

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GEORGIA STATE CONFERENCE OF )		
THE NAACP, et al. )	)	
	)	
<i>Plaintiffs,</i> )	)	
v. )	)	Case No. 1:21-CV-5338-ELB-SCJ-SDG
STATE OF GEORGIA, et al. )	)	
	)	
<i>Defendants.</i> )	)	
<hr style="width: 100%;"/> COMMON CAUSE, et al., )	)	
	)	
<i>Plaintiffs,</i> )	)	Case No. 1:22-CV-00090-ELB-SCJ-SDG
v. )	)	
BRAD RAFFENSPERGER )	)	
	)	
<i>Defendant.</i> )	)	
<hr style="width: 100%;"/>	)	

**JOINT PRETRIAL ORDER**

1.

Other than pretrial motions which may be filed pursuant to the Court’s scheduling order, there are no pending motions in this case.

The parties may file motions for judicial notice.

2.

All discovery has been completed, unless otherwise noted, and the Court will not consider any further motions to compel discovery. (Refer to LR 37.1B). Provided there is no resulting delay in readiness for trial, the parties shall, however, be permitted to take the depositions of any persons for the preservation of evidence and for use at trial.

3.

There are no issues regarding the names of the parties and joinder.

4.

Unless otherwise noted, there is no question as to the jurisdiction of the court; jurisdiction is based upon the following code sections.

**By Plaintiffs:** There is no question regarding this Court's jurisdiction. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1357 because the matters in controversy arise under the Constitution and laws of the United States, as well as under 42 U.S.C. §§ 1983 and 1988.

**By Defendants:** Defendants assert that this Court lacks jurisdiction over Ga. NAACP Plaintiffs' Voting Rights Act claims because Section 2 of the Voting Rights Act does not permit an action to be filed by private parties. This Court would otherwise have jurisdiction pursuant to 52 U.S.C. §10301 and 28 U.S.C. § 1331.

5.

The following individually named attorneys are hereby designated as lead counsel for the parties:

**Common Cause Plaintiffs:** Neil Steiner, Cassandra Love-Olivo, Jack Genberg, and Courtney O'Donnell

**GA NAACP Plaintiffs:** Keith Harrison, Ezra Rosenberg, and Kurt Kastorf

**Defendant:** Bryan P. Tyson and Bryan Jacoutot

6.

This case will not be tried before a jury. Plaintiffs request the opportunity to present opening, closing, and rebuttal arguments to the Court.

7.

The captioned case shall be tried (  ) to a jury or (X) to the Court without a jury, or (  ) the right to trial by jury is disputed.

8.

This case will be tried to the Court and the parties do not request a bifurcated trial.

9.

Because this case will be tried to the Court, the parties have not attached a list of questions for the Court to propound to the jury concerning their legal qualifications to serve.

10.

Because this case will be tried to the Court, the parties have not attached a list of questions for the Court to propound to jurors on *voir dire* examination.

11.

Because this case will be tried to the Court, the parties have no *voir dire* questions or corresponding objections.

12.

Because this case will be tried to the Court, the parties are not requesting any strikes.

13.

Five related cases challenging the redistricting plans enacted in 2021 by the Georgia General Assembly remain pending:

- *Alpha Phi Alpha Fraternity, Inc. et al. v. Raffensperger*, No. 1:21-cv-05337-SCJ;
- *Pendergrass et al. v. Raffensperger et al.*, No. 1:21-cv-05339-SCJ;

- *Grant et al. v. Raffensperger et al.*, No. 1:22-cv-00122-SCJ;
- *Common Cause v. Raffensperger*, No. 1:22-cv-00090-ELB-SCJ-SDG; and
- *Georgia State Conference of the NAACP, et al. v. State of Georgia, et al.*, No. 1:21-cv-05338-ELB-SCJ-SDG

A bench trial was concluded in the *Alpha Phi Alpha*, *Pendergrass*, and *Grant* cases. The Court’s Opinion and Memorandum on Decision in these cases was entered on October 26, 2023. [Case 1:21-cv-05337-SCJ, ECF. 333].

14.

Attached hereto as Attachment “C” for both the *Common Cause* Plaintiffs and the *GA NAACP* Plaintiffs are the Plaintiffs’ outlines of their cases, including succinct factual summaries of Plaintiffs’ causes of action, and a separate listing of all rules, regulations, statutes, ordinances, and illustrative case law creating the legal duties relied on by Plaintiffs.

15.

Attached hereto as Attachment “D” is Defendant’s outline of the case which includes a succinct factual summary of all general, special, and affirmative defenses relied upon.

16.

Attached hereto as Attachment “E” are the facts stipulated by the parties. No further evidence will be required as to the facts contained in the stipulation and the stipulation may be read into evidence at the beginning of the trial or at such other time as is appropriate in the trial of the case. Counsel have cooperated fully with each other to identify all undisputed facts.

17.

The legal issues to be tried are as follows:

**By Plaintiffs:**

A. Whether the failure to create at least one additional majority-Black Congressional district—in which Black voters have an opportunity to elect

candidates of their choice—in and around the Southwestern portion of the Atlanta metropolitan area violates Section 2 of the Voting Rights Act (“VRA”) (*GA NAACP*)

B. Whether the failure to create at least two additional majority-Black State Senate Districts—in which Black voters have an opportunity to elect candidates of their choice—that are in a cluster of counties in and around the Atlanta metropolitan area violates Section 2 of the VRA (*GA NAACP*)

C. Whether the failure to create at least one additional majority-Black State Senate District—in which Black voters have an opportunity to elect candidates of their choice— that is in a cluster of counties in and around Gwinnett County violates Section 2 of the VRA (*GA NAACP*)

D. Whether the failure to create at least one additional majority-Black State Senate District—in which Black voters have an opportunity to elect candidates of their choice— that is in a cluster of counties in and around Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, violates Section 2 of the VRA (*GA NAACP*)

E. Whether the failure to create at least two additional majority-Black House districts—in which Black voters have an opportunity to elect candidates of their choice— that are in a cluster of counties in and around the Atlanta metropolitan area violates Section 2 of the VRA (*GA NAACP*)

F. Whether the failure to create at least two additional majority-Black House districts—in which Black voters have an opportunity to elect candidates of their choice— that are in a cluster of counties in and around the Southwest portion of the State violates Section 2 of the VRA (*GA NAACP*)

G. Whether the failure to create at least one additional majority-Black House district—in which Black voters have an opportunity to elect candidates of their choice—that is in a cluster of counties in and around Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, violates Section 2 of the VRA (*GA NAACP*)

H. Whether the failure to create at least one additional majority-Black and Hispanic House district—in which Black and Hispanic voters have an opportunity to elect candidates of their choice— that is in a cluster of counties in and around the Southeast portion of the State violates Section 2 of the VRA (*GA NAACP*)

I. Whether the enacted Congressional Districts 2 and/or 8 are racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

J. Whether the enacted Congressional Districts 6, 13, and/or 14 are racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution. (*Common Cause* and *GA NAACP*)

K. Whether the enacted Congressional Districts 3, 4, and/or 10 are racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

L. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least one additional majority-Black Congressional district—in which Black voters have an opportunity to elect candidates of their choice—in and around the Southwestern portion of the Atlanta metropolitan area in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

M. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least two additional majority-Black State Senate Districts—in which Black voters have an opportunity to elect candidates of their choice—in a cluster of counties that are in and around the Atlanta metropolitan area in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution (*GA NAACP*)

N. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least one additional majority-Black State Senate District—in which Black voters have an opportunity to elect candidates of their choice—in a cluster of counties that are in and around Gwinnett County in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

O. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least one additional majority-Black State Senate District—in which Black voters have an opportunity to elect candidates of their choice—in a cluster of counties that are in and around Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, in violation of Section

2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

P. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least two additional majority-Black House districts—in which Black voters have an opportunity to elect candidates of their choice—and around the Atlanta metropolitan area in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution (*GA NAACP*)

Q. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least two additional majority-Black House districts—in which Black voters have an opportunity to elect candidates of their choice—and around the Southwest portion of the State in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

R. Whether the legislature intentionally diluted the voting power of Black and Hispanic voters by failing to draw at least one additional majority-Black and Hispanic House districts—in which Black and Hispanic voters have an opportunity to elect candidates of their choice—in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

S. Whether the legislature intentionally diluted the voting power of Black voters by failing to draw at least one additional majority-Black House districts—in which Black voters have an opportunity to elect candidates of their choice—and around Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

T. Whether the enacted State Senate Districts 1, 2, 4, 17, 26, 48, and/or 56 are racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

U. Whether the enacted House Districts 44, 48, 49, 52, and/or 104 are racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

V. Whether Defendants are estopped from asserting that totality of the circumstances do not establish that Black voters have an unequal opportunity to participate in the political process in the area covered by Congressional Districts 3, 6, 11, 13, and 14

W. Whether Defendants are estopped from asserting that totality of the circumstances do not establish that Black voters have an unequal opportunity to participate in the political process in the area covered by Senate Districts 10, 16, 17, 25, 28, 30 34, 35, 40, 41, 43, and 44.

X. Whether Defendants are estopped from asserting that totality of the circumstances do not establish that Black voters have an unequal opportunity to participate in the political process in the area covered by House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149.

Y. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of Congressional Districts 2, 4, 6, 8, 10, 13, and/or 14 in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

Z. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of State Senate Districts 1, 2, 4, 17, 26, 48, and/or 56 in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution.

AA. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of House Districts 44, 48, 49, 52, and/or 104 in violation of Section 2 of the VRA and the Fourteenth and/or Fifteenth Amendments to the United States Constitution. (*GA NAACP*)

BB. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of the Congressional Map in violation of Section 2 of the VRA and the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

CC. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of the State Senate Map in violation of Section 2 of the VRA and the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)



DD. Whether the legislature intentionally discriminated against Black and/or Hispanic voters in the drawing of the State House Map in violation of Section 2 of the VRA and the Fourteenth Amendment to the United States Constitution. (*GA NAACP*)

EE. The nature and extent of appropriate remedial relief should the Court conclude the Plaintiffs have established liability on one or more of their Section 2 claims in *GA NAACP*.

FF. The nature and extent of appropriate remedial relief should the Court conclude the Plaintiffs have established liability on one or more of their Racial Gerrymandering claims in *GA NAACP* and/or *Common Cause*.

GG. The nature and extent of appropriate remedial relief should the Court conclude the Plaintiffs have established liability on its intentional discrimination claims in *GA NAACP*.

**By Defendants:**

A. Whether Georgia's 2021 congressional districting plan results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color because the political processes leading to nomination or election in Georgia are not equally open to participation by Black and/or other minority voters, in that Black and/or other minority voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

B. Whether Georgia's 2021 State Senate districting plan results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color because the political processes leading to nomination or election in Georgia are not equally open to participation by Black and/or other minority voters, in that Black and/or other minority voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

C. Whether Georgia's 2021 State House of Representatives districting plan results in a denial or abridgement of the right of any citizen of the United States

to vote on account of race or color because the political processes leading to nomination or election in Georgia are not equally open to participation by Black and/or other minority voters, in that Black and/or other minority voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

D. Whether Georgia's 2021 congressional districting plan violates the U.S. Constitution.

E. Whether Georgia's 2021 State Senate districting plan violates the U.S. Constitution.

F. Whether Georgia's 2021 State House of Representatives districting plan violates the U.S. Constitution.

18.

Attached hereto as Attachment "F-1" for the *Common Cause* Plaintiffs, Attachment "F-2" for the *GA NAACP* Plaintiffs, and Attachment "F-3" for Defendants is a list of all the witnesses for each party.

Expert (any witness who might express an opinion under Rule 702), impeachment, and rebuttal witnesses whose use as a witness can be reasonably anticipated must be included.

All of the parties may rely upon a representation by a designated party that a witness will be present unless notice to the contrary is given fourteen (14) days prior to trial to allow the other party(s) to subpoena the witness or to obtain the witness' testimony by other means.

Witnesses who are not included on the witness list (including expert, impeachment and rebuttal witnesses whose use should have been reasonably anticipated) will not be permitted to testify, unless expressly authorized by court order based upon a showing that the failure to comply was justified.

19.

The parties worked diligently and exchanged approximately 450 exhibits as well as objections. Due to a technical problem, the parties will file their exhibit lists no later than 12:00 PM on Monday, October 30, 2023.

20.

Designated portions of the testimony of the persons listed below may be introduced by deposition:

**For Plaintiffs:** Robert Strangia (*Common Cause and GA NAACP*), David Dove (*Common Cause and GA NAACP*), Ryan Germany (*GA NAACP*), and Blake Evans (*GA NAACP*). Deposition Designations will be served separately.

**For Defendant:** None at this time.

The parties agree to reserve the right to include additional witnesses by designation, and will submit additions, if any, one week prior to trial, on November 6, 2023.

21.

Given the extensive briefing and the Court's familiarity with these cases, the parties have elected to forego filing opening trial briefs at this time, unless requested by the Court. The parties reserve the right to file trial briefs during the course of the trial should issues arise therein.

22.

Because this case will not be tried to a jury, the parties do not intend to submit requests to charge.

23.

Because this case will not be tried to a jury, the parties are not proposing a special verdict form.

24.

Given the complexities and fact-intensive nature of the issues in these cases, the parties request that the GA NAACP plaintiffs receive 60 minutes for opening arguments, the CC Plaintiffs receive 35 minutes for opening arguments, and the Defendants receive 75 minutes for opening arguments. The parties further request that the GA NAACP plaintiffs receive 90 minutes for closing argument, the CC Plaintiffs receive 75 minutes for closing arguments, and the Defendants receive 120 minutes for closing arguments.

25.

Because this case is designated for trial to the Court without a jury, counsel shall submit proposed findings of fact and conclusions of law at a time to be determined after the conclusion of the trial.

