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

COAKLEY PENDERGRASS; TRIANA ARNOLD JAMES; ELLIOTT HENNINGTON; ROBERT RICHARDS; JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; WILLIAM S. DUFFEY, JR., in his official capacity as chair of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; EDWARD LINDSEY, in his official capacity as a member of the State Election Board; and JANICE W. JOHNSTON, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

**SECOND DECLARATION OF JONATHAN P. HAWLEY IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Jonathan P. Hawley, hereby declare under penalty of perjury under the laws of the United States as follows:

1. I am over the age of 18 and competent to make this declaration. I am an associate with the law firm Elias Law Group LLP and am admitted to practice law in the States of Washington, California, and Montana and the District of Columbia and before multiple federal courts of appeals and district courts. I am admitted in this Court *pro hac vice* in the above-captioned matter as counsel for Plaintiffs.

2. I submit this declaration to provide the Court true and correct copies of certain documents submitted in support of Plaintiffs' motion for summary judgment.

**Exhibit 28** is a true and correct copy of the declaration of Coakley Pendergrass, *see* ECF No. 34-5, dated January 3, 2022.

**Exhibit 29** is a true and correct copy of the declaration of Triana Arnold James, *see* ECF No. 34-6, dated December 16, 2021.

**Exhibit 30** is a true and correct copy of the declaration of Elliott Hennington, *see* ECF No. 34-7, dated December 21, 2021.

**Exhibit 31** is a true and correct copy of the declaration of Robert Richards, *see* ECF No. 34-8, dated December 16, 2021.

**Exhibit 32** is a true and correct copy of the declaration of Jens Rueckert, *see* ECF No. 34-9, dated December 20, 2021.

**Exhibit 33** is a true and correct copy of the declaration of Ojuan Glaze, *see* ECF No. 34-10, dated December 29, 2021.

**Exhibit 34** is a true and correct copy of excerpts from the deposition transcript of Coakley Pendergrass, *see* ECF No. 159, dated December 15, 2022.

**Exhibit 35** is a true and correct copy of excerpts from the deposition transcript of Triana Arnold James, *see* ECF No. 160, dated December 7, 2022.

**Exhibit 36** is a true and correct copy of excerpts from the deposition transcript of Elliott Hennington, *see* ECF No. 164, dated December 13, 2022.

**Exhibit 37** is a true and correct copy of excerpts from the deposition transcript of Robert Richards, *see* ECF No. 161, dated December 5, 2022.

**Exhibit 38** is a true and correct copy of excerpts from the deposition transcript of Jens Rueckert, *see* ECF No. 162, dated February 7, 2023.

**Exhibit 39** is a true and correct copy of excerpts from the deposition transcript of Ojuan Glaze, *see* ECF No. 163, dated December 14, 2022.

**Exhibit 40** is a true and correct copy of excerpts from the deposition transcript of William S. Cooper, *see* ECF No. 167, dated February 14, 2023.

**Exhibit 41** is a true and correct copy of excerpts from the deposition transcript of Dr. John R. Alford, *see* ECF No. 165-2, dated February 23, 2023.

**Exhibit 42** is a true and correct copy of excerpts from the deposition transcript of Dr. Maxwell Palmer, *see* ECF No. 168, dated February 22, 2023.

3. Additionally, I submit this declaration to provide the Court an index of the exhibits filed in support of Plaintiffs' motion for summary judgment that also appear elsewhere on the docket.

| Exhibit | Attorney Declaration | ECF No. |
|---|---|---|
| Expert Report of William S. Cooper, dated December 5, 2022 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 1 | 174-1, 174-2 |
| | Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 1 | 190-1, 190-2 |
| Expert report of Dr. Maxwell Palmer, dated December 12, 2022 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 2 | 174-3 |
| | Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 2 | 190-3 |
| Supplemental expert report of Dr. Maxwell Palmer, dated December 22, 2022 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 3 | 174-4 |
| | Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 3 | 190-4 |

| Exhibit | Attorney Declaration | ECF No. |
|---|---|---|
| Expert report of Dr. Orville Vernon Burton, dated December 5, 2022 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 4 | 174-5 |
| | Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 4 | 190-5 |
| Expert report of John B. Morgan, dated January 23, 2023 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 6 | 174-7 |
| | Plaintiffs' Notice of Corrected Filing, Ex. 5 | 192-1 |
| Expert report of Dr. John R. Alford, dated February 6, 2023 | Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 7 | 174-8 |
| | Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 6 | 190-10 |
| Declaration of Coakley Pendergrass, dated January 3, 2022 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 5 | 34-5 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 28 | ___-1 |
| Declaration of Triana Arnold James, dated December 16, 2021 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 6 | 34-6 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 29 | ___-2 |

