

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVAN MILLIGAN, et al.,

Plaintiffs,

vs.

WES ALLEN, et al.,

Defendants.

No. 2:21-cv-01530-AMM
(three-judge court)

PLAINTIFFS' NOTICE OF FILING EXHIBITS

The Court's August 5, 2023 Order directs the parties to provide copies of the exhibits and demonstratives they intend to use during the preliminary injunction hearing. Doc. 221 at 2. The order further directs that the exhibits be "file-stamped". *Id.* Pursuant to this Order Plaintiffs respectfully notify the Court and the parties of the following exhibits, which they may rely upon at the August 14 hearing but which are not currently on the case docket.

1. Exhibit M43: Transcript of August 9, 2023 Deposition of Randy Hinaman.
2. Exhibit M44: Transcript of August 11, 2023 Deposition of Brad Kimbro.

3. Exhibit M45: Transcript of August 10, 2023 Deposition of Lee Lawson.
4. Exhibit M46: Transcript of August 9, 2023 Deposition of Steve Livingston.
5. Exhibit M47: Transcript of August 9, 2023 Deposition of Christopher Pringle.
6. Exhibit M48: Transcript of August 10, 2023 Deposition of Mike Schmitz.
7. Exhibit M49: Transcript of August 10, 2023 Deposition of Jeff Williams.

Plaintiffs have redacted Exhibits M43, M44, M45, M48, and M49 to prevent disclosure of the respective deponents' personal information.

Respectfully Submitted,

/s/ Deuel Ross

Deuel Ross*
Tanner Lockhead*
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street N.W. Ste. 600
Washington, DC 20005
(202) 682-1300
dross@naacpldf.org
tlockhead@naacpldf.org

Leah Aden*
Stuart Naifeh*

Sidney M. Jackson (ASB-1462-K40W)
Nicki Lawsen (ASB-2602-C00K)
WIGGINS CHILDS PANTAZIS
FISHER & GOLDFARB, LLC
301 19th Street North
Birmingham, AL 35203
Phone: (205) 341-0498
sjackson@wigginschilds.com
nlawsen@wigginschilds.com

Davin M. Rosborough*
Julie Ebenstein*

Ashley Burrell*
Kathryn Sadasivan (ASB-517-E48T)
Brittany Carter*
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006
(212) 965-2200
Shelita M. Stewart*
Jessica L. Ellsworth*
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-5600
shelita.stewart@hoganlovells.com
David Dunn*
HOGAN LOVELLS US LLP
390 Madison Avenue
New York, NY 10017
(212) 918-3000
david.dunn@hoganlovells.com

Michael Turrill*
Harmony A. Gbe*
HOGAN LOVELLS US LLP
1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
(310) 785-4600
michael.turrill@hoganlovells.com
harmony.gbe@hoganlovells.com

Dayton Campbell-Harris*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad St.
New York, NY 10004
(212) 549-2500
drosborough@aclu.org
jebenstein@aclu.org
dcampbell-harris@aclu.org

LaTisha Gotell Faulks (ASB-1279-I63J)
AMERICAN CIVIL LIBERTIES UNION
OF ALABAMA
P.O. Box 6179
Montgomery, AL 36106-0179
(334) 265-2754
tgfaulks@aclualabama.org
kwelborn@aclualabama.org

Blayne R. Thompson*
HOGAN LOVELLS US LLP
609 Main St., Suite 4200
Houston, TX 77002
(713) 632-1400
blayne.thompson@hoganlovells.com

Counsel for Milligan Plaintiffs

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 NO. 2:21-CV-01530-AMM</p> <p>6</p> <p>7 EVAN MILLIGAN, et al.,</p> <p>8 Plaintiffs,</p> <p>9 vs.</p> <p>10 WES ALLEN, et al.,</p> <p>11 Defendants.</p> <p>12</p> <p>13</p> <p>14 VIDEOTAPED REMOTE DEPOSITION OF:</p> <p>15 RANDY HINAMAN</p> <p>16 August 9, 2023</p> <p>17 9:08 A.M.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 REPORTED BY:</p> <p>22 Cindy C. Jenkins, CCR</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 S T I P U L A T I O N S</p> <p>2 (continued)</p> <p>3</p> <p>4 IT IS FURTHER STIPULATED AND AGREED</p> <p>5 that it shall not be necessary for any</p> <p>6 objections except as to form or leading</p> <p>7 questions, and that counsel for the parties</p> <p>8 may make objections and assign grounds at the</p> <p>9 time of the trial, or at the time said</p> <p>10 deposition is offered in evidence or prior</p> <p>11 thereto.</p> <p>12</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that the notice of filing of the deposition by</p> <p>15 the Commissioner is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N S</p> <p>2</p> <p>3 IT IS STIPULATED AND AGREED by and</p> <p>4 between the parties through their respective</p> <p>5 counsel, that the deposition of Randy Hinaman</p> <p>6 may be taken before Cindy C. Jenkins,</p> <p>7 Commissioner, via Zoom Video Conference, on</p> <p>8 the 9th day of August, 2023.</p> <p>9</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the signature to and the reading of the</p> <p>12 deposition by the witness is waived, the</p> <p>13 deposition to have the same force and effect</p> <p>14 as if full compliance had been had with all</p> <p>15 laws and rules of Court relating to the taking</p> <p>16 of depositions.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE MILLIGAN</p> <p>4 PLAINTIFFS:</p> <p>5 HOGAN LOVELLS US LLP</p> <p>6 Mr. Blayne R. Thompson</p> <p>7 609 Main Street</p> <p>8 Suite 4200</p> <p>9 Houston, Texas 77002</p> <p>10 blayne.thompson@hoganlovells.com</p> <p>11 NAACP LEGAL DEFENSE & EDUCATIONAL FUND</p> <p>12 Mr. Deuel Ross</p> <p>13 Mr. Tanner Lockhead</p> <p>14 700 14th Street, Northwest</p> <p>15 Suite 600</p> <p>16 Washington, DC 20005</p> <p>17 dross@naacpldf.org</p> <p>18 NAACP LEGAL DEFENSE</p> <p>19 & EDUCATIONAL FUND, INC.</p> <p>20 Ms. Brittany Carter</p> <p>21 40 Rector Street, 5th Floor</p> <p>22 New York, New York 10006</p> <p>23 212-965-2200</p> <p>24</p> <p>25 AMERICAN CIVIL LIBERTIES UNION FOUNDATION</p> <p>Mr. Davin M. Rosborough</p> <p>125 Broad Street</p> <p>New York, New York 10004</p> <p>drosborough@aclu.org</p> <p>NAACP</p> <p>Mr. Anthony Ashton</p> <p>4805 Mount Hope Drive</p> <p>Baltimore, Maryland 21215</p> <p>aashton@naacpnet.org</p> <p>APPEARING ON BEHALF OF THE CASTER PLAINTIFFS:</p> <p>ELIAS LAW GROUP LLP</p> <p>Ms. Jyoti Jasrasaria</p> <p>250 Massachusetts Avenue, Northwest</p> <p>Suite 400</p> <p>Washington, D.C. 20001</p> <p>jjasrasaria@elias.law</p>

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<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (continued)</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE COCHAIRS; RANDY HINAMAN, STEVE LIVINGSTON, and CHRIS PRINGLE:</p> <p>4 BALCH & BINGHAM Mr. Dorman Walker 5 105 Tallapoosa Street Suite 200 6 Montgomery, Alabama 36104 dwalker@balch.com</p> <p>7</p> <p>8 APPEARING ON BEHALF OF THE SECRETARY OF STATE, WES ALLEN:</p> <p>9 OFFICE OF THE ATTORNEY GENERAL Mr. Jim Davis Assistant Attorney General 10 501 Washington Avenue Montgomery, Alabama 36130 jim.davis@alabamaag.gov</p> <p>11</p> <p>12</p> <p>13 VIDEOGRAPHER: 14 Mr. Bailey Diaz</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Ms. Joelle Miller 18 Ms. Donna Loftin 19 Mr. Chris Pringle</p> <p>20 21 22 23 24 25</p>	<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS</p> <p>2 AUGUST 9, 2023 9:08 A.M.</p> <p>3 THE VIDEOGRAPHER: Good morning.</p> <p>4 We're now on the record. The time is now</p> <p>5 9:08 a.m. on Wednesday, August 8, 2023. This</p> <p>6 begins the videotaped deposition of -- I</p> <p>7 apologize -- August 9th, 2023. This begins</p> <p>8 the videotaped deposition of Randy Hinaman</p> <p>9 taken in the matter of Evan Milligan, et al.,</p> <p>10 vs. Wes Allen, et al., the case number of</p> <p>11 which is 2:21-CV-0153-AMM.</p> <p>12 The videographer today is Bailey</p> <p>13 Diaz. Our court reporter is Cindy Jenkins,</p> <p>14 both representing Esquire Deposition</p> <p>15 Solutions.</p> <p>16 Counsel, would you please announce</p> <p>17 your name for the record and whom you</p> <p>18 represent, after which the court reporter will</p> <p>19 swear in the witness.</p> <p>20 MR. THOMPSON: This is Blayne</p> <p>21 Thompson from Hogan Lovells on behalf of the</p> <p>22 Milligan plaintiffs.</p> <p>23 MR. ROSS: Deuel Ross also on</p> <p>24 behalf of the Milligan plaintiffs.</p> <p>25 MR. ROSBOROUGH: Davin Rosborough</p>
<p style="text-align: right;">Page 6</p> <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 RANDY HINAMAN</p> <p>4 Examination by Mr. Thompson 9</p> <p>5 Examination by Ms. Jasarasaria 96</p> <p>6</p> <p>7 I N D E X</p> <p>8 NUMBER PAGE</p> <p>9 Exhibit 1 23</p> <p>10 Exhibit 2 26</p> <p>11 Exhibit 3 34</p> <p>12 Exhibit 4 38</p> <p>13 Exhibit 5 61</p> <p>14 Exhibit 6 62</p> <p>15 Exhibit 7 76</p> <p>16 Exhibit 8 84</p> <p>17 Exhibit 9 86</p> <p>18 Exhibit 10 88</p> <p>19 Exhibit 11 91</p> <p>20 21 22 23 24 25</p>	<p style="text-align: right;">Page 8</p> <p>1 on behalf of the Milligan plaintiffs.</p> <p>2 MR. LOCKHEAD: Tanner Lockhead</p> <p>3 also on behalf of the Milligan plaintiffs.</p> <p>4 MS. CARTER: Brittany Carter also</p> <p>5 on behalf of the Milligan plaintiffs.</p> <p>6 MR. WALKER: Dorman Walker on</p> <p>7 behalf on behalf of the Reapportionment</p> <p>8 Committee Chairs. I'm in the room with</p> <p>9 Mr. Hinaman. Also in the room with us is</p> <p>10 Senator Livingston. And there's nobody else</p> <p>11 in the room.</p> <p>12 MS. JASRASARIA: Hi. This is</p> <p>13 Jyoti Jasarasaria from Elias Law Group, and I'm</p> <p>14 here on behalf of the Caster plaintiffs.</p> <p>15 MR. DAVIS: Jim Davis with the</p> <p>16 Alabama -- excuse me, the Alabama Attorney</p> <p>17 General's Office representing the Alabama</p> <p>18 Secretary of State, Wes Allen.</p> <p>19 MR. ASHTON: Anthony Ashton with</p> <p>20 the NAACP representing, Milligan plaintiffs.</p> <p>21 MR. THOMPSON: I also just want to</p> <p>22 note for the record Joelle Miller is an intern</p> <p>23 with my office. Anyone else?</p> <p>24 COURT REPORTER: I see a Donna</p> <p>25 Loftin. I don't know what we identified her.</p>

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1 MR. WALKER: Donna Loftin is the
2 head of the Reapportionment Office.
3 MR. ROSS: Dorman, what's her role
4 in participating? Is she a client? Is she a
5 witness?
6 MR. WALKER: No, she's just
7 listening.
8 RANDY HINAMAN,
9 being first duly sworn, was examined and
10 testified as follows:
11 EXAMINATION BY MR. THOMPSON:
12 Q. Good morning, sir.
13 A. Good morning.
14 Q. Can you please state your full
15 name for the record?
16 A. Yes. Randy Hinaman.
17 Q. And Mr. Hinaman, you understand
18 that you're testifying under oath right now?
19 A. I do.
20 Q. Is there anything that might
21 prevent you from understanding my questions or
22 answering truthfully today?
23 A. No.
24 Q. Are you being represented by a
25 lawyer today?

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1 A. Dorman Walker.
2 Q. Mr. Walker is the same lawyer who
3 represents the plaintiffs in this lawsuit;
4 correct?
5 A. Correct.
6 MR. WALKER: Not the plaintiffs,
7 Blayne.
8 MR. THOMPSON: Excuse me. Excuse
9 me. Yes, the Defendants.
10 Q. Are you paying Mr. Walker to be
11 your lawyer today?
12 A. I am not.
13 Q. Do you assume that plaintiffs or
14 the State of Alabama is paying Mr. Walker to
15 be your lawyering today?
16 A. I do.
17 Q. Now, you were deposed by me in
18 December of 2021. Do you recall that?
19 A. I do.
20 Q. So a quick refresher of the ground
21 rules for today. And before I do that, I may
22 have misspoke. Obviously the Defendants is
23 what I meant when I said when I said that. Do
24 you assume that the defendants or the State of
25 Alabama is paying Mr. Walker to be your lawyer

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1 today?
2 A. Correct.
3 Q. A quick refresher of a few ground
4 rules. I'll be asking questions. If you
5 don't understand any question, please let me
6 know. If you do answer my question, I will
7 assume that you understood it; is that fair?
8 A. Yes, sir.
9 Q. Also, as you know, we have
10 Ms. Jenkins here who is a court reporter.
11 Just like when we were in person, she's going
12 to be typing everything that you and I are
13 saying. So it's really important that only
14 one person speaks at a time. So if you can
15 allow me to finish my questions and sentences
16 before you answer, and I'll do my best to do
17 the same thing for your answers; is that fair?
18 A. Yes, sir.
19 Q. All right. Without disclosing the
20 content of any discussions with Mr. Walker,
21 what did you do to prepare for your deposition
22 today?
23 A. I met with Mr. Walker to talk
24 about it and briefly reviewed the community
25 of interest map.

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1 Q. And when did you meet with
2 Mr. Walker to prepare?
3 A. Yesterday afternoon.
4 Q. Was that the only time?
5 A. Yes.
6 Q. About how long did you guys meet?
7 A. An hour and a half.
8 Q. Did you meet with anyone who was
9 not an attorney?
10 A. No.
11 Q. Did you review any documents
12 preparing for the deposition today?
13 A. I did look at the community of
14 interest map, but that was it.
15 Q. Did you do anything else to
16 prepare for your deposition today?
17 A. No, sir.
18 Q. Are you being compensated by
19 anyone for being here today?
20 A. Yes.
21 Q. By whom?
22 A. The reapportionment committee.
23 Q. And how much are you being
24 compensated?
25 A. \$400 an hour.

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1 Q. Is your compensation contingent on
2 the content of your testimony in any way?
3 A. No.
4 Q. All right. Mr. Hinaman, you
5 drafted the prior enacted 2021 congressional
6 map for Alabama; correct?
7 A. Yes, sir.
8 Q. Since your prior deposition in
9 December 2021, have you been involved in any
10 further redistricting work for the State of
11 Alabama?
12 A. I'm having trouble remembering
13 the exact timing of 2021. But we did
14 legislative maps at some point in 2021. I
15 can't remember which ones went first to be
16 honest with you.
17 Q. And you're referring to the state
18 legislative maps?
19 A. Yes, I drafted -- I worked on
20 drafting those state senate and state house
21 maps.
22 Q. Outside of drafting the state
23 legislative maps for Alabama, have you been
24 involved in any further redistricting work for
25 the State of Alabama since December of 2021?

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1 A. None other than this lawsuit.
2 Q. And what involvement did you have
3 with respect to this lawsuit?
4 A. Well, obviously we had a special
5 session where we worked on it where the
6 legislature passed another map.
7 Q. And what was your involvement with
8 that?
9 A. I worked with the chairs, the
10 house chair and senate chair of the
11 reapportionment committee to draft an initial
12 map that they sponsored.
13 Q. How many maps did you draft?
14 A. I worked on a number of them,
15 but -- but the only one that was sponsored
16 was community of interest.
17 Q. Do you have an estimate about how
18 many maps you drafted?
19 A. Not really. I mean, a number of
20 them would be -- you know, you would change
21 one county. So you would have, you know, map
22 6A, and then you would have map 6B and map
23 6C, all of this just changing a county. So,
24 you know, all in told maybe with those
25 alliterations, maybe, you know, 20. I'm

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1 making up that number honestly.
2 Q. Did you save any of those drafts
3 or any of those other maps?
4 A. I -- I specifically didn't. But
5 they -- they were all drawn on the state's
6 computer. So some of them are -- I assume
7 are still there.
8 Q. Did you print out any copies of
9 those?
10 A. No.
11 Q. Do you have any notes that you
12 took or used while drafting any of those maps?
13 A. No.
14 Q. Outside of drawing these maps,
15 which included the community of interest plan,
16 did you have any other role in the
17 redistricting efforts since December 2021 for
18 Alabama?
19 A. No.
20 Q. Okay. Well, then focusing on your
21 role with drafting the maps for the State of
22 Alabama, when were you first contacted about
23 doing that work?
24 A. Shortly after the Supreme Court
25 ruled. I think that was on June 8th and was

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1 contacted shortly thereafter.
2 Q. Were there any discussions with
3 you prior to the Supreme Court's ruling about
4 drawing any maps?
5 A. No.
6 Q. Were you formally retained to do
7 the map drawing?
8 A. Well, how is that --
9 MR. WALKER: Objection to form.
10 I'm not sure what "formally retained" means.
11 Q. (By Mr. Thompson) Did you sign any
12 sort of contract regarding your role for
13 drawing maps for the State of Alabama?
14 A. I did not.
15 Q. Okay. Did you enter into any sort
16 of formal agreement with anyone about your
17 role with drafting the maps?
18 MR. WALKER: Same objection.
19 THE WITNESS: I had a discussion
20 with Dorman Walker, but I don't know what a
21 formal -- I don't have a written formal
22 agreement, if that's what you're asking.
23 Q. (By Mr. Thompson) Who was it that
24 first contacted you about your work after the
25 Supreme Court ruling?

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1 A. Dorman Walker.
 2 Q. Anyone else?
 3 A. I think shortly thereafter, I
 4 talked to the -- to the reapportionment
 5 chairs, Senator Livingston and Representative
 6 Pringle.
 7 Q. Do you have an estimate about when
 8 that conversation would have taken place with
 9 Senator Livingston and Representative Pringle?
 10 A. Within a week of the Supreme
 11 Court ruling probably, but I don't have an
 12 exact date.
 13 Q. And at the time that you spoke
 14 with Mr. Walker after the Supreme Court
 15 ruling, did you understand him to be your
 16 lawyer at that time?
 17 A. I understood him to be the
 18 lawyer for the reapportionment committee.
 19 MR. THOMPSON: Mr. Walker, will
 20 you be asserting privilege over any
 21 discussions that you had with Mr. Hinaman?
 22 MR. WALKER: Yes.
 23 Q. (By Mr. Thompson) Then I'll note
 24 for the record that I will not be asking any
 25 further questions about the content of your

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1 discussions with Mr. Walker given that he has
 2 represented that he will be asserting
 3 privilege over those.
 4 Can you tell me about your
 5 discussions with Senator Livingston and
 6 Representative Pringle?
 7 A. Well, I think my initial
 8 discussion is they were just saying that
 9 obviously subsequent to the Supreme Court
 10 ruling that we would have a -- at some
 11 point -- I don't know that we knew the timing
 12 quite yet -- would have a special session and
 13 would be looking at drawing a new
 14 congressional map.
 15 Q. Do you recall anything else from
 16 that discussion?
 17 A. That was the initial discussion.
 18 Obviously, subsequent to that, we had
 19 numerous discussions. But...
 20 MR. THOMPSON: And setting this
 21 aside, just for the record, regarding the
 22 assertion of privilege, obviously plaintiffs
 23 reserve the right to challenge that privilege.
 24 Q. But sticking with the discussions
 25 with Senator Livingston and Representative

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1 Pringle, you said that was what you recall
 2 from the initial discussion. You had further
 3 discussions with them after that?
 4 A. Yes. Once the legislature --
 5 the governor called a special session, and we
 6 had the timing of when the special session
 7 would be. Then we had follow-up discussions.
 8 And I was asked to draw some -- a number of
 9 maps for them to look at.
 10 Q. What specifically were you asked
 11 to draw?
 12 A. I was asked to draw a new
 13 congressional map that took the Court's
 14 ruling into account and followed the
 15 guidelines of the reapportionment committee.
 16 COURT REPORTER: Mr. Thompson, I
 17 think we lost our videographer.
 18 MR. THOMPSON: We'll pause for a
 19 minute. We can go off the record for just a
 20 second, Ms. Jenkins.
 21 (A short discussion was held.)
 22 Q. (By Mr. Thompson) Mr. Hinaman,
 23 before we paused there, you were discussing
 24 your role. Just to regroup, can you explain
 25 to me what you understood your role to be with

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1 respect to the redistricting process?
 2 A. My role was to draw a number
 3 of -- a number of maps for the chairs of the
 4 reapportionment committee to look at in terms
 5 of providing a new congressional map for the
 6 State of Alabama.
 7 Q. Were you given any instructions
 8 about how to draw those maps?
 9 A. Yeah. In a general sense, to
 10 address the Court's concerns of our previous
 11 map and to obviously follow the guidelines of
 12 the reapportionment committee as well.
 13 Q. You mentioned to address the
 14 Court's concerns. What was your understanding
 15 about the Court's concerns with the prior map?
 16 A. Well, I had obviously legal
 17 advice from Mr. Walker and others on what --
 18 their interpretation of the Court. But my
 19 understanding of it was that our initial map
 20 was ruled to violate the -- well, was
 21 perceived to maybe be ruled to violate the
 22 Voting Rights Act and that we needed to draw
 23 two districts that would give African
 24 Americans an opportunity to elect a candidate
 25 of their choice.