26.

Pursuant to LR 16.3, lead counsel and persons possessing settlement authority to bind the parties have discussed in good faith the possibility of settlement of this case. The Court  has or  has not discussed settlement of this case with counsel. It appears at this time that there is:

- A good possibility of settlement.
- Some possibility of settlement.
- Little possibility of settlement.
- No possibility of settlement.

27.

The parties do not request a special setting of the case.

28.

The *Common Cause* and *GA NAACP* Plaintiffs estimate that it will require 9 days to present their evidence. Defendants estimate that it will require 2 days to present their evidence. It is estimated that the total trial time is 11 days.

29.

IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above-captioned case () submitted by stipulation of the parties or () approved by the Court after conference with the parties.

IT IS FURTHER ORDERED that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings, which are hereby amended to conform hereto and that this pretrial order shall not be amended except by Order of the Court to prevent manifest injustice. Any attempt to reserve a right to amend or add to any part of the pretrial order after the pretrial order has been filed shall be invalid and of no effect and shall not be binding upon any part of the Court unless specifically authorized in writing by the Court.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

---

UNITED STATES DISTRICT JUDGE

Each of the undersigned counsel for the parties hereby consents to entry of the foregoing pretrial order, which has been prepared in accordance with the form pretrial order adopted by this court.

---

*Counsel for Common Cause Plaintiffs*

---

*Counsel for GA NAACP Plaintiffs*

---

*Counsel for Defendants*

## ATTACHMENT C

### **1. Plaintiffs' Succinct Factual Statement**

Plaintiffs the Georgia State Conference of the NAACP, Georgia Coalition for the People's Agenda, Inc., and the GALEO Latino Community Development Fund, Inc., allege that the newest State House, State Senate, and Congressional Maps enacted by the State of Georgia, the Georgia Secretary of State, and the Georgia Governor are racially gerrymandered, intentionally discriminatory, and dilute the voting power of Black and Hispanic voters, in violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the United States Constitution. Plaintiffs Common Cause, the League of Women Voters, Dr. Cheryl Graves, Dr. Ursula Thomas, Dr. H. Benjamin Williams, Jasmine Bowles, and Brianne Perkins allege that the Georgia Secretary of State has violated the Fourteenth Amendment to the United States Constitution through its unlawful racial gerrymandering of Congressional Districts.

In the last decade, Georgia's population has grown solely due to an increase in the State's diverse population. From 2010 to 2020, Georgia's population grew by over 1 million people to 10.71 million, up 10.57% percent. This growth was driven entirely by communities of color. Georgia's Black and Hispanic citizen voting age population has grown by approximately 500,000 residents, while its White population has declined by approximately 51,764 residents. Despite this, the State's

reapportionment of its Congressional, State Senate, and State House Districts does not reflect the population's demographic changes. In all three maps, the opportunity for Black and Hispanic voters to elect Congressional, State Senate, and State House candidates of choice has remained stagnant. And for specific districts in all three maps, race improperly predominated the decisions made about how to draw the lines.

**a. Vote Dilution in Violation of the Section 2 of the Voting Rights Act (Effects)**

The new Congressional, State Senate, and State House plans enacted by the General assembly in 2021 violate Section 2 of the Voting Rights Act ("VRA"). In many areas of Georgia, the Black population is sufficiently large and geographically compact to create additional majority-Black districts. In each of these areas, Black voters are politically cohesive, and White voters vote as a bloc to defeat Black voters' candidate of choice. In one area, the Black and Hispanic population is sufficiently large and geographically compact to create an additional majority-Black and Hispanic district. In this area, Black and Hispanic voters are politically cohesive, and White voters vote as a bloc to defeat Black and Hispanic voters candidate of choice.

Congress:

- The Black population in the Atlanta metropolitan region is sufficiently large and geographically compact to create one, additional majority-Black Congressional District that would provide a meaningful opportunity for the Black population to elect their candidate of choice.



### State Senate

- The Black population in the Atlanta metropolitan area is sufficiently large and geographically compact to create two, additional majority-Black State Senate Districts that would provide a meaningful opportunity for the Black population to elect their candidate of choice.
- The Black population in and around Gwinnett is sufficiently large and geographically compact to create one, additional majority-Black State Senate District that would provide a meaningful opportunity for the Black population to elect their candidate of choice.
- The Black population in Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, is sufficiently large and geographically compact to create one, additional majority-Black State Senate District that would provide a meaningful opportunity for the Black population to elect their candidate of choice.

### State House

- The Black population in the Atlanta metropolitan region is sufficiently large and geographically compact to create two, additional majority-Black State House Districts that would provide a meaningful opportunity for the Black population to elect their candidate of choice.
- The Black population in Southwest Georgia is sufficiently large and geographically compact to create two, additional majority-Black State House Districts that would provide a meaningful opportunity for the Black population to elect their candidate of choice.
- The Black population in Central and Eastern Georgia, commonly known as the East Black Belt region of Georgia, is sufficiently large and geographically compact to create one, additional majority-Black State House District that would provide a meaningful opportunity for the Black population to elect their candidate of choice.
- The Black and Hispanic population in Southeast Georgia is sufficiently large and geographically compact to create one, additional majority-Black and

Hispanic State House District that would provide a meaningful opportunity for the Black and Hispanic population to elect their candidate of choice.

In each of these areas, the totality of circumstances reflect that the political process is “not equally open to participation” by members of the minority communities in Georgia. 52 U.S.C. § 10301(b). Specifically, concentrated and geographically compact Black (or Black and Hispanic) populations are submerged within legislative districts controlled by White majorities. And in each of these areas, extreme racially polarized voting patterns interact with a history of racial discrimination in voting and significant racial disparities in socioeconomic status and voter turnout to prevent those voters of color from equally participating in the political process. Thus, the enacted Congressional, State House, and State Senate Maps dilute the political strength of Black (and sometimes Black and Hispanic) voters in violation of Section 2 of the VRA.

**b. Racial Gerrymandering in Violation of the Fourteenth Amendment to the United States Constitution.**

Lifted from Department of Justice preclearance for the first time since the Voting Rights Act of 1965’s passage, the Georgia General Assembly hastened to enact Congressional, State Senate, and State House maps that dismantled minority opportunity districts, packed Black voters into fewer districts thereby reducing their voting strength in surrounding districts, and cracked Black communities where possible leaving them no opportunity to elect candidates of choice. The legislature

professed to adhere to traditional districting principles, but nevertheless chose a plan that split more counties, cities, and precincts than it knew was necessary, combined rural areas with urban ones, and defied any sense of respect to communities of interest with the consistent effect of decreasing the voting strength of Black Georgians and other Georgians of color.

- Congressional Districts 2 and 8: The legislature split Bibb County between Congressional Districts 2 and 8 along racial lines, packing Black voters into Congressional District 2 and subordinating traditional districting principles to race.
- Congressional District 6: Just as Black and Hispanic voters were able to elect a Black woman, Lucy McBath, the legislature dismantled this district, removing Black and Hispanic Georgians in the Metro-Atlanta area from the district and adding White voters from more rural counties north of the Metro-Atlanta area. To do so, the legislature split communities of interests and counties along racial lines, subordinating traditional districting principles to race. The legislature also split three precincts along racial lines between Congressional Districts 6 and 11, cracking Black voters from Congressional District 6. These drastic changes to Congressional District 6 were entirely unnecessary, since the district was virtually at the ideal population at the time of redistricting.
- Congressional District 13: The legislature packed Black voters into this district by splitting Cobb County, Fulton County, Douglas County, Fayette County, and Henry County along racial lines, diminishing their voting strength of voters of color from surrounding districts, and subordinating traditional districting principles to race.
- Congressional District 14: The legislature expanded this district into Cobb County to submerge two, majority-Black cities—Powder Springs and Austell—into a predominantly White, rural district. They did so despite pleas to the contrary from residents of color in those cities. Black voters in

these cities will no longer have any opportunity to elect candidates of choice. This decision subordinated traditional districting principles to race.

- Congressional Districts 4 and 10: The legislature split Newton County between Congressional Districts 4 and 10 along racial lines, packing Black and Hispanic voters into Congressional District 4 and cracking Black and Hispanic voters from Congressional District 10. The legislature also split four precincts along racial lines between these districts, packing Black and Hispanic voters into Congressional District 4. These political subdivision splits along racial lines cannot be justified by traditional districting principles.
- State Senate District 56: Just as voters of color were on the verge of electing their candidates of choice, the legislature dismantled the district with racially imbalanced population shifts, moving Black and Hispanic voters into State Senate District 14 and replacing them with White voters, ensuring that Black and Hispanic voters that remained in State Senate District 56—and the Black and Hispanic voters moved into State Senate District 14—did not have an opportunity to elect candidates of choice. This racially distinctive population swap subordinated traditional districting principles to race.
- State Senate District 48: Just as Black and Hispanic voters had elected their candidate of choice, Michelle Au, the legislature dismantled this district, packing voters of color into State Senate District 7, which was already effective for voters of color. The racially imbalanced population swaps out of and into State Senate District 48 subordinate traditional districting principles to race.
- State Senate District 17: Just as State Senate District 17 had become effective for Black and Hispanic voters, the legislature cracked Black and Hispanic voters out of the district, dispersing them among State Senate District 10, State Senate District 25, and State Senate District 43. As a result, Black and Hispanic voters in these districts have no opportunity to elect candidates of choice. The racially imbalanced population swaps out of and into State Senate District 17 subordinate traditional districting principles to race.

- State Senate District 26: The legislature split Bibb County between State Senate Districts 18, 25, and 26, packing Black voters in that county into State Senate District 26 and subordinating traditional districting principles to race.
- State Senate Districts 1, 2, and 4: The legislature split Chatham County between State Senate Districts 1, 2, and 4, packing Black and Hispanic voters into State Senate District 4, ensuring that Black and Hispanic voters in State Senate District 1 and State Senate District 4 do not have an opportunity to elect candidates of choice. This split of Chatham County subordinated traditional districting principles to race.
- House Districts 44, 48, 49, 52, 104: Before redistricting, because of demographic growth since the prior redistricting cycle, Black and Hispanic people in each of these districts had an opportunity to elect candidates of choice. The legislature scattered the Black and Hispanic populations in these districts across multiple districts such that they no longer have an opportunity to elect candidates of choice. These racially imbalanced population flows subordinate traditional districting principles to race.

**c. Intentional Racial Discrimination in Violation of Section 2 of the Voting Rights Act (Intent) and the Fourteenth and Fifteenth Amendments to the United States Constitution.**

The legislature intentionally sought to minimize or cancel out the voting potential of Black and/or Hispanic voters—in violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendment to the United States Constitution—in Congressional Districts 4, 6, 10, 13; State Senate Districts 1, 2, 4, 17, 26, 48, and 56; and State House Districts 44, 48, 49, 52, and 104, in the drawing and enactment of the Congressional and State House and State Senate Maps, and in each of the clusters in which Plaintiffs allege it was possible to draw an additional,

reasonably configured, majority-Black and/or majority-Black and Hispanic district, as explained above.

This intentionally discriminatory and dilutive map-drawing occurred against the backdrop of a long and recent history of discrimination in Georgia; a legislative process that lacked transparency, provided minimal time for members of the public to submit feedback on proposed maps, and which ignored pleas from the public for a more inclusive process and maps that reflect the increasing diversity of Georgia.

## **2. Relevant Authority**

### **1. Discriminatory Effects Under Section 2 of the Voting Rights Act**

Section 2 of the Voting Rights Act prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” 52 U.S.C. § 10301(a). This includes the manipulation of district lines “[to] dilute the voting strength of politically cohesive minority group members, whether by fragmenting the minority voters among several districts where a bloc-voting majority can routinely outvote them, or by packing them into one or a small number of districts to minimize their influence in the districts next door.” *Johnson v. De Grandy*, 512 U.S. 997, 1007 (1994). Section 2 claims “turn[] on the presence of discriminatory effects, not discriminatory intent.” *Allen v. Milligan*, 599 U.S. 1, 25 (2023).

To prevail on Section 2 claims, Plaintiffs must first satisfy the three *Gingles* preconditions that have governed Section 2 vote dilution cases “[f]or the past 40 years.” *Id.* at 17. *First*, the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district.” *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986). The first *Gingles* precondition filters out frivolous claims by ensuring the “possibility of an acceptable remedy.” *Nipper v. Smith*, 39 F.3d 1494, 1533 (11th Cir. 1994). At the *Gingles* 1 phase, Courts should not engage in a “beauty contest” when comparing enacted plans to illustrative plans. *Milligan*, 599 U.S. at 21. *Second*, the minority group must be “politically cohesive.” *Id.* at 51. *Third*, “the White majority” must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Id.* Plaintiffs need not “prove that race is the cause of majority-bloc voting at the preconditions phase.” *Alpha Phi Alpha Fraternity, Inc. v. Raffensperger*, No. 21-5337, 2023 WL 5674599, at \*18 (N.D. Ga. July 17, 2023).

Once Plaintiffs have met the *Gingles* preconditions, the Court must then examine “the totality of circumstances”—including the Senate Factors, which are the nine factors identified in the U.S. Senate report that accompanied the 1982 amendments to the VRA—to determine whether “the political processes leading to nomination or election in the State or political subdivision are not equally open to

participation” by members of the minority group. 52 U.S.C. § 10301(b); *see also Gingles*, 478 U.S. at 43–44.

## **2. Racial Gerrymandering**

The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution provides that no State shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const., Amdt. 14, § 1.