| Exhibit | Attorney Declaration | ECF No. |
|---|---|---|
| Declaration of Elliott Hennington, dated December 21, 2021 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 7 | 34-7 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 30 | ___-3 |
| Declaration of Robert Richards, dated December 16, 2021 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 8 | 34-8 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 31 | ___-4 |
| Declaration of Jens Rueckert, dated December 20, 2021 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 9 | 34-9 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 32 | ___-5 |
| Declaration of Ojuan Glaze, dated December 29, 2021 | Declaration of Kevin J. Hamilton in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 10 | 34-10 |
| | Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Summary Judgment, Ex. 33 | ___-6 |

Dated: May 3, 2023

Respectfully submitted,

By: **Jonathan P. Hawley**
Jonathan P. Hawley*
**ELIAS LAW GROUP LLP**
1700 Seventh Avenue,
Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0179
Facsimile: (206) 656-0180
Email: JHawley@elias.law

*Counsel for Plaintiffs*

*Admitted *pro hac vice*

# EXHIBIT 28

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF COAKLEY PENDERGRASS**
**IN SUPPORT OF**
**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Coakley Pendergrass, declare as follows:

1. My name is Coakley Pendergrass. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 428 Cedar Trace SW, Marietta, GA 30008 in Cobb County, Georgia, which is located in Georgia's Eleventh Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 1/3/2022

By: Coakley Pendergrass

Coakley Pendergrass

# EXHIBIT 29

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF TRIANA ARNOLD JAMES
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Triana Arnold James, declare as follows:

1. My name is Triana Arnold James. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 3007 Summer Breeze Dr., Villa Rica GA 30180 in Douglas County, Georgia, which is located in Georgia's Third Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 12/16/2021

By: _____

Triana Arnold James

# EXHIBIT 30

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF ELLIOTT HENNINGTON
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Elliott Hennington, declare as follows:

1. My name is Elliott Hennington. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 5169 Glendora Dr., Powder Springs, GA 30127 in Cobb County, Georgia, which is located in Georgia's Fourteenth Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 12/21/2021

By: _____

Elliott Hennington

# EXHIBIT 31

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF ROBERT RICHARDS**
**IN SUPPORT OF**
**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Robert Richards, declare as follows:

1. My name is Robert Richards. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 2759 Carrick Ct., Powder Springs, GA 30127 in Cobb County, Georgia, which is located in Georgia's Fourteenth Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 12/16/2021

By: _____

Robert Richards

# EXHIBIT 32

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF JENS RUECKERT**
**IN SUPPORT OF**
**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Jens Rueckert, declare as follows:

1. My name is Jens Rueckert. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 4207 Brodie Ct, Powder Springs, GA 30127 in Cobb County, Georgia, which is located in Georgia's Fourteenth Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 12/20/2021

By: _____

Jens Rueckert

# EXHIBIT 33

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State; REBECCA N. SULLIVAN, in her official capacity as the Acting Chair of the State Election Board; SARA TINDALL GHAZAL, in her official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

CIVIL ACTION FILE NO. _____

**DECLARATION OF OJUAN GLAZE**
**IN SUPPORT OF**
**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Ojuan Glaze, declare as follows:

1. My name is Ojuan Glaze. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 8494 Glenview Street, Douglasville GA 30134 in Douglas County, Georgia, which is located in Georgia's Thirteenth Congressional District under the newly enacted congressional plan.

5. I have previously voted in prior congressional elections in Georgia and I intend to vote in future congressional elections in Georgia.

DATED: 12/29/2021

By: Ojuan Glaze

Ojuan Glaze

# EXHIBIT 34

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

| | | |
|---|---|---|
| COAKLEY PENDERGRASS, et al., | ) | |
| | ) | |
| Plaintiffs, | ) | |
| | ) | |
| v. | ) | CIVIL ACTION FILE NO. |
| | ) | |
| BRAD RAFFENSPERGER, et al., | ) | 1:21-CV-05339-SCJ |
| | ) | |
| Defendants. | ) | |

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The DEPOSITION of:
COAKLEY PENDERGRASS
Being taken pursuant to stipulations herein:
Before Kathryn Taylor, CCR
THURSDAY, DECEMBER 15, 2022
Commencing at 3:00 p.m.
All parties, including the court reporter, appeared by videoconference.

