

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLAIRE BALL, et al.,)	
)	
Plaintiffs,)	
)	Case No.: 15-cv-10441
v.)	
)	Hon. John Z. Lee
)	
LISA MADIGAN, et al.,)	
)	
Defendants.)	

DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendants Lisa M. Madigan, Charles W. Scholz, Ernest L. Gowen, Betty J. Coffrin, Casandra B. Watson, William J. Cadigan, Andrew K. Carruthers, William M. McGuffage, and John R. Keith ("Defendants"), by their attorney, Lisa Madigan, Attorney General of Illinois, respond to plaintiffs' first set of interrogatories as follows:

PRELIMINARY STATEMENT

Defendants have not completed their investigation and discovery in this action. Accordingly, all responses below are based only upon such information and documents that are presently available and specifically known to Defendants. Defendants reserve the right to supplement or amend their responses and/or assert additional objections should they discover any additional information or grounds for objection.

GENERAL OBJECTIONS

1. Defendants object to the interrogatories, including all definitions, instructions, and specific interrogatories, to the extent that they attempt to impose obligations beyond those authorized by the Federal Rules of Civil Procedure.

2. Defendants object to the interrogatories to the extent that they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protection. No response is, or shall be construed to be, a waiver of any privilege or protection with respect to such information.

3. Defendants object to the interrogatories to the extent that they seek information that is neither relevant to the subject matter involved in this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

4. Defendants object to the interrogatories to the extent that they seek information that is not within their possession, custody, or control.

5. Defendants object to the interrogatories to the extent that they seek information already known to plaintiffs; information already in the possession, custody, or control of plaintiffs; or information equally available to all parties.

6. The above-stated General Objections shall be deemed applicable and are incorporated by reference into each response set forth below even if not specifically referred to in such responses.

RESPONSES TO SPECIFIC INTERROGATORIES

1. To the extent that Defendants deny the allegations in Paragraph 2 of Plaintiffs' complaint, identify the factual and legal basis for that denial.

RESPONSE: Illinois is not the only state whose cannabis program regulates campaign contributions. *See, e.g.,* La. Rev. Stat. 40:1046(J)(7) ("No company that has made a contribution to a candidate in a Louisiana election governed by the provisions of the Campaign Finance Disclosure Act within the five years prior to bidding for the license, or is controlled wholly

or in part by a person who made such a contribution within the five years prior to the company bidding for the license, may be eligible for the license.”). Investigation continues.

2. Identify the governmental interest served by the medical cannabis contribution ban.

RESPONSE: The governmental interests advanced by 10 ILCS 5/9-45 include protection against quid pro quo corruption and its appearance. *See, e.g., Wagner v. Fed. Election Comm’n*, 791 F.3d 1 (D.C. Cir. 2015). Investigation continues.

3. Identify all facts that you believe support your conclusion that the medical cannabis contribution ban serves the governmental interest identified in your response to Plaintiffs’ Interrogatory No. 3.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections, 10 ILCS 5/9-45 protects against quid pro corruption and its appearance by making it “unlawful for any medical cannabis cultivation center or medical cannabis dispensary organization or any political action committee created by any medical cannabis cultivation center or dispensary organization to make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official.” Investigation continues.

4. Identify any and all facts showing that medical cannabis cultivation centers or medical cannabis dispensary organizations give rise to a threat of actual or apparent corruption.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections, see responses to interrogatories 3 and 5. Investigation continues.

5. Identify any and all facts showing that medical cannabis cultivation centers or medical cannabis dispensary organizations give rise to a threat of actual or apparent corruption that is greater than the threat of corruption posed by any other type of business licensed by the State.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Defendants further object to this interrogatory and not reasonably calculated to lead to the discovery of admissible evidence, as plaintiffs have not alleged that there are speakers in other businesses that are similarly situated to plaintiffs. Subject to and without waiving these objections and the General Objections, Defendants state that medical cannabis cultivation centers and dispensary organizations give rises to threat of actual or apparent corruption greater than other businesses because the medical cannabis pilot program is new and untested; because the program has registration requirements and is subject to oversight and enforcement by multiple state agencies; because there are strict limitations on the number of cultivation centers (only 22) and dispensing organizations (only 60) that may be registered for operation; and because the program is currently scheduled to be repealed on January 1, 2018. Defendants further state that it singularly important to prevent corruption or the appearance of corruption in the medical cannabis pilot program because individuals' health and safety is at stake. The Illinois General Assembly has determined that the use of cannabis may cause physical, psychological, and sociological damages (720 ILCS 550/1), and cannabis remains illegal under federal law. Investigation continues.

6. Identify all facts you intend to present at trial, or in support of a motion for summary judgment, to show that the medical marijuana contribution ban is narrowly tailored (or closely drawn) to serve a compelling governmental interest.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections, see responses to Interrogatories 1 through 5. Investigation continues.

7. Identify all documents in your possession, custody, or control that contain information regarding the threat of actual or apparent corruption posed by contributions to political committees by medical cannabis cultivation centers or medical cannabis dispensary organizations.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections: none. Investigation continues.

8. Identify all documents in your possession, custody, or control that contain information regarding the purpose of the medical cannabis contribution ban.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections: none. Investigation continues.

9. Identify all documents in your possession, custody, or control that reference the medical cannabis contribution ban, directly or indirectly. This request does not seek documents whose only reference to the medical cannabis contribution ban is the text of the statute.

RESPONSE: Defendants object to this interrogatory as overly broad and unduly burdensome. Subject to and without waiving these objections and the General Objections: the legislative history, which is publically available. Investigation continues.

10. Identify any and all documents you will present as exhibits at any hearing in this case or in support of a motion for summary judgment.

RESPONSE: Investigation continues.

11. Identify any and all witnesses you intend to call to testify at any hearing in this case, including the subject matter of their testimony.

RESPONSE: Investigation continues.

12. Identify any and all persons known to you who may be able to more fully answer the previous interrogatories. In answering this interrogatory, include the specific interrogatories that each person may be able to more fully answer.

RESPONSE: Investigation continues.

13. Identify each person who supplied or gathered any information used in preparing Defendants' Answer to Plaintiffs' Complaint, including the specific allegations for which he or she supplied or gathered information.

RESPONSE: Counsel for Defendants; all allegations.

14. Identify each person who supplied or gathered any information used in formulating the answers to these interrogatories, including the specific interrogatories for which he or she supplied or gathered information.

RESPONSE: Counsel for Defendants; all interrogatories.

Dated: April 5, 2016

LISA MADIGAN
Attorney General of Illinois

A handwritten signature in blue ink, appearing to read "Michael T. Dierkes", is written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that copies of the attached **Defendants' Responses to Plaintiffs' First Set of Interrogatories** were served upon the individuals listed below by e-mail and by First-Class U.S. Mail, postage prepaid, on April 5, 2016.

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