When “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district,” the legislature has racially gerrymandered that district, in violation of the Equal Protection Clause. *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 187 (2017) (citation omitted). Racial predominance is established when “the legislature subordinate[s] traditional race-neutral districting principles to racial considerations.” *Id.* These traditional race-neutral principles “includ[e] but [are] not limited to compactness, contiguity, and respect for political subdivisions or communities defined by actual shared interests.” *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

That being said, “race may predominate even when a reapportionment plan respects traditional principles,” “if ‘[r]ace was the criterion that, in the State’s view, could not be compromised,’ and race-neutral considerations ‘came into play only after the race-based decision had been made.’” *Bethune-Hill*, 580 U.S. at 189 (quoting *Shaw v. Hunt*, 517 U.S. 899, 907 (1996)). For instance, where “race [is]



used as a proxy for political characteristics, a racial stereotype requiring strict scrutiny is in operation.” *Bush v. Vera*, 517 U.S. 952, 968–69 (1996) (citing *Powers v. Ohio*, 499 U.S. 400, 410 (1991)). The racial predominance “inquiry is satisfied when legislators have ‘place[d] a significant number of voters within or without’ a district predominantly because of their race, regardless of their ultimate objective in taking that step.” *Cooper v. Harris*, 581 U.S. 285, 308 n.7 (2017). In either case, a plaintiff may rely on “circumstantial evidence of a district’s shape and demographics or more direct evidence going to legislative purpose” to prove racial gerrymandering. *Miller*, 515 U.S. at 916.

### 3. Intentional Vote Dilution

Intentional vote dilution claims are “analytically distinct” from racial gerrymandering claims and require a “different analysis.” *Shaw v. Reno*, 509 U.S. 630, 650, 652 (1993); *see Miller*, 515 U.S. at 911. Racial gerrymandering claims ask whether race predominated in the drawing of a district “regardless of the motivations” for the use of race. *Shaw*, 509 U.S. at 645. Intentional vote-dilution claims ask instead whether the State intentionally sought “to minimize or cancel out the voting potential of racial or ethnic minorities.” *Miller*, 515 U.S. at 911 (internal citation omitted).

Intentional vote dilution cases are governed by the *Arlington Heights* framework. Under that framework, courts examine number of factors—including

circumstantial and direct evidence of intent—to determine whether race was a “motivating factor” in the challenged decision. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265-266 (1977). Those factors include: (1) discriminatory impact, (2) historical background, (3) the sequence of events leading up to the decision, (4) procedural or substantive deviations from the normal decision-making process, and (5) contemporaneous statements by the decisionmakers. *Id.* at 266-268. Where plaintiffs succeed in proving a discriminatory purpose, the burden shifts to defendants to demonstrate that the same law would have been enacted without such intent. *Id.* at 270 n.21.

**ATTACHMENT D**

**A. *Ga. NAACP***

Plaintiffs filed this case on December 30, 2021, seeking injunctive relief regarding the State's 2021 congressional, State Senate and State House of Representatives redistricting plans under the Fourteenth and Fifteenth Amendments to the U.S. Constitution, as being enacted with an impermissible racial purpose under the Fourteenth Amendment and the intent prong of Section 2 of the Voting Rights Act (VRA), and under the effects prong of Section 2 of the VRA, 52 U.S.C. § 10301. [Ga. NAACP Docs. 1, 59].

Defendants assert that, even if this Court has jurisdiction to hear this case, Plaintiffs have not presented sufficient evidence to support their claims. Specifically, Defendants assert that Plaintiffs cannot demonstrate that race, rather than politics, drove considerations related to the design of the plans. Nor can Plaintiffs demonstrate that demographic data or other sources show that the plans are racial gerrymanders. Further, Plaintiffs' illustrative plans do not demonstrate a violation of Section 2 of the VRA because they do not comply with traditional redistricting principles and/or were drawn primarily based on race, and thus cannot be used to show additional districts the legislature should have drawn. Further, Plaintiffs have failed to show in the first place that voting in Georgia is characterized by legally significant racially polarized voting. Defendants also assert that Plaintiffs have

improperly defined racially polarized voting as only requiring race-based bloc voting in which a white majority voting bloc usually defeats the candidate preferred by a minority voting bloc. This definition represents only half the inquiry, as Plaintiffs still must adduce evidence that this voter behavior is occurring “at least plausibly on account of race,” *Allen v. Milligan*, 216 L. Ed. 2d 60, 75 (2023), in order to establish *racially* polarized voting as distinct from voting patterns that are not prohibited by the VRA, such as *partisan* polarized voting. Defendants also assert that voting in Georgia is equally open to all voters, regardless of race, as demonstrated by the success of candidates of choice of Black and other minority voters, the high voter turnout of voters of all races, and the lack of barriers to opportunities to participate in the political process.

Further, Defendants assert that finding for Plaintiffs requires interpreting the Voting Rights Act in a way that calls its constitutionality into question, because the Voting Rights Act’s inherently race-based remedies are not justified by present conditions and are not congruent and proportional to the exercise of congressional power under the Fourteenth and Fifteenth Amendments.

Affirmative Defense: Plaintiffs fail to state a claim upon which relief may be granted.

Affirmative Defense: Plaintiffs lack constitutional standing to bring this action.

Affirmative Defense: Plaintiffs lack statutory standing to bring this action.

Affirmative Defense: Plaintiffs' federal claims are barred by the Eleventh Amendment to the U.S. Constitution.

Affirmative Defense: Plaintiffs' claims are barred by sovereign immunity.

Affirmative Defense: Plaintiffs' claims are barred because Section 2 of the Voting Rights Act provides no private right of action.

Affirmative Defense: Plaintiffs' claims are barred because their proposed remedies require the court or the legislature to engage in unconstitutional racial gerrymandering.

Affirmative Defense: Plaintiffs' claims are barred because their proposed remedial maps do not meet the minimum requirements of the law.

Affirmative Defense: To grant the relief Plaintiffs seek, the Court must interpret the Voting Rights Act in a way that violates the U.S. Constitution.

***A. Common Cause.***

Plaintiffs filed this case on January 7, 2022, seeking injunctive relief regarding the State's 2021 congressional redistricting plan as a violation of the Fourteenth Amendment to the U.S. Constitution. [Common Cause Docs. 1, 32].

Defendant asserts that, even if this Court has jurisdiction to hear this case, Plaintiffs have not presented sufficient evidence to support their claims. Specifically, Defendant asserts that Plaintiffs cannot demonstrate that race, rather than politics,

drove considerations related to the design of the plans. Nor can Plaintiffs demonstrate that demographic data or other sources show the plans are racial gerrymanders. Defendant also asserts that voting in Georgia is equally open to all voters, regardless of race, as demonstrated by the success of candidates of choice of Black voters, the high voter turnout of voters of all races, and the lack of barriers to opportunities to participate in the political process.

Affirmative Defense: Plaintiffs fail to state a claim upon which relief may be granted.

Affirmative Defense: Plaintiffs lack constitutional standing to bring this action.

Affirmative Defense: Plaintiffs lack statutory standing to bring this action.

Affirmative Defense: Plaintiffs' federal claims are barred by the Eleventh Amendment to the U.S. Constitution.

Affirmative Defense: Plaintiffs' claims are barred by sovereign immunity.

**All relevant rules, regulations, statutes, ordinances, and illustrative case law relied upon as creating a defense in these lawsuits.**

1. *African Am. Voting Rights Legal Def. Fund v. Villa*, 54 F.3d 1345 (8<sup>th</sup> Cir. 1995)
2. *Ala. Legislative Black Caucus v. Alabama*, 575 U.S. 254 (2015)
3. *Ala. State Conference of the NAACP v. Alabama*, 612 F. Supp. 3d 1232 (M.D. Ala. 2020)

4. *Ala. State Conference of the NAACP v. Alabama*, 949 F.3d 647 (11<sup>th</sup> Cir. 2020)
5. *Alden v. Maine*, 527 U.S. 706, 715, 119 S. Ct. 2240 (1999)
6. *Allen v. Milligan*, 599 U.S. 1 (2023)
7. *Alltel Commc'ns, Inc. v. City of Macon*, 345 F.3d 1219 (11<sup>th</sup> Cir. 2003)
8. *Alpha Phi Alpha Fraternity v. Raffensperger*, 587 F. Supp. 3d 1222 (N.D. Ga. 2022)
9. *Ark. State Conference NAACP v. Ark. Bd. of Apportionment*, 586 F.Supp.3d 893 (E.D. Ark. 2022)
10. *Baird v. Indianapolis*, 976 F.2d 357 (7<sup>th</sup> Cir. 1992)
11. *Bartlett v. Strickland*, 556 U.S. 1 (2009)
12. *Bolden v. Mobile*, 423 F. Supp. 384, 388 (S.D. Ala. 1976)
13. *Bolden v. Mobile*, 571 F.2d 238, 243 (5<sup>th</sup> Cir. 1978)
14. *Brnovich v. Democratic Nat'l Committee*, 141 S. Ct. 2321 (2021)
15. *Brooks v. Miller*, 58 F.3d 1230 (11<sup>th</sup> Cir. 1998)
16. *Brown v. Jacobsen*, 590 F. Supp. 3d 1273 (D. Mont. 2022)
17. *Burton v. City of Belle Glade*, 178 F.3d 1175 (11<sup>th</sup> Cir. 1999)
18. *Bush v. Vera*, 517 U.S. 952, 977 (1996)
19. *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)
20. *Regents of Univ. of Cal. V. Bakke*, 438 U.S. 265 (1978)
21. *City of Boerne v. Flores*, 521 U.S. 507 (1997)
22. *City of Mobile v. Bolden*, 446 U.S. 55 (1980)
23. *Curling v. Raffensperger*, 50 F.4<sup>th</sup> 1114 (11<sup>th</sup> Cir. 2022)
24. *Davis v. Chiles*, 139 F.3d 1414 (11<sup>th</sup> Cir. 1998)
25. *Earl Old Person v. Brown*, 312 F.3d 1036 (9<sup>th</sup> Cir. 2002)
26. *Easley v. Cromartie*, 532 U.S. 234 (2001)
27. *Fairley v. Hattiesburg Miss.*, 662 F. App'x 291 (5<sup>th</sup> Cir. 2016)
28. *Franklin v. Massachusetts*, 505 U.S. 788 (1992)
29. *GA. State Conference of the NAACP v. Fayette Cnty. Bd. of Comm'rs*, 775 F.3d 1336 (11<sup>th</sup> Cir. 2005)
30. *Gill v. Whitford*, 138 S. Ct. 1916 (2018)
31. *Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F. 3d 1299 (11<sup>th</sup> Cir. 2021)
32. *Grove v. Emison*, 507 U.S. 25, 40 (1993)
33. *Gonzalez v. City of Aurora*, 535 F.3d 594 (7<sup>th</sup> Cir. 2008)
34. *Goosby v. Town Bd.*, 180 F.3d (2d Cir. 1999)
35. *Gregory v. Ashcroft*, 501 U.S. 452 (1991)
36. *Holder v. Hall*, 512 U.S. 874 (1994)
37. *Hunt v. Cromartie*, 526 U.S. 541 (1999)

38. *Jacobson v. Fla. Sec’y of State*, 957 F.3d 1193 (11<sup>th</sup> Cir. 2020)
39. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)
40. *Johnson v. Bd. of Regents*, 263 F.3d 1234 (11<sup>th</sup> Cir. 2001)
41. *Johnson v. De Grandy*, 512 U.S. 997 (1994)
42. *Johnson v. DeSoto Cnty. Bd. of Comm’rs*, 204 F.3d 1335 (11<sup>th</sup> Cir. 2000)
43. *Johnson v. Governor of Fla.*, 405 F.3d 1314 (11<sup>th</sup> Cir. 2005)
44. *Johnson v. Hamrick*, 296 F.3d 1065 (11<sup>th</sup> Cir. 2002)
45. *Kimel v. Fla. Bd. of Regents*, 528 U.S. 62 (2000)
46. *La. State Conference of the NAACP v. Louisiana*, 490 F. Supp. 3d 982 (M.D. La. 2020)
47. *Lance v. Coffman*, 549 U. S. 437 (2007)
48. *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831 (5<sup>th</sup> Cir. 1993)
49. *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006)
50. *League of Women Voters of Fla. Inc. v. Fla. Sec’y of State*, 66 F.4<sup>th</sup> 905 (11<sup>th</sup> Cir. 2023)
51. *Lewis v. Alamance County, N.C.*, 99 F.3d 600 (4<sup>th</sup> Cir. 1996)
52. *Lewis v. Governor of Ala.*, 944 F. 3d 1287 (11<sup>th</sup> Cir. 2019)
53. *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)
54. *Marion v. DeKalb County, Ga.* 821 F. Supp. 685 (N.D. Ga. 1993)
55. *Merrill v. Milligan*, 142 S. Ct. 879 (2022)
56. *Miller v. Johnson*, 515 U.S. 900 (1995)
57. *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139 (2010)
58. *Negron v. City of Miami Beach, Fla.*, 113 F.3d 1563 (11<sup>th</sup> Cir. 1997)
59. *Nipper v. Smith*, 39 F.3d 1494 (11<sup>th</sup> Cir. 1994)
60. *Purcell v. Gonzalez*, 549 U.S. 1 (2006)
61. *Raines v. Byrd*, 521 U.S. 811 (1997)
62. *Repub. Nat’l Comm. V. Dem. Nat’l Comm.*, 140 S. Ct. 1205 (2020)
63. *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019)
64. *Shaw v. Hunt*, 517 U.S. 899 (1996)
65. *Simon v. Eastern Ky. Welfare Rights Org.*, 426 U.S. 26 (1976)
66. *Singleton v. Merrill*, 582 F. Supp. 3d 924 (N.D. Ala. 2022)
67. *Solomon v. Liberty Cty.*, 899 F.2d 1012 (11<sup>th</sup> Cir. 1990)
68. *Solomon v. Liberty Cty. Comm’rs*, 221 F. 3d 1218 (11<sup>th</sup> Cir. 2000)
69. *Southern Christian Leadership Conference v. Sessions*, 56 F.3d 1281 (11<sup>th</sup> Cir. 1995)
70. *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016)
71. *Summit Med. Assocs., P.C. v. Pryor*, 180 F.3d 1326 (11<sup>th</sup> Cir. 1999)