Job No. 5623315

this document?
A. I do.
Q. All right. Okay. Scrolling down to Paragraph 11 where it mentioned you specifically, do you agree with the statements in this paragraph?
A. I did when I first read it. Let me just scroll through it again and make sure.
Q. Do you need me to zoom in?
A. Say that again.
Q. Do you need me to zoom in on the paragraph?
A. Oh, no, I'm fine.
Q. Okay.
A. I agree with that, yes.
Q. Okay. Let me go ahead and stop sharing my screen.
All right. Did you reach out to any legislators during the 2021 special session concerning redistricting issues raised in your complaint?
A. No.
Q. How about before or after the special session?
A. Did I reach out to any legislators? No, I did not.
Q. Okay. Did you testify in the Georgia Assembly on those issues or any issues pertaining to

# EXHIBIT 35

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

| | | |
|---|---|---|
| ANNIE LOIS GRANT, et al., Plaintiffs, v. BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, et al., Defendants. | ) | CIVIL ACTION FILE NO. 1:22-CV-00122-SCJ |
| COAKLEY PENDERGRASS, et al., Plaintiffs, v. BRAD RAFFENSPERGER, et al., Defendants. | ) | CIVIL ACTION FILE NO. 1:21-CV-05339-SCJ |

The DEPOSITION of:

TRIANA ARNOLD JAMES

Being taken pursuant to stipulations herein:

Before Kathryn Taylor, CCR

WEDNESDAY, DECEMBER 7, 2022 | Commencing at 4:00 p.m.

All parties, including the court reporter, appeared by videoconference.

Job No. 5609351

Second Amended Complaint in this action.

Does that come up on your screen? Oh, excuse me. Do you see on your screen where it says, Second Amended Complaint?

A. Yes.

Q. Okay. And have you seen this document before?

A. Yes.

Q. Do you recall when?

A. No.

Q. Have you read through this document before?

A. Yes.

Q. Okay.

A. I believe I have.

Q. Do you generally know the allegations contained in this document?

A. Yes.

Q. Okay. I'm going to direct your attention to Paragraph 15, which I'm moving towards. Do you see Paragraph 15 here?

A. Can you make it a little bigger?

Q. Yes.

A. I'm not as young as I used to be. Yes.

Q. Okay. And let me -- let me know if you need to read through it real quickly, but does this

paragraph here accurately describe the facts as they pertain to you?

A. Yes.

Q. And I'll just scroll down real quick so you can kind of see the end of it and just make sure.

A. Yes.

Q. Okay. See here on the -- let's see, I'm going to see if I can highlight this for you. See where it says, "She is a resident of Douglas County." "She" referring to you, "is a resident of Douglas County and located in Senate District 30 and House District 64 under the enacted plans."

A. Yes, I see it.

Q. Okay. And you said you did vote in the most recent election?

A. Yes.

Q. Was your selection for Senate District 30 successful in the most recent election?

A. There was no -- there was no challenger in District 30.

Q. Okay. Was it just an incumbent inside District 30 then?

A. Yes.

Q. Okay. And what -- do you recall what party the incumbent was?

# EXHIBIT 36

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

CASE NUMBER: 1:21-CV-05339-SCJ

COAKLEY PENDERGRASS, et al.,
PLAINTIFFS,

V.

BRAD RAFFENSPERGER, et al.,
DEFENDANTS.

DEPOSITION TESTIMONY OF:
ELLIOTT HENNINGTON
December 13, 2022

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of ELLIOTT HENNINGTON may be taken before Mallory B.

A. Oh, I'm sorry.
Q. No, no, that was my poor phrasing there.
A. Okay. Next page?
Yes, I'm done. Thank you.
Q. So we touched on this, but do you recognize the allegations contained in that paragraph?
A. Yes.
Q. And is that information contained in the paragraph accurate as it relates to you?
A. Yes.
Q. Now, I know we had some questions about it earlier, but did you see in the paragraph the congressional district in which you reside?
A. Yes.
Q. So are you familiar now that it is the 14th Congressional District?
A. Yes.
Q. And you mentioned you voted in the 2022 general election, correct?
A. Yes.

