TO
CONTESTANT ERIN ELIZABETH LUNCEFORD**

1. Admit that the following is a true and correct copy of the post you made to your social media account on November 9, 2022.



RESPONSE:

2. Admit that you lost the Subject Election.

RESPONSE:

3. Admit that you have made public statements that you lost the Subject Election.

RESPONSE:

4. Admit that you received less votes than Tamika Craft in the Subject Election.

RESPONSE:

5. Admit that the votes were properly tallied in the Subject Election.

RESPONSE:

6. Admit that the votes were properly counted in the Subject Election.

RESPONSE:

7. Admit that a Temporary Restraining Order (TRO) issued by a Harris County District Judge was in effect at the time votes were cast during the extra hour of voting on November 8, 2022.

RESPONSE:

8. Admit that the Texas Supreme Court ordered on November 22, 2022, that the provisional ballots cast in Harris County during the extra hour of voting on November 8, 2022, be included in the certified election results.

RESPONSE:

9. Admit that you did not qualify for a recount in the Subject Election.

RESPONSE:

10. Admit that you did not qualify for a runoff in the Special Election.

RESPONSE:

11. Admit that you have no evidence in your possession, custody, or control tending to show election fraud related to the Subject Election.

RESPONSE:

12. Admit that no criminal charges have been filed for election fraud related to the Subject Election.

RESPONSE:

13. Admit that no criminal charges have been filed for election irregularities related to the Subject Election.

RESPONSE:

14. Admit that you respect the will of the Harris County Electorate.

RESPONSE:

15. Admit that Joe Biden won the 2020 Presidential Election.

RESPONSE:

16. Admit that Donald Trump lost the 2020 Presidential Election.

RESPONSE:

17. Admit that Joe Biden received more votes than Donald Trump in the 2020 Presidential Election.

RESPONSE:

18. Admit that you have no evidence in your possession, custody, or control tending to show election fraud relating to the 2020 Presidential Election.

RESPONSE:

19. Admit that you have no evidence in your possession, custody, or control tending to show election irregularities in the 2020 Presidential Election.

RESPONSE:

20. Admit that Andy Taylor is an attorney for the Harris County Republican Party.

RESPONSE:

21. Admit that Andy Taylor is a witness with knowledge of relevant facts regarding the investigation into the Subject Election.

RESPONSE:

22. Admit that the allegations stated in your Original Petition stem directly from the investigation conducted by the Harris County Republican Party and/or its officers, agents, and representatives into the Subject Election.

RESPONSE:

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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 12/21/2022 1:45 PM CST

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