72. *Thornburg v. Gingles*, 478 U.S. 30 (1986)
73. *United Jewish Organizations, Inc. v. Carey*, 430 U.S. 144 (1977)
74. *United States v. Chemical Foundation, Inc.*, 272 U.S. 1 (1926)
75. *United States v. Marengo Cnty. Comm'n*, 731 F.2d 1546 (11<sup>th</sup> Cir. 1984)
76. *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464 (1982)
77. *Vecinos De Barrio Uno v. City of Holyoke*, 72 F.3d 973 (1<sup>st</sup> Cir. 1995)
78. *Voinovich v. Quilter*, 507 U.S. 146 (1993)
79. *Warth v. Seldin*, 422 U.S. 490 (1975)
80. *Whitcomb v. Chavis*, 403 U.S. 124 (1971)
81. *White v. 33egister*, 412 U.S. 755 (1983)
82. *Wood v. Raffensperger*, 981 F.3d 1307, 1313 (11<sup>th</sup> Cir. 2020)
83. *Wright v. Sumter Cty. Bd. of Elections & Registration*, 301 F. Supp. 3d 1297 (M.D. Ga. 2018)
84. O.C.G.A § 21-2-31
85. O.C.G.A. § 21-2-153
86. 52 U.S.C. § 10301
87. Fed. R. Evid. 401
88. Fed. R. Evid. 403
89. Fed. R. Evid. 602
90. Fed. R. Evid. 801
91. Fed. R. Evid. 803
92. Fed. R. Evid. 807
93. Fed. R. Evid. 901
94. U.S. Const. Art. I, Sec. III, Para. 2
95. U.S. Const. Amendment XI
96. U.S. Const. Amendment XIV
97. U.S. Const. Amendment XV

**ATTACHMENT E**

**Joint Stipulated Facts for Trial**

**I. Parties**

a. **Common Cause Plaintiffs**

i. **Common Cause**

1. Plaintiff Common Cause is a non-profit corporation and nonpartisan democracy group.

2. Common Cause carries out its mission in Georgia through Common Cause Georgia, whose offices are located in Atlanta, Georgia, and who conducts activities and has members and supporters across the state.

3. Common Cause has members who are registered voters who reside in each of the Congressional Districts (“CD”) that the Common Cause Plaintiffs challenge: CD 6, 13, and 14.

4. Common Cause has approximately 26,000 members in Georgia, including at least 767 members in CD 6, 143 members in CD 13, and 848 members in CD 14.

5. Common Cause has identified at least one member of voting age that currently resides in each of the Congressional Districts 6, 13, and 14.

6. Common Cause has identified a member that currently resides in each of the Congressional Districts 6, 13, and 14, who is of voting age, and provided those members' names and addresses.

**ii. League of Women Voters**

7. Plaintiff League of Women Voters of Georgia (the "League") is a non-profit corporation and nonpartisan democracy group organized and existing under the laws of the State of Georgia.

8. The League has members who are registered voters who reside in each of the Congressional Districts 6, 13, and 14.

9. The League has 23 members in CD 6, 22 members in CD 13, and 56 members in CD14.

10. League of Women Voters has identified at least one member of voting age that currently resides in each of the Congressional Districts 6, 13, and 14.

11. The League has identified a member that currently resides in each of the Congressional Districts 6, 13, and 14 who is of voting age, and has provided those members' names and addresses.

**iii. Dr. Cheryl Graves**

12. Plaintiff Dr. Cheryl Graves is a Black registered voter who resides in Cobb County, Georgia within the bounds of Congressional District 6.

**iv. Dr. Ursula Thomas**

13. Plaintiff Dr. Ursula Thomas is a Black registered voter who resides in Cobb County, Georgia within the bounds of Congressional District 13.

**v. Dr. H. Benjamin Williams**

14. Plaintiff Dr. H. Benjamin Williams is a Black registered voter who resides in Cobb County, Georgia within the bounds of Congressional District 13.

**vi. Jasmine Bowles**

15. Plaintiff Jasmine Bowles is a Black registered voter who resides in Clayton County, Georgia within the bounds of Congressional District 13.

**vii. Brianne Perkins**

16. Plaintiff Brianne Perkins is a Black registered voter who resides in Cobb County, Georgia within the bounds of Congressional District 14.

**b. GA NAACP Plaintiffs**

**i. Georgia State Conference of the NAACP (“GA NAACP”)**

17. Plaintiff GA NAACP is a unit of the National NAACP and is a nonprofit membership organization.

18. The GA NAACP has approximately 10,000 members across approximately 180 local units, residing in at least 120 counties in Georgia.

19. The GA NAACP has numerous—often hundreds—of members in each district challenged as a racial gerrymander: Congressional Districts 2, 4, 6, 8, 10, 13,

14; Senate Districts 1, 2, 4, 17, 26, 48, 56; and House Districts 44, 48, 49, 52, and 104.

20. The GA NAACP has identified members who live in every Congressional District including Congressional Districts 3, 5, and 13.

21. The GA NAACP has identified members who live in every enacted senate district including Senate Districts 9, 16, 17, 25, 26, 28, 34, 35, 43, 44, 55, 61, 64, 65, 66.

22. The GA NAACP has identified members who live in every enacted House District except for House Districts 7, 8, 11, 27, 31, 32, including House Districts 64, 74, 78, 115, 116, 117, 142, 143, 144, 151, 154, 161, 163, 164, 165, 171.

**ii. Georgia Coalition for the People’s Agenda (“GCPA”)**

23. Plaintiff GCPA is a Georgia not-for-profit corporation with its principal place of business located in Atlanta, Georgia.

24. GCPA is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members across the state of Georgia in various cities and counties.

25. GCPA has at least one member in Congressional Districts 2, 3, 4, 8, 13; and Senate Districts 2 and 26.

26. GCPA’s support of voting rights is central to its mission.

27. GCPA has provided information related to the numbers of members of GCPA in certain challenged districts in this matter.

**iii. GALEO Latino Community Development Fund, Inc.  
("GALEO")**

28. GALEO has over 230 members in Georgia, in over 35 counties, and 70 cities.

29. GALEO has at least one member in Congressional Districts 2, 4, 6, 8, 10, 13, and 14; Senate Districts 2, 4, 14, and 48; and House Districts 44, 48, 52, and 104.

**c. Defendants**

**i. Brad Raffensperger**

30. Defendant Brad Raffensperger is the Georgia Secretary of State and is named in his official capacity.

31. Governor Brian Kemp is the Governor of Georgia and is named in his official capacity.

**II. The 2020 Census**

32. The U.S. Census Bureau releases data to the states after each census for use in redistricting.

33. These data include population and demographic information for each census block.

34. On August 12, 2021, the U.S. Census Bureau released redistricting data to Georgia from the 2020 Census.

35. From 2010 to 2020, Georgia's population grew by over 1 million people to 10.71 million, up 10.57% percent from 2010.

36. As a matter of total population on the 2020 Census, any part Black Georgians comprise the largest minority population in the state (33.03%).

### **III. History of Georgia Redistricting**

37. Between 1965 and 2013, the Department of Justice blocked 177 proposed changes to election law by Georgia and its counties and municipalities, under Section 5 of the Voting Rights Act.

38. In 2011, the U.S. Department of Justice precleared the state Senate, state House, and congressional districts drawn by the Republican majority in the General Assembly.

39. The parties stipulate to the accuracy of election result and turnout data published by the Secretary of State's Office, included on the joint exhibit list as JX 13 and 14.

### **IV. Redistricting Terminology As Used in this Case**

40. "Benchmark" plans are the redistricting plans in effect before the 2021 redistricting process.

41. “CVAP” is citizenship voting age population as that term is used by the U.S. Census.

42. “Enacted plans” refer to the redistricting plans for congress, state Senate, and state House enacted during the 2021 redistricting process.

43. “HVAP” is Latino voting age population.

44. “Majority-Black Districts” refers to electoral districts in which Black voters constitute more than 50% of the voting-age population.

45. “Majority-Minority Districts” refer to electoral districts in which Non-Hispanic White voters are less than 50% of the voting-age population.

46. “VAP” is voting age population.

**V. The 2021 Redistricting Process**

47. The General Assembly’s Legislative and Congressional Reapportionment Office (the “Reapportionment Office” or “LCRO”) is a joint office of the Georgia House and Senate. The Reapportionment Office provides General Assembly members and committees with redistricting services, including technical assistance, maps, and data reports.

48. The 2021 chair of the Georgia House of Representatives Committee on Reapportionment and Redistricting (“House Committee”), was Rep. Bonnie Rich.

49. The 2021 chair of the Georgia Senate Committee on Reapportionment and Redistricting (“Senate Committee”), was Sen. John Kennedy.



50. The Joint House and Senate Redistricting Committees held nine in-person town halls and two virtual town halls between June 15, 2021 and Aug. 11, 2021.. The in-person meetings were held in Atlanta, Cumming, Dalton, Athens, Brunswick, Albany, Columbus, Macon, and Augusta.

51. The joint redistricting committees released an educational video about the redistricting process at their June 15, 2021 meeting.

52. All redistricting town hall meetings during this period took place prior to the release of COVID-delayed August 12, 2021 release of the U.S. Census data by the U.S. Census Bureau.

53. While census data was released August 12, 2021, the final redistricting data toolkit was not delivered until September 16, 2021.

54. The General Assembly created an online portal for voters to offer comments on redistricting plans and received more than 1,000 comments from voters in at least 86 counties.

55. The Joint Committee held a meeting to hear from interested groups on August 30, 2021.

56. The National Conference of State Legislatures, American Civil Liberties Union of Georgia, Common Cause, Fair Districts GA, the Democratic Party of Georgia, and Asian-Americans Advancing Justice – Atlanta presented at the August 30, 2021 joint meeting.

57. Prior to introducing the 2021 enacted Congressional Map (“SB 2EX”), enacted Senate Map, and enacted House Map, the Redistricting Committees adopted guidelines for redistricting which are as follows:

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.
2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.
6. No multi-member districts shall be drawn on any legislative redistricting plan.
7. The Committee should consider:
  - a. The boundaries of counties and precincts;
  - b. Compactness; and
  - c. Communities of interest.
8. Efforts should be made to avoid the unnecessary pairing of incumbents.
9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

58. On Sep. 23, 2021, Governor Kemp signed a proclamation ordering the commencement of a special legislative session (“Special Legislative Session”) of the Georgia General Assembly on Nov. 3, 2021, for the purpose of drawing new redistricting maps for Georgia’s House, Senate and congressional districts, among other things.

59. Gina Wright, the director of the LCRO (“Director Wright”), was primarily responsible for the technical aspects of drawing the legislative maps.

60. On November 2nd, 2021, the LCRO published draft House and State Senate Plans sponsored by Chair Rich and Chair Kennedy, respectively.

61. On November 8, 2021, the LCRO published a revised draft State House Map.

62. On November 12, 2021, the General Assembly passed the 2021 Senate and House Plans — SB 1EX and HB 1EX.

63. No Black legislator voted “aye” for SB 1EX or HB 1EX.

64. No Democratic legislator voted “aye” for SB 1EX or HB 1EX.

65. The enacted Congressional District Plan, SB 2EX, was publicly introduced on Nov. 17, 2021.

66. The Senate Committee voted in favor of SB 2EX on Nov. 18, 2021; the Senate voted in favor of SB 2EX on Nov. 19, 2021; the House Committee voted in favor of SB 2EX on Nov. 20, 2021; and the House voted in favor of SB 2EX on Nov. 22, 2021.

67. No Black legislator voted “aye” for SB 2EX.

68. No Democratic legislator voted “aye” for SB 2EX.

69. No Black legislator in the General Assembly voted in favor of the 2021 Congressional, Senate, or House plans.

70. No Democratic legislator in the General Assembly voted in favor of the 2021 Congressional, Senate, or House plans.

71. HB 1EX—the State House Map—was sent to the Governor for his signature on November 29, 2021, three weeks after the start of the special session.

72. SB 1EX—the State Senate Map—was sent to the Governor’s Office on November 30, 2021, three weeks after the start of the special session.

73. SB 2EX—the Congressional Map—was sent to the Governor for his signature on November 30, 2021, three weeks after the start of the special session.

74. SB 2EX is the State’s first congressional redistricting plan to be enacted since the end of the VRA’s preclearance requirement that had applied for the prior five redistricting cycles.

75. Gov. Kemp signed the redistricting plans into law on December 30, 2021.

76. The 2021 Congressional, Senate, and House Plans were used in the 2022 elections.

**VI. Challenged Districts**

**a. General Information**

**i. Congressional Districts**

77. There are 14 Congressional districts in the State’s 2021 Congressional Plan.

78. The Benchmark 2012 Congressional Plan contained 4 BVAP majority Congressional districts at the time it was enacted.

79. The Benchmark 2012 Congressional Plan contained 4 BVAP majority Congressional districts using 2020 Census data.

80. The Enacted Congressional Map contains 15 county splits.

**ii. State Senate Districts**

81. There are 56 Senate Districts in the State's 2021 State Senate Plan.

82. The Benchmark 2014 State Senate Plan contained 15 majority-BVAP State Senate Districts at the time it was enacted.

83. The State's enacted 2021 Senate Plan contains 14 Black-majority Senate districts using 2020 Census Data.

84. The Enacted State Senate Map contains 29 county splits.

**iii. House Districts**

85. There are 180 House districts in the State's 2021 House Plan.

86. The Benchmark 2015 House plan contained 47 majority-BVAP House districts at the time it was enacted.

87. The enacted State House Plan contains 49 majority-BVAP districts using 2020 Census data.

88. The enacted State House Plan contains 69 county splits.

**iv. Congress**

89. Dr. Duchin's illustrative Congressional Plan creates one additional majority-BVAP district when compared to the enacted plan (Alt 1 CD 3).