# EXHIBIT 37

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

COAKLEY PENDERGRASS, et al.,
Plaintiffs,
v. Civil Action File
BRAD RAFFENSPERGER, et al., No:
Defendants. 1:21-CV-05339-SCJ

VIDEOCONFERENCE DEPOSITION OF
ROBERT RAY RICHARDS

DATE: Monday, December 5, 2022
TIME: 1:08 p.m.
LOCATION: Remote Proceeding
Powder Springs, GA [redacted]
REPORTED BY: Daniel Almekinder, Notary Public
JOB NO.: 5609279

P R O C E E D I N G S

THE REPORTER: Good afternoon. My name is Daniel Almekinder; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 1:08 p.m. Eastern.

This is the deposition of Richard -- excuse me -- Robert Richards taken in the matter of Coakley Pendergrass, et al. vs. Brad Raffensperger, et al. on December 5th -- December 5, 2022, at [redacted], Powder Springs, Georgia [redacted]

I am a notary authorized to take acknowledgments and administer oaths in Georgia. Parties agree that I will swear in the witness remotely.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and

- shall constitute written stipulation

discussed with your attorney.

So I just want to make sure that you know that I'm not referring to that. It's just simply -- because I would understand that you spoke with your lawyer before the deposition. Would that be correct?

A Yes.

Q Did you speak with anyone else outside --

A I have not.

Q Okay. Have you made any notes or memos or documents -- or written documents or electronic documents that relate in any way to this case?

A No.

Q You mentioned earlier, Mr. Richards, that you live on [redacted] in Powder Springs; is that correct?

A Yes. It's hard to say. Yes.

Q Okay. I know. I almost said [redacted] but I can see that it's [redacted].

And how long have you lived at that address?

A 2016. June 2016.

Q And that address is in Powder Springs; correct?

A It is, yes.

Q And in Cobb County; correct?

A Yes.

# EXHIBIT 38

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

| | | |
|---|---|---|
| COAKLEY PENDERGRASS, et al. | ) | |
| | ) | |
| Plaintiffs, | ) | |
| | ) | CIVIL ACTION |
| vs. | ) | FILE NO. |
| | ) | 1:21-CV-05339-SCJ |
| BRAD RAFFENSPERGER, et al., | ) | |
| | ) | |
| Defendants. | ) | |

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DEPOSITION OF:
Jens Rueckert

Tuesday, February 7th, 2023

8:57 a.m.

via Zoom videoconference

**********

Amanda A. Bilbrey, CCR

you want to keep plowing ahead?

A I would like to press on.

Q Okay. Perfect. Now, I am going to share my screen again with what will be marked as Defendants' Exhibit 2. This is the amended complaint that plaintiffs have filed in this matter.

(Defendants' Exhibit No. 2 was marked for identification.)

BY MR. WEIGEL:

Q Can you see my screen, Mr. Rueckert?

A Yes, sir.

Q And do you see amended complaint at the top?

A Yes, I do.

Q Have you read this complaint, or a version of this complaint?

A Yes, I have.

Q And are you familiar with the allegations in this complaint?

A Yes, I am.

Q How about the allegations concerning you specifically in this complaint, are you familiar with those?

A Yes.

Q And now I'm going to scroll down to Paragraph 15 of the amended complaint, and this is

going to be on page 7. And I will try to get that all in the screen right there. Perfect.

Can you see Paragraph 15 in its entirety, Mr. Rueckert?

A Yes, sir, I can.

Q Okay. Now I'm just going to quickly ask you to read through that paragraph to yourself, and just let me know when you're finished.

A I'm finished.

Q And do you recognize the allegations contained in this paragraph?

A Yes. Those are allegations that you and I have been discussing.

Q Yeah. Absolutely. And just to confirm, is the information contained in this paragraph accurate as it relates to you?

A Yes, they are.

Q Perfect. And I will stop sharing now. We should be back in the normal view.

And we touched on this a little bit earlier, but -- and we've touched on it throughout, actually, but you reside in Congressional District 14; is that correct?

A That is correct.

Q And you mentioned that you voted in the 2022

# EXHIBIT 39

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

COAKLEY PENDERGRASS, et al.,
Plaintiff,
vs.
BRAD RAFFENSPERGER, et al.,
Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

Deposition of Ojuan Glaze

December 14, 2022
10:08 a.m.

Remote via Zoom technology

Reported by: Carla J. Hopson, RPR, CCR-1816

Q I'm not asking any legal conclusion, just your general knowledge, Mr. Glaze?