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<p style="text-align: right;">Page 21</p> <p>1 Q. Did you understand that you were 2 developing a new map in response a Court 3 order? 4 A. Yes, sir. 5 Q. And beyond -- you mentioned that 6 it was your understanding of the Court's 7 concerns and the Court order. Beyond 8 discussions with Mr. Walker, was there any 9 other source of that understanding? 10 A. Eddie LaCour. 11 Q. And what did Mr. LaCour tell you? 12 MR. WALKER: Objection. Blayne, 13 Mr. LaCour is an attorney in the attorney 14 general's office. 15 Q. (By Mr. Thompson) Sir, is 16 Mr. LaCour your lawyer? Is that your 17 understanding, that he represents you? 18 MR. WALKER: We assert a joint 19 defense. He represents the Secretary of 20 State. 21 MR. THOMPSON: Okay. So Dorman, 22 are you going to be asserting privilege as to 23 any discussions from Mr. LaCour with 24 Mr. Hinaman? 25 MR. WALKER: Yes, Blayne, I will</p>	<p style="text-align: right;">Page 23</p> <p>1 A. No. 2 Q. Taking a step back, I just wanted 3 to make sure that the record is clear here. 4 And I mentioned that I would be sharing some 5 exhibits. So right now I'm going to show on 6 my screen what's being marked as Exhibit 1. 7 Can you see that map, Mr. Hinaman? 8 A. Yes, sir. 9 (Whereupon, Exhibit 1 was marked 10 for identification.) 11 Q. (By Mr. Thompson) You see this map 12 is labeled at the top community of interest 13 plan; correct? 14 A. Yes, sir. 15 Q. Did you draw this map? 16 A. I did. 17 Q. Okay. And this is the single map 18 that you mentioned earlier that you drew that 19 was ultimately adopted by at least one or more 20 of Representative Pringle and Senator 21 Livingston; correct? 22 A. I think initially they both 23 filed it as a bill in their respective 24 bodies. 25 Q. And you did not draw any of the</p>
<p style="text-align: right;">Page 22</p> <p>1 be. 2 Q. (By Mr. Thompson) Okay. Then 3 under that understanding, I will not be asking 4 any further questions about the content of any 5 discussions you had with Mr. LaCour. But 6 obviously plaintiffs, again, reserve the right 7 to challenge that privilege. 8 MR. WALKER: I understand that. 9 Thank you. 10 Q. (By Mr. Thompson) Outside of 11 Mr. Walker and Mr. LaCour, did you discuss the 12 Court's order with anyone else? 13 A. Obviously, the two chairs. 14 Q. What did you discuss with them? 15 A. Just essentially what I said 16 earlier, that we needed to address the 17 Court's concerns and work to draw a map that 18 was -- provided an opportunity for African 19 Americans to elect the candidate of their 20 choice in two districts. 21 Q. Do you remember any other 22 specifics from your discussions with 23 Representative Pringle or Senator Livingston 24 about the Court order other than what you just 25 stated?</p>	<p style="text-align: right;">Page 24</p> <p>1 other maps that were sponsored before the 2 redistricting committee; correct? 3 A. I'm not sure what I know -- I'm 4 not sure what I know what sponsored means -- 5 sponsored by other members you mean? 6 Q. Did you draw any other maps that 7 were submitted to the redistricting committee? 8 A. Well, the Friday before the 9 special session, a number of maps were 10 released publicly, and I did draw a couple of 11 those. But in terms of what was sponsored by 12 a member in either body, I think this is the 13 only map. 14 Q. We'll go over a few of those. But 15 before we do so, you said that you did draw a 16 few of the maps that were released publicly on 17 the Friday before the special session; 18 correct? 19 A. Yes, sir. 20 Q. Okay. Are you able to identify 21 what those maps were? 22 A. I believe so. There was -- 23 there was obviously the community of interest 24 plan. There was also, I think, a plan that 25 was called Russell split which split Russell</p>

<p style="text-align: right;">Page 25</p> <p>1 County, obviously. There was a plan that was 2 called extended Black Belt, which took the 3 second district further into the -- I guess 4 it would be the western part of Alabama's 5 Black Belt. There was also a map that I 6 worked on called whole -- Jefferson whole, 7 which I didn't have the concept of, but I 8 zeroed out the numbers on. 9 Q. What does that mean? 10 A. That means somebody else had the 11 concept for the map, gave it to me, and I 12 zeroed out the numbers to get the zero 13 deviation. 14 Q. Any other maps that you drew that 15 were released publicly on the Friday prior to 16 the special session? 17 A. I believe those were it, sir. 18 Q. Okay. We'll come back to those 19 specific maps in a little bit. Before we do 20 that, I want to talk about the maps that were 21 sponsored. 22 First off, I'm showing you what is 23 being marked as Exhibit 2. This is labeled at 24 the top the opportunity. And my understanding 25 is that this was referred to as the</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. And how far back does your 2 relationship with Senator Livingston go? 3 A. He started working on the 4 redistricting when he -- he was going to take 5 over the senate chair in our last round in 6 2021. So he was in the -- you know, he was 7 in that process, although, I don't think he 8 became chair until after -- after that 9 session. 10 Q. Did you work with Senator 11 Livingston with respect to the 2021 12 congressional map? 13 A. He was in the room for a number 14 of those discussions. He wasn't the chair at 15 the time. But... 16 Q. Looking at this map, which has 17 been labeled as Exhibit 2, the opportunity 18 plan, have you seen this map before? 19 A. I have. 20 Q. When did you see it? 21 A. Probably shortly before it was 22 released to the public on that Friday before 23 the special session. I may have seen it on, 24 you know, Friday morning or Thursday, I can't 25 remember which.</p>
<p style="text-align: right;">Page 26</p> <p>1 opportunity plan. Do you see that? 2 (Whereupon, Exhibit 2 was marked 3 for identification.) 4 THE WITNESS: Yes, sir. 5 Q. (By Mr. Thompson) Okay. 6 This plan was also referred to in 7 the legislature to my understanding as the 8 Livingston 1 plan. Are you aware of that 9 check? 10 A. I don't know -- well, I thought 11 Livingston 1 was actually community of 12 interest, but maybe I'm wrong in my 13 alliteration of senate plans. 14 Q. Okay. Now, speaking of Senator 15 Livingston, my understanding is that he is in 16 the room with you currently; correct? 17 A. He is. 18 Q. Have you met Senator Livingston 19 before today? 20 A. I have. 21 Q. Okay. What's your relationship 22 with Senator Livingston? 23 A. He's the senate chair. And, so, 24 I essentially worked for he and 25 Representative Pringle.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Do you recall who showed it to 2 you? 3 A. It was in the -- it was on the 4 computer in the reapportionment office. 5 Q. Do you recall who showed it to 6 you, or was it just uploaded to the computer? 7 Can you explain that a little bit more? 8 A. Yeah, it was uploaded -- I think 9 either Senator Livingston or Senator Roberts 10 said I could look at that map. So I looked 11 at it probably a day before it was released. 12 Q. Were you provided other maps at 13 the same time to review? 14 A. I don't think so. 15 Q. Any reason why the opportunity 16 plan in specific was shown to you at that 17 time? 18 A. I can't answer that. I don't 19 know what anybody's motivation was. 20 Q. What were you told when you were 21 shown this map? 22 A. I was asked to take a look at 23 it. 24 Q. Were you asked to look at it for 25 any purpose?</p>

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1 A. I guess they wanted me to look
 2 at it to see if I thought it was a
 3 possibility.
 4 Q. A possibility for what?
 5 A. As a map for the congressional
 6 districts.
 7 Q. And what were your thoughts on
 8 that?
 9 A. Excuse me one second. Well, as
 10 I say, I didn't really -- I didn't really
 11 evaluate it that much at the time because I
 12 knew we had community of interest which I
 13 thought was -- what -- what was going to be
 14 sponsored at that time.
 15 Q. So they showed you the opportunity
 16 plan and asked you to review it, but did you
 17 provide --
 18 A. Reviewing it -- reviewing it is
 19 a pretty strong -- reviewing it is a strong
 20 word. I was shown -- I was shown the map.
 21 Q. Okay. So walk -- walk me through
 22 this then. You were shown the map. And who
 23 showed it to you?
 24 A. Well, I think it was on the
 25 reapportionment committee computer. And

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1 either Senator Livingston or Senator Roberts
 2 said I should look -- I could take a look at
 3 it.
 4 Q. And what --
 5 A. As you may know, that -- a
 6 little background. As you may know, when
 7 various legislators put maps onto the
 8 computer, they're embargoed by out -- other
 9 sources, me included, until the principle
 10 sponsor of the map or whatever says, you
 11 know, you may look at this. So either
 12 Senator Roberts or Senator Livingston said I
 13 was able to look at this at that point.
 14 Q. Okay. Did they ask you to look --
 15 did they say anything else to you other than,
 16 here, you can look at this if you'd like?
 17 A. That was essentially the
 18 discussion, yeah.
 19 Q. And then did you review it?
 20 A. I looked at it. But, again, I
 21 was assuming and thought that the community
 22 of interest plan is what both chairs were
 23 going to sponsor in their legislative bodies.
 24 So I didn't give it much thought to be honest
 25 with you.

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1 Q. And why did you think that?
 2 A. Well, that's what I was told.
 3 Q. Who told you that?
 4 A. The two chairs told me that they
 5 would -- on -- after -- on Monday would be
 6 sponsoring those two plans.
 7 Q. Did they tell you why -- sorry. I
 8 didn't mean to cut you off. Go ahead.
 9 A. No, that's okay. No, they did
 10 not.
 11 Q. And to be clear, did they tell you
 12 why they would be sponsoring your plan over
 13 any others?
 14 A. They did not.
 15 Q. Did you discuss the opportunity
 16 plan, which is being shown as Exhibit 2, with
 17 anyone else?
 18 A. I did not.
 19 Q. Do you know who drew the
 20 opportunity plan?
 21 A. I do not.
 22 Q. Do you have any idea or guess
 23 about who may have drawn it?
 24 A. We're guessing?
 25 Q. If you have any sort of

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1 understanding. If you're thinking about it
 2 and think it could have been this person or
 3 that person. Do you have any sort of idea
 4 about who may have drawn it?
 5 MR. WALKER: Objection to form.
 6 THE WITNESS: All I know is I
 7 believe it was given to Donna Loftin, who is
 8 head of -- supervisor of the reapportionment
 9 office, on a thumb drive. But I don't know
 10 who drew it.
 11 Q. (By Mr. Thompson) And prior -- so
 12 trying to go back over your prior history.
 13 And before I do that, you said it was given to
 14 Donna Loftin. Do you know who would have
 15 given it to Donna Loftin?
 16 A. I'm assuming Senator -- again,
 17 I'm assuming a lot. Either Senator Roberts,
 18 Senator Livingston.
 19 Q. Going back over some of your prior
 20 history working with the State of Alabama,
 21 you've been the map drawer for the State of
 22 Alabama's congressional maps in the past, at
 23 least in 2021; correct?
 24 A. Yes, sir.
 25 Q. And also prior to that; correct?



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1 A. Yes, sir. I mean, I drew a map
 2 that the Court adopted in 1992.
 3 Q. And in either -- in either of the
 4 process of drafting the 1992 map or the 2021
 5 map, was there ever anyone else who was also
 6 drawing maps at that time?
 7 A. Oh, I'm sure there were. I'm
 8 sure there were maps offered in those --
 9 those processes that I didn't draw. So
 10 obviously somebody other than me drew them.
 11 Q. Okay. Focusing on the opportunity
 12 plan, do you recall saying anything to either
 13 Senator Livingston or Roberts after you looked
 14 at the opportunity plan?
 15 A. No.
 16 Q. Do you have an understanding of
 17 what the purpose of the opportunity plan was?
 18 A. I don't.
 19 Q. Do you have any understanding
 20 about how this map was drawn?
 21 A. I do not.
 22 Q. Do you have any understanding
 23 about why, given your role as a map drawer for
 24 the legislature here, you did not draw the
 25 opportunity plan?

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1 A. I do not.
 2 Q. Taking a look at the opportunity
 3 plan, which is Exhibit 2, do you think that a
 4 black preferred candidate can win the
 5 district 2 as it's drawn here?
 6 A. I'm not familiar enough with the
 7 map to have -- offer an opinion on that.
 8 Q. Let's move to another exhibit
 9 here. This is being marked as Exhibit 3.
 10 This titled at the top Livingston
 11 congressional plan 2. Do you see that?
 12 (Whereupon, Exhibit 3 was marked
 13 for identification.)
 14 THE WITNESS: Yes, sir.
 15 Q. (By Mr. Thompson) Is it okay if I
 16 refer to this as the Livingston 2 plan?
 17 A. Yes, sir.
 18 Q. Have you seen this map before?
 19 A. I have. I think it was -- I
 20 think Senator Livingston offered this in
 21 committee at some point during the
 22 legislative session.
 23 Q. And when did you first see it?
 24 A. I believe when he offered it in
 25 committee during the legislative session.

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1 Q. You don't recall seeing it before
 2 that time?
 3 A. I honestly don't think I did,
 4 no.
 5 Q. So what was the context of when
 6 you saw it? Was it when it was presented to
 7 the rest of the committee members?
 8 A. Yes, sir.
 9 Q. Did anyone in particular show you
 10 the map?
 11 A. No. Obviously at that point,
 12 then it was on the computer. So, I mean, I
 13 could have looked at it in the
 14 reapportionment office.
 15 Q. But you did not do that?
 16 A. Not before it was introduced.
 17 Q. After it was introduced, did you
 18 take a look at it?
 19 A. I did look at it, yes, briefly.
 20 Q. And when was that?
 21 A. Probably would have been Tuesday
 22 afternoon because I believe this plan was
 23 offered in committee on Tuesday. Maybe it
 24 was Wednesday. I'm trying to remember the
 25 days here. But...

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1 Q. Why did you look at the map at
 2 that time?
 3 A. Well, that was the plan -- it
 4 became the operative plan, I guess, in the
 5 senate at that point after committee. And I
 6 guess it was eventually voted on by the -- I
 7 believe it was passed by the senate on
 8 Wednesday maybe. So I looked at it at that
 9 point.
 10 Q. And what was the purpose of your
 11 review of that map?
 12 A. Because it was the plan that the
 13 senate passed on Wednesday.
 14 Q. Were you asked to review it by
 15 anyone?
 16 A. I wasn't asked to review it. I
 17 just looked at it to see -- see what it was
 18 honestly.
 19 Q. And what were your thoughts on it
 20 when you reviewed it?
 21 A. I didn't have any definitive
 22 thoughts. I was just trying to figure out
 23 what it -- what it was to be honest with you.
 24 Q. Did you discuss the Livingston 2
 25 map with anyone?

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1 A. I probably discussed it with
2 Dorman Walker. But I -- that's probably it.
3 Q. Do you know who drew the
4 Livingston 2 map?
5 A. I do not.
6 Q. Similar to before, it's okay to
7 guess.
8 Do you have any idea or guess
9 about who may have drawn it?
10 A. I think it was, again, given to
11 Donna Loftin on a thumb drive by Senator
12 Livingston, and that's about as far as I can
13 tell you.
14 Q. Do you have an understanding about
15 what the purpose of this particular map was?
16 A. I do not.
17 Q. Do you have any understanding
18 about how this map was drawn?
19 A. I do not.
20 Q. I'm going to switch to another
21 exhibit here, which is being marked as
22 Exhibit 4.
23 This is the -- it's labeled at the
24 top as Livingston congressional plan 3. Do
25 you see that?

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1 (Whereupon, Exhibit 4 was marked
2 for identification.)
3 THE WITNESS: Yes, sir.
4 Q. (By Mr. Thompson) And it's my
5 understanding that this was the final enacted
6 map. Does that match up with your
7 understanding?
8 A. Yes, sir.
9 Q. And is it okay if I refer to this
10 as either the Livingston 3 map or the final
11 enacted map?
12 A. Yes, sir.
13 Q. Have you seen this map before?
14 A. I have.
15 Q. And when did you first see it?
16 A. I actually ran the computer when
17 this map was drawn. The -- I believe it was
18 Thursday night before the Friday session.
19 Q. Just one second here. Can you
20 still see the exhibit there?
21 A. I can.
22 Q. And you said -- I'm sorry. Can
23 you say that again, specifically when you saw
24 this map?
25 A. As a way of background, again,

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1 Donna Loftin, who is the supervisor of
2 reapportionment committee office, would have
3 normally been the person who would have drawn
4 this map, I would imagine. But she was out
5 with COVID, and I was the person in the --
6 who happened to be in the office who was most
7 familiar with Maptitude. So Senator
8 Livingston asked me if I would help him
9 change a few counties in this map the night
10 before it was introduced.
11 Q. And you said that was the night
12 before it was introduced?
13 A. Thursday evening, I believe,
14 yes, sir.
15 Q. What specifically did Senator
16 Livingston ask you to do?
17 A. As I remember, we -- we were
18 working off a version of Livingston 2,
19 which -- and he asked that we move a few
20 counties in the second district. And then
21 subsequent, I think, we put Etowah back
22 together. It was split, I think, in
23 Livingston 2. And then corresponding changes
24 that needed to be rippled through the map
25 from there.