90. The demographics and compactness scores of the enacted plan and Alt 1 CD are reflected by the chart below.

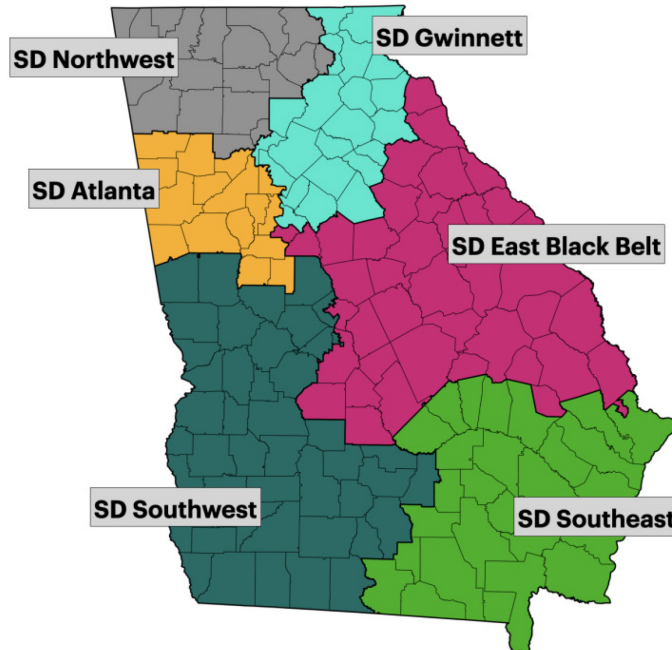
CD	CD Enacted (Statewide)						CD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
1	28.2%	6.8%	35.0%	60.4%	0.285	0.456	30.3%	6.9%	37.2%	58.5%	0.312	0.633
2	49.3%	5.1%	54.4%	42.7%	0.267	0.458	47.7%	4.7%	52.4%	44.5%	0.315	0.494
3	23.3%	5.3%	28.6%	66.8%	0.275	0.461	51.2%	7.2%	58.4%	37.4%	0.278	0.411
4	54.5%	10.1%	64.6%	28.3%	0.246	0.307	50.6%	8.2%	58.8%	33.8%	0.295	0.481
5	49.6%	6.7%	56.3%	37.9%	0.322	0.512	50.1%	11.4%	61.5%	33.4%	0.216	0.424
6	9.9%	9.1%	19.0%	66.6%	0.198	0.424	13.7%	10.9%	24.6%	57.1%	0.232	0.346
7	29.8%	21.3%	51.1%	32.8%	0.386	0.496	34.3%	22.4%	56.7%	29.4%	0.351	0.518
8	30.0%	6.1%	36.1%	60.5%	0.210	0.338	27.3%	6.9%	34.2%	63.0%	0.227	0.377
9	10.4%	12.9%	23.3%	68.3%	0.253	0.380	4.6%	11.5%	16.1%	77.9%	0.403	0.512
10	22.6%	6.5%	29.1%	66.2%	0.284	0.558	17.6%	6.9%	24.5%	69.8%	0.335	0.576
11	17.9%	11.2%	29.1%	64.0%	0.207	0.480	17.6%	7.6%	25.2%	68.1%	0.283	0.364
12	36.7%	4.9%	41.6%	54.6%	0.278	0.502	39.2%	4.6%	43.8%	51.9%	0.181	0.489
13	66.7%	10.5%	77.2%	18.8%	0.157	0.380	52.0%	6.8%	58.8%	37.8%	0.276	0.510
14	14.3%	10.6%	24.9%	71.3%	0.373	0.426	7.6%	11.0%	18.6%	77.0%	0.514	0.484
Avg					0.267	0.441					0.301	0.473

91.

All of the Alt 1 CDs in Dr. Duchin’s illustrative plans are contiguous.

**v. Senate**

92. In evaluating the enacted State Senate Districts and comparing them to her proposed alternative, Dr. Duchin created and analyzed six clusters of State Senate Districts: SD Northwest, SD Gwinnett, SD Atlanta, SD East Black Belt, SD Southwest, and SD Southeast as reflected in the image below.



93. Dr. Duchin determined that it was possible to create additional majority-Black districts in three of these clusters: SD Atlanta, SD Gwinnett, and SD East Black Belt.

**1. SD Atlanta Cluster**

94. Dr. Duchin’s SD Atlanta cluster consists of enacted SDs 10, 34, 35, 36, 38, 39, and 44.

95. The demographics and compactness scores of the enacted plan and Alt 1 SD Atlanta are reflected by the chart below.

SD	SD Atlanta Enacted						SD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
6	23.9%	8.2%	32.1%	57.8%	0.236	0.405	50.1%	6.1%	56.2%	39.8%	0.169	0.246
10	71.5%	5.2%	76.7%	19.6%	0.231	0.281	59.5%	11.0%	70.5%	23.4%	0.238	0.420
16	22.7%	5.0%	27.7%	66.9%	0.314	0.368	50.2%	6.2%	56.4%	40.9%	0.254	0.354
28	19.5%	6.4%	25.9%	69.4%	0.246	0.445	50.6%	6.8%	57.4%	39.3%	0.335	0.489
30	20.9%	6.1%	27.0%	69.4%	0.407	0.597	14.3%	5.1%	19.4%	76.9%	0.286	0.361
31	20.7%	7.4%	28.1%	68.3%	0.379	0.366	19.7%	7.2%	26.9%	69.4%	0.470	0.395
33	43.0%	22.9%	65.9%	30.2%	0.215	0.401	50.4%	18.1%	68.5%	27.9%	0.381	0.528
34	69.5%	12.7%	82.2%	13.4%	0.335	0.451	72.2%	11.6%	83.8%	11.5%	0.163	0.326
35	71.9%	7.5%	79.4%	18.8%	0.263	0.472	50.9%	8.0%	58.9%	38.2%	0.347	0.400
36	51.3%	7.1%	58.4%	36.2%	0.305	0.321	50.0%	5.7%	55.7%	38.8%	0.339	0.452
38	65.3%	8.4%	73.7%	21.9%	0.208	0.361	27.9%	15.4%	43.3%	46.1%	0.271	0.487
39	60.7%	5.6%	66.3%	27.9%	0.128	0.166	51.2%	5.4%	56.6%	38.6%	0.277	0.357
42	30.8%	8.6%	39.4%	51.4%	0.321	0.479	35.8%	9.6%	45.4%	43.5%	0.112	0.289
44	71.3%	8.6%	79.9%	15.3%	0.185	0.180	61.6%	3.6%	65.2%	31.0%	0.237	0.356
Avg					0.270	0.378					0.277	0.390

96.

All of the illustrative districts in this cluster are contiguous.

**2. SD Gwinnett Cluster**

97. Dr. Duchin’s SD Gwinnett Cluster consists of enacted State Senate Districts 5, 7, 9, 14, 17, 27, 40, 41, 43, 45, 46, 47, 48, 49, 50, and 55.

98. The demographics and compactness scores of the enacted plan and Alt 1 SD Gwinnett are reflected by the chart below.

SD	SD Gwinnett Enacted						SD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
5	29.9%	41.7%	71.6%	15.7%	0.207	0.166	20.3%	34.6%	54.9%	28.0%	0.285	0.384
7	21.4%	16.6%	38.0%	37.8%	0.339	0.344	17.1%	14.3%	31.4%	45.5%	0.278	0.401
9	29.5%	18.8%	48.3%	35.8%	0.213	0.233	29.3%	27.0%	56.3%	26.2%	0.234	0.498
14	19.0%	12.1%	31.1%	57.1%	0.242	0.273	18.1%	11.4%	29.5%	57.6%	0.208	0.296
17	32.0%	5.1%	37.1%	59.4%	0.168	0.342	51.1%	6.6%	57.7%	35.9%	0.113	0.188
27	5.0%	10.2%	15.2%	71.5%	0.456	0.499	4.7%	10.2%	14.9%	70.8%	0.500	0.497
40	19.2%	21.6%	40.8%	46.3%	0.345	0.508	50.1%	17.7%	67.8%	25.1%	0.130	0.208
41	62.6%	6.7%	69.3%	21.4%	0.302	0.509	57.3%	10.0%	67.3%	23.3%	0.149	0.279
43	64.3%	6.9%	71.2%	26.5%	0.346	0.635	52.0%	7.0%	59.0%	38.3%	0.420	0.537
45	18.6%	13.1%	31.7%	55.5%	0.305	0.350	19.8%	12.1%	31.9%	58.8%	0.226	0.380
46	16.9%	7.0%	23.9%	69.9%	0.207	0.365	16.5%	5.0%	21.5%	73.4%	0.416	0.514
47	17.4%	9.6%	27.0%	67.5%	0.187	0.353	16.7%	8.7%	25.4%	68.5%	0.176	0.326
48	9.5%	7.0%	16.5%	52.2%	0.342	0.348	10.1%	6.4%	16.5%	54.8%	0.266	0.387
49	8.0%	21.9%	29.9%	65.6%	0.341	0.461	8.1%	24.6%	32.7%	62.8%	0.382	0.573
50	5.6%	8.8%	14.4%	81.5%	0.228	0.450	5.4%	6.1%	11.5%	84.3%	0.232	0.462
55	66.0%	8.7%	74.7%	20.6%	0.271	0.333	50.0%	13.9%	63.9%	30.0%	0.419	0.451
Avg					0.281	0.386					0.277	0.399

99.

All the illustrative districts in this cluster are contiguous.

**3. SD East Black Belt Cluster**

100. Dr. Duchin’s SD East Black Belt cluster consists of enacted SDs 4, 20, 22, 23, 24, 25, and 26.

101. The demographics and compactness scores of the enacted plan and Alt 1 SD East Black Belt plan are reflected by the chart below.

SD	SD East Black Belt Enacted						SD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
4	23.4%	5.5%	28.9%	66.8%	0.265	0.471	23.5%	5.5%	29.0%	66.7%	0.284	0.495
20	31.3%	3.5%	34.8%	61.7%	0.358	0.404	34.4%	5.1%	39.5%	56.5%	0.231	0.498
22	56.5%	5.3%	61.8%	34.4%	0.288	0.404	50.5%	3.8%	54.3%	42.6%	0.241	0.455
23	35.5%	4.5%	40.0%	56.9%	0.164	0.365	23.0%	5.6%	28.6%	64.6%	0.466	0.497
24	19.9%	4.4%	24.3%	69.8%	0.213	0.366	25.0%	3.5%	28.5%	69.1%	0.083	0.229
25	33.5%	3.7%	37.2%	59.9%	0.241	0.386	50.0%	4.0%	54.0%	43.4%	0.174	0.344
26	57.0%	4.2%	61.2%	36.6%	0.203	0.469	50.1%	3.7%	53.8%	43.4%	0.209	0.472
Avg					0.247	0.409					0.241	0.427

102.

All the illustrative districts in this cluster are contiguous.

**i. House**



103. In evaluating the enacted House Districts and comparing them to her proposed alternative, Dr. Duchin created and analyzed seven House Clusters: HD Atlanta, HD Cobb, HD DeKalb, HD Gwinnett, HD Southwest, HD East Black Belt, and HD Southeast as reflected in the image below.

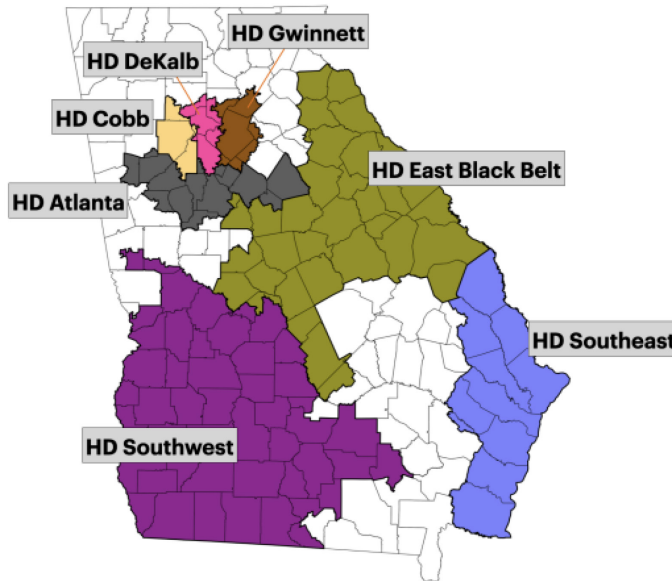


Figure 7: Seven "modular" House clusters made up of groups of enacted districts.

104. Dr. Duchin determined that it was possible to create additional majority-BVAP districts in three of these clusters: HD Atlanta, HD Southwest, HD East Black Belt, and that it was possible to draw one additional BHCVAP district in HD Southeast.

**1. HD Atlanta Cluster**

105. Dr. Duchin’s HD Atlanta cluster is comprised of HDs 61, 65, 66, 67, 68, 69, 75, 76, 77, 78, 79, 90, 91, 92, 93, 113, 115, and 116.