A That's my understanding.

Could you give me one second real quick? Is that okay?

Q Sure. Why don't -- yeah, we can -- why don't -- do you want to take like a -- just a five-minute break.

A Yes.

(Recess.)

Q (By Ms. LaRoss) Mr. Glaze, are you ready to go?

A Ready.

Q Thank you. I had asked you about the amended complaint in this case. I would show it to you but my share screen is disabled, so I'm just going to read for you a couple of the sentences from the complaint and you can just tell me if they're accurate or not. I apologize that I'm not just showing it to you.

So Paragraph 16 of the amended complaint says -- it begins, it says, Plaintiff, Ojuan Glaze, is a black citizen of the United States and the state of Georgia. Mr. Glaze is a registered voter and intends to vote in future congregational

elections. He is a resident of Douglas County and located in the 13th congregational district under the inactive plan.

Are all of those statements true and correct today?

A That's correct.

Q Okay. And you intend to vote in future congressional elections?

A I do.

Q And what candidate did you vote for in the 13th Congressional District this past November?

A David Scott.

Q Had you voted for Mr. Scott previously?

A I have.

Q Did you reach out to any legislators during the 2021 special session of the General Assembly here in Georgia? And I'm asking specifically concerning redistricting.

A No.

Q Had you reached out to any legislators in the General Assembly concerning restricting issues before the 2021 special election? Sorry. Special session, excuse me, on the General Assembly.

A Not redistricting -- not redistricting, no.

# EXHIBIT 40

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

| | |
|---|---|
| COAKLEY PENDERGRASS, ET AL., PLAINTIFFS, | CIVIL ACTION NO. 1:21-CV-05339-SCJ |
| v. | |
| BRAD RAFFENSPERGER, ET AL., DEFENDANTS. | |

DEPOSITION OF WILLIAM S. COOPER
(TAKEN by DEFENDANTS)
ATTENDING VIA ZOOM IN BRISTOL, VIRGINIA
FEBRUARY 14, 2023

REPORTED BY: Meredith R. Schramek
Registered Professional Reporter
Notary Public
(Via Zoom in Mecklenburg County, North Carolina)

expert report submitted on December 5th; is that right?

A Yes.

Q When you were drawing both the illustrative plan for the preliminary injunction hearing and the illustrative plan in your 12/5 report, it would be fair to say your goal was to add a majority black congressional district above the number drawn by the General Assembly; is that right?

A No, that was not my goal. My goal was to determine whether it was possible while, at the same time, to include traditional redistricting principles.

Q Did you attempt to draw more than one additional congressional map? I mean -- I'm sorry. Let me start that over again.

Did you attempt to draw more than one additional majority black district as part of your analysis of Georgia's congressional plan?

MS. KHANNA: I'm going to object to the extent that this calls for discussion of any draft reports or draft maps which are protected under the federal rules.

So, Bill, I'll instruct you not to answer to the extent it would discuss any of the draft reports or draft maps, but you can answer otherwise if you can.

THE WITNESS: Okay. Well, I did not attempt

South Georgia; right?

A That is my recollection, that that litigation and that district was focused on that area.

Q And in this case, you didn't consider any other areas of the state for an additional majority black district besides Metro Atlanta as indicated in your report; right?

A Well, that's true. Remember, in the Dwight case, I was relying on 2010 census data. So even though I was aware that there had been significant black population growth based on census estimates in 2018, I was still stuck using the 2010 data for Metro Atlanta.

Q And do you recall -- well, I guess do you recall reviewing the growth in black population in Metro Atlanta as part of the Dwight case? And I know that was a long time ago so that may not be something you remember.

MS. KHANNA: I'm also going to object to the extent that this calls for any draft analyses in that case.

I know we're going even farther back in your memory, but you can answer if you can. But be careful about disclosing anything about your draft reports or draft analyses.

A I think it's synonymous.

Q Synonymous? So it's the same thing?

A Yes.

Q And then I know we talked about communities of interest a little while ago.

Looking at illustrative District 6 in Figure 10 there on page 20, what are the communities of interest that you can identify located in illustrative District 6?

A Well, illustrative District 6 is largely suburban/exurban Atlanta. So it's part of the Atlanta core counties, the 11 core counties, which are also part of the Atlanta MSA. So there are economic and transportation commonalities there, lots of small cities. It can get sort of rural once you get out into western Douglas County, for example. I took a little spin around the district in -- on Saturday after our deposition on Friday of last week and visited parts of Douglas and extended all the way -- drove actually almost halfway to Villa Rica.