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1 As a way of clarification, I
2 didn't -- I was not -- I was functioning
3 solely as a computer operator, not as a --
4 not even as a map drawer or not as a
5 consultant. I was a computer operator.
6 Q. Other than you and Senator
7 Livingston, did anyone else participate in
8 making the adjustments from Livingston plan 2
9 to what ultimately became Livingston plan 3?
10 A. Yeah, Senator Scofield was also
11 in the room.
12 Q. And what was Senator Scofield's
13 role?
14 A. He -- he was working with
15 Senator Livingston.
16 Q. Was there anyone else in the room
17 with you?
18 A. No.
19 Q. Did anyone else participate in the
20 modifications to this map that ultimately
21 became Livingston plan 3?
22 A. Not during the half an hour that
23 I worked on it.
24 Q. Do you know if anyone else made
25 any further modifications to the map after you

<p style="text-align: right;">Page 41</p> <p>1 finished?</p> <p>2 A. I don't believe they did, no.</p> <p>3 Q. What instructions, if any, were</p> <p>4 you given by Senator Scofield?</p> <p>5 MR. WALKER: Blayne, I'm going to</p> <p>6 assert legislative privilege on behalf of</p> <p>7 Senator Scofield at this point. I think it's</p> <p>8 fair to ask Mr. Hinaman what he may have said</p> <p>9 to Senator Scofield. But what Senator</p> <p>10 Scofield said to him would be covered by</p> <p>11 legislative privilege, which Senator Scofield</p> <p>12 has not -- has not waived.</p> <p>13 MR. THOMPSON: To be clear,</p> <p>14 Mr. Walker, are you asserting that only as to</p> <p>15 statements by Senator Scofield?</p> <p>16 MR. WALKER: I would assert</p> <p>17 legislative immunity and legislative privilege</p> <p>18 on behalf of any legislator who has not waived</p> <p>19 that privilege. My understanding is that -- I</p> <p>20 mean, the only two of whom I know have waived</p> <p>21 the privilege are Senator Livingston and</p> <p>22 Representative Pringle.</p> <p>23 MR. THOMPSON: And Mr. Walker, do</p> <p>24 you represent Senator Scofield?</p> <p>25 MR. WALKER: Yes, in that I</p>	<p style="text-align: right;">Page 43</p> <p>1 couple of counties in the second district and</p> <p>2 in the subsequent -- the effects that that</p> <p>3 would have throughout the rest of the map.</p> <p>4 And as I said earlier, to put Etowah County</p> <p>5 and north Alabama back -- back whole. It</p> <p>6 was, I think, split in Livingston 2, I</p> <p>7 believe, and he wanted -- we were looking to</p> <p>8 put that -- he wanted to look to put that</p> <p>9 whole.</p> <p>10 Q. Do you recall -- or were you told</p> <p>11 why any of those instructions were given to</p> <p>12 you?</p> <p>13 A. I was not.</p> <p>14 Q. Do you recall any other specific</p> <p>15 instructions you were given by Senator</p> <p>16 Livingston?</p> <p>17 A. Just those. And then we</p> <p>18 obviously had to get to -- you know, split</p> <p>19 a -- split some -- split a precinct to get</p> <p>20 the zero deviation in the various districts</p> <p>21 that we changed, but that -- that was it. I</p> <p>22 guess I'm using the royal "we." That he</p> <p>23 changed. I was just running the computer.</p> <p>24 Q. Do you have an understanding</p> <p>25 whether these instruction were just coming</p>
<p style="text-align: right;">Page 42</p> <p>1 represent the reapportionment committee of</p> <p>2 which he is a member.</p> <p>3 MR. THOMPSON: And are you going</p> <p>4 to assert these privileges and immunities as</p> <p>5 to any conversations or discussions from</p> <p>6 Senator Scofield?</p> <p>7 MR. WALKER: To the extent that I</p> <p>8 mentioned earlier. I don't think it's</p> <p>9 improper to ask Mr. Hinaman what he may have</p> <p>10 said to Senator Scofield. But with regard to</p> <p>11 what Senator Scofield said to him, I believe</p> <p>12 the privilege and immunity applies.</p> <p>13 Q. (By Mr. Thompson) Mr. Hinaman, do</p> <p>14 you recall anything that you said to Senator</p> <p>15 Scofield?</p> <p>16 A. I do not.</p> <p>17 Q. And just for the sake of the</p> <p>18 record, do you recall anything that Senator</p> <p>19 Scofield said to you during this time?</p> <p>20 A. I do not.</p> <p>21 Q. Do you recall anything that</p> <p>22 Senator Livingston said to you during this</p> <p>23 time?</p> <p>24 A. Yeah. He -- he -- he was asking</p> <p>25 me on the map to make some changes to a</p>	<p style="text-align: right;">Page 44</p> <p>1 from Senator Livingston himself or whether</p> <p>2 they were coming from a larger group that he</p> <p>3 was relaying them?</p> <p>4 A. I have no idea.</p> <p>5 Q. Did he have these steps written</p> <p>6 down that he was reading to you, or was he</p> <p>7 just telling them you them as you went?</p> <p>8 A. He was just telling me them as</p> <p>9 we went.</p> <p>10 Q. Did you have any other discussions</p> <p>11 with Senator Livingston during this time</p> <p>12 period?</p> <p>13 A. I did not.</p> <p>14 Q. Did you have any other discussions</p> <p>15 with Senator Scofield during this time period?</p> <p>16 A. I did not.</p> <p>17 Q. Did you have any discussions with</p> <p>18 any other senators or representatives</p> <p>19 regarding Livingston congressional plan 3?</p> <p>20 A. I did not.</p> <p>21 Q. Did you have any discussions with</p> <p>22 any other staff members of any senators or</p> <p>23 representatives regarding Livingston</p> <p>24 congressional plan 3?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. Did you have any discussions with 2 anyone else regarding Livingston congressional 3 plan 3? 4 A. Well, maybe after it was offered 5 the next day. I probably had a discussion 6 with Dorman Walker. 7 Q. Anyone other than Mr. Walker? 8 A. I don't believe so. 9 Q. Did you have any discussions with 10 any members of congress or their staff 11 regarding Livingston congressional plan 3? 12 A. I had numerous discussions with 13 members of congress that week. I don't know 14 that I talked to -- I may have talked to -- 15 it sort of all runs together. So it's hard 16 to separate Friday from Thursday from 17 Wednesday. But I may have talked to, Friday 18 morning, a couple of members of Congress. I 19 don't have a firm recollection of it. The 20 conversations would have been more 21 informational of, this is a map that the 22 senate is likely to come out with today. 23 Q. Do you recall who you had 24 discussions with? 25 A. Again, I don't -- I'm having</p>	<p style="text-align: right;">Page 47</p> <p>1 had -- he was hopeful that his district 2 wouldn't change in the process because 3 obviously he was in north Alabama and didn't 4 think he was that close to the potential 5 two -- two black districts. So he was 6 hopeful at the initial beginning of the week 7 that his district wouldn't change. And in 8 the community of interest plan, it didn't -- 9 didn't change. And then as the week went on, 10 there was more informational of, you know, 11 this map changed this county or this map -- 12 in the final map, he lost Etowah County to 13 Congressman Rogers and picked up, I believe, 14 more of Tuscaloosa and maybe Blount. So 15 conversations similar to that. 16 Q. Do you recall any other specifics 17 of any discussions you had with Representative 18 Aderholt? 19 A. That was about it. 20 Q. Do you recall anything 21 specifically that Representative Aderholt 22 relayed to you other than what you just 23 stated? 24 A. That was the gist of it. 25 Q. What about Representative Rogers,</p>
<p style="text-align: right;">Page 46</p> <p>1 trouble separating the days. But the 2 likely -- likely candidates would have been 3 Congressman Aderholt, Congressman Rogers, 4 Congressman Sewell -- Congresswoman Sewell. 5 Q. Did you have any discussions 6 during that week of the special session with 7 any of those congressmen or women's staff 8 members? 9 A. I did a couple of their -- I 10 talked to their chiefs of staff, yes, sir. 11 Q. Who specifically? 12 A. I talked to Chris Brinson, who 13 is Mike Roger's chief of staff. I talked to 14 Hillary Beard, who's Congresswoman Sewell's 15 chief of staff. 16 Q. Anyone else? 17 A. I believe those are the only 18 chiefs of staff that I talked to. 19 Q. I want to walk through those just 20 to see what you can recall from these 21 discussions. So you mentioned Representative 22 Aderholt. What do you recall from any 23 discussions you had with Representative 24 Aderholt? 25 A. At the beginning of the week, we</p>	<p style="text-align: right;">Page 48</p> <p>1 what do you recall from your discussions with 2 Representative Rogers? 3 A. He was interested in obviously 4 what counties he might lose and what counties 5 he might have to pick up. He was not 6 inclined to want to pick up a lot of Shelby 7 County. So that was one of his concerns, 8 which some maps, I think, had him picking up 9 some of Shelby County. 10 Q. Do you recall anything else 11 specific from your discussions with 12 representative Rogers? 13 A. That was about it. 14 Q. What about with Representative 15 Sewell, what do you recall from your 16 discussions with her? 17 A. She was concerned about losing 18 Dallas County, which is where she grew up or 19 her childhood home is. She was hopeful that 20 the map would have Dallas and her current 21 residence in Jefferson together. She was 22 also hopeful that her district would continue 23 to have a substantial BVAP. And she was also 24 hopeful that a second majority black district 25 to be drawn.</p>

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1 Q. Did you share any thoughts with
2 her about any of those hopes that she relayed
3 to you?
4 A. It updated her on where things
5 were on the various maps as the week went
6 along.
7 Q. And what specifically did you tell
8 her?
9 A. Well, I told her, for example,
10 the community of interest plan she was
11 concerned about losing Dallas County, and I
12 allowed that in my -- the reason it was that
13 way in the community of interest plan was
14 that that population was needed to make the
15 second district perform as an opportunity
16 district for an African American candidate
17 and while I understood she was unhappy losing
18 Dallas County, that was the point -- the
19 reason for it.
20 Q. Do you recall anything else
21 specific from your discussions with
22 Representative Sewell?
23 A. No. Obviously, I think, the
24 final map did have Dallas and Jefferson
25 together -- her part of Jefferson together.

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1 So she was probably happier with that.
2 Q. You also mentioned you had
3 discussions with some of the chiefs of staff,
4 one of which was Chris Brinson, who you said
5 was chief of staff for Representative
6 Aderholt; is that correct?
7 A. Mike Rogers. Chief of staff to
8 Congressman Rogers.
9 Q. Got it. Okay.
10 A. And that was -- that was just a
11 subset of the same conversation I had with --
12 with Congressman Rogers.
13 Q. And you stated that you also had
14 discussions with chief of staff for
15 Representative Sewell, which is Hillary Beard;
16 is that correct?
17 A. Yes, sir.
18 Q. Okay. Before we discuss that --
19 go ahead.
20 A. No. I'm sorry.
21 Q. Before we discuss that, I just
22 want to tie off one piece you mentioned with
23 your discussions with Representative Sewell.
24 Why did you think that the second district
25 needed Dallas County to perform for black

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1 voters?
2 A. Well, we had election analysis
3 that were run on the second district. And
4 without Dallas County, I don't -- I don't --
5 the democratic candidates that won a couple
6 of those races would probably not have won.
7 Q. Who ran those election analysis?
8 A. Trey Hood.
9 Q. Do you know which plans he ran
10 those election analyses on?
11 A. I know he did that for community
12 of interest. And I -- I think a few of the
13 others. Probably Livingston 2, I think I
14 remember seeing numbers for.
15 Q. Do you know if Dr. Hood ran
16 election analysis on each of the plans?
17 A. I don't know. He was asked by
18 Dorman Walker to run analysis on a number of
19 plans. But I can't answer which -- which
20 ones they were other than what I've already
21 just said.
22 Q. And the election analysis, would
23 that be the same as what I've also heard
24 referred to as a performance analysis?
25 A. Yeah, I think so. I mean,

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1 although people have different views of what
2 that is. I -- how I view it is basically
3 taking the election results and apportion
4 them as to how the new district is drawn. So
5 that's how I view it.
6 Q. So what is your understanding of
7 what the election analysis that Dr. Hood
8 performed involved?
9 A. Well, again, I -- my
10 understanding of it took -- whatever election
11 you were -- we were discussing, it took those
12 results and apportioned them to the new
13 geography of the district, and especially, if
14 counties were split, you know, it tried to,
15 by precinct, account for those splits.
16 Q. Did you review any of those
17 election analyses in the process of drawing
18 the community of interest map?
19 A. I reviewed them after the
20 community of interest map was drawn, yes,
21 sir.
22 Q. And what did that analysis show
23 you?
24 A. I looked at the four top races
25 that -- that were in the group of races he

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August 09, 2023

<p style="text-align: right;">Page 53</p> <p>1 looked at, and I believe those were the race 2 for president in 2020, governor's race in 3 2018, the attorney's general's race in 2018, 4 and the senate race in 2020, I believe. And 5 I looked at those. And republicans had won 6 two of them. Democrats had won two of them. 7 So I thought that that was a fair 8 representation of what an opportunity 9 district would look like. 10 Q. And what do you mean when you say 11 that was a fair representation of what an 12 opportunity district should look like? 13 A. Well, obviously, when a 14 democratic candidate was either well enough 15 known or well enough funded to have a 16 reasonable campaign, they had a reasonable 17 chance of winning that district. 18 Q. Which district are you referring 19 to there? 20 A. The second -- I'm sorry, the 21 second district. 22 Q. You mentioned that you look at 23 what you considered to be the top four races. 24 Did you look at any other election results? 25 A. There were results for like</p>	<p style="text-align: right;">Page 55</p> <p>1 probably the final -- final map, 2 Livingston 3. 3 Q. Did you review any of those 4 election analyses? 5 A. I remember looking at 6 Livingston 2 and just thinking that it did 7 not perform as well as community of interest. 8 Q. What specifically do you recall 9 about the election analysis for Livingston 2? 10 A. If I remember right -- and, 11 again, if I remember correctly, that maybe 12 the democrats won one of those races instead 13 of, you know -- maybe they actually -- I 14 think they didn't even win a -- I thought 15 they won a race -- the senate race where 16 Jones ran against Moore. But they didn't -- 17 it didn't perform as well in terms of the 18 four races that I had looked at as community 19 of interest. 20 Q. Did you have a view as to whether 21 that complied with the Court's order in this 22 case? 23 A. Well, that's a lawyer's 24 answer -- question. I'm not a lawyer. 25 Q. I'm not asking for your legal</p>
<p style="text-align: right;">Page 54</p> <p>1 state auditor and Secretary of State and 2 lesser known races. And I put less credence 3 one those ones. They were candidates usually 4 running against republicans, the incumbent 5 republicans were reasonably well funded. The 6 democrats running against them were unknown 7 and unfunded basically. Also, you know, 8 there's quite a bit of drop-off from a 9 governor's race to an auditor's race or a 10 secretary of the state race. So I thought it 11 was more reasonable to look at the races that 12 would drive turnout rather than some down 13 ticket race that no one has ever heard of. 14 Q. Did you make any modifications to 15 the community of interest plan based on your 16 review of the analysis Dr. Hood performed? 17 A. I did not. 18 Q. You also mentioned that Dr. Hood 19 may have performed an election analysis on 20 other maps; correct? 21 A. I know he was asked to, yes, by 22 Dorman Walker. 23 Q. Do you know which maps he was 24 asked to perform that analysis on? 25 A. I don't. I assume Livingston 2,</p>	<p style="text-align: right;">Page 56</p> <p>1 opinion. I'm just asking based on your 2 understanding of what the Alabama legislature 3 was asked to do by the Court, did you have any 4 opinion on whether that complied with the 5 Court's order or not? 6 A. I thought you could make a 7 better argument the community of interest 8 plan was an opportunity district. 9 Q. Did you have an opinion as to 10 whether Livingston 2 complied with the Court's 11 order based on the results of the election 12 analysis? 13 A. Yeah, I did not. Again, that's 14 a decision above my pay grade. 15 Q. Did you discuss your opinions or 16 thoughts on the performance of Livingston 17 plan 2 with anyone? 18 A. I probably discussed them with 19 Dorman Walker who is probably the one who 20 gave me the results. 21 Q. Did you discuss the -- your 22 thoughts on the performance of Livingston 2 23 with any of the congressmen or women or chiefs 24 of staff that we discussed a minute ago? 25 A. I did not.</p>

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1 Q. Did you discuss your thoughts on
2 the performance of any maps with any can
3 congressperson or their chiefs of staff?
4 A. I did not.
5 Q. Or with anyone else?
6 A. Well, obviously, I talk to
7 Senator Livingston, Representative Pringle
8 about the performance numbers for community
9 of interest.
10 Q. And what did you discuss with
11 Senator Pringle (sic) on that front?
12 A. I said I thought since the four
13 races we looked at, two were won by democrats
14 and two were won by republicans, that that
15 was what my definition -- or what a
16 definition of what an opportunity district
17 would look like.
18 Q. And what is your understanding of
19 what an opportunity district should look like?
20 A. My understanding of it, again,
21 that -- if you're looking for an African
22 American candidate to be the candidate of
23 choice, they would need to be able to be win
24 the democratic primary, which I had no reason
25 to think that that wouldn't happen in the

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1 second district and district -- in the
2 community of interest. And then once the
3 nominee of the party, would they have a
4 chance to win? And since democrats won two
5 of those four races and republicans won two,
6 that -- that would be my understanding of an
7 opportunity district.
8 Q. If the election analysis on your
9 community of interest plan would have only
10 shown the black preferred candidate winning
11 one out of those four races, would you have
12 been satisfied with that in terms of complying
13 with the Court's order?
14 A. That's not for me to decide. As
15 you know, I don't vote on these plans. I'm
16 just a map drawer.
17 Q. If that had been the results of
18 the election analysis on the community of
19 interest plan, would you have made any
20 modifications to it, or would you have
21 submitted it as is?
22 A. I don't know because that was --
23 those weren't the results of the community of
24 interest plan.
25 Q. Correct. But if they had been.

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1 A. I'm sure I may have discussed
2 with Dorman Walker and the chairs if they
3 wanted to make any changes. But, again, I
4 don't know that there's a threshold. You're
5 asking a hypothetical that I don't really
6 have an answer to.
7 Q. Well, so, your understanding you
8 said was that you were asked to draw a map
9 that would -- well, tell me again. What was
10 your understanding of what your role was in
11 drawing this map?
12 A. Initially to draw a map that
13 complies with the Court's order and follows
14 the guidelines of the reapportionment
15 committee.
16 Q. And do you understand the Court's
17 order to involve the creation of an additional
18 opportunity district in Alabama?
19 A. Yes, sir.
20 Q. And if the performance -- and that
21 involves looking at performance analysis, I
22 assume, correct, to assess whether you created
23 an opportunity district?
24 A. Yes, sir.
25 Q. So that was part of your role, was

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1 to assess the results of the performance
2 analysis to see if you were, in fact, creating
3 a second opportunity district?
4 A. Yes. And as -- and I -- a
5 little background. As you know, some maps
6 that were submitted in this lawsuit while
7 their BVAPs may have been low, they may --
8 like Singleton maps for a certain district,
9 if they performed in a way that a candidate
10 of choice could be elected, it seemed like
11 the plaintiffs in your case were happy with
12 that outcome, and that's what we thought made
13 sense in terms of reviewing the second
14 district in the community of interest plan.
15 Q. Okay. Clarify for me what you're
16 saying then specifically you were looking for
17 in assessing whether you had, in fact, create
18 a second opportunity district.
19 A. Right. You asked me
20 hypothetically whether one out of four would
21 have been enough or if you needed two out of
22 four. I don't know. I'm just saying that I
23 could make a better argument probably for two
24 out of four rather than one out of four. But
25 I don't know what the threshold is. And,

<p style="text-align: right;">Page 61</p> <p>1 again, that's not really my decision. That's 2 more of a legislative decision. 3 Q. Okay. You also mentioned in your 4 answer their BVAP, which that stands for black 5 voting age population; correct? 6 A. Yes, sir. 7 Q. Did you assess the BVAP numbers 8 for the community of interest plan? 9 A. I took note of them. Did we 10 lose him? Are we still here? 11 Q. We are still here. I'm pulling 12 something up. 13 A. I'm sorry. 14 Q. For the record, I'm going to show 15 another exhibit here. 16 MR. THOMPSON: I believe this is 17 Exhibit 5, is that correct, Ms. Jenkins? 18 COURT REPORTER: Yes, sir. 19 (Whereupon, Exhibit 5 was marked 20 for identification.) 21 Q. (By Mr. Thompson) This is being 22 marked as Exhibit 5. And this is titled at 23 the top, somewhat confusingly, Exhibit 7, 24 Livingston deposition. Please ignore that. 25 But it's also titled community of interest</p>	<p style="text-align: right;">Page 63</p> <p>1 A. I have. 2 Q. What is your understanding of what 3 this document shows? 4 A. It shows a black voting age 5 population percentage in the second 6 congressional district of 42.45 and black 7 voting age population in the seventh 8 congressional district of -- my eyesight is 9 bad here. It's 51.55, I believe. 10 Q. Did you look at this analysis in 11 the process of drawing the community of 12 interest plan? 13 A. I did. 14 Q. Did this analysis impact your map 15 in any way? 16 A. Not really. I mean, I think the 17 more relevant numbers to the opportunity 18 district, as I think you -- the plaintiffs 19 shown in the Singleton plans, for example, 20 that the performance is probably more 21 relevant than the raw BVAP number percentage. 22 Q. When you were drawing the 23 community of interest plan, did you have any 24 target BVAP levels that you were aiming for? 25 A. I did not.</p>
<p style="text-align: right;">Page 62</p> <p>1 plan. Do you see that? 2 A. Yes, sir. 3 Q. Okay. Have you seen this document 4 before? 5 A. Yeah. Those are the four races 6 I was referencing in our earlier discussion 7 of the community of interest plan. 8 Q. Is it your understanding that this 9 is the results of the election analysis that 10 Dr. Trey Hood performed on the community of 11 interest plan? 12 A. Yeah. It's a sub -- it's a 13 subset of it, but, yes. 14 Q. Now, you also mentioned the BVAP 15 numbers. So I want to discuss those briefly. 16 I'm showing you now what's being 17 marked as Exhibit 6. It's titled at the top 18 population summary. And it says, plan name, 19 community of interest. It's dated Thursday, 20 July 13, 2023. Do you see that? 21 (Whereupon, Exhibit 6 was marked 22 for identification.) 23 THE WITNESS: Yes, sir. 24 Q. (By Mr. Thompson) Have you seen 25 this document before?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Were you given any instructions 2 about a range of BVAP levels you were to 3 trying to achieve in drawing your map? 4 A. I was not. 5 Q. Were you given any information or 6 instructions about a minimum BVAP level that 7 you were to achieve? 8 A. No, sir. 9 Q. The same question for a maximum 10 BVAP level? 11 A. No, sir. 12 Q. Did you try to reach any certain 13 BVAP levels in drawing your community of 14 interest plan? 15 A. I did not. 16 Q. How did you choose District 2 to 17 be the level -- excuse me -- to be the 18 district -- let me just start that question 19 over for clarity. 20 How does choose District 2 to be 21 the district in which you would aim to create 22 a second opportunity district? 23 A. It was an area of geography that 24 had a compact enough African American 25 population in the relevant counties to draw a</p>

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1 district that could perform as an opportunity
2 district.
3 Q. Were you instructed to choose
4 District 2 as the district that would be an
5 additional opportunity district in your map?
6 A. I was not.
7 Q. Looking at this map, you have a --
8 one district, District 7, that has a majority
9 of black voting age population at 51.55
10 percent. Do you see that?
11 A. Yes, sir.
12 Q. But there are not two districts in
13 which there is a black voting age population
14 majority; correct?
15 A. That's correct.
16 Q. The closest is District 2, which
17 has 42.45 percent; correct?
18 A. Yes, sir.
19 Q. Were you satisfied with that 42.45
20 percent BVAP number in District 2?
21 A. I was satisfied that the
22 performance numbers were such that I think it
23 could perform as an opportunity district.
24 Q. So to clarify -- and I know you
25 mentioned this earlier. But just to clarify,

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1 your focus was more on the performance
2 analysis rather than the BVAP levels; is that
3 correct?
4 A. Yes. And I think -- I mean, not
5 all 42 or 43 or 41 or 39 percent districts
6 perform the same obviously. So, yes, I was
7 more interested in performance than the raw
8 BVAP number.
9 Q. Did you try to make the BVAP
10 number in 40 -- excuse me. Let me start over.
11 Did you try to make the BVAP level
12 in District 2 any higher than 42.45 percent?
13 A. No. I mean, I was looking at,
14 you know, traditional redistricting
15 principles in whole counties to the extent
16 possible and not pairing incumbents, which,
17 obviously, we had incumbents that could have
18 been paired there in terms of Barry Moore in
19 Coffee County and Jerry Carl in Mobile and
20 taking those things into consideration. The
21 BVAP number, you know, came out to what it
22 came out to.
23 Q. Just to clarify, you did not try
24 to make the BVAP number of District 2 any
25 higher than 42.45 percent; correct?