106. The demographics and compactness scores of the enacted plan and Alt

1 HD Atlanta are reflected by the chart below.

HD	HD Atlanta Enacted						HD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
61	74.3%	7.6%	81.9%	16.8%	0.198	0.247	50.1%	10.0%	60.1%	37.1%	0.229	0.265
64	30.7%	7.4%	38.1%	57.8%	0.361	0.365	50.9%	6.5%	57.4%	40.0%	0.132	0.263
65	62.0%	4.5%	66.5%	31.5%	0.172	0.454	81.7%	4.7%	86.4%	12.5%	0.222	0.350
66	53.4%	9.5%	62.9%	33.9%	0.246	0.356	51.0%	9.0%	60.0%	36.2%	0.256	0.386
67	58.9%	7.8%	66.7%	30.9%	0.122	0.357	89.9%	5.4%	95.3%	4.4%	0.195	0.515
68	55.7%	6.3%	62.0%	33.9%	0.172	0.318	13.7%	6.6%	20.3%	71.5%	0.310	0.518
69	63.6%	5.4%	69.0%	26.9%	0.247	0.403	51.9%	8.8%	60.7%	34.0%	0.339	0.409
71	19.9%	6.2%	26.1%	69.8%	0.352	0.441	19.9%	6.2%	26.1%	69.8%	0.350	0.441
73	12.1%	7.0%	19.1%	72.6%	0.198	0.278	11.8%	6.4%	18.2%	75.9%	0.335	0.417
74	25.5%	5.6%	31.1%	64.4%	0.247	0.496	50.8%	6.9%	57.7%	39.7%	0.205	0.461
75	74.4%	11.3%	85.7%	11.3%	0.285	0.420	54.2%	7.7%	61.9%	34.1%	0.133	0.230
76	67.2%	13.2%	80.4%	10.5%	0.509	0.524	61.6%	20.0%	81.6%	11.2%	0.460	0.409
77	76.1%	12.2%	88.3%	7.6%	0.211	0.396	89.6%	5.0%	94.6%	3.5%	0.211	0.292
78	71.6%	8.9%	80.5%	15.0%	0.194	0.210	64.2%	11.3%	75.5%	15.4%	0.256	0.414
79	71.6%	16.0%	87.6%	7.1%	0.209	0.498	73.3%	14.6%	87.9%	8.0%	0.370	0.444
90	58.5%	4.3%	62.8%	34.0%	0.286	0.359	58.5%	4.3%	62.8%	34.0%	0.286	0.359
91	70.0%	5.9%	75.9%	22.0%	0.202	0.447	50.3%	5.2%	55.5%	40.7%	0.245	0.384
92	68.8%	4.7%	73.5%	24.1%	0.198	0.361	87.6%	3.5%	91.1%	8.3%	0.260	0.543
93	65.4%	9.6%	75.0%	22.9%	0.112	0.260	62.1%	10.4%	72.5%	25.4%	0.160	0.232
112	19.2%	3.3%	22.5%	73.7%	0.522	0.619	19.2%	3.3%	22.5%	73.7%	0.522	0.619
113	59.5%	6.7%	66.2%	31.8%	0.318	0.501	51.0%	5.1%	56.1%	41.2%	0.338	0.425
114	24.7%	3.7%	28.4%	68.8%	0.283	0.502	32.8%	4.4%	37.2%	60.3%	0.267	0.438
115	52.1%	7.0%	59.1%	36.9%	0.226	0.436	50.2%	6.0%	56.2%	38.6%	0.193	0.282
116	58.1%	7.3%	65.4%	27.2%	0.280	0.407	54.8%	8.0%	62.8%	29.6%	0.333	0.478
117	36.6%	5.4%	42.0%	54.5%	0.275	0.408	51.0%	7.2%	58.2%	39.0%	0.409	0.511
Avg					0.257	0.402					0.281	0.403

107. All the illustrative districts in this cluster are contiguous.

**2. HD Southwest Cluster**

108. Dr. Duchin’s HD Southwest cluster is comprised of HDs 137, 140, 141, 150, 153, and 154.

109. The demographics and compactness scores of the enacted plan and Alt

1 HD Southwest are reflected by the chart below.

HD	HD Southwest Enacted						HD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
137	52.1%	4.5%	56.6%	40.8%	0.165	0.328	51.7%	3.7%	55.4%	42.0%	0.143	0.259
140	57.6%	8.0%	65.6%	31.7%	0.192	0.289	57.1%	7.9%	65.0%	32.4%	0.197	0.257
141	57.5%	6.6%	64.1%	31.8%	0.200	0.261	53.6%	6.7%	60.3%	35.5%	0.299	0.423
146	27.6%	4.7%	32.3%	61.8%	0.195	0.257	23.3%	4.9%	28.2%	64.4%	0.208	0.468
147	30.1%	7.2%	37.3%	55.3%	0.261	0.331	31.8%	7.2%	39.0%	55.1%	0.220	0.341
148	34.0%	3.1%	37.1%	60.4%	0.235	0.438	38.6%	3.4%	42.0%	56.1%	0.388	0.590
150	53.6%	6.1%	59.7%	38.3%	0.275	0.439	51.2%	5.3%	56.5%	41.5%	0.250	0.544
151	42.4%	7.3%	49.7%	47.2%	0.222	0.528	51.0%	7.5%	58.5%	38.6%	0.275	0.424
152	26.1%	2.3%	28.4%	67.9%	0.297	0.394	34.2%	3.2%	37.4%	58.7%	0.314	0.473
153	67.9%	2.5%	70.4%	27.7%	0.297	0.298	52.9%	2.7%	55.6%	43.0%	0.400	0.536
154	54.8%	1.7%	56.5%	42.2%	0.332	0.410	50.1%	2.1%	52.2%	45.7%	0.175	0.261
169	29.0%	7.7%	36.7%	61.0%	0.226	0.283	24.0%	9.0%	33.0%	64.6%	0.296	0.456
170	24.2%	8.7%	32.9%	64.2%	0.342	0.531	26.8%	12.5%	39.3%	57.9%	0.223	0.285
171	39.6%	4.6%	44.2%	53.9%	0.368	0.347	51.0%	4.0%	55.0%	43.4%	0.249	0.275
172	23.3%	13.4%	36.7%	61.0%	0.316	0.437	25.1%	9.4%	34.5%	63.1%	0.217	0.375
173	36.3%	5.4%	41.7%	55.7%	0.378	0.564	35.4%	5.6%	41.0%	56.4%	0.412	0.424
175	24.2%	5.0%	29.2%	66.5%	0.374	0.472	21.0%	5.7%	26.7%	68.7%	0.143	0.273
176	22.7%	8.2%	30.9%	66.2%	0.160	0.335	23.8%	6.2%	30.0%	67.1%	0.116	0.227
Avg					0.269	0.386					0.252	0.383

110. All of the illustrative districts in HD Southwest are contiguous.

**3. HD East Black Belt Cluster**

111. Dr. Duchin’s HD East Black Belt cluster is comprised of enacted HDs 33, 118, 123, 124, 125, 126, 127 128, 129, 130, 131, 132, 133, 142, 143, 144, 145, and 149.

112. The demographics and compactness scores of the enacted plan and Alt 1 HD East Black Belt are reflected by the chart below.

HD	HD East Black Belt Enacted						HD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
33	11.2%	3.1%	14.3%	82.3%	0.371	0.487	18.7%	3.8%	22.5%	74.6%	0.405	0.343
118	23.6%	3.7%	27.3%	69.7%	0.223	0.350	23.2%	3.1%	26.3%	70.6%	0.218	0.329
123	24.3%	4.3%	28.6%	68.1%	0.178	0.295	13.3%	5.8%	19.1%	76.3%	0.281	0.357
124	25.6%	6.2%	31.8%	65.0%	0.233	0.442	28.4%	4.7%	33.1%	64.4%	0.224	0.362
125	23.7%	7.7%	31.4%	63.0%	0.173	0.409	24.1%	8.0%	32.1%	61.5%	0.255	0.328
126	54.5%	3.2%	57.7%	40.0%	0.414	0.516	52.5%	3.5%	56.0%	41.6%	0.322	0.534
127	18.5%	4.8%	23.3%	68.1%	0.201	0.351	14.6%	4.9%	19.5%	70.1%	0.585	0.546
128	50.4%	1.7%	52.1%	46.5%	0.319	0.601	50.1%	1.6%	51.7%	46.7%	0.357	0.628
129	54.9%	4.3%	59.2%	37.2%	0.254	0.482	51.9%	3.5%	55.4%	40.7%	0.108	0.314
130	59.9%	3.9%	63.8%	33.7%	0.255	0.508	54.4%	4.3%	58.7%	38.7%	0.253	0.451
131	17.6%	5.9%	23.5%	68.2%	0.283	0.377	27.1%	5.1%	32.2%	63.3%	0.285	0.604
132	52.3%	7.8%	60.1%	35.6%	0.296	0.270	53.6%	8.2%	61.8%	33.1%	0.293	0.243
133	36.8%	2.1%	38.9%	58.4%	0.415	0.543	48.7%	2.0%	50.7%	47.2%	0.178	0.385
142	59.5%	3.7%	63.2%	34.8%	0.229	0.353	50.8%	3.7%	54.5%	42.3%	0.539	0.605
143	60.8%	4.7%	65.5%	32.3%	0.299	0.502	52.4%	6.3%	58.7%	38.4%	0.176	0.332
144	29.3%	2.6%	31.9%	63.0%	0.325	0.510	50.4%	4.3%	54.7%	41.3%	0.299	0.298
145	35.7%	5.9%	41.6%	55.1%	0.194	0.376	23.1%	2.8%	25.9%	71.1%	0.204	0.422
149	32.1%	5.7%	37.8%	61.0%	0.223	0.325	32.1%	5.7%	37.8%	61.0%	0.223	0.325
Avg					0.271	0.428					0.289	0.411

113. All of the illustrative districts in this cluster are contiguous.

**4. HD Southeast Cluster**

114. Dr. Duchin’s HD Southeast Cluster consists of enacted HDs 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 179, and 180.

115. The demographics and compactness scores of the enacted plan and Alt 1 HD East Black Belt are reflected by the chart below.

HD	HD Southeast Enacted						HD Alt 1					
	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
159	24.5%	2.9%	27.4%	69.4%	0.219	0.345	22.2%	3.7%	25.9%	70.5%	0.204	0.358
160	22.6%	5.0%	27.6%	68.5%	0.369	0.483	26.6%	5.1%	31.7%	64.7%	0.242	0.373
161	27.1%	6.8%	33.9%	60.2%	0.306	0.511	42.1%	8.8%	50.9%	42.7%	0.359	0.475
162	43.7%	9.6%	53.3%	40.6%	0.211	0.366	39.9%	10.5%	50.4%	42.6%	0.147	0.372
163	45.5%	7.4%	52.9%	41.9%	0.175	0.271	44.0%	6.9%	50.9%	43.7%	0.244	0.335
164	23.5%	8.5%	32.0%	60.6%	0.167	0.299	12.9%	5.1%	18.0%	76.5%	0.143	0.309
165	50.3%	5.3%	55.6%	39.2%	0.162	0.230	47.3%	4.7%	52.0%	42.9%	0.189	0.380
166	5.7%	4.1%	9.8%	84.7%	0.364	0.429	7.2%	4.7%	11.9%	82.4%	0.245	0.459
167	22.3%	7.4%	29.7%	66.0%	0.192	0.417	20.0%	6.2%	26.2%	70.1%	0.266	0.327
168	46.3%	10.3%	56.6%	39.3%	0.258	0.243	45.9%	10.7%	56.6%	39.2%	0.236	0.246
179	27.0%	6.4%	33.4%	63.7%	0.417	0.451	32.0%	7.5%	39.5%	56.9%	0.433	0.539
180	18.2%	5.6%	23.8%	71.2%	0.396	0.606	17.0%	5.4%	22.4%	72.8%	0.348	0.594
Avg					0.270	0.388					0.255	0.397

116. All of the illustrative districts in HD Alt 1 Southeast plan are contiguous.

b. Totality of the Circumstances

117. Georgia has a long history of discrimination in voting until 1992.

118. According to Census estimates, the unemployment rate among Black Georgians is 8.7 percent, twice as high as that of non-Hispanic Whites (4.4 percent). The unemployment rate among Hispanic Whites is also 4.3%.

119. According to Census estimates, the rate of Black Georgians receiving SNAP benefits is 22.7% and the rate of White Georgians receiving SNAP benefits is 7.7%.

120. In the 2020 general election, according to the State's official turnout data by race, White turnout was 72.6 percent of the White registered voters, compared with 60 percent of registered Black voters. the 2020 general election, according to the State's official turnout data by race, 55.4 percent of registered Hispanics turned out to vote.

121. In the 2022 off-year election contests, according to the State's official turnout data by race, White turnout was 58.3 percent among White registered voters, Black turnout was 45% and Hispanic turnout was 30.3%.

122. In the 2016 presidential election turnout was 67.9% for white registered voters, 56.2% for Black registered voters, 53.6% for Latino registered voters, and 52.9% for Asian registered voters.

123. Commissioner John King is a Latino man who has been elected to statewide partisan office in Georgia.

124. Commissioner John King received 2,107,388 votes in the 2022 general election, while his opponent received 1,788,136 votes

125. Justice Carla McMillian is an Asian woman who has been elected to statewide nonpartisan offices multiple times.

126. The Georgia Legislative Black Caucus has 14 members in the Georgia State Senate and 41 members in the Georgia House of Representatives.

127. Georgia has had 77 governors, none of whom has been Black.

128. Herschel Walker was opposed in the primary election for U.S. Senate by the sitting Agriculture Commissioner, Gary Black, who is white and who had been successfully elected statewide in the 2010, 2014, and 2018 statewide elections.

129. Fitz Johnson is a Black Republican man who won the 2022 Republican nomination, running unopposed, for Public Service Commission District 3 with 1,007,354 votes.

130. Senator Raphael Warnock is the first Black Georgian to serve Georgia in the U.S. Senate after more than 230 years of white senators.

131. Sen. Raphael Warnock received the highest number of votes in the statewide elections for U.S. Senate in the 2020 general election, the 2021 general election runoff, the 2022 general election, and the 2022 general election runoff.

132. Sen. Raphael Warnock received 1,946,117 votes in the 2022 general election, while Herschel Walker received 1,908,442 votes.