I guess you say it differently though, don't you? How do you say that?

Q We say "Villa Rica." That's where my Tysons are from actually, is in Villa Rica.

A Pardon?

into Columbus?

A Well, the 2021 plan goes as far north as the Douglas County line. And then when you get to Paulding County, it becomes part of District 14. So Paulding is exurban, part of Metro Atlanta. And so I have included Paulding County and a bit of Cobb County, which is a good fit because Paulding is clearly a growing county that is closely linked with the Metro Atlanta area, and it may not be as closely related to Columbus. But at some point, one does have to join areas that are not necessarily next-door neighbors just to find 765,000 people.

I don't think it would in any way be an issue overall.

Q So am I hearing you correctly, then, that you can't identify a specific community beyond the connection between Paulding and Cobb Counties but that at some point, one person, one vote means you have to reach the right number of people? Is that right?

A Well, that is a factor, but I don't think that Columbus is so different that it is problematic to include that part of western Georgia with Metro Atlanta, western part, along Paulding and Carroll County lines there.

Q Do you think that's also true of the enacted

District 14, which combines West Cobb and Paulding with areas running north?

A It's less of a problem, I think. Because really, once you -- once you include South Cobb County into District 14, you're in effect adding in Cobb County -- you're placing Cobb County not only into a district that includes the suburbs of Chattanooga, but also into a district that is part of Appalachia. And so it's quite different.

I think the distinction there is probably greater than would be the distinction between Cobb County and the Columbus area. Although Cobb County does have a high mountain; right? Kennesaw Mountain is a thousand feet or something like that. I'm only being halfway facetious. It's not quite as mountainous as some parts of existing District 14.

Q So just so I understand, existing District 14 takes in part of western Cobb County in the south part of the county. Illustrative District 3 takes in part of western Cobb County not quite as far south. Both unite that western part of Cobb County with more rural areas and other metropolitan areas.

What is the distinction between those two decisions of how to split Cobb County that you see?

A Well, I sort of tried to make that

Hancock and other counties, Taliaferro in eastern Georgia being part of a new majority black state senate district that you created in one of the other cases; right?

A We have discussed that in the other case.

Q So can you tell me what the community of interest is between majority black Hancock County and the Appalachian Mountains and Rabun and Towns County on the North Carolina border?

A Well, again, the connection is not very strong, but one has to balance out the populations so that you have 14 districts that are roughly 765,000 people. So, again, there would be other ways to draw it.

Q So, Mr. Cooper, when you talked about, in paragraph 48, the illustrative plan adhering to traditional principles and you listed the various principles, it sounds like what you're saying is population equality is really the most important principle even more so than being able to explain where there's communities of interest between different parts of districts.

Do I have that right?

A Well, actually I think you do. It's a nonstarter. If it doesn't meet population equality or

something very close to plus or minus one, then it's a nonstarter. Right?

Q And so then after population equality, what other traditional redistricting principles explain the configuration of District 10 on the illustrative plan?

A I was following county boundaries. I think there's a split of Wilkes County. And I believe Lumpkin County, but there are no other county splits I believe, unless -- maybe Hall County is split.

But I was attempting to draw a plan that was reasonably compact, reasonably shaped that -- I had the information about the incumbents, I think, at maybe the latter stage of drawing the plan. So I was probably attempting to avoid placing a couple of incumbents who live very close to one another in the Jackson County area, I think. I was attempting to put them, maybe, in different districts even though I understand they don't have to be, I believe. I'm not looking at the incumbents right now and haven't done so since December.

Q So, Mr. Cooper, in paragraph 48, I didn't see where you listed incumbents as a traditional principle as part of the illustrative plan, and thought that we had talked about earlier that incumbency wasn't as important.

Did you use incumbency data in the drawing of the illustrative plan?

A I was sort of aware of where I thought the incumbents lived. It's always in the background. So that was in the background.

Q So beyond incumbency and keeping counties whole minus Hall, Lumpkin, and Wilkes Counties, and population equality, are there any other traditional redistricting principles that went into the districting of District 10?

A Well, I had to make the plan reasonably compact. I tried to follow county boundaries. The district's contiguous. It looks as compact as the districts that have been drawn in the enacted plan. But it could be drawn differently.