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1 A. That's correct. I mean, we had
2 other maps that -- I mean, the extended Black
3 Belt map, I think, was slightly higher than
4 that. And there were a couple of other maps
5 that were slightly higher BVAPs than this.
6 But -- but I did not try to modify this map.
7 Q. In drawing your new maps, were you
8 instructed to try to add a second majority
9 black congressional district?
10 A. I was instructed to add an
11 opportunity -- a district where an African
12 American candidate would have -- African
13 Americans would have an opportunity to elect
14 the candidate of their choice.
15 Q. Were you instructed to try to add
16 a second majority black congressional
17 district?
18 A. I was instructed to add an
19 opportunity district.
20 Q. I appreciate that. And I'm going
21 to object to nonresponsive and just ask -- I'm
22 trying to be fair here. If I'm not, let me
23 know. But I would like to were you instructed
24 to try to add a second majority black
25 congressional district?

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1 A. I was not instructed to do that.
2 Q. Did you make any attempt to draw a
3 map that adds a second majority black
4 congressional district?
5 A. I did not draw such a map.
6 Q. Did you make any attempt to draw
7 such a map?
8 A. I'm sure I looked at maps at
9 some point. You know, there were maps
10 presented that were those majority -- had two
11 majority black districts, but I did not draw
12 them.
13 Q. Did you make any attempt to draw a
14 map that had a second majority black district?
15 A. No.
16 Q. You said that you were instructed
17 to draw a map that included a second district
18 in which black voters have an opportunity to
19 elect a representative of their choice;
20 correct?
21 A. Yes, sir.
22 Q. And I know we've discussed that a
23 little bit. But what specific instructions
24 were you given in that regard?
25 A. Just that. I mean, obviously,

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1 following guidelines of the reapportionment
2 committee, not pairing incumbents and so
3 forth and so on. Draw a -- draw a district
4 that provides the opportunity for African
5 American voters to have -- to elect a
6 candidate of their choice.
7 Q. Who gave you those instructions?
8 A. The two chairs.
9 Q. Anyone else?
10 A. I'm sure Dorman Walker.
11 Q. Anyone else?
12 A. No.
13 Q. When were those instructions given
14 to you?
15 A. At the beginning of the drawing
16 process.
17 Q. Were you asked to evaluate any of
18 the other maps for compliance with that
19 instruction?
20 A. I was not.
21 Q. Did anyone that you spoke to at
22 the legislature have a different understanding
23 from you about what it means for black voters
24 to have an opportunity to elect a
25 representative of their choice in a district?

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1 A. Anyone I spoke to? That's a
2 rather large group. I don't know. I don't
3 remember any specific conversation.
4 Q. Well, let's just take a step back.
5 You mentioned that, from your
6 perspective, an opportunity district is one in
7 which black voters have an opportunity to
8 elect a representative of their choice;
9 correct?
10 A. Yes, sir.
11 Q. And you mentioned that a big
12 indicator of that is shown in a performance
13 analysis, so an election analysis; correct?
14 A. Yes, sir.
15 Q. And you stated that, in your
16 opinion, a plan that, for example, has an
17 election analysis showing that a candidate
18 that black voters prefer that wins two out of
19 four elections has a stronger argument of
20 being an opportunity district than one in
21 which one out of four elections that occurs;
22 correct?
23 A. Again, I don't know that there's
24 a threshold. But I think you can make a
25 stronger argument with two out of four than

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1 one out of four.
2 Q. So, for example, then, your belief
3 is that a district that performed for black
4 preferred candidates half of the time would be
5 an opportunity district; is that fair to say?
6 A. That is fair to say.
7 Q. And what is that understanding
8 based on?
9 A. Conversations with lawyers and I
10 guess -- primarily conversations with
11 lawyers.
12 Q. Which lawyers?
13 A. Dorman Walker and Eddie LaCour.
14 Q. And when did those conversations
15 take place?
16 A. Throughout the drawing process
17 of these maps.
18 Q. What did Mr. Walker say to you?
19 MR. WALKER: Objection.
20 MR. THOMPSON: Is there an
21 objection there made, Mr. Walker?
22 MR. WALKER: Yes. Yes. I'm
23 sorry. Did you not hear me? I asserted
24 privilege.
25 MR. THOMPSON: Are you instructing

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1 your witness not to answer that question on
2 the basis of privilege?
3 MR. WALKER: I am, Mr. Thompson.
4 Q. (By Mr. Thompson) Mr. Hinaman, are
5 you -- do you intend to follow your counsel's
6 instruction?
7 A. I do.
8 Q. The same question as to
9 Mr. LaCour. Do you recall what Mr. LaCour
10 told you?
11 MR. WALKER: Same objection.
12 MR. THOMPSON: And by objecting,
13 Mr. Walker, are you instructing your witness
14 not to answer on the basis of privilege?
15 MR. WALKER: I am, Mr. Thompson.
16 Q. (By Mr. Thompson) Mr. Hinaman, do
17 you intend to follow your counsel's
18 instruction?
19 A. I do.
20 Q. Outside of Mr. Dorman (sic) and
21 Mr. LaCour, did you have any discussions with
22 anyone else whether at the Alabama
23 legislature, the reapportionment committee, or
24 U.S. Congress members, or anyone else,
25 regarding what it means to have an opportunity

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1 district?
 2 A. I did not.
 3 Q. Is it your opinion that the
 4 community of interest map that you drew
 5 provides black voters an opportunity to elect
 6 a candidate of their choice in a second
 7 district?
 8 A. It is.
 9 Q. Did you draw any other maps that
 10 involve an opportunity district, a second
 11 opportunity district?
 12 A. Yeah. As I mentioned earlier,
 13 the Russell split and the black -- extended
 14 Black Belt maps that were released on that
 15 Friday before the session.
 16 Q. I want to turn back to those maps.
 17 One of the other maps that you stated that you
 18 drew was a map you referred to as Russell
 19 split; is that correct?
 20 A. Yes, sir. Yes, sir.
 21 Q. I think I have a copy of that
 22 here. If you'll give me just one second.
 23 THE WITNESS: I'm going to have a
 24 drink while you do that.
 25 MR. THOMPSON: Sure.

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1 MR. WALKER: Blayne, is there any
 2 opportunity for us to take a quick break at
 3 some time convenient to you?
 4 MR. THOMPSON: Sure. We can do
 5 that now. Take a ten-minute break?
 6 THE WITNESS: Unless you're
 7 minutes from wrapping up.
 8 MR. THOMPSON: I don't think it
 9 will be too much longer. But let's take a
 10 ten-minute break, and I'll get this exhibit
 11 ready. And then we can reconvene, we'll say,
 12 at 11:35 central.
 13 MR. WALKER: Thank you very much.
 14 MR. THOMPSON: Thank you, Guys.
 15 THE WITNESS: You mean 10 --
 16 11:35.
 17 MR. THOMPSON: Sorry. That would
 18 have been eastern. 10:35 central. Excuse me.
 19 Let's be clear here. We will reconvene at
 20 10:45 central, 11:45 eastern.
 21 THE WITNESS: Thank you.
 22 MR. THOMPSON: Thank you.
 23 THE VIDEOGRAPHER: The time is
 24 10:35 a.m. We're going off the record.
 25 (A short break was taken.)

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1 THE VIDEOGRAPHER: The time is
 2 10:48 a.m. We're back on the record.
 3 Q. (By Mr. Thompson) Mr. Hinaman,
 4 going back to the community of interest plan
 5 that you drew, aside from anything that you
 6 looked at involving the BVAP levels or the
 7 performance of the plans, what other factors
 8 did you consider in drawing your plan?
 9 A. Obviously I followed the
 10 guidelines of the reapportionment committee.
 11 So that was not -- not pairing incumbents and
 12 keeping communities of interest, where --
 13 where possible, together such as Mobile and
 14 Baldwin and other community -- and Black Belt
 15 to the extent possible and so forth.
 16 Q. When you say that you followed the
 17 redistricting -- or the reapportionment
 18 committee redistricting guidelines, were those
 19 the same guidelines that you followed in
 20 drafting the 2021 congressional map?
 21 A. Yes, sir. And just for the
 22 record, I'm showing you what's being marked
 23 as Exhibit 7. These are the -- this is the
 24 same exhibit that I showed you in your prior
 25 deposition representing the May 5th, 2021

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1 Alabama reapportionment committee
 2 redistricting guidelines. Do you see that?
 3 (Whereupon, Exhibit 7 was marked
 4 for identification.)
 5 THE WITNESS: I do. **Redacted**

13 Q. Of course. So just so that you
 14 can see here that -- the entire document, it
 15 looks like it's seven pages. And I will flip
 16 through it briefly here to page 2, page 3,
 17 page 4, page 5, page 6, and page 7. Do you
 18 see that?
 19 A. Yes, sir.
 20 Q. You can see in the bottom right
 21 corner there is also a Bates label. It's
 22 labeled RC043723 through RC043729. Do you see
 23 that?
 24 A. I don't. But that's okay.
 25 MR. WALKER: Mr. Thompson, I don't

<p style="text-align: right;">Page 77</p> <p>1 believe 28 and 29 are part of the guidelines. 2 It looks like they're an agenda and minutes. 3 Am I wrong? 4 MR. THOMPSON: It looks like 5 it's an appendix to the document. 6 MR. WALKER: Okay. I think, for 7 the record, that the guideline is RC049221 8 through RC049227. 9 MR. THOMPSON: Okay. We may 10 have -- this may have been produced twice 11 then. The version that I have, I think, the 12 page numbers you're referring to correlate to 13 RC043723 through RC043727. 14 MR. WALKER: Okay. I'm sorry. I 15 didn't realize we had different Bates numbers. 16 Q. (By Mr. Thompson) And this is the 17 same exhibit that I showed you during your 18 prior deposition in December 2021 when we 19 discussed the reapportionment guidelines. 20 Are these the same reapportionment 21 guidelines that you used in drafting the 22 community of interest plan in this case? 23 A. Yes, sir. Well, yes. I was 24 just looking at -- yes. Obviously parts of 25 it don't apply because there was a part in</p>	<p style="text-align: right;">Page 79</p> <p>1 was helpful to split Jefferson County to not 2 pair incumbents. 3 Q. Did you have any understanding 4 whether the legislature had modified the 2021 5 criteria in any way? 6 A. My understanding is they did 7 not. They voted to renew them as is. The 8 reapportionment committee voted to renew them 9 as is. 10 Q. Were you told to keep any specific 11 counties or regions together in drawing your 12 map? 13 A. Yeah. I mean, we were trying to 14 protect community of interest. So keeping 15 the Mobile and Baldwin, the Gulf Coast 16 together, keeping the Wiregrass together, 17 having the Black Belt in two districts 18 preferably rather than split among three. 19 Keeping -- I mean, I wasn't really focusing 20 on north Alabama. But obviously keeping 21 Madison and Morgan together. Keeping the 22 Shoals together as much as possible. 23 Q. Were there any other communities 24 of interest that you considered in drawing 25 your map?</p>
<p style="text-align: right;">Page 78</p> <p>1 there about legislative districts and 2 deviations of plus or minus 5 percent. And 3 obviously these maps are drawn to zero 4 deviation. But -- but, again, that was for 5 legislative. So, yeah, they're the 6 guidelines. 7 Q. Aside from the redistricting 8 guidelines -- well, first off, was there 9 anything in particular from the redistricting 10 guidelines that impacted your map in any 11 specific ways? 12 A. Well, keeping incumbents in 13 their own -- not pairing incumbents obviously 14 impacted the map. And obviously going to 15 zero deviation impacts the map because you've 16 got to split counties. And preserving 17 community of interest, you know, impacts the 18 map. 19 Q. Did you have to split Jefferson 20 County to protect incumbents? 21 A. Not technically because there 22 aren't two incumbents who live in Jefferson 23 County. But as a practical matter, 24 Representative Palmer lives right on the 25 border between Jefferson and Shelby. So it</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Those are the main ones. 2 Q. Were you specifically instructed 3 to keep Mobile and Baldwin Counties together? 4 A. Yes. 5 Q. By whom? 6 A. From -- by Representative 7 Pringle and, I believe, by Senator 8 Livingston. But certainly Representative 9 Pringle. 10 Q. When did they tell you that? 11 A. When we started the drawing 12 process. 13 Q. Did they tell you why? 14 A. It's protecting a community of 15 interest to keep them together. 16 Q. Was this a nonnegotiable 17 requirement? 18 A. I don't know. That's not -- 19 again, legislatures pass plans. I just draw 20 maps. 21 Q. Did that instruction impact your 22 map in any way? I guess -- 23 A. No -- I mean -- 24 Q. I should rephrase that. 25 How did that instruction, if at</p>

<p style="text-align: right;">Page 81</p> <p>1 all, impact your map?</p> <p>2 A. I prefer to keep communities of</p> <p>3 interest together. So keeping Baldwin and</p> <p>4 Mobile together would have been my preference</p> <p>5 in any initial drawing in any case.</p> <p>6 Q. Were you told there were any other</p> <p>7 specific aspects of the map that you shouldn't</p> <p>8 touch?</p> <p>9 A. No. Again, we were hopefully to</p> <p>10 have the Black Belt in two districts instead</p> <p>11 of three, to keep the Wiregrasses together as</p> <p>12 together. And I'm focusing on south Alabama</p> <p>13 because obviously that's where the -- at</p> <p>14 least I thought, the majority of the changes</p> <p>15 would be.</p> <p>16 Q. Did someone instruct you to keep</p> <p>17 the Black Belt in two districts rather than</p> <p>18 three?</p> <p>19 A. Instruct maybe isn't the right</p> <p>20 word. But we talked about the desirability</p> <p>21 of doing that, yes.</p> <p>22 Q. Who did you discuss that with?</p> <p>23 MR. WALKER: Don't -- don't</p> <p>24 discuss anything you discussed with me.</p> <p>25 THE WITNESS: Mostly with lawyers,</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Were you given any instructions on</p> <p>2 which factors or policies should take priority</p> <p>3 over any others in drawing your map?</p> <p>4 A. No.</p> <p>5 Q. Did you consider any other factors</p> <p>6 when drawing your community of interest plan?</p> <p>7 A. Other than what's in the</p> <p>8 guidelines?</p> <p>9 Q. Correct.</p> <p>10 A. Well, applying to -- I mean, you</p> <p>11 know, complying with the Court order.</p> <p>12 Q. Anything else?</p> <p>13 A. That would be it.</p> <p>14 Q. Did you place any factors --</p> <p>15 scratch that.</p> <p>16 Did you place a higher priority on</p> <p>17 any factors other than -- I'm sorry. I'm</p> <p>18 having trouble wording my question.</p> <p>19 Did you place any higher priority</p> <p>20 on any factor over compliance with the Court's</p> <p>21 order?</p> <p>22 A. No.</p> <p>23 Q. I'm going to go to the other three</p> <p>24 maps that you said you drew. This is being</p> <p>25 marked as Exhibit 8.</p>
<p style="text-align: right;">Page 82</p> <p>1 but I'm sure we had a discussion among the</p> <p>2 chairs as well.</p> <p>3 Q. (By Mr. Thompson) Anyone else?</p> <p>4 A. No.</p> <p>5 Q. What about Madison and Morgan,</p> <p>6 were you instructed to keep those counties</p> <p>7 together?</p> <p>8 A. I wasn't instructed. But I</p> <p>9 was -- I was trying to -- community of</p> <p>10 interest to make as few changes to</p> <p>11 districts 4 and 5 as possible.</p> <p>12 Q. Did you have any discussions with</p> <p>13 anyone about keeping Madison and Morgan</p> <p>14 Counties together?</p> <p>15 A. Not specifically.</p> <p>16 Q. Were you instructed to keep any</p> <p>17 other alleged communities of interest</p> <p>18 together?</p> <p>19 A. No. You keep using the word</p> <p>20 "instructed." I was -- it more a discussion</p> <p>21 than instructed.</p> <p>22 Q. Did you have any discussion with</p> <p>23 anyone else about keeping any alleged</p> <p>24 communities of interest together?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. THOMPSON: Do I have that</p> <p>2 correct?</p> <p>3 COURT REPORTER: Yes, sir.</p> <p>4 Q. (By Mr. Thompson) Perfect. This</p> <p>5 is being marked as Exhibit 8. It is a map.</p> <p>6 At the top of it, it is titled Russell split</p> <p>7 plan. Do you see that?</p> <p>8 (Whereupon, Exhibit 8 was marked</p> <p>9 for identification.)</p> <p>10 THE WITNESS: Yes, sir.</p> <p>11 Q. (By Mr. Thompson) Is this one of</p> <p>12 the maps that you drew in the 2023</p> <p>13 redistricting cycle?</p> <p>14 A. It is.</p> <p>15 Q. And tell me about this map. Why</p> <p>16 did you draw this map?</p> <p>17 A. It was just another option of</p> <p>18 creating an opportunity district in the</p> <p>19 second district.</p> <p>20 Q. Who asked you to draw this map?</p> <p>21 A. Nobody specifically asked me to</p> <p>22 draw it. But, again, the cochairs asked for</p> <p>23 a couple of different maps to look at.</p> <p>24 Q. What did you do differently with</p> <p>25 this map versus the community of interest</p>

<p style="text-align: right;">Page 85</p> <p>1 plan?</p> <p>2 A. It -- it splits Russell County,</p> <p>3 which -- and then that means you added, I</p> <p>4 guess Wilcox and the rest of Conecuh -- the</p> <p>5 rest of Conecuh was added to the second</p> <p>6 district.</p> <p>7 Q. Do you know if any performance</p> <p>8 analysis was done on this map?</p> <p>9 A. I don't think so. I don't</p> <p>10 remember to tell you the truth, but I don't</p> <p>11 think there was.</p> <p>12 Q. Do you know why this map was not</p> <p>13 ultimately sponsored or selected by the</p> <p>14 redistricting committee?</p> <p>15 A. I do not.</p> <p>16 Q. Did you discuss this particular</p> <p>17 map with anyone?</p> <p>18 A. Discussed it with lawyers and</p> <p>19 the two chairs.</p> <p>20 Q. What were those discussions</p> <p>21 entailing?</p> <p>22 MR. WALKER: Asserting the</p> <p>23 privilege again as to my communications.</p> <p>24 Q. (By Mr. Thompson) You can answer.</p> <p>25 A. We just discussed it as, you</p>	<p style="text-align: right;">Page 87</p> <p>1 A. No.</p> <p>2 Q. What was this map from the</p> <p>3 community of interest plan?</p> <p>4 A. It extends further into the</p> <p>5 western part of the Black Belt.</p> <p>6 Q. And why did you do that?</p> <p>7 A. It's just another way of --</p> <p>8 another way of grouping Black Belt counties</p> <p>9 to create an opportunity district.</p> <p>10 Q. Was any performance analysis done</p> <p>11 on this map?</p> <p>12 A. I don't believe so. Maybe there</p> <p>13 was. I don't -- I don't remember it.</p> <p>14 Q. Do you see any reason why this map</p> <p>15 would not be an acceptable option?</p> <p>16 A. Again, I'm a map drawer --</p> <p>17 drawer. The legislature picks maps.</p> <p>18 Q. But as to you, do you see any</p> <p>19 reason why this would not be an acceptable</p> <p>20 option for the enacted plan?</p> <p>21 A. I don't think it's as compact</p> <p>22 as -- as the other maps. So that's not a</p> <p>23 positive.</p> <p>24 Q. Any other reasons that you see why</p> <p>25 this map would not be acceptable?</p>
<p style="text-align: right;">Page 86</p> <p>1 know, another option to look at in the --</p> <p>2 Q. Do you remember any specifics from</p> <p>3 the conversation?</p> <p>4 A. No. I mean, I don't think</p> <p>5 splitting Russell County was probably a great</p> <p>6 idea.</p> <p>7 So that was probably the reason</p> <p>8 it was -- but, again, I need to stop</p> <p>9 speculating.</p> <p>10 Q. All right. Can you see the new</p> <p>11 map I've changed on your screen?</p> <p>12 A. I can.</p> <p>13 Q. This is being marked as Exhibit 9.</p> <p>14 It's titled at the top expanded Black Belt</p> <p>15 plan. Is this another one of the plans that</p> <p>16 you drew?</p> <p>17 A. It is.</p> <p>18 (Whereupon, Exhibit 9 was marked</p> <p>19 for identification.)</p> <p>20 Q. (By Mr. Thompson) And what was the</p> <p>21 purpose of drawing this map?</p> <p>22 A. It was another option to comply</p> <p>23 with the Court order.</p> <p>24 Q. Did someone specifically ask you</p> <p>25 to draw the map?</p>	<p style="text-align: right;">Page 88</p> <p>1 A. No.</p> <p>2 Q. And the same question going back</p> <p>3 to Exhibit 8, the Russell split plan, do you</p> <p>4 see any reasons why this plan would not be an</p> <p>5 acceptable option?</p> <p>6 A. No. I think it could have been.</p> <p>7 Although, again, I'm not sure that splitting</p> <p>8 of Russell, which some consider a Black Belt</p> <p>9 county was a good -- was a good -- a good</p> <p>10 thing to do. But I think it could have been</p> <p>11 an option.</p> <p>12 Q. And then going back to your</p> <p>13 community of interest plan, do you see any</p> <p>14 reason why the community of interest plan</p> <p>15 would not be an acceptable option?</p> <p>16 A. I do not.</p> <p>17 Q. I'm going to show you one last</p> <p>18 map. This is being marked as Exhibit 10.</p> <p>19 This is the whole Jefferson County plan</p> <p>20 according to the label at the top. Do you see</p> <p>21 that?</p> <p>22 (Whereupon, Exhibit 10 was marked</p> <p>23 for identification.)</p> <p>24 THE WITNESS: I do.</p> <p>25 Q. (By Mr. Thompson) Is this another</p>