133. Sen. Raphael Warnock received 1,820,633 votes in the 2022 general election runoff, while Herschel Walker received 1,721,244 votes.

134. Sen. Jon Ossoff finished second in the 2020 general election, but won the 2021 general election runoff for a six-year term in the U.S. Senate.

135. President Joe Biden received the highest number of votes in the 2020 presidential election in Georgia.

136. Governor Brian Kemp received 2,111,572 votes in the 2022 general election, while Stacey Abrams received 1,813,673 votes.

137. President Biden, Sen. Ossoff, and Sen. Warnock are all candidates of choice of Black voters in Georgia.

138. The following five Black individuals currently serve in Congress from Georgia Congressional Districts: Congressman Sanford Bishop, Congressman Hank Johnson, Congresswoman Nikema Williams, Congresswoman Lucy McBath, and Congressman David Scott.

139. Congresswoman Lucy McBath was elected in 2018 and 2020 in 2012 Congressional District 6 when that district was 58.11% Non-Hispanic White VAP and 14.46% AP Black VAP using the 2020 Census results.

140. When Congresswoman McBath won the general election in 2018, she defeated an incumbent white member of Congress.

141. Rep. Meisha Manor, a Black woman, is a Republican currently serving in the Georgia House of Representatives, although she ran for office, and was elected, as a Democrat.

142. Four Black individuals have been elected to statewide partisan office in Georgia since Reconstruction: Michael Thurmond, Thurbert Baker, David Burgess, and Raphael Warnock.

143. The following Black individuals have been elected to statewide nonpartisan offices in Georgia since Reconstruction: Robert Benham, Leah Ward-Sears, Harold Melton, Verda Colvin, John Ruffin, Clarence Cooper, Herbert Phipps, Yvette Miller, and Clyde Reese.

## **VII. Facts Related to Districts and Race**

### **a. General**

#### **Congress**

144. In 2018 and 2020, District 6's voting-age population was 14.5% Black, 12.4% Latinx, 13.5% Asian American, and 58.1% non-Hispanic White.



145. U.S. Representative Lucy McBath, a Black woman, won District 6's 2018 and 2020 general elections with 50.51% and 54.59% of the vote, respectively.

146. The Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district.

147. The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter. Both tests produce scores between 0 and 1, with a score of 0 representing the least compact district possible, and a score of 1 representing the most compact district possible.

148. District 6 now has a 0.42 Reock score (down from 0.49 on the Benchmark congressional plan) and a 0.20 Polsby-Popper score (down from 0.27 on the Benchmark congressional plan).

149. District 13's prior boundaries had a BVAP of 62.6% and BIPOC-VAP of 76.4%.

150. Under these prior boundaries, U.S. Representative David Scott won reelection in 2018 and 2020, with 76.2% and 77.4% of the general election vote, respectively.

151. District 13 now has a BVAP of 66.7% and a BIPOC-VAP of 81.2%.

152. District 13 currently has a Reock score of 0.38 and a Polsby-Popper score of 0.16.



**ATTACHMENT F-1*****Common Cause* Plaintiffs' Witness List**

The *Common Cause* Plaintiffs anticipate that the following witnesses will testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)<sup>1</sup></b>
Dr. Moon Duchin	ECF Nos. 88; 88-1; 88-2; 93-1; 93-2; 93-3; 93-4; 93-7; 100-25; 100-28; 100-38; 100-39; 107-4.  Topics: Expert Report dated 1-13-2023; Rebuttal Report dated 2-15-2023; Errata dated 4-26-2023.
Aunna Dennis	ECF Nos. 90; 93-11; 100-20; 100-21; 118; 107-2.  Testifying as fact witness.
Julie Bolen	ECF No. 91; 93-12; 100-23; 100-24; 107-3.  Testifying as fact witness.
Dr. Ursula Thomas	N/a  Testifying as fact witness.

<sup>1</sup> ECF numbers listed in Attachment F-1 cite to the docket of *Common Cause v. Raffensperger*, No. 1:22-CV-00090-ELB-SCJ-SDG.

The *Common Cause* Plaintiffs anticipate that the following witnesses may testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)</b>
Brianne Perkins	N/a  Testifying as fact witness.
Dr. Cheryl Graves	N/a  Testifying as fact witness.
Jasmine Bowles	N/a  Testifying as fact witness.
Dr. H. Benjamin Williams	N/a  Terrifying as fact witness.
Dir. Gina Wright	N/A  Testifying as fact witness.
Sen. John Kennedy	N/A  Testifying as fact witness.
Rep. Bonnie Rich	N/A  Testifying as fact witness.
Rep. Jan Jones	N/A  Testifying as fact witness.
David Dove	N/A

	Testifying as fact witness.
Robert Strangia	N/A  Testifying as fact witness.
Daniel O'Connor	N/A  Testifying as fact witness.
Blake Evans	N/A  Testifying as fact witness.
David Garcia	N/A  Testifying as fact witness.
Geoff Duncan	N/A  Testifying as fact witness.
Ryan Germany	N/A  Testifying as fact witness.
Sen. Mike Dugan	98; 98-1; 100-33.

**ATTACHMENT F-2****GA NAACP Plaintiffs' Witness List**

The *GA NAACP* Plaintiffs anticipate that the following witnesses will testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)<sup>2</sup></b>
Dr. Moon Duchin	ECF Nos. 142-1; 142-2; 142-3; 142-4; 152-33; 152-39; 154-1; 154-2; 154-3; 154-4; 154-5  Topics: Expert Report dated 1-13-2023; Rebuttal Report dated 2-15-2023; Errata dated 4-26-2023.
Dr. Benjamin Schneer	ECF No. 152-36.  Topics: Expert Report dated 1-12-2023; Errata dated 3-31-2023
Dr. Peyton McCrary	ECF No. 152-22 Topics: Expert Report dated 1-13-2023.
Dr. Joseph Bagley	ECF No. 152-23.  Topics: Expert Report Dated 01-13-2023
Gerald Griggs	ECF No. 152-15  Testifying as fact witness.
Gerardo "Jerry" Gonzalez	ECF No. 152-16  Testifying as fact witness.

<sup>2</sup> ECF numbers listed in Attachment F-2 cite to the docket of *Georgia State Conference of the NAACP v. State of Georgia*, No. 1:21-CV-5338-ELB-SCJ-SDG.

The *GA NAACP* Plaintiffs anticipate that the following witnesses may testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)</b>
Dir. Gina Wright	N/A
David Dove	N/A
Cynthia “Cindy” Battles	N/A
Robert Strangia	N/A
Blake Evans	N/A
David Garcia	N/A
Former Lt. Gov Geoff Duncan	N/A
Ryan Germany	N/A
Sen. Mike Dugan	N/A
Barry Fleming	N/A
Sen. John Kennedy	Testifying as fact witness
Rep. Bonnie Rich	Testifying as fact witness
Rep. Jan Jones	Testifying as fact witness
Daniel O’Connor	Testifying as fact witness

**ATTACHMENT F-3****Defendants' Witness List**

Defendants anticipate that the following witnesses will testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)</b>
John Morgan	December 5, 2022 report in <i>Ga. NAACP</i> ; February 15, 2023 report in both cases
Dr. John Alford	February 10, 2023 report in both cases
Ms. Gina Wright	Testifying as a fact witness

Defendants anticipate that the following witnesses may testify at trial:

<b>Witness</b>	<b>Previously Filed Report(s)/Declaration(s)</b>
Sen. John Kennedy	N/A
Former Rep. Bonnie Rich	N/A
Blake Evans or Ryan Germany	As representative of Secretary of State's office



**Deposition Designation, Objections, Responses, and Counter Designations**  
**GA NAACP Plaintiffs**  
**October 27, 2023**

**DEPOSITION OF DAVID DOVE**

<b>Plaintiffs' Designation Start</b>	<b>Plaintiffs' Designation Stop</b>	<b>Defendants' Objections to Plaintiffs' Designations</b>	<b>Defendants' Counter Designations</b>	<b>Plaintiffs' Objections to Defendants' Counter Designations</b>
6:11	6:17			
7:25	8:6			
9:9	10:1	When counsel was retained is not relevant to the issues in this case. (FRE 401)	130:20-131:11	
41:13	42:17			
43:16	43:24	The retention of counsel and when counsel was retained is not relevant to the issues in this case. (FRE 401)	130:20-131:11	
43:25	44:6			
46:3	48:14	46:23-25 – Attorney client privilege objection asserted between Governor and counsel.		

52:14	53:1	Question calls for speculation and seeks information that is irrelevant to the issues in this case. (FRE 401 & 701)		
55:1	55:19		55:10-19	
56:18	57:10			
57:18	57:24		94:25-95:19	Designation should end at 95:18 with the end of Mr. Dove's response. 95:19 is the start of the next question, and without the remainder of the Q/A pair designated (95:20-20), this additional line appears to have been included in error.
58:12	58:20		60:23-61:3	Incomplete Evidence (FRE 106); Designation excludes question at 60:18-22
61:16	62:15			
69:8	69:24	The question was asked and answered; testimony is cumulative. (FRE 403)		
74:8	74:20		76:13-76:17 end at "laws"	Incomplete Evidence (FRE 106);

				Designation excludes question at 76:2-3. Designations excludes remainder of answer at 76:17-19.
86:23	87:13		90:6-11	
98:3	98:22	The questions calls for speculation. (FRE 701)		
102:5	103:7	102:14-103:1 - The question lacks foundation under FRE 901 because it refers to testimony that was not designated.		
104:21 105:2 105:14	104:24 105:8 106:12	104:21-105:6 - Question is compound, argumentative and calls for speculation (FRE 403 and 701). 105:7-9-13 - the privilege objection was properly asserted and should be included to make clear that the response was limited to non-privileged information.		
106:17 106:22	106:19 107:1	Question calls for speculation. (FRE		

		701) The question seeks information beyond the scope of the 30b6 topics listed.		
107:12 107:20	107:17 108:6	The question seeks information beyond the scope of the 30b6 topics listed.		
109:17 109:23	109:21 110:5	Question is compound, argumentative and calls for speculation (FRE 403 and 701).		
111:8	112:2	The exhibit is inadmissible hearsay. (FRE 801) The question seeks information beyond the scope of the 30b6 topics listed.		
142:4	142:18		142:24-143:4	Mr. Dove response to the question lacks foundation and is speculation (FRE 701, 901). Mr. Strangia is asked if he provided any reasoning for not wanting to engage in the redistricting process. His response is prefaced with him stating "to the extent I did,"

				<p>which suggests that Mr. Strangia does not recall one way or another whether he provided a reason. Accordingly, because he cannot recall providing a reason, his answer about what his reason “would have been” is speculation.</p>
			152:3-6	<p>This counter designation does appear to be linked to a designation proffered by Plaintiffs, and thus is the not the appropriate testimony for a counter designation. Accordingly, this is not relevant. (FRE 401).</p>
			152:18-153:3	<p>This counter designation does appear to be linked to a designation proffered by Plaintiffs, and thus is the not the appropriate</p>

				testimony for a counter designation. Accordingly, this is not relevant. (FRE 401).
164:23	165:8	Question lacks foundation and calls for speculation. (FRE 701, 901) The witness does not have personal knowledge of Exhibit 5. (FRE 602)		
174:16	174:25	Question seeks information beyond the scope of the 30b6 topics listed.		
178:14	178:19			
181:14	181:19	Testimony is not relevant to the issues in this case. (FRE 403)		
185:13	185:25	Number of times witness met with counsel is not relevant. (FRE 401)		

**Deposition Designation, Objections, Responses, and Counter Designations  
GA NAACP Plaintiffs  
October 27, 2023**

**DEPOSITION OF JOSEPH BLAKE EVANS**

<b>Plaintiffs' Designation Start</b>	<b>Plaintiffs' Designation Stop</b>	<b>Defendants' Objections to Plaintiffs' Designations</b>	<b>Defendants' Counter Designations</b>	<b>Plaintiffs' Objections to Defendants' Counter Designations</b>
9:16	9:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
14:24	16:11	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
16:12	16:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		

16:22	17:8	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
18:6	18:25	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
21:3	22:15	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
22:16	22:21	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
24:11	24:14	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics		



		pursuant to attorney agreement		
31:19	33:4	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
33:22	34:4	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
36:21	37:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
37:11	38:4	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
38:24	43:7	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of		

		designated topics pursuant to attorney agreement		
46:14	49:16	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
49:17	50:23	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
51:13	51:16	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
51:17	52:15	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
53:1	54:15	Objection relevance (FRE 401) and hearsay (FRE 801):		

		outside the scope of designated topics pursuant to attorney agreement		
54:19	56:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
56:25	57:23	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
58:2	63:3	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
63:4	63:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
65:3	67:10	Objection relevance (FRE 401) and		

		hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
67:23	68:8	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
68:9	68:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
70:2	72:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
72:11	75:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		

75:18	75:18	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
75:23	88:12	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
91:11	91:21	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
92:7	92:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
97:7	98:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics		

		pursuant to attorney agreement		
99:3	99:18	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
99:19	102:8	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
103:8	103:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
104:6	104:9	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
105:13	106:3	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of		

		designated topics pursuant to attorney agreement		
106:4	107:2	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
107:3	108:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
108:7	108:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
108:14	109:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
110:8	110:16	Objection relevance (FRE 401) and hearsay (FRE 801):		

		outside the scope of designated topics pursuant to attorney agreement		
110:17	111:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
111:25	112:9	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
112:10	120:10	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
123:9	125:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
125:22	125:22	Objection relevance (FRE 401) and		



		hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
126:10	126:14	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
126:15	129:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
130:10	131:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
131:6	131:14	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		