Q But you'd agree that there's not a community of interest between majority black Hancock County and Rabun County in extreme northwest Georgia, wouldn't you?

A They are different. They are different. And so I am open to other suggestions for how one might draw District 10.

Q And I understand they're different. My question was: You'd agree there's not a community of interest between Hancock and Rabun counties; right?

A Well, not entirely. Because most counties are quite poor. And in Rabun County, you'd be talking about poor whites. And in Hancock County, a fairly significant black population that is not experiencing prosperity. So there are connections there. There are connections in that regard.

Q So you believe a community of interest in illustrative District 10 would be poor white voters in the Rabun and similar socioeconomic status black voters in Hancock County?

A Could be. Could be. On certain socioeconomic issues.

Q Was that the community of interest you considered when you drew illustrative District 10?

A When I was drawing District 10, I was mainly trying to avoid splitting counties and meet one person, one vote requirements. And I was aware that there are different areas in the sense that Rabun County is Appalachian and that parts of the southern end of District 10 are in the historic black belt.

Q And you'd agree that Athens and Clark County is included in District 10 on the illustrative plan; right?

A That's right. There's a university there.

Q And --

District 13 in Clayton County begins near the Atlanta airport as you've drawn it?

A Yes.

Q And you'd agree that Butts and Jasper Counties on the eastern side of District 13 as drawn are rural counties; right?

A They are rural, but still part of Metro Atlanta. In other words, the Census Bureau has determined that there's a 29-county area where there are commuting and transportation ties that are significant enough to put those counties into Metro Atlanta.

Q But you agree that District 13 as drawn connects urban areas in Clayton County with rural areas in Fayette, Spalding, Butts, and Jasper Counties; right?

A Yes.

Q Are you aware that the only majority black portions of any county in District 13 as drawn is the portions in Clayton and Newton Counties?

A Well, there's obviously black population and significant black population in some of the other counties. Henry County is almost majority black. It's 50/50. And the black population is growing. Fayette County has a significant black population that is

have 765,000 people. So it's not just in Georgia, it's in any state you're going to sometimes have to include urban and rural voters in a congressional plan no matter whether you like doing so or not.

Q And you'd agree illustrative District 10 mixes Appalachian North Georgia with parts of the black belt in Eastern Georgia; right?

A It does. It does.

Q And you reference Douglas, Fulton, and Fayette Counties being core Metro Atlanta counties in the Atlanta Regional Commission in paragraph 68.

Do you see that?

A Yeah.

Q And is Coweta County also a core Metro Atlanta county under the Atlanta Regional Commission?

A I'm not sure. There are 11 counties and I'm not sure Coweta is part of it.

Q Are you aware that Coweta County touches Douglas, Fulton, and Fayette Counties?

A Yes.

Q And you put Coweta County in a district with Columbus, Georgia, on the illustrative plan; right?

A I did, yes. Is that bad?

Q I guess what I'm trying to understand is you're criticizing the enacted plan for mixing

# EXHIBIT 41

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

| | |
|---|---|
| COAKLEY PENDERGRASS, et al.,<br><br>Plaintiffs,<br>vs.<br><br>BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, et al.,<br><br>Defendants. | Civil Action No. 2:21-CV-05449-SCJ |
| ANNIE LOIS GRANT, et al.,<br><br>Plaintiffs,<br>vs.<br><br>BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, et al.,<br><br>Defendants. | Civil Action No. 1:22-CV-00122-SCJ |

Videotaped deposition of DR. JOHN ALFORD, taken remotely in the above-captioned cause, before Rachel F. Gard, CSR, RPR, CRR, commencing at the hour of 11:00 a.m. Eastern on Thursday, February 23, 2023.

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Washington, D.C. 20036
(202) 232-0646

government except making sure everybody is carrying a pistol.

But certainly for any court, as it was for the court that Brennan was working with, you can't approach an issue like the legitimacy of an application of the Voting Rights Act, if you're going to blind yourself to evidence presented by the plaintiffs as convincing, solid evidence that their expert backs that shows that the racial cue in the election makes no difference at all to the behavior, voting behavior of blacks or whites.

Q So we've been going for about 90 minutes now. It might be -- we might be approaching a good time to take a break. But before we do, I just want to have a couple follow-up questions to what we've been talking about.