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1 map that you drew?
 2 A. This a map that I zeroed out
 3 meaning I got it to zero deviation. I didn't
 4 come up with the concept of it.
 5 Q. Do you know who drew this map
 6 other than you?
 7 A. I do.
 8 Q. Who was that?
 9 A. The concept of the map came from
 10 Eddie LaCour.
 11 Q. And you are having a discussion
 12 with someone right now. But I can't see
 13 because I'm not in the room with you. Who
 14 were you just talking to?
 15 A. I was asking Dorman if I could
 16 answer that question.
 17 Q. Okay. So your understanding was
 18 that Exhibit 10 was drawn by Eddie LaCour, is
 19 that what I heard?
 20 A. The concept of the map was drawn
 21 by Eddie LaCour, yes.
 22 Q. What does that mean, the concept
 23 of the map was drawn?
 24 A. It means he showed me a map that
 25 tied Shelby County into the other Black Belt

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1 counties that are in the 7th district there
 2 and then moved the 2nd district into Chilton,
 3 for example. And -- but -- but when he
 4 showed me the map, it was not to zero
 5 deviation. So I took his concept and put it
 6 to zero deviation.
 7 Q. So when you say the concept, you
 8 mean a rough drawing that's not drawn out to
 9 zero deviation?
 10 A. Yes, sir.
 11 Q. Do you know if any performance
 12 analysis was done on the whole county to --
 13 excuse me -- the whole Jefferson County plan?
 14 A. I don't know. I don't remember
 15 seeing it. But that doesn't mean that
 16 somebody didn't have it.
 17 Q. Do you have any knowledge about
 18 whether this plan performed to create an
 19 opportunity district?
 20 A. I do not.
 21 Q. Do you see any reason why the
 22 whole Jefferson County plan would not be an
 23 acceptable option?
 24 A. No. Again, you're -- you're
 25 pairing Shelby County with Black Belt

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1 counties, and I don't think they have a lot
 2 in common. Shelby's, obviously, I think, the
 3 second fastest growing county in the state,
 4 and a lot of Black Belt counties are losing
 5 population. So I'm not -- I'm not sure they
 6 pair up that well. But other than that, I
 7 suppose it's an option.
 8 (Whereupon, Exhibit 11 was marked
 9 for identification.)
 10 Q. I'll bring up one more exhibit for
 11 you. This is being marked as Exhibit 11. And
 12 this is the text of SB-5 as it was finally
 13 enacted and signed by Governor Ivey. It is 12
 14 pages long. This was pulled from the Alabama
 15 Legislature's website. You can see at the top
 16 it says, SB-5 enrolled. Under that, it says
 17 Act No. 2023-563. Do you see that?
 18 A. Yes, sir.
 19 Q. Can you see the stamp on here that
 20 says July 21, 2023, received, governor's
 21 office?
 22 A. Yes, sir.
 23 Q. I'm going to just scroll down for
 24 you briefly so that you can see the entirety
 25 of this document. Obviously you can read it

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1 in a moment if you would like. But just
 2 showing you here each page. Do you see here
 3 on page 11, there's a signature by the
 4 president presiding officer of the senate and
 5 by the speaker of the house of
 6 representatives. Do you see that?
 7 A. Yes, sir.
 8 Q. And then you see at the bottom
 9 here it says, approved, July 21, 2023, time
 10 5:28 p.m., Kay Ivey, Governor, with her
 11 signature. Do you see that?
 12 A. Yes, sir.
 13 Q. Have you seen this document
 14 before?
 15 A. I have not.
 16 Q. I want -- if you can read this.
 17 Can you read this? Is it big enough for you
 18 to see?
 19 A. Not -- not very easily. But..
 20 Q. Let's see. Does that help?
 21 A. That's better. Yes.
 22 Q. Okay. What I'd like you to do, if
 23 you can, is to read section 1, paragraph 3,
 24 this section is 1 right here. You see it
 25 says, The legislature finds and declares the

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1 following. There's section 1 here.
 2 Section -- excuse me, paragraph 1, paragraph
 3 2, and then paragraph 3 starts here. So I'm
 4 going to scroll down a bit. If you can review
 5 this and then just tell me when you're ready
 6 for me to scroll down.
 7 MR. WALKER: Mr. Thompson, I have
 8 a copy of the same exhibit here. Would you
 9 like for me to show it to him?
 10 MR. THOMPSON: That would be
 11 perfect if preferable.
 12 MR. WALKER: Okay. Hang on one
 13 second, please.
 14 MR. THOMPSON: Sure. And, again,
 15 it's section 1, paragraph 3. And it is a --
 16 it is a couple of pages long, so take your
 17 time to read it.
 18 MR. WALKER: Wait. It's not the
 19 same document. I apologize.
 20 MR. THOMPSON: Okay. Well, then
 21 we'll try this route.
 22 Q. So, again --
 23 A. I'm starting where it says, the
 24 legislature's intent; is that correct?
 25 Q. Correct.

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1 A. Okay. Can we move down? Okay.
 2 Thank you.
 3 Q. Okay.
 4 A. Can you go back just one tick
 5 there? Thank you. Okay.
 6 Q. And it ends here with line 57.
 7 A. All right.
 8 Q. Have you had a chance to review
 9 section 1, paragraph 3?
 10 A. I did.
 11 Q. Have you seen these provisions of
 12 SB-5 before?
 13 A. I have not.
 14 Q. Has anyone ever told you about
 15 these provisions of SB-5 before?
 16 A. No.
 17 Q. Specifically, were you ever given
 18 any instruction that the redistricting plan
 19 shall contain no more than six splits of
 20 county lines?
 21 A. I was not given that
 22 instruction. Although, obviously, that is
 23 the minimum needed to split to get seven
 24 districts to deviation.
 25 Q. That's the minimum. But you were

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1 never instructed that it was the maximum; is
 2 that correct?
 3 A. That's correct.
 4 Q. Were you ever made aware of any of
 5 these redistricting criteria prior to drawing
 6 your map?
 7 A. Well, certainly some of them, I
 8 was. I mean, not pairing incumbents,
 9 district shall be as reasonably compact.
 10 Yeah, you know, a lot of them are in the --
 11 are overlaps of the guidelines of the
 12 reapportionment committee.
 13 Q. So to the extent that these are
 14 already contained within the 2021
 15 redistricting guidelines, you were obviously
 16 aware of those prior to drawing your map;
 17 correct?
 18 A. Correct.
 19 Q. But to the extent that there are
 20 any new or different requirements in this
 21 SB-5, you were not made aware of those prior
 22 to drawing your map; is that correct?
 23 A. That is correct.
 24 MR. THOMPSON: All right.
 25 Mr. Hinaman, I think those are all of my

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1 questions at this time. So I'm going to pass
 2 the witness.
 3 EXAMINATION BY MS. JASRASARIA:
 4 Q. Hi, good morning, Mr. Hinaman, my
 5 name is Jyoti Jasrasaria, and I represent the
 6 Caster plaintiffs this case.
 7 A. Good morning.
 8 Q. I don't think we've met before,
 9 but I really appreciate your time today in
 10 answering all of our questions. I will be
 11 short. I just wanted to follow up on a few
 12 things that Mr. Thompson asked you about.
 13 So you spoke to Mr. Thompson
 14 earlier this morning about being contacted by
 15 Mr. Dorman Walker shortly after the June 8th
 16 U.S. Supreme Court decision; is that correct?
 17 A. Yes, ma'am.
 18 Q. And what did Mr. Walker tell you
 19 at that time?
 20 A. He told me --
 21 MR. WALKER: Objection.
 22 Objection. I'm asserting attorney -- I mean,
 23 privilege over that conversation.
 24 MS. JASRASARIA: Mr. Walker, are
 25 you instructing the witness not to answer?

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1 MR. WALKER: I am.
 2 Q. (By Ms. Jasrasaria) Okay. And
 3 Mr. Hinaman, are you intending to follow your
 4 counsel's instruction?
 5 A. I am.
 6 Q. In that initial conversation, was
 7 anyone else present besides yourself and
 8 Mr. Walker?
 9 A. No.
 10 Q. And did Mr. Walker can give any
 11 instructions or guidance about drawing a map
 12 at that time?
 13 MR. WALKER: Counsel, I'm having a
 14 hard time hearing you.
 15 MS. JASRASARIA: Oh.
 16 MR. WALKER: But I think I assert
 17 the privilege to that question that you asked,
 18 but I'm not sure I heard it clearly.
 19 MS. JASRASARIA: Sure. Can you
 20 hear me better now?
 21 MR. WALKER: I can. Thank you so
 22 much.
 23 MS. JASRASARIA: Okay. Excellent.
 24 I just changed my microphone.
 25 Q. So I just asked whether Mr. Walker

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1 gave the witness any instructions or guidance
 2 about drawing a map during the initial
 3 conversation after the June 8th decision?
 4 MR. WALKER: And I'll assert the
 5 same privilege and instruct the witness not to
 6 answer.
 7 Q. (By Ms. Jasrasaria) Okay.
 8 And Mr. Hinaman, are you following
 9 your counsel's instruction?
 10 A. I am.
 11 Q. When was the next time that you
 12 spoke to Mr. Walker after your initial
 13 conversation?
 14 A. I believe we had a meeting in
 15 Montgomery the following week or a few days
 16 later. I can't remember the exact dates,
 17 but...
 18 Q. And was anyone else present at
 19 that meeting in Montgomery?
 20 A. I believe that two chairs were
 21 present at that meeting.
 22 Q. Anyone else?
 23 A. Donna Loftin probably. There
 24 are probably, you know, a segment of
 25 different meetings.

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1 Q. About how many times did you meet
 2 with Mr. Walker over the course -- from June
 3 8th to the present?
 4 A. Probably about once a week. And
 5 then obviously when I was in -- you know, in
 6 Montgomery to draw maps. And then obviously
 7 I was here for the entire special session and
 8 saw him every day, I believe.
 9 Q. Was anyone else involved in those
 10 conversations and meetings that you had with
 11 Mr. Walker?
 12 A. Sometimes the cochairs and
 13 sometimes Eddie LaCour.
 14 Q. Anyone else?
 15 A. Donna Loftin possibly. Of
 16 course, she was out -- she missed most of the
 17 special session with COVID.
 18 Q. When was the first time that you
 19 spoke to Mr. LaCour?
 20 A. I believe it was our initial
 21 meeting in Montgomery.
 22 Q. And was that the same meeting that
 23 you mentioned was about a week after the
 24 Supreme Court decision?
 25 A. Yeah. A week to ten days,

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1 something like that.
 2 Q. And that meeting included
 3 Mr. Walker and the cochairs?
 4 A. I'm sorry. Dorman was stealing
 5 my water. I was somewhat distracted there,
 6 Ma'am. I'm sorry.
 7 Q. No problem. That meeting that you
 8 mentioned in Montgomery, did that include
 9 Mr. LaCour, Mr. Walker, and the cochairs?
 10 A. Yes, ma'am.
 11 Q. And what did Mr. LaCour tell you
 12 in that conversation?
 13 MR. WALKER: Counsel, I'm going to
 14 assert the privilege again and instruct the
 15 witness not to answer.
 16 Q. (By Ms. Jasrasaria) Mr. Hinaman,
 17 do you intend to follow your counsel's
 18 instruction?
 19 A. I do.
 20 Q. When was the next time that you
 21 spoke to Mr. LaCour after the initial meeting?
 22 A. Probably another week later when
 23 I was back in Montgomery.
 24 Q. And about how many times did you
 25 meet with Mr. LaCour over the course of the

<p style="text-align: right;">Page 101</p> <p>1 special session?</p> <p>2 A. Over the course of the special</p> <p>3 session? Are you talking about those five</p> <p>4 days?</p> <p>5 Q. Oh, sorry. Over the course of the</p> <p>6 June and July period.</p> <p>7 A. Half a dozen times probably.</p> <p>8 Q. Was anyone else involved in those</p> <p>9 meetings and conversations?</p> <p>10 A. Dorman Walker and occasionally</p> <p>11 the chairs.</p> <p>12 Q. Did you ever meet with or speak</p> <p>13 with Mr. LaCour one on one?</p> <p>14 A. I did not. I mean, I'm sure I</p> <p>15 said hello passing him in the hall, but I did</p> <p>16 not meet with him.</p> <p>17 Q. You mentioned that Mr. LaCour was</p> <p>18 involved in the drawing of the whole Jefferson</p> <p>19 County plan; correct?</p> <p>20 A. I said that was his concept,</p> <p>21 yes.</p> <p>22 Q. Were there any other plans that</p> <p>23 Mr. LaCour was involved in the concept of?</p> <p>24 A. Not with me.</p> <p>25 Q. Are you aware of any that did not</p>	<p style="text-align: right;">Page 103</p> <p>1 about community of interest. We talked about</p> <p>2 the Jefferson whole plan. I'm sure we</p> <p>3 discussed maybe a couple of the other ones --</p> <p>4 you know, Russell split, for example. I</p> <p>5 don't have a direct recollection of it, but</p> <p>6 I'm sure we probably discussed it.</p> <p>7 Q. Did you speak with Mr. Walker</p> <p>8 about the communities of interest plan?</p> <p>9 A. Yes.</p> <p>10 Q. And did you speak to Mr. Walker</p> <p>11 about the Livingston 2 plan?</p> <p>12 A. I did.</p> <p>13 Q. What did you discuss with</p> <p>14 Mr. Walker about the Livingston 2 plan?</p> <p>15 MR. WALKER: Counsel, I'm going to</p> <p>16 assert privilege again and instruct the</p> <p>17 witness not to answer.</p> <p>18 Q. (By Ms. Jasrasaria) Mr. Hinaman,</p> <p>19 do you intend to follow your counsel's</p> <p>20 instruction?</p> <p>21 A. I do.</p> <p>22 Q. Mr. Hinaman, did you speak to</p> <p>23 Mr. Walker about the Livingston 3 plan that</p> <p>24 was ultimately passed?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 102</p> <p>1 involve you?</p> <p>2 A. If it didn't involve me, it's</p> <p>3 sort of hard for me to know.</p> <p>4 Q. So, just to clarify, are you aware</p> <p>5 of any plans that Mr. LaCour was involved in</p> <p>6 developing the concept for besides the whole</p> <p>7 Jefferson County plan?</p> <p>8 A. I don't know. I'm not aware.</p> <p>9 Q. Did you speak with Mr. LaCour</p> <p>10 about the communities of interest map that you</p> <p>11 drew?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Did you speak with Mr. LaCour</p> <p>14 about the Livingston 2 plan?</p> <p>15 A. I don't believe so. I don't</p> <p>16 remember. I don't recollect it, no.</p> <p>17 Q. But you mentioned that did you</p> <p>18 speak to -- I'm sorry. Let me rephrase that.</p> <p>19 Did you speak to Mr. LaCour about</p> <p>20 the Livingston 3 plan?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. Did you speak to Mr. LaCour about</p> <p>23 any other plan?</p> <p>24 A. I don't -- I mean, I don't have</p> <p>25 an exact recollection. Obviously, we talked</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. And what did you discuss?</p> <p>2 MR. WALKER: I'll assert the</p> <p>3 privilege again and instruct the witness not</p> <p>4 to answer.</p> <p>5 Q. (By Ms. Jasrasaria) Mr. Hinaman,</p> <p>6 do you intend to follow your counsel's</p> <p>7 instruction?</p> <p>8 A. I do.</p> <p>9 Q. Did you speak to Mr. Walker about</p> <p>10 any other plans?</p> <p>11 A. I'm sure I spoke to him about</p> <p>12 the Russell -- the other plans that were</p> <p>13 released, Russell split, extended Black Belt.</p> <p>14 Q. Okay. Turning to your role with</p> <p>15 the Livingston 3 plan, which you discussed</p> <p>16 with Mr. Thompson earlier, you mentioned that</p> <p>17 you were involved in zeroing out the</p> <p>18 population of that plan; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And was the population zeroing out</p> <p>21 something that you were doing solely based on</p> <p>22 someone else's instructions, or were you</p> <p>23 exercising your own judgment to zero out the</p> <p>24 population deviations?</p> <p>25 A. I was instructed on what county</p>

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1 and precinct to zero out. But then when
2 we're picking selected census blocks, I --
3 you know, if we needed a census block of ten,
4 I would hunt for a census block of ten.
5 Q. And can you just remind me, who
6 was giving those instructions to you?
7 A. Senator Livingston.
8 Q. And are you aware of whether he
9 was -- he had developed those instructions on
10 his own?
11 A. I have no idea.
12 Q. When you were asked to evaluate or
13 look at other maps that you did not draw in
14 this processes, were you given any criteria on
15 which to evaluate those plans?
16 A. Other than the guidelines, no --
17 and the Court, no.
18 Q. And who gave you instructions to
19 evaluate those plans on the Court and the
20 guidelines?
21 A. Well, I'm not sure. Which plans
22 are you referring to?
23 Q. So let's take them in turn. So
24 with respect to the -- I think you mentioned
25 that you looked at the opportunity plan; is

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1 that right?
2 A. Yeah. I wouldn't say I
3 evaluated it. I looked at it.
4 Q. Okay. Which plans did -- were you
5 asked to evaluate?
6 A. I didn't really evaluate any.
7 Other than the plans that I drew, I didn't
8 really evaluate any of the plans.
9 Q. So you evaluated only the
10 community of interest plan and the Russell
11 split plan and the expanded Black Belt plan;
12 is that fair?
13 A. That's fair.
14 Q. And then other iterations of those
15 plans that may have been drafts?
16 A. Yes, ma'am.
17 Q. And who gave you -- who asked you
18 to evaluate your own plans?
19 A. Well, Dorman Walker and, I
20 guess, the chairs.
21 Q. And how did you share your
22 evaluation of your maps with them?
23 A. Verbally.
24 Q. Did you produce any reports or
25 written analysis?