132:13	132:13	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
132:18	134:21	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
134:22	135:15	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
136:14	136:23	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
137:5	137:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics		

		pursuant to attorney agreement		
137:6	138:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
140:15	142:20	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
145:22	145:22	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
146:1	146:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
147:6	147:15	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of		

		designated topics pursuant to attorney agreement		
148:19	148:23	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
148:24	149:1	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
149:2	149:22	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
152:11	152:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
152:25	153:22	Objection relevance (FRE 401) and hearsay (FRE 801):		

		outside the scope of designated topics pursuant to attorney agreement		
155:7	156:11	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
156:18	156:18	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
156:19	157:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
157:15	162:4	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
162:9	163:14	Objection relevance (FRE 401) and		

		hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
163:15	163:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
163:18	172:25			
174:22	174:25			
175:7	175:13			
175:14	177:5			
177:6	179:20	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
180:5	180:14	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
180:21	181:17	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of		

		designated topics pursuant to attorney agreement		
182:8	183:7			
183:8	185:18			
189:5	190:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
192:4	193:21	Defendants do not object in this instance to inclusion of portion of designation that is outside the attorney agreement but note this does not constitute a waiver of remaining objections to Plaintiffs' designations		
194:8	194:12	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
194:13	195:2	Objection relevance (FRE 401) and		

		hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
195:3	195:8	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
195:9	197:10			
198:14	199:12	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
200:7	200:13	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
202:13	202:18	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		



202:25	203:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
203:6	203:18	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
204:1	204:15	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
204:16	206:10			
206:15	206:20	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
211:5	211:23	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics		

		pursuant to attorney agreement		
211:24	212:9	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
213:22	214:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
215:15	215:21	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
215:24	215:24	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
216:12	220:7	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of		

		designated topics pursuant to attorney agreement		
224:4	224:4	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
224:5	225:3	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
231:16	232:2	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
241:1	241:21	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
246:9	246:13	Objection relevance (FRE 401) and hearsay (FRE 801):		

		outside the scope of designated topics pursuant to attorney agreement		
247:25	248:5	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
255:15	255:19	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
263:20	264:6	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		
267:25	271:16	Objection relevance (FRE 401) and hearsay (FRE 801): outside the scope of designated topics pursuant to attorney agreement		

**Deposition Designation, Objections, Responses, and Counter Designations****GA NAACP Plaintiffs****October 27, 2023****DEPOSITION OF RYAN GERMANY**

<b>Plaintiffs' Designation Start</b>	<b>Plaintiffs' Designation Stop</b>	<b>Defendants' Objections to Plaintiffs' Designations</b>	<b>Defendants' Counter Designations</b>	<b>Plaintiffs' Objections to Defendants' Counter Designations</b>
9:3	9:5			
9:11	10:2		9:11-9:23	
13:19	13:25			
15:2	15:6		15:7-15:10	
15:11	15:17			
30:16	30:20			
30:24	31:9			
31:10	32:8			
39:15	40:21			
50:23	51:18			
53:25	54:10			
59:14	59:19		58:10-59:13	
61:15	61:20			
62:2	62:5			
69:23	70:7		62:24-63:14	Incomplete Evidence (FRE 106); entirety of relevant line of questioning should be admitted (i.e. beginning at 62:6)
70:8	72:7		71:20-72:7	
73:12	74:1			

76:12	76:14	Calls for speculation (FRE 701)		
76:16	76:22	Answer was in response to a question that called for speculation (FRE 701)		
76:25	77:10	question that called for speculation (FRE 701)		
92:10	92:20		92:22-93:6	
100:25	101:5			
111:2	111:4			
111:6	113:22			
122:16	124:10		123:15-124:10	
132:11	133:14			
158:2	159:16		159:1-159:16	

**Deposition Designation, Objections, Responses, and Counter Designations**  
**GA NAACP Plaintiffs**  
**October 27, 2023**

**DEPOSITION OF ROBERT STRANGIA**

<b>Plaintiffs' Designation Start</b>	<b>Plaintiffs' Designation Stop</b>	<b>Defendants' Objections to Plaintiffs' Designations</b>	<b>Defendants' Counter Designations</b>	<b>Plaintiffs' Objections to Defendants' Counter Designations</b>
7:1	7:17			
11:22	14:7			
17:3	17:4	This testimony is not relevant to the issues in this case and there is no foundation or context for the testimony. (FRE 401, 901)		
17:18	18:12		20:9-17	Incomplete Evidence (FRE 106); Designation excludes question at 20:4-8
21:4	24:19			
24:20	25:12		28:21-25	Incomplete Evidence (FRE 106); Designation excludes question at 28:19-20
32:11	38:7	The testimony is not relevant to the issues		

		in this case and does not pertain to the preparation of the Enacted Maps. (FRE 401) All references to Exhibit 1 lack foundation and should be excluded. (FRE 901)		
38:8	39:17		41:7-12	
44:11	45:1			
49:19	51:23			
54:12	56:14			
58:19	59:14			
60:24	63:8	The testimony is not relevant to the issues in this case. (FRE 403)		
63:24	64:9	Misstates the witness' testimony. (FRE 403)		
66:9	68:7			
68:8	72:24	72:21-24 – Not relevant to the issues in this case. (FRE 403)		
74:21	76:6			
81:16	83:8			
83:9	83:17		83:19-25	Incomplete Evidence (FRE 106);



				Designation excludes question at 83:18
85:2	86:4		84:13-85:1	
93:24	94:13			
94:21	103:23	Exhibit 3 is confidential and is not relevant to the issues in the case. (FRE 403) 100:9-101:8 – the questioning is confusing to the witness, He stated “I lost you” and is not testifying based on his personal knowledge. (FRE 602) 101:9-103:23 – Speculation. (FRE 701)		
105:18 105:20 107:19 109:17 109:23 111:8	112:9 107:18 108:19 109:21 110:5 112:2	Exhibit 4 is confidential and contains hearsay. (FRE 801) Exhibit 5 is confidential. 108:23-112:9 – objection insofar as the witness stated that he is familiar with Exhibit 5 but states that the exhibit is not created by his office so he		

		lacks personal knowledge of the contents of the document and His testimony as to what each category means is based on speculation. (FRE 602, 901)		
117:13	124:4	Exhibits 7 and 8 are confidential. 123:25-124:1 is not relevant to the issues in this case. (FRE 401)		

## DOVE COMMON CAUSE DESIGNATIONS AND DEFENDANTS' OBJECTIONS

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
6:11-17		
6:21-25		
7:25-8:6		
8:24-10:1		9:9-10:1 - When counsel was retained is not relevant to the issues in this case. (FRE 401)
10:11-15		
24:7-26:21		
27:24-31:4		
31:19-35:24		34:16-25 – Question calls for speculation.
41:13-42:17		
43:16-24		The testimony is not relevant to the issues in this case. (FRE 401)
43:25-44:6		

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
46:3-48:14	55:7-19	46:23-25 – Attorney client privilege objection asserted between Governor and counsel.
52:14-53:1		Calls for speculation and seeks information that is irrelevant to the issues in this case. (FRE 401 & 701)
57:4-10	94:25-95:18	Question calls for speculation. (FRE 701)
57:18-24		
58:12-20	76:13-17 130:20-131:11	
61:16-62:15	60:23-61:3	
69:8-24		The question was asked and answered; testimony is cumulative. (FRE 403)
74:8-20		
86:23-87:13	90:6-11	

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
98:3-22		Question calls for speculation. (FRE 701)
98:23-100:11		The question seeks information beyond the scope of the 30b6 topics listed.
102:5-103:7		102:14-103:1 - The question lacks foundation under FRE 901 because it refers to testimony that was not designated.
104:21-24; 105:2-8; 105:14-106:12		104:21-105:6 - Question is compound, argumentative and calls for speculation (FRE 403 and 701). 105:7-8, 106:12 - the privilege objection was properly asserted and should be included to make clear that the response was limited to non-

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		privileged information.
106:17-19; 106:22-107:1		Question calls for speculation (FRE 701) The question seeks information beyond the scope of the 30b6 topics listed.
107:12-17; 107:20-108:6		The question seeks information beyond the scope of the 30b6 topics listed.
108:2-8		(See above)  Lines 7-8 – the question seeks information beyond the scope of the 30b6 topics listed.
108:10-11		The question seeks information beyond the scope of the 30b6 topics listed.
109:17-21 109:23-110:5		Question is compound, argumentative and calls for

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		speculation (FRE 403 and 701).
111:1-7		Question is compound, argumentative, calls for speculation and seeks information beyond the scope of the 30b6 topics listed. (FRE 403 and 701).
111:8-112:2		Exhibit 3 is inadmissible hearsay. (FRE 801)
126:21-23		Question is compound, argumentative, calls for speculation and seeks information beyond the scope of the 30b6 topics listed. (FRE 403 and 701).
126:25-127:16		126:25-127:6 - Question is compound, argumentative, calls for

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		speculation and seeks information beyond the scope of the 30b6 topics listed. (FRE 403 and 701).
128:9-12 128:16-129:2		Question is compound, argumentative, calls for speculation and seeks information beyond the scope of the 30b6 topics listed. (FRE 403 and 701).
129:14-16 129:18-24		Question argumentative, calls for speculation and seeks information beyond the scope of the 30b6 topics listed. (FRE 403 and 701).
130:1-3 130:5-131:11		Question is argumentative, calls for speculation, is duplicative and has been asked



<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		and answered. (FRE 403 and 701).
131:21-132:2 132:4-132:20		Lines 21-23 is commentary by counsel and should be omitted.  Question is compound, argumentative, calls for speculation (FRE 403 and 701).
142:4-18	142:24-143:4	
148:24-149:15	152:3-6, 152:18-153:3	
164:23-165:8		Question lacks foundation and calls for speculation. (FRE 701, 901) The witness does not have personal knowledge of Exhibit 5. (FRE 602)
174:16-25		Question seeks information beyond the scope

<b>COMMON CAUSE PLAINTIFFS'</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		of the 30b6 topics listed.
175:3-5		Follow up question seeking information beyond the scope of the 30b6 topics listed.
176:14-177:2		
177:24-178:13		Questions were asked and answered. (FRE 403) To the extent that the questions followed up on questions that are beyond the scope of the 30b6 topics, the questions and testimony is objectionable on that basis.
178:14-19		
181:2-13		Questions are duplicative and have been asked and answered. (FRE 403 and 701). To the

COMMON CAUSE PLAINTIFFS'	DEFENDANT'S COUNTERS	DEFENDANT'S OBJECTIONS
		extent that the questions followed up on questions that are beyond the scope of the 30b6 topics, the questions and testimony is objectionable on that basis.
181:14-19		Testimony is not relevant to the issues in this case. (FRE 403)
181:20-182:4		Testimony is not relevant to the issues in this case. (FRE 403)
184:21-23		Testimony is not relevant to the issues in this case. (FRE 403)
185:13-25		Number of times witness met with counsel is not relevant. (FRE 401)
186:4-10		Testimony is not relevant to the

COMMON CAUSE PLAINTIFFS'	DEFENDANT'S COUNTERS	DEFENDANT'S OBJECTIONS
		issues in this case. (FRE 403)
194:2-5		Question is duplicative and has been asked and answered. (FRE 403 and 701). To the extent that the questions followed up on questions that are beyond the scope of the 30b6 topics, the questions and testimony is objectionable on that basis.
194:21-23		To the extent that the questions followed up on questions that are beyond the scope of the 30b6 topics, the questions and testimony is objectionable on that basis.

## Rob Strangia Designations and Defendant's Objections

<b>COMMON CAUSE PLAINTIFFS' DESIGNATIONS</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
7:1-17		
7:25-8:3		
9:8-15		
9:22-10:21		10:3-21 pertains the deposition and is not relevant at trial. (FRE 403)
11:22-14:7		
15:1-5		Testimony is incomplete. (FRE 106)
16:21-17:4		
17:18-18:13		18:13 should be omitted as it is not testimony.
18:14-20:24		All references to Exhibit 1 lack foundation and should be excluded. (FRE 901)
21:4-25:12		
26:11-17	26:11-21	
31:17-39:17		All references to Exhibit 1 lack foundation and should be excluded. (FRE 901) 32:11-39:17 - The testimony is not relevant to the

COMMON CAUSE PLAINTIFFS' DESIGNATIONS	DEFENDANT'S COUNTERS	DEFENDANT'S OBJECTIONS
		issues in this case and does not pertain to the preparation of the Enacted Maps. (FRE 401)
41:7-18		
44:3-45:1		
46:3-47:2		All references to Exhibit 1 lack foundation and should be excluded. (FRE 901)
47:21-23 47:24-48:3		The testimony is not relevant to the issues in this case and does not pertain to the preparation of the Enacted Maps. (FRE 401)
48:13-19		The testimony is not relevant to the issues in this case and does not pertain to the preparation of the Enacted Maps. (FRE 401)
49:19-51:23		
52:23-25		
58:19-59:14		58:19-59:5 - The testimony is not

<b>COMMON CAUSE PLAINTIFFS' DESIGNATIONS</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
		relevant to the issues in this case. (FRE 403)
60:24-63:8		The testimony is not relevant to the issues in this case. (FRE 403)
63:24-64:9		Misstates the witness' testimony. (FRE 403)
66:9-72:24		72:21-24 – Not relevant to the issues in this case. (FRE 403)
81:16-83:17	83:14-25 84:23-85:1	
85:2-86:4		
93:24-94:13		
94:21-100:8 101:9-103:23		Exhibit 3 (Confidential) is not relevant to the issues in the case. (FRE 403)  101:9-103:23 – Question and testimony is speculative. (FRE 701)
105:18-112:9		Exhibit 4 is confidential and contains hearsay. (FRE 801)

<b>COMMON CAUSE PLAINTIFFS' DESIGNATIONS</b>	<b>DEFENDANT'S COUNTERS</b>	<b>DEFENDANT'S OBJECTIONS</b>
117:13-124:4		Exhibits 7 and 8 are confidential.