The first one is: Just when -- and we'll get into this more a little later on. But you just suggested that the analysis that you're purporting to undertake doesn't have a causation element. But when you say that these results demonstrate that the polarization is on account as

party affiliation, how can that be construed as anything but a causal conclusion? Isn't that by necessity what "on account of" means? You're looking for a factor that explains the reasons for something, not merely observing what the data -- not merely, not merely seeing what the data on its face demonstrates, I guess that's my question.

A That's a good question. I think so the issue that you're going to get at is sort of, is this -- when we look at the data, we can clearly see that these groups vote difference in a party sense, blacks are voting for the Democrat overwhelmingly, whites are voting for the Republican overwhelmingly. So that appears to demonstrate the party of the candidate appears to be having an effect, right.

That's compatible with a whole lot of arguments about partisan causation, okay. It is not evidence of causation. It's evidence that it might be fruitful and certainly suggests that there may be some connection. It's an awfully strong pattern, durable across -- up and down the

ballot and across the country, it's an awfully durable element if it doesn't have some causal connection. But in and of itself, right, it just ultimately is a correlation. It is not a causal inquiry.

So it is definitely evidence of a clear partisan voting pattern, right. There's a clear connection between the party label and the candidate and the behavior of the voters. But whether that connection is causal or not is a different kind of inquiry. EI is never going to answer a causation question. It can barely answer a correlated question, unless the evidence is really as clear as it is here, right.

So the question -- the answer is that is the evidence here is clearly compatible with any number of arguments in which partisanship might be causal. That's not the case, right. So, for example, what we saw here was that the party of the candidate didn't make any difference to this pattern at all. So all I'm asking to be recognized here is if a pattern shows no

established causation or not. All you've established there is that you don't want to discuss causation.

Q But as you just noted -- we'll get into this as well. Causation with the data we have in front of us is difficult to ascertain, correct?

A So we're moving into the area that's more about kind of philosophy of science than it is about redistricting, okay. So causation is a big topic in political science now. Causation is a big topic in the sciences in general. To the degree we see ourselves as a science, we're a lot -- we're now very actively involved in trying to transform ourselves from an associational discipline into a causal discipline, which means we do a lot of experimental work. We have a lot of quasiexperimental work. We have really fancy -- we now have two separate individuals in our department that just teach causal methodology. I can promise you, it looks nothing like this at all.

Establishing causation is a very difficult

scientific issue, and it's really kind of fundamental. It's being thrown around here in the common sense term of causation. It's not the scientific sense of causation. So I don't think anything -- when people say, well, isn't "on account of race" the same thing as establishing causation? In a colloquial sense, maybe. Even in a legal sense, probably. In a scientific sense, no.

Q Okay.

A In a scientific sense, I've never seen any work done in terms of the evidence that the Court is looking for or relies on that's come anywhere within a hundred miles of a causal analysis.

Q So then you would agree that the data we have, certainly the data we have in front of us in this case, is insufficient to draw conclusions as to causation, certainly in a scientific sense, correct?

A But the only thing we can draw from this is the evidence we have is very strong evidence that voters respond differently according to the

# EXHIBIT 42

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

ANNIE LOIS GRANT, et al.,

Plaintiffs,

v. CIVIL ACTION FILE
NO. 1:22-CV-00122-SCJ

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, et al.,

Defendants.

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v. CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED ZOOM DEPOSITION OF
MAXWELL PALMER, Ph.D.

February 22, 2023
9:28 A.M.

Lee Ann Barnes, CCR-1852B, RPR, CRR, CRC

A. I'm not if he was using the same data that was available to him. He might just be using the results of my report and not looking at the data itself.

COURT REPORTER: Excuse me. Could you repeat the objection, please? It was spoken over.

MR. JACOUTOT: It was just object to form.

COURT REPORTER: Thank you.

BY MR. HAWLEY:

Q. With that data and with the methodology that you applied to reach your results, Dr. Palmer, is it possible for Dr. Alford to make a subjective determination as to causation, which is to say, why voters voted the way they did?

MR. JACOUTOT: Object to form.

THE WITNESS: I -- I don't believe so.

MR. HAWLEY: Okay. That's all I have.

MR. JACOUTOT: Okay. And I don't have any follow-up, so I think we can call it a day.

VIDEOGRAPHER: All right. The time on the monitor is 11:51 a.m. We're going off the record.

(Deposition concluded at 11:51 a.m.)

(Pursuant to Rule 30(e) of the Federal