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1 A. I did not.
2 Q. Did you produce any reports or
3 written analysis of any other plans that you
4 did not draw?
5 A. I did not.
6 MS. JASRASARIA: Okay. No further
7 questions for me. Thank you very much. I'm
8 going to hold this deposition open due to some
9 of the objections and directions not to
10 answer. And if we have to go to the Court to
11 continue this, we will. But, for now, I just
12 wanted to state that on the record. Thank you
13 for your time. I'll pass the within.
14 MR. WALKER: Thank you, counsel.
15 COURT REPORTER: Any other
16 questions, Counsel?
17 MR. DAVIS: No questions from the
18 Secretary of State.
19 COURT REPORTER: Okay.
20 Mr. Thompson, are you ready to go off the
21 record?
22 MR. THOMPSON: I am.
23 COURT REPORTER: Thank you,
24 Mr. Hinaman.
25 THE VIDEOGRAPHER: Counsel, I

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1 apologize. Before we go off, does anyone need
2 transcript or video orders?
3 MR. THOMPSON: Yes, we do.
4 THE VIDEOGRAPHER: Mr. Thompson,
5 do you need -- as to your video, do you need
6 that synced or unsynced?
7 MR. THOMPSON: I'll defer to the
8 rest of the group on that. But let's do
9 synced.
10 MR. ROSS: I have a question. So
11 we probably need this as soon as possible.
12 I'm not sure that was conveyed to you. Is
13 there a way to get this -- I assume synced
14 takes longer. So --
15 COURT REPORTER: That's Mr. Ross;
16 right?
17 MR. ROSS: Yes.
18 COURT REPORTER: Okay. I am aware
19 of the rush transcript order for you guys --
20 for the Milligan plaintiffs. The Caster
21 plaintiffs, do you need to order a copy of the
22 transcript as well?
23 MS. JASRASARIA: Yes. But if I
24 could just get back to you. Do you mind
25 dropping your e-mail in the chat, and I can

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1 get back to you with the timeline? Thank you.
 2 COURT REPORTER: Yes, ma'am.
 3 Okay. Any other transcript orders while we're
 4 here.
 5 MR. ROSS: Just to be clear, we
 6 only need electronic. We don't need paper
 7 copies or anything else. Just the -- just the
 8 PDF is fine.
 9 COURT REPORTER: Yes, sir.
 10 Mr. Walker, do you need a copy of the
 11 transcript?
 12 MR. WALKER: Yes, we do, please.
 13 COURT REPORTER: Okay. Are you --
 14 do you need it rush as well?
 15 MR. WALKER: Did you say do I need
 16 it rush as well?
 17 COURT REPORTER: Yes, sir.
 18 MR. WALKER: Yes, please.
 19 COURT REPORTER: Okay. They're
 20 receiving it tomorrow. Are you with that same
 21 timeline?
 22 MR. WALKER: Yes, please.
 23 THE VIDEOGRAPHER: Mr. Walker, do
 24 you need video?
 25 MR. WALKER: Jim, do you want to

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1 weigh in on that.
 2 MR. DAVIS: I do not think we need
 3 video.
 4 THE VIDEOGRAPHER: Okay.
 5 COURT REPORTER: Okay. If that's
 6 all, you can take us off the record, Bailey.
 7 THE VIDEOGRAPHER: Of course.
 8 With no further questions the time is
 9 currently 11:31 a.m. on August 9th, 2023, and
 10 we are going off the record.
 11 (The deposition concluded at 11:31 a.m.)
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1 C E R T I F I C A T E
 2
 3 STATE OF ALABAMA)
 4 CALHOUN COUNTY)
 5
 6 I hereby certify that the above
 7 proceedings were taken down by me and
 8 transcribed by me using computer-aided
 9 transcription, and that the above is a true
 10 and correct transcript of the said proceedings
 11 given by said witness.
 12 I further certify that I am neither
 13 of counsel nor of kin to the parties to the
 14 action, nor am I in anywise interested in the
 15 result of said cause.
 16 I further certify that I am duly
 17 licensed by the Alabama Board of Court
 18 Reporting as a Certified Court Reporter as
 19 evidenced by the ACCR number found below.
 20
 21 COMMISSIONER - NOTARY PUBLIC
 22
 23 *Cindy C. Jenkins, CCR*
 24 CINDY C. JENKINS, CSR
 25 ACCR #470 - Exp. 9/30/2023

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ALABAMA 3 SOUTHERN DIVISION 4 5 EVAN MILLIGAN, et al.,) 6 Plaintiffs,) 7) CASE NO: 8 VS.)2:21-CV-01530-AMM: 9 WES ALLEN, in his official) 10 capacity as Alabama) 11 Secretary of State.) 12 Defendant.) 13 MARCUS CASTER, et al.,) 14 Plaintiffs,) 15) CASE NO: 16 VS.)2:21-CV-1536-AMM 17 WES ALLEN, in his official) 18 capacity as Alabama) 19 Secretary of State.) DEPOSITION OF: 20 Defendant.) BRAD KIMBRO 21 22 S T I P U L A T I O N S 23 24 IT IS STIPULATED AND AGREED, by and 25 between the parties through their respective counsel,</p>	<p style="text-align: right;">Page 3</p> <p>1 2 A P P E A R A N C E S 3 4 FOR THE MILLIGAN PLAINTIFFS: 5 AMANDA NECOLE ALLEN 6 Attorney at Law 7 Hogan Lovells US, LLP 8 Columbia Square 9 555 Thirteenth Street NW 10 Washington, DC 20004 11 202-637-2521 12 amanda.n.allen@hoganlovells.com 13 14 15 BLAYNE R. THOMPSON 16 Attorney at Law 17 Hogan Lovells US , LLP 18 609 Main Street 19 Suite 4200 20 Houston, Texas 77002 21 713-632-1429 22 blayne.thompson@hoganlovells.com 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 that the deposition of: 2 BRAD KIMBRO, 3 may be taken before Merit Gilley, Commissioner and 4 Notary Public, State at Large, with all parties 5 appearing remotely, on the 11th day of August, 2023, 6 commencing at approximately 11:35 a.m. 7 8 IT IS FURTHER STIPULATED AND AGREED that 9 the signature to and reading of the deposition by the 10 witness is waived, the deposition to have the same 11 force and effect as if full compliance had been had 12 with all laws and rules of Court relating to the 13 taking of depositions. 14 15 IT IS FURTHER STIPULATED AND AGREED that 16 it shall not be necessary for any objections to be 17 made by counsel to any questions, except as to form or 18 leading questions, and that counsel for the parties 19 may make objections and assign grounds at the time of 20 the trial, or at the time said deposition is offered 21 in evidence, or prior thereto. 22 *** 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEUEL ROSS 2 Attorney at Law 3 NAACP Legal Defense & Educational Fund, Inc. 4 700 14th Street N.W. 5 Suite 600 6 Washington, DC 20005 7 202-682-1300 8 dross@naacpldf.org 9 10 11 FOR THE CASTER PLAINTIFFS: 12 JOSEPH POSIMATO 13 Attorney at Law 14 Elias Law Group 15 250 Massachusetts Avenue NW 16 Suite 400 17 Washington DC 20001 18 202-968-4591 19 jposimato@Elias.law 20 21 22 23 24 25</p>

BRAD KIMBRO
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<p style="text-align: right;">Page 5</p> <p>1 FOR THE DEFENDANT SECRETARY WES ALLEN:</p> <p>2 MISTY S. FAIRBANKS MESSICK</p> <p>3 Constitutional Defense Division</p> <p>4 Office of the Attorney General</p> <p>5 State of Alabama</p> <p>6 501 Washington Avenue</p> <p>7 P.O. Box 300152</p> <p>8 Montgomery, Alabama 36130</p> <p>9 334-353-8674</p> <p>10 misty.messick@alabamaag.gov</p> <p>11</p> <p>12</p> <p>13 FOR THE DEFENDANT ALABAMA PERMANENT COMMITTEE ON</p> <p>14 REAPPORTIONMENT AND REDISTRICTING CHAIRMAN STEVE</p> <p>15 LIVINGSTON AND CHAIRMAN CHRIS PRINGLE:</p> <p>16 DORMAN WALKER</p> <p>17 Attorney at Law</p> <p>18 Balch & Bingham, LLP</p> <p>19 445 Dexter Avenue</p> <p>20 Suite 8000</p> <p>21 Montgomery, Alabama 36104</p> <p>22 334-269-3138</p> <p>23 dwalker@balch.com</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1</p> <p>2 EXAMINATION INDEX</p> <p>3</p> <p>4 Brad Kimbro</p> <p>5 BY MS. ALLEN 10</p> <p>6 BY MS. FAIRBANKS MESSICK 42</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 EXHIBIT INDEX</p> <p>14</p> <p>15 Plaintiffs' Exhibit MAR</p> <p>16 1 Defendants' Joint Response to Milligan 35</p> <p> and Caster Plaintiffs' Objections and</p> <p>17 Request for Preliminary Injunction</p> <p>18 2 Declaration of Brad Kimbro 36</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 6</p> <p>1 ALSO PRESENT:</p> <p>2 Austin King - Esquire Video Specialist</p> <p>3 Richard Mink</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 I, Merit Gilley, a Court Reporter of</p> <p>2 Birmingham, Alabama, and a Notary Public for the State</p> <p>3 of Alabama at Large, acting as Commissioner, certify</p> <p>4 that on this date, as provided by the Federal Rules of</p> <p>5 Civil Procedure and the foregoing stipulation of</p> <p>6 counsel, there came before me on the 11th day of</p> <p>7 August, 2023, with all parties appearing remotely,</p> <p>8 commencing at approximately 11:35 a.m., BRAD KIMBRO,</p> <p>9 witness in the above cause, for oral examination,</p> <p>10 whereupon the following proceedings were had:</p> <p>11 THE VIDEOGRAPHER: Good morning. We are</p> <p>12 now on the record. The time is now 11:35 a.m. Central</p> <p>13 standard time on Friday, August 11th, 2023. This</p> <p>14 begins the videotaped deposition of Brad Kimbro taken</p> <p>15 in the matter of Evan -- Evan Milligan, et al. V</p> <p>16 Secretary of State Allen, et al. Filed in the United</p> <p>17 States District Court for the Northern District of</p> <p>18 Alabama Southern Division. Case Number of which is</p> <p>19 2:21-CV-01530-AMM.</p> <p>20 The videographer today is Austin King.</p> <p>21 The court reporter is Merit Gilley. We are both</p> <p>22 representing Esquire Deposition Solutions. Counsel,</p> <p>23 will you please announce your name and whom you</p> <p>24 represent; afterwards, the court reporter will swear</p> <p>25 in the witness.</p>



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<p style="text-align: right;">Page 9</p> <p>1 MS. ALLEN: Amanda Allen of Hogan 2 Lovells for the Milligan plaintiffs. 3 MR. THOMPSON: Blayne Thompson of Hogan 4 Lovells also on behalf of the Milligan plaintiffs. 5 MR. WALKER: Dorman Walker for -- 6 MS. FAIRBANKS MESSICK: Joe, do you 7 want -- 8 MR. WALKER: -- Balch & -- 9 MS. FAIRBANKS MESSICK: -- to go next? 10 MR. WALKER: -- Bingham -- I'm sorry. 11 Did someone else start? 12 MS. FAIRBANKS MESSICK: I'm sorry. I 13 was encouraging Joe to go next. 14 Of course, go ahead, Dorman. 15 MR. WALKER: Dorman Walker at Balch & 16 Bingham on behalf of the Committee Chairs. 17 MS. FAIRBANKS MESSICK: Misty S. 18 Fairbanks Messick on behalf of Secretary of State 19 Allen. 20 MR. WALKER: Thanks, Misty. 21 MR. POSIMATO: Joseph Posimato on behalf 22 of the Caster plaintiffs. 23 BRAD KIMBRO 24 being first duly sworn, was examined and testified as 25 follows:</p>	<p style="text-align: right;">Page 11</p> <p>1 answer a few questions based on my experiences with 2 growing up in the wiregrass area and working in -- in 3 this community. 4 Q So when you were referring to your 5 deposition experience, you're talking about when you 6 were asked to participate in a deposition for today? 7 A Yes. 8 Q So you haven't been deposed any other 9 times? 10 MS. FAIRBANKS MESSICK: Object to the 11 form. 12 THE WITNESS: Pardon? 13 MS. FAIRBANKS MESSICK: I just needed to 14 state an objection for the record. You're free to 15 answer the question. 16 A Yeah. I -- not -- not that I can 17 recall. I -- I don't ever recall having anything like 18 this before. 19 Q (By Ms. Allen) Okay. 20 A No. 21 Q Do you understand that you're testifying 22 under oath today? 23 A Yes, I do. 24 Q Is there anything that might prevent you 25 from understanding my questions or answering</p>
<p style="text-align: right;">Page 10</p> <p>1 THE COURT REPORTER: All right. Usual 2 stipulations? 3 MS. ALLEN: Yes, please. 4 MS. FAIRBANKS MESSICK: Yes. 5 THE COURT REPORTER: Go ahead. 6 EXAMINATION 7 BY MS. ALLEN: 8 Q Good morning, Mr. Kimbro. 9 How are you? 10 A I'm well. 11 Q My name is Amanda Allen, and I represent 12 the Milligan plaintiffs in this matter along with my 13 colleague Blayne Thompson. 14 Will you please state your full name for 15 the record. 16 A Yes. It's Bradley Max Kimbro. 17 Q Mr. Kimbro, have you been deposed 18 before? 19 A Well, I guess what -- with Ms. Messick, 20 it -- that's the only time I suppose. 21 Q And when was that? 22 A Let's see. Week and a half ago maybe. 23 Something like that. 24 Q And what did that pertain to? 25 A They asked if I would be willing to</p>	<p style="text-align: right;">Page 12</p> <p>1 truthfully this morning? 2 A No. 3 Q Are you represented by counsel today? 4 A I am not. 5 Q So I want the go over some key rules of 6 the road for a deposition so that we're both on the 7 same page about how the deposition will work. I will 8 be asking you a series of questions, and you're going 9 to answer them to the best of your ability. 10 Do you understand that? 11 A Yes, I do. 12 Q Please provide verbal answers to my 13 questions so that our court reporter can make -- help 14 us make a clear record. For example, instead of 15 giving a head nod or saying "uh-huh," provide a verbal 16 response, which is what you're doing already. And 17 you're doing a great job at it, so just continue to do 18 that. 19 A Okay. 20 Q Relatedly, we should strive not to talk 21 over one each. There are challenges per -- you know, 22 posed by remote setup. But I ask you to listen to my 23 question, and I will listen to your answer. 24 And we'll try to speak over each other; 25 okay?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A Okay. Very well.</p> <p>2 Q Do you understand that we're gathered</p> <p>3 here virtually for the purposes of taking your</p> <p>4 deposition testimony?</p> <p>5 A Yes, I do.</p> <p>6 Q And you understand that the re -- court</p> <p>7 reporter will transcribe my questions and your answers</p> <p>8 to them?</p> <p>9 A Yes, I do.</p> <p>10 Q And you understand that you should give</p> <p>11 the same seriousness and truthfulness in answering my</p> <p>12 questions here today that you would if you were</p> <p>13 testifying in court before a judge or a jury; correct?</p> <p>14 A Yes.</p> <p>15 Q If you don't understand a question,</p> <p>16 please feel free to tell me. I will rephrase or try</p> <p>17 to do something to help you understand the question</p> <p>18 that I am asking; otherwise, I will assume that you</p> <p>19 understand the question.</p> <p>20 Is that fair?</p> <p>21 A Absolutely. Yes.</p> <p>22 Q If an attorney makes an objection, you</p> <p>23 must still answer the question, just much like the</p> <p>24 objection that just happened.</p> <p>25 Do you understand that?</p>	<p style="text-align: right;">Page 15</p> <p>1 do not disturb sign.</p> <p>2 Q Is there anyone in the room with you</p> <p>3 right now?</p> <p>4 A No. Just me.</p> <p>5 Q Do you have any email, chat, text, or</p> <p>6 instant messaging functions currently open on the</p> <p>7 device that you're using?</p> <p>8 A No, I don't. All I have is the</p> <p>9 deposition from the other day. That's all I have</p> <p>10 open, other than the Zoom.</p> <p>11 Q What do you mean that you have "the</p> <p>12 deposition from the other day" open?</p> <p>13 A My record from the previous time --</p> <p>14 conversation that I guess you guys have a copy of too;</p> <p>15 right?</p> <p>16 Q Are you referring to your declaration?</p> <p>17 A Yeah. Did I say that wrong? Whatever</p> <p>18 that is officially called. Yes.</p> <p>19 Q Okay. I just want to make sure that</p> <p>20 we're on the same page about what document you're</p> <p>21 talking about.</p> <p>22 A Yes.</p> <p>23 Q That makes sense.</p> <p>24 A I can close it if I need to.</p> <p>25 Q We will be talking about it a little</p>
<p style="text-align: right;">Page 14</p> <p>1 A I do. Yes.</p> <p>2 Q Please let us know if you need a break</p> <p>3 at any point. If there's a question pending, I ask</p> <p>4 that you please answer the question before we take a</p> <p>5 break.</p> <p>6 Is that fair?</p> <p>7 A It is.</p> <p>8 Q As we go through the questions, you may</p> <p>9 realize a prior answer was not entirely accurate.</p> <p>10 If you do realize that, will you let me</p> <p>11 know that so that -- so that we can correct the</p> <p>12 record?</p> <p>13 A I sure will.</p> <p>14 Q Do you understand all of these</p> <p>15 instructions that we just discussed?</p> <p>16 A Yes, I do.</p> <p>17 Q With that out -- with that out of the</p> <p>18 way; do you understand, Mr. Kimbro, that you're here</p> <p>19 testifying as a witness in the case of Milligan v</p> <p>20 Secretary Allen?</p> <p>21 A I understand that now. Yes.</p> <p>22 Q Where are you right now?</p> <p>23 A I'm in Hartford, Alabama at our -- where</p> <p>24 I -- I work, Wiregrass Electric Cooperative's</p> <p>25 headquarters, in my office with the door shut with a</p>	<p style="text-align: right;">Page 16</p> <p>1 later, so we -- so why don't you close it for now.</p> <p>2 A Okay. (Witness complies.) Okay.</p> <p>3 Q I want to talk a little bit about what</p> <p>4 you did to prepare for today. You started talking a</p> <p>5 little bit about that earlier, so why don't you go</p> <p>6 ahead and just talk about what you did to prepare.</p> <p>7 A Nothing really. Just made sure that my</p> <p>8 Zoom was working and that technically wouldn't be any</p> <p>9 problems there. And everything seems to be fine from</p> <p>10 a technology standpoint, and just tried to clear my</p> <p>11 head and gather my thoughts or be ready to answer any</p> <p>12 question. So that's it really.</p> <p>13 Q Did you meet with anybody to prepare for</p> <p>14 today?</p> <p>15 A No. Now -- now, when you say "meet with</p> <p>16 anybody," I did -- Misty let me know about today. So,</p> <p>17 I mean, that's, you know -- she told me that we would</p> <p>18 have -- when -- when could I do -- what -- when would</p> <p>19 be a good time on my schedule to do what we're doing</p> <p>20 today. So that's -- that's the only conversation</p> <p>21 about, you know.</p> <p>22 Q So a week and a half ago, to make sure I</p> <p>23 understand, Ms. Messick asked you about the dep --</p> <p>24 participating in the deposition today?</p> <p>25 A No.</p>

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<p style="text-align: right;">Page 17</p> <p>1 MS. FAIRBANKS MESSICK: Object to the 2 form. 3 Q (By Ms. Allen) Can you explain to me 4 what you mean by Ms. Messick letting you know about 5 the deposition. 6 A Well, a week and a half ago is when they 7 took my official -- they asked questions and -- and 8 took officially down my answers. And then she let me 9 know about -- you know, sometime after that about 10 today that -- that you guys wanted to talk to me. And 11 that's what I mean by answering your question about 12 meeting with anyone else about today. Just when we 13 first talked, I didn't know about today. 14 Q Let's talk about the week and a half ago 15 discussion. 16 Was Ms. Messick the only person that you 17 spoke with? 18 A No. The -- I believe his name is Ed 19 LaCour; is that right? Solicitor General, I believe, 20 is his official title. 21 Q I -- and was this conversation on the 22 phone? 23 A It was on the phone. Yes. 24 Q How long was the conversation? 25 MS. FAIRBANKS MESSICK: Object to the</p>	<p style="text-align: right;">Page 19</p> <p>1 Did you speak with anyone else other 2 than Mr. LaCour and Ms. Messick before -- in 3 preparation for today? 4 A In preparation for today? 5 MS. FAIRBANKS MESSICK: Object to the 6 form. 7 A No. 8 Q (By Ms. Allen) Did you have any 9 conversations with anyone else at all relating to the 10 case? 11 A Well, about today, I certainly told my 12 wife what was going on; certainly allowed our CEO here 13 to know what was going on; some of my staff because I 14 was going to be out of pocket, you know, for a few 15 hours or however long this takes. Shared with my 16 pastor, you know, just offer prayers, you know, make 17 sure that I was clear-headed, you know, and remembered 18 things correctly; and that was it. 19 Q Have you spoken with anyone affiliated 20 with the State of Alabama aside from Mr. LaCour or 21 Ms. Messick? 22 MS. FAIRBANKS MESSICK: I'll object to 23 the form. 24 A Pardon? Someone said something I didn't 25 understand.</p>
<p style="text-align: right;">Page 18</p> <p>1 form. 2 A I would -- I would say 45 minutes to an 3 hour, I would say, best of my recollection. 4 Q (By Ms. Allen) And during the 45-minute 5 conversation, what did you all discuss? 6 A Well, I -- really everything that's in 7 there; just, again, back to wanted to hear about my 8 experiences growing up in the wiregrass community, my 9 experiences working in the wiregrass community, my 10 experiences being educated in the wiregrass community. 11 Q And what happened after that 45-minute 12 conversation? 13 A We hung up. Noth -- nothing. Then a 14 couple of days later, they provided me a transcript 15 and -- and, again, if I'm pronouncing the official 16 title of these words, forgive me; but I'm calling it, 17 you know, my -- the -- the transcript of what we 18 discussed. And they sent that to me email and asked 19 me to make sure that was accurate. And I replied, 20 Yeah, you know, and -- and then they said, Please sign 21 it, and it would be your, I guess, sworn testimony or 22 -- or admiss ble to court. You know, that it would be 23 an official document, and which I didn't object. I 24 said, Sure. 25 Q Okay. So I want to come back to that.</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. FAIRBANKS MESSICK: Amanda, I was 2 objecting, and you might have been adding something at 3 the same time. 4 Would you mind restating the question or 5 the court reporter could. 6 MS. ALLEN: Yes. 7 Q (By Ms. Allen) Have you spoken with 8 anyone affiliated with the State of Alabama other than 9 Mr. LaCour and Ms. Messick related to this matter? 10 A I did ask Matt Parker, Dothan area 11 Chamber of Commerce, and Senator Donnie Chesteen if 12 this was, I guess, initially legit; you know, that it 13 wasn't some, you know, spam or whatever. And they 14 both told me that it was and that, you know, feel free 15 to continue. It's -- it's -- you know, that -- that's 16 all they -- they said. Basically, I just wanted to 17 make sure that this was something that was legit 18 because, you know, there's all kind of things that 19 aren't that -- these days. 20 Q Have you spoken with anyone affiliated 21 with the Alabama state legislature? 22 A Well -- 23 MS. FAIRBANKS MESSICK: Object to the 24 form. 25 A -- again, Senator Donnie Chesteen is who</p>

<p style="text-align: right;">Page 21</p> <p>1 I asked to confirm this being legit or not. Yes.</p> <p>2 Q (By Ms. Allen) Have you ever seen a</p> <p>3 transcript from any other deposition that has occurred</p> <p>4 in this case?</p> <p>5 A No, I have not.</p> <p>6 Q Did you visit any website to prepare for</p> <p>7 your deposition today?</p> <p>8 A No, I did not.</p> <p>9 Q Did you review any documents to prepare</p> <p>10 for the deposition?</p> <p>11 A No.</p> <p>12 Q Are you being compensated by anyone for</p> <p>13 being here today?</p> <p>14 A No, ma'am.</p> <p style="text-align: center;">Redacted</p>	<p style="text-align: right;">Page 23</p> <p style="text-align: center;">Redacted</p> <p>14 Q Have you ever been involved in any other</p> <p>15 lawsuits?</p> <p>16 A No.</p> <p>17 Q What is the highest level of education</p> <p>18 that you've completed?</p> <p>19 A BS degree.</p> <p>20 Q And where did you get your BS?</p> <p>21 A Troy University, which was Troy State</p> <p>22 University at the time.</p> <p>23 Q And by "BS," you're referring to a</p> <p>24 bachelor of science; correct?</p> <p>25 A Yes. I'm sorry. Yes. Bachelor of</p>
<p style="text-align: center;">Redacted</p>	<p style="text-align: right;">Page 24</p> <p>1 science. Yes. Business major.</p> <p>2 Q And when did you graduate from Troy?</p> <p>3 A June of 1991.</p> <p>4 Q Where did you live after you finished</p> <p>5 school?</p> <p>6 A First in Dothan, Alabama for 11 months.</p> <p>7 Q Anywhere else after that?</p> <p>8 A Yeah. From there I went to Mobile; from</p> <p>9 there to Pensacola; and then back to Mobile; and then</p> <p>10 Baldwin County.</p> <p>11 Q You mentioned earlier that you are</p> <p>12 currently at your place of work.</p> <p>13 What do you do for a living?</p> <p>14 A I work for an electric cooperative,</p> <p>15 Wiregrass Electric Cooperative.</p> <p>16 Q And what do -- what do you do at</p> <p>17 Wiregrass Electric Cooperative?</p> <p>18 A I am the chief operating officer.</p> <p>19 Do you need my responsibilities?</p> <p>20 Is that what you're asking?</p> <p>21 Q Yes, sir.</p> <p>22 A Okay. In -- in -- over the member</p> <p>23 services, communication, customer-service-type</p> <p>24 activities, community development, economic</p> <p>25 development, and let's see. I guess that's getting it</p>

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<p style="text-align: right;">Page 25</p> <p>1 all. Yeah.</p> <p>2 Q What do you know about the lawsuit at</p> <p>3 issue today?</p> <p>4 A Just what I hear in the news. I --</p> <p>5 nothing that -- that I've -- you know, just that</p> <p>6 there's a redistricting issue that's -- that's at</p> <p>7 stake or -- or being looked at and has to do with</p> <p>8 redrawing the -- the district lines as I understand</p> <p>9 it.</p> <p>10 Q And when you say "redistricting issue at</p> <p>11 stake" -- at stake, what do you mean?</p> <p>12 A That -- that's what I understand the --</p> <p>13 these issues are about now. I mean, I wasn't really</p> <p>14 following that closely before. I did hear, again,</p> <p>15 some things about it in the news, of course. But just</p> <p>16 that lines are existing a certain way, and they're</p> <p>17 reviewed periodically and either redrawn or -- or not.</p> <p>18 And that makes up the -- the -- the boundaries of --</p> <p>19 of political lines, I guess, or -- or -- or</p> <p>20 Congressional districts or -- or whatever.</p> <p>21 Q When you say that you weren't following</p> <p>22 it before, before what?</p> <p>23 A Well, really before the phone call. I</p> <p>24 -- with Ms. Messick and -- and Mr. LaCour. I mean, I</p> <p>25 was aware, of course. I mean, I'm not -- you know, I</p>	<p style="text-align: right;">Page 27</p> <p>1 week and a half ago?</p> <p>2 A Well, yeah. It was an email earlier,</p> <p>3 maybe a day or two before that phone call. That was</p> <p>4 my first knowledge of it.</p> <p>5 Q An email from whom?</p> <p>6 A Mr. LaCour.</p> <p>7 Q Do you happen to know who is looking at</p> <p>8 the possible boundary line changes?</p> <p>9 A When you say looking at them, I -- I</p> <p>10 don't -- I'm not understanding what you mean.</p> <p>11 Q Do you happen to know the individual or</p> <p>12 entity that would be examining any potential boundary</p> <p>13 line changes -- Congressional line changes?</p> <p>14 MS. FAIRBANKS MESSICK: Object to the</p> <p>15 form.</p> <p>16 A No. I'm really not -- not privy to the</p> <p>17 -- whatever -- I guess, the legislature, I guess,</p> <p>18 would be looking at it to -- to try to -- to look at</p> <p>19 -- at redrawing them or -- or altering them. And I --</p> <p>20 I -- that's about all I know. And, I mean, I'm not</p> <p>21 sure that's -- that's the correct ones, but I don't</p> <p>22 know. I know there's someone that's looking at it,</p> <p>23 and I guess someone will make the decision that it's</p> <p>24 right or wrong or accepted or denied.</p> <p>25 Q (By Ms. Allen) So I want to walk</p>
<p style="text-align: right;">Page 26</p> <p>1 hear things. But, I mean, there's a lot of -- lot of</p> <p>2 things that you can hear and see in the news. So I --</p> <p>3 you know, wasn't something I was necessarily following</p> <p>4 closely.</p> <p>5 Q When you say "before the phone call,"</p> <p>6 are you referring to the phone call that we were</p> <p>7 talking about from a week and a half ago?</p> <p>8 A That's right.</p> <p>9 Q You earlier mentioned that you</p> <p>10 understood the lawsuit to be about redrawing the</p> <p>11 district lines?</p> <p>12 What do you mean by redrawing them?</p> <p>13 A There's a boundary, I guess, that's</p> <p>14 current. And looking at an alteration to that</p> <p>15 boundary, I guess; the size, if I understand it, or</p> <p>16 possible alteration to it.</p> <p>17 Q What boundaries?</p> <p>18 A Back to the, I guess, the Congressional</p> <p>19 districts as I understand it.</p> <p>20 Q How did you get involved in this matter?</p> <p>21 MS. FAIRBANKS MESSICK: Object. Asked</p> <p>22 and answered.</p> <p>23 A Well, I mean, it just -- again, from a</p> <p>24 phone call with Mr. LaCour.</p> <p>25 Q (By Ms. Allen) The phone call from a</p>	<p style="text-align: right;">Page 28</p> <p>1 through some of the communications that you had with</p> <p>2 -- starting with Mr. LaCour.</p> <p>3 You said, as I understand it, you</p> <p>4 received an email recently; is that right?</p> <p>5 A That's my first knowledge of Mr. LaCour</p> <p>6 and my first, I guess, initial meeting or -- or</p> <p>7 knowledge of who he was. Never heard of him before</p> <p>8 that email.</p> <p>9 Q What did the email say?</p> <p>10 A I -- let's see. Basically, who he was,</p> <p>11 that he stated that -- let's see -- would like to,</p> <p>12 again -- that -- that I would be someone he would like</p> <p>13 to speak with to talk more about my experiences; my</p> <p>14 growing up in the wiregrass, educated in the</p> <p>15 wiregrass, working in the wiregrass. And it -- it --</p> <p>16 some -- somewhere did reference at that point the --</p> <p>17 I'm not sure if he said district lines or how he</p> <p>18 phrased it, but -- but something about this, you know,</p> <p>19 the -- you know, the matter or whatever that the State</p> <p>20 was involved in and would I be willing to speak with</p> <p>21 him. And he left a phone number for me that -- to</p> <p>22 call him.</p> <p>23 Q Would you be able to provide us a copy</p> <p>24 of that email?</p> <p>25 A Sure.</p>

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<p>1 Q So what did you do when you received the 2 email from Mr. LaCour? 3 A I read it. Kind of initially blew it 4 off, again, because I wasn't -- you know, my first 5 thought was, you know, is this some type of spam 6 because I did not know who this was and it wasn't a 7 cyber-security hack or something like that, you know, 8 or click bait. That's what I'm trying to say to -- 9 then I sat on it a couple of days and -- and went back 10 and -- and read it again. And, again, that's -- 11 that's when I -- just repeating what I shared earlier: 12 That's when I reached out to Matt Parker and Senator 13 Chesteen to see, you know, if this guy -- if this was 14 a real person, if it was legitimate. I didn't do any 15 research on my own of who he was or anything. And 16 they confirmed it was a legitimate thing and certainly 17 gave their blessings to call him if I wanted to. 18 Q Do you know how Mr. LaCour got your 19 email address? 20 A No, I -- I don't. 21 Q So how long was it after that you 22 reached out to Senator Chesteen and, I believe you 23 said, Matt Parker? 24 A Yeah. You know, couple or three days, 25 something like that if I recall correctly.</p>	<p>1 the phone, how long was that conversation? 2 A Five minutes maybe, something like that. 3 Q And in that five-minute conversation, 4 you all discussed the legitimacy of the email that you 5 received from Mr. LaCour? 6 A Yes. 7 Q Did you discuss anything else? 8 A No. 9 Q So after that conversation, who else 10 did you get into contact with or contacted you? 11 MS. FAIRBANKS MESSICK: Object to the 12 form. 13 A Let's see. Well, other than Misty and 14 LaCour -- Mr. LaCour; you know, again, I made my CEO 15 aware, my -- my boss, what, you know, had happened. 16 And he's like, Yeah, you know, I think you should 17 speak with them. And, you know, again, my wife. 18 Q (By Ms. Allen) After you contacted Matt 19 Parker and Senator Chesteen, did the interview that 20 you referenced earlier occur? 21 MS. FAIRBANKS MESSICK: Object to the 22 form. Get -- could I have the court reporter to read 23 that back. I couldn't actually understand everything 24 she said. It was kind of garbled. I'm sorry. 25 MS. ALLEN: and I'll try to speak up as</p>
<p>1 Q Did you talk to them both on the phone? 2 A Well, I sent a -- a text and -- you 3 know, initially. And then Senator Chesteen called me, 4 and Matt Parker responded in either an email or a 5 text. I can't remember. 6 Q Who is Matt Parker? 7 A He's the president of the Dothan area 8 Chamber of Commerce. 9 Q And how do you know Senator Chesteen? 10 A Just through work relationships. He's 11 the senator representing most of the area that 12 Wiregrass Electric is -- provides service to. 13 Q And how do you know Mr. Parker? 14 A He -- Wiregrass Electric has been a -- a 15 participant or -- or supporter of the Chamber for many 16 years. And through the Chamber connections with my 17 company is how we first met. And I have been a member 18 of the -- a member of the board for the Dothan area 19 Chamber of Commerce. And I know Matt's involved with 20 a lot of things, you know, from an economic 21 development standpoint to political. And he knows a 22 lot of people; and I -- I just felt comfortable that 23 he would, you know, tell me if this was legit or not, 24 which was my question to him. 25 Q When you talked to Senator Chesteen on</p>	<p>1 well and see if that helps. 2 (Record read.) 3 A Okay. So -- 4 MS. FAIRBANKS MESSICK: Object to the 5 form. 6 A The -- the -- so I -- the -- let me -- 7 help me make sure I understood your question. You're 8 -- you're saying when did the interview occur with 9 Mr. LaCour and -- and Ms. Messick before? 10 Q (By Ms. Allen) Right. 11 I am just trying to understand when -- 12 when things happened. 13 A Yeah. Okay. Yeah. After the phone 14 call with Senator Chesteen, after that is when I made 15 contact with Mr. LaCour, again, and I said, yeah, you 16 know. I'll answer your questions. Yes. I did not 17 have any contact with Mr. LaCour; email, text, phone; 18 until after I confirmed that it was, you know, like I 19 said, a legitimate thing. And that was after Matt 20 Parker and -- and Senator Chesteen, our conversation. 21 Q Can you describe in detail your first 22 conversation with Mr. LaCour. 23 A Yeah. Let's see. I called him and said 24 who I was and that I would be willing to answer 25 questions or, you know, whatever, you know; again,</p>

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<p style="text-align: right;">Page 33</p> <p>1 tell him what I knew. And he said, Great. Good. And 2 that's when we set up a time. And I don't recall if 3 it was the same day or the next day or I -- I -- but 4 that's when the call with he and Ms. Messick occurred. 5 Q How long after -- or let me rephrase. 6 When after the first initial phone call 7 with Mr. LaCour did your conversation with Mr. LaCour 8 and Ms. Messick happen? 9 MS. FAIRBANKS MESSICK: Objection. 10 Asked and answered. 11 A Again, I talked to Mr. LaCour. And I 12 said, Hey, I got your email. I'll -- I'll be happy to 13 answer any questions you have. And we hung up, you 14 know. And then after that, I -- I -- I -- I'm not 15 sure if that same day or the next day. I just can't 16 remember. But it was, you know, a relatively short 17 period of time that then we had the call with 18 Ms. Messick and Mr. LaCour. 19 Q (By Ms. Allen) During your call with 20 Ms. Messick and Mr. LaCour, can you describe what 21 happened during that call? 22 A Sure. They, again, asked me questions 23 about my experiences growing up in the wiregrass, 24 working in the wiregrass, being educated in the 25 wiregrass. And I -- I gave them answers. You know,</p>	<p style="text-align: right;">Page 35</p> <p>1 you provided during that phone call? 2 A Yes. That's when they put it in a -- in 3 a transcript or -- or whatever the official legal 4 document is that -- that I signed as a, I guess, sworn 5 statement. 6 Q I'm going to mark and publish Exhibit 1. 7 (Plaintiff's Exhibit 1 was 8 marked for identification.) 9 Q Which is Defendants' Joint Response to 10 Milligan and Caster Plaintiffs' Objections and Request 11 for Preliminary Injunction. 12 Just give me a minute to pull it up on 13 the screen. It's also in the chat so if that's easier 14 for everybody. 15 Is everybody able to see my screen? 16 MS. FAIRBANKS MESSICK: I can't see your 17 screen -- okay. I see it now. 18 A I see it. 19 Q (By Ms. Allen) Okay. So we can see it 20 now? 21 A I can. Yes. 22 Q Okay. Mr. Kimbro, have you seen this 23 document before? 24 And I can scroll through it so you have 25 time to look at it.</p>
<p style="text-align: right;">Page 34</p> <p>1 they wanted to know about the -- the culture -- or not 2 culture, but the collaboration of the wiregrass and 3 how everyone is -- you know, whether in Geneva County 4 or Houston County or Dale County, it's -- it's all 5 kind of the same people and how my experiences through 6 those things. Again, being involved in -- in a 7 cooperative and a company that -- that serves all 8 walks of life within that region, the wiregrass 9 region; and, you know, things I ke that; my 10 involvement in helping with economic development and 11 -- and other things that -- you know, just an overall 12 feel of what it's like to live and work in -- in the 13 wiregrass community. 14 Q Did Mr. LaCour and Ms. Messick provide 15 the list of counties? 16 A No. 17 MS. FAIRBANKS MESSICK: Object to form. 18 A No. No. I don't recall that at all. 19 No. I did state counties; and, you know, that's 20 because that's -- that's the counties we served. And 21 I -- i shared that and how my experiences of how those 22 counties are working together. I did volunteer those 23 type things. Yes. 24 Q (By Ms. Allen) Do you know what 25 Mr. LaCour and Ms. Manic did with the information that</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yeah. Please scroll through it. I -- 2 so far I -- yeah. If you're scrolling, I'm not seeing 3 it scroll. 4 Q Oh, let's see. Let me try this again. 5 Can you see it scrolling? 6 MS. FAIRBANKS MESSICK: No. 7 THE WITNESS: It's still blank. Now -- 8 now it's up. Okay. So -- 9 MS. FAIRBANKS MESSICK: We're on page 10 nine. Can you go back to the beginning, please, 11 Amanda, so that he can see what this document is. The 12 document's gone. 13 Q (By Ms. Allen) Seems my technology has 14 malfunctioned because it just exited out of Zoom for 15 me. 16 Perfect. Can you see it now? 17 A Yes. It is scrolling now. Yes. 18 I have not seen that. 19 Q Okay. I'm going to mark and publish as 20 Exhibit 2 your declaration. So we can get that up on 21 the screen. 22 (Plaintiff's Exhibit 2 was 23 marked for identification.) 24 Q I just added it to the chat so everyone 25 can see it as well.</p>

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<p style="text-align: right;">Page 37</p> <p>1 Mr. Kimbro, have you seen this document 2 before? 3 MS. FAIRBANKS MESSICK: Object to the 4 form. 5 A Yes, I have. That's -- yes. That's the 6 document I -- yes. 7 Q (By Ms. Allen) Do you recognize this 8 exhibit as your declaration? 9 A Yes. Yeah. 10 Q You signed this declaration; correct? 11 A I did. That's my signature. Yes. 12 Q And you signed the declaration under 13 penalty of perjury? 14 A Yes. 15 Q Who drafted this declaration? 16 A It was -- 17 MS. FAIRBANKS MESSICK: Object to the 18 form. 19 A It was -- I'm sorry. Somebody said 20 something I didn't understand. 21 MS. FAIRBANKS MESSICK: I just objected. 22 You can answer the question. 23 THE WITNESS: Okay. 24 A It's the -- when Misty -- Ms. Messick 25 and Mr. LaCour, when we talked that day; she was, I</p>	<p style="text-align: right;">Page 39</p> <p>1 about the SPEC building and the Geneva Industrial 2 Park; not that it was wrong. It's just, you know, 3 again, making sure it was more accurate. 4 Q Anything else? 5 A I -- maybe I added something, it seems 6 like, around Highway 167, that feasibility study for a 7 four-lane highway. I think that's all that I can 8 recall. And those things were in there except for the 9 library. It's just, you know, us adding or 10 clarifying. The only addition was the Dothan-Houston 11 County Library chairmanship. 12 Q And what did you do after you reviewed 13 the document and had edits? 14 A Well, I replied back to Ms. Messick with 15 those; and -- and she accepted them and sent it back 16 for my signature. 17 Q Were you ever told what the purpose of 18 your declaration would be? 19 A No. Not -- not specifically, other than 20 this would just be a matter of record and -- and 21 possible evidence or whatever for -- for court and 22 that I might be asked to come testify to it. 23 Q Why did you agree to submit a 24 declaration? 25 A Well, it's the -- it's the State of</p>
<p style="text-align: right;">Page 38</p> <p>1 assume, taking notes. And she formed my answers in 2 this, I guess, a draft first of what I said. And -- 3 and so she was able to put down on paper what I said 4 that day. 5 Q (By Ms. Allen) Did you receive this 6 document after that conversation? 7 A Yes. 8 Q What did you do -- 9 MS. FAIRBANKS MESSICK: Objection. 10 Q (By Ms. Allen) -- when you received it? 11 A Well, I read it and checked for its, you 12 know, accuracy or whatever; that it was saying what I 13 said. And so that's what I did. 14 Q When did you first see the draft 15 declaration? 16 A Maybe a day after our conversation with, 17 again, Ms. Messick and Mr. LaCour. 18 Q Did you propose any edits to the 19 declaration? 20 A I did. I -- I -- I think I added the -- 21 that I was -- they were asking me, you know, some 22 different things that I -- I had been involved in in 23 my working career here. And I added the -- I was the 24 chairman of the Dothan-Houston County Library. I also 25 added language about -- or -- or cleared up language</p>	<p style="text-align: right;">Page 40</p> <p>1 Alabama that was asking and; they were asking my 2 experiences, again, of growing up, working, being 3 educated in the wiregrass. And, you know, nothing to 4 hide. Sure. I'll -- I'll answer those questions. 5 Q Are you a member of the Republican 6 party? 7 A No. I do -- I guess I'm registered as a 8 Republican for voting, but I'm not an official -- 9 well, I -- I guess that would make me in their -- 10 yeah, as a registered Republican for voting. 11 So does that answer your question? I'm 12 not -- I'm not a member of any Republican group here 13 is what I'm trying to say. 14 Q So have you held any positions in the 15 Republican party? 16 A No. 17 Q Do you identify as a Republican? 18 A Yes. 19 Q Did you attend the Alabama Permanent 20 Committee on Reapportionment and Redistricting public 21 hearing on July 13th, 2013? 22 A No. 23 Q Were you ever invited to attend the 24 hearing? 25 A Not to my knowledge. No.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q Did you review the enacted 2023 2 Congressional map for Alabama? 3 A No. 4 Q Did you review any other -- or any maps 5 for the redistricting committee or the legislature? 6 A No. 7 MS. FAIRBANKS MESSICK: Object to the 8 form. 9 Q (By Ms. Allen) Did you review any 10 performance analysis of the enacted 2023 plan? 11 A No. 12 Q What is your race? 13 A White male -- Caucasian male. 14 MS. ALLEN: I want to take a quick 15 five-minute break to confer with my colleagues, and we 16 can go off the record for that time. 17 THE VIDEOGRAPHER: We are off the record 18 at 12:24 p.m. 19 (Short recess.) 20 THE VIDEOGRAPHER: We are back on the 21 record at 12:31 p.m. 22 Q (By Ms. Allen) Mr. Kimbro, thank you so 23 much for your time today. I know depositions can be a 24 little nerve wracking, so I just appreciate your time 25 and taking the time to answer my questions.</p>	<p style="text-align: right;">Page 43</p> <p>1 local court, and didn't have to -- 2 Q Do you remember -- 3 A -- appear in the case. There was a 4 question. 5 Q Did you get on the witness stand and 6 raise your right hand and testify at that hearing as 7 best as you -- or was that as best as you can recall 8 at this time? 9 A Yeah. That's been a few years. Best I 10 can recall I think I did come up to the stand, but I 11 didn't have to because it was either the witness 12 didn't show or something. I -- it -- it -- I never 13 went through that process. 14 Q Okay. 15 A And then, of course, you know, I -- I've 16 been working for a company that has had lawsuits 17 before, you know. But, you know -- but the company, 18 you know; not -- not necessarily me as an individual. 19 Q As you sit here at this time, do you 20 remember being a witness in any of those lawsuits, 21 whether in terms of preparing a written statement like 22 you have for this case or actually giving spoken 23 testimony like you're doing here today or in a 24 courtroom? 25 A You know, I -- you're talking about 30</p>
<p style="text-align: right;">Page 42</p> <p>1 With that, I don't have any more 2 questions. 3 EXAMINATION 4 BY MS. FAIRBANKS MESSICK: 5 Q Mr. Kimbro, I really appreciate you 6 being here today. 7 I do have a few questions to follow up 8 if that's all right. 9 A Yes, ma'am. 10 Q Thank you, sir. 11 You were asked earlier if you had ever 12 been deposed, and you said that you had not; with the 13 deposition being like what we're -- what we're doing 14 here today, you've not done this sort of thing before. 15 Have you ever testified in any way that 16 you can think of as you sit here today? 17 A Let's see. Yeah. There was one time 18 with the Wiregrass Electric with a -- a member 19 disputing a bill, and I can't recall all the details. 20 But did -- did do that. 21 Q Was -- do you remember if you were in 22 court or -- 23 A I did -- 24 Q -- in a conference room? 25 A I did go to the local courthouse, a</p>	<p style="text-align: right;">Page 44</p> <p>1 years now of being in this business. I -- I don't 2 recall anything like this. I -- I just don't. There 3 was -- again, I've been the company's -- you know, 4 Baldwin EMC and Wiregrass and all the cooperatives, 5 you know, that I've been a part of; obviously, there's 6 -- there's discrepancies, lawsuits, you know, from 7 time to time, you know; cars hitting poles, things 8 like that. I -- I don't -- I'm trying to remember if 9 I've ever -- I just don't recall ever doing anything 10 like a written deposition. I -- I don't recall ever 11 doing that. 12 Q Thank you. 13 A I'm sure -- just to follow: I'm sure I 14 have added comments and -- and factual information 15 that was part of the company's testimony or -- or 16 deposition or whatever the legal word is. But nothing 17 just individually on me. 18 Q I want you to take a minute and think 19 about the conversations that you and I had this week 20 after we knew that you were going to be given -- 21 giving this deposition. And I'll ask you to tell me a 22 little bit about what you remember about that 23 conversation, if there was anything other than you are 24 willing and logistics. 25 A You're talking about the conversation</p>

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<p style="text-align: right;">Page 45</p> <p>1 you and I had about this particular -- yeah. Well, 2 you just went through and shared with me -- similar to 3 what Ms. Allen did, you know, that you were under 4 oath -- would be under oath; be sure and understand 5 the question before you answer; I guess, you know, 6 things to be mindful of as far as accurately and -- 7 and -- truthfully stating what you remember and -- and 8 remember -- you know, state what you know, you know, 9 not necessarily what you think you know or heard or 10 whatever, you know; things like that. 11 You asked, again, the question have I 12 ever been deposed or anything like think. I think I 13 gave an example of nothing like this. But there was 14 a -- at Baldwin EMC, there was an opportunity to -- 15 with -- with a company transaction with a DirecTV 16 franchise where I did answer, you know -- there was a 17 lawsuit there; and, again, answered questions and 18 provided comment to that case. I -- that's pretty 19 much the gist of what I can remember you and I have 20 talked about. 21 Q Thank you. 22 You and Amanda talked about the 23 declaration that you signed. It's Exhibit 2 and that 24 you signed on August 3rd. Do you remember that 25 declaration?</p>	<p style="text-align: right;">Page 47</p> <p>1 A Okay. 2 MS. ALLEN: All right. I don't have any 3 questions for you. Again, thank you for your time. 4 THE WITNESS: Thank you. 5 MS. FAIRBANKS MESSICK: Thank you. 6 THE VIDEOGRAPHER: Ms. Allen -- I 7 apologize, Ms. Messick -- did I understand that 8 everything's expedited? 9 Does that include the video synced? 10 MS. ALLEN: Yes. What we did -- same 11 thing we did yesterday: Expedited video and 12 transcript. 13 THE VIDEOGRAPHER: Okay. Is that the 14 same from everyone? The same video and transcript 15 orders for everyone? 16 MS. FAIRBANKS MESSICK: If you're asking 17 about other parties, no. The -- the Secretary only 18 wants expedited transcripts. They're not ordering 19 video. 20 THE VIDEOGRAPHER: Okay. And before I 21 take us off, does anyone else need a transcript or 22 video separate from Ms. Allen and Ms. Messick? 23 MR. POSIMATO: Yes. The 24 counter-plaintiffs would like an expedited transcript. 25 We don't need video.</p>
<p style="text-align: right;">Page 46</p> <p>1 Not have you memorized it, but you know 2 what I'm referring to; right? 3 A Yes, ma'am. I -- 4 Q You remember it? 5 Did you review that declaration before 6 -- in preparation for this deposition here today? 7 A I re-read it. Yes. 8 Q Okay. And the -- is there anything in 9 that declaration that you think is wrong? 10 A No. I -- I -- not that -- no. I think 11 it's all accurate. 12 Q Did our -- did I or Ms. LaCour make you 13 put anything in that declaration that you did not 14 agree with? 15 A No. Not at all. 16 Q And did -- do you stand by the testimony 17 in that declaration? 18 A Yeah. It's accurate. Yes. 19 Q And you did read it before you signed 20 it? 21 A I did. Yes. 22 Q I don't have any further questions for 23 you. 24 Amanda might want to follow up on my 25 questions.</p>	<p style="text-align: right;">Page 48</p> <p>1 THE VIDEOGRAPHER: Perfect. All right. 2 That concludes the deposition of Brad 3 Kimbro. We're off the record at 12:40 p.m. 4 (THE DEPOSITION WAS CONCLUDED AT 12:40 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1
2 C E R T I F I C A T E
3
4 STATE OF ALABAMA)
5 JEFFERSON COUNTY)
6
7 I hereby certify that the above
8 and foregoing deposition was taken down
9 by me in stenotype, and the questions and
10 answers thereto were reduced to computer
11 print under my supervision, and that the
12 foregoing represents a true and correct
13 transcript of the deposition given by
14 said witness upon said hearing.
15
16 I further certify that I am
17 neither of counsel nor of kin to the
18 parties to the action, nor am I in
19 anyway interested in the result of said
20 cause.
21
22 *Merit Gilley*
23
24 /s/Merit Gilley
 Merit Gilley, Commissioner
25 ACCR NO. 67

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ALABAMA 3 SOUTHERN DIVISION 4 5 EVAN MILLIGAN, et al.,) 6 Plaintiffs,) 7) CASE NO: 8 VS.)2:21-CV-01530-AMM: 9 WES ALLEN, in his official) 10 capacity as Alabama) 11 Secretary of State.) 12 Defendant.) 13 MARCUS CASTER, et al.,) 14 Plaintiffs,) 15) CASE NO: 16 VS.)2:21-CV-1536-AMM 17 WES ALLEN, in his official) 18 capacity as Alabama) 19 Secretary of State.) DEPOSITION OF: 20 Defendant.) LEE LAWSON 21 22 S T I P U L A T I O N S 23 24 IT IS STIPULATED AND AGREED, by and 25 between the parties through their respective counsel,</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S 2 3 FOR THE MILLIGAN PLAINTIFFS: 4 DAYTON CAMPBELL-HARRIS 5 DAVIN ROSBOROUGH 6 Attorneys at Law 7 American Civil Liberties Union 8 Voting Rights Project 9 125 Broad Street 10 18th Floor 11 New York, New York 10004 12 425-516-8400 13 dcampbell-harris@aclu.org 14 drosborough@aclu.org 15 16 BRITTANY CARTER 17 TANNER LOCKHEAD 18 Attorneys at Law 19 NAACP Legal Defense & Educational Fund, Inc. 20 40 Rector Street 21 5th Floor 22 New York, New York 10006 23 212-965-2200 24 bcarter@naacpldf.org 25 tlockhead@naacpldf.org</p>
<p style="text-align: right;">Page 2</p> <p>1 that the deposition of: 2 LEE LAWSON, 3 may be taken before Merit Gilley, Commissioner and 4 Notary Public, State at Large, with all parties 5 appearing remotely, on the 10th day of August, 2023, 6 commencing at approximately 8:10 a.m. 7 8 IT IS FURTHER STIPULATED AND AGREED that 9 the signature to and reading of the deposition by the 10 witness is waived, the deposition to have the same 11 force and effect as if full compliance had been had 12 with all laws and rules of Court relating to the 13 taking of depositions. 14 15 IT IS FURTHER STIPULATED AND AGREED that 16 it shall not be necessary for any objections to be 17 made by counsel to any questions, except as to form or 18 leading questions, and that counsel for the parties 19 may make objections and assign grounds at the time of 20 the trial, or at the time said deposition is offered 21 in evidence, or prior thereto. 22 *** 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEUEL ROSS 2 Attorney at Law 3 NAACP Legal Defense & Educational Fund, Inc. 4 700 14th Street N.W. 5 Suite 600 6 Washington, DC 20005 7 202-682-1300 8 dross@naacpldf.org 9 10 LATISHA GOTELL FAULKS 11 Attorney at Law 12 American Civil Liberties Union of Alabama 13 P.O. Box 6179 14 Montgomery, Alabama 36106-0179 15 334-265-2754 16 tgfaulks@aclualabama.org 17 18 HARMONY A. GBE 19 Attorney at Law 20 Hogan Lovells US, LLP 21 1999 Avenue of the Stars 22 Suite 1400 23 Los Angeles, California 90067 24 310-785-4600 25 harmony.gbe@hoganlovells.com</p>

Page 5

1 AMANDA NECOLE ALLEN
 2 Attorney at Law
 3 Hogan Lovells US, LLP
 4 Columbia Square
 5 555 Thirteenth Street NW
 6 Washington, DC 20004
 7 202-637-2521
 8 amanda.n.allen@hoganlovells.com
 9
 10
 11 FOR THE CASTER PLAINTIFFS:
 12 JYOTI JASRASARIA
 13 Attorney at Law
 14 Elias Law Group
 15 250 Massachusetts Avenue NW
 16 Suite 400
 17 Washington DC 20001
 18 202-968-4552
 19 jjasrasaria@elias.law
 20
 21
 22
 23
 24
 25

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1 FOR THE DEFENDANT SECRETARY WES ALLEN:
 2 CHARLES MCKAY
 3 Assistant Attorney General
 4 Alabama Attorney General's Office
 5 501 Washington Avenue
 6 Montgomery, Alabama 36104
 7 334-242-7300
 8
 9
 10 ALSO PRESENT:
 11 Robert Pacheco - Esquire Video Specialist
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 8

1 I, Merit Gilley, a Court Reporter of
 2 Birmingham, Alabama, and a Notary Public for the State
 3 of Alabama at Large, acting as Commissioner, certify
 4 that on this date, as provided by the Federal Rules of
 5 Civil Procedure and the foregoing stipulation of
 6 counsel, there came before me on the 10th day of
 7 August, 2023, with all parties appearing remotely,
 8 commencing at approximately 8:10 a.m., LEE LAWSON,
 9 witness in the above cause, for oral examination,
 10 whereupon the following proceedings were had:
 11 THE VIDEOGRAPHER: We are now on the
 12 video record. Today's date is August the 10th, 2023.
 13 The time is 8:10 a.m. Central standard time. This
 14 begins the videoconference deposition of Lee Lawson in
 15 the matter of Evan Milligan, et al. versus Wes Allen,
 16 et al.
 17 My name is Robert Pacheco. I am the remote
 18 videographer. Your court reporter today is going to
 19 be Ms. Merit Gilley; both representing Esquire
 20 Deposition Solutions. Would counsel please introduce
 21 yourselves and your affiliation and, the witness will
 22 be sworn in.
 23 MR. CAMPBELL-HARRIS: My name is Dayton
 24 Campbell-Harris, and I represent the Milligan
 25 plaintiffs in this matter.



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<p style="text-align: right;">Page 9</p> <p>1 MR. MCKAY: My name is Charles McKay, 2 and I represent Secretary Allen in this matter. 3 MS. JASRASARIA: Hi. This is Jyoti 4 Jasrasaria. I represent the Caster plaintiffs in this 5 matter. 6 MR. ROSBOROUGH: Good morning. Davin 7 Rosborough For the Milligan plaintiffs. 8 LEE LAWSON, 9 being first duly sworn, was examined and testified as 10 follows: 11 THE COURT REPORTER: All right. Usual 12 stipulations? 13 MR. CAMPBELL-HARRIS: Yes. 14 MR. MCKAY: Yes. 15 THE COURT REPORTER: Go ahead. 16 MR. CAMPBELL-HARRIS: Excellent. 17 EXAMINATION 18 BY MR. CAMPBELL-HARRIS: 19 Q Mr. Lawson, have you been deposed 20 before? 21 A Never have. 22 Q Okay. And you understand that today you 23 are testifying under oath? 24 A I do. 25 Q You understand that you should give the</p>	<p style="text-align: right;">Page 11</p> <p>1 answers to my questions so that our court reporter can 2 help us make a nice clear record. For example, 3 instead of giving any head nods or saying, "Uh-huh," 4 provide a verbal response; okay? 5 A Okay. 6 Q Relatedly, we should strive not to talk 7 over one another. There are challenges posed by our 8 remote setup, which is just inherent in the nature of 9 it. But I'll ask that you listen to my questions, and 10 then I will listen to your answer. 11 And we'll just try our hardest not to 12 speak over one another; is that okay? 13 A That's okay. 14 Q Excellent. 15 So you understand that we're gathered 16 here virtually for the purpose of taking your 17 deposition testimony; correct? 18 A I understand that. Yes. 19 Q And if you do not understand a question, 20 please tell me. 21 Otherwise, I'll assume you understand; 22 okay? 23 A Okay. 24 Q If any attorney makes an objection, you 25 must still answer the question.</p>
<p style="text-align: right;">Page 10</p> <p>1 same seriousness and truthfulness in answering my 2 questions here today as you would as if you were 3 testifying in court before a judge or jury; is that 4 correct? 5 A That is correct. 6 Q Is there anything that I should know 7 about you not being able to understand my questions or 8 being unable to answer -- answer truthfully this 9 morning? 10 A No. 11 Q And are you represented by counsel here 12 today? 13 A Am I represented by counsel? 14 Q That is correct. 15 A I mean, I -- I'm not represented by 16 counsel. No. 17 Q Okay. I'm going to go over some of the 18 ground rules just so you're aware of the rules of the 19 game today. So just to make sure we're on the same 20 page; I'm going to be asking you a series of 21 questions, and you're going to answer them to the best 22 of your ability. 23 Do you understand that? 24 A Yes. 25 Q I'm going to ask that you provide verbal</p>	<p style="text-align: right;">Page 12</p> <p>1 Do you understand that? 2 A I do. 3 Q And please let us know if at any point 4 you need a break. 5 If there's a question pending, you'll 6 need to answer it before you take that break; okay? 7 A Okay. 8 Q Excellent. 9 Do you understand all these instructions 10 that we just discussed? 11 A I do. 12 Q Excellent. 13 With that out of the way, do you 14 understand, Mr. Lawson, that you are here today 15 testifying in the case Milligan et al. V. Allen? 16 A Yes, I understand that. 17 Q And may I ask where you are right now? 18 A I'm in my office in Fairhope, Alabama. 19 Q Okay. And is there anyone else in this 20 room with you? 21 A There is not. 22 Q And do you have any email, chat, text, 23 or instant messaging functions currently open? 24 A I do not. 25 Q Okay. I have some questions for you</p>

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1 about how you prepared for the deposition today.
 2 Well, first of all, did you prepare for
 3 today's deposition?
 4 A I did not.
 5 Q Did you meet with any attorneys?
 6 A I had two conversations with Charles
 7 McKay.
 8 Q And did you meet with anyone who is not
 9 an attorney to prepare for today's deposition?
 10 A The only phone call or meeting that I --
 11 it wasn't a meeting. I called my counsel, Britton
 12 Bonner, at Adams & Reese -- he represents the Baldwin
 13 County Economic Developmental Alliance to make sure --
 14 that there was no problem with me being a part of this
 15 deposition today from a -- an organizational
 16 perspective.
 17 Q Okay. I want to circle back to the
 18 conversations you had with Charles McKay.
 19 About how long were those conversations?
 20 A Roughly 15 minutes or less each
 21 conversation.
 22 Q Okay. And do you recall when those
 23 conversations occurred?
 24 A One of the conversations took place two
 25 days ago, and one of them took place a week ago.

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1 Q Okay. And can you describe the contents
 2 of those conversations?
 3 A The contents to -- how so?
 4 Q What you both discussed?
 5 A So, again, Charles and I discussed this
 6 case. Again, it's been in the news a lot; so I'm
 7 familiar with it. And we discussed me actually making
 8 a declaration and then being subpoenaed for this
 9 deposition, or being asked to participate in this
 10 deposition I guess.
 11 Q What aspects of the case did you two
 12 discuss around that?
 13 MR. MCKAY: Object to form.
 14 Q (By Mr. Campbell-Harris) You can
 15 answer.
 16 A I mean, the discussions on our phone
 17 calls were related to how the deposition would go. I
 18 mean, that was our latest conversation. I've never
 19 been deposed before; so I had several questions about,
 20 you know, how does a deposition work; you know, TV
 21 versus reality. Prior to that our first conversation
 22 was around this case and what -- the declaration that
 23 I made and some of the contents of it.
 24 Q Did you review any documents to prepare
 25 you for the deposition today?

Page 15

1 A Did I review any documents to prepare
 2 for the deposition today?
 3 That's your question?
 4 Q That is my question. Correct.
 5 A Just reviewed my declaration.
 6 Q Okay. Did you do any -- anything else
 7 to prepare for today's deposition?
 8 A I have not.
 9 Q Okay. And are you being compensated by
 10 anyone for being here today?
 11 A I am not.
 12 Q Excellent.
 13 I'm going to pivot to some personal
 14 background questions.
 15 Redacted

Redacted

Page 16

Redacted

<p style="text-align: right;">Page 17</p> <p>Redacted RedactedR</p>	<p style="text-align: right;">Page 19</p> <p>1 A -- to the best of my knowledge. 2 Q Thank you. 3 You mentioned that you went to Troy 4 University. 5 Is that the highest level of education 6 you've completed? 7 A Yes. I -- I've attended several 8 economic development courses at other universities, 9 but nothing beyond an undergraduate degree. 10 Q Did you receive any certificates from 11 those additional courses? 12 A Yes. 13 Q Do you mind stating what those 14 certificates are to the best of your recollection? 15 A Yeah. Completed the economic 16 development institute through the University of 17 Oklahoma and the Auburn economic development intensive 18 course through Auburn University. 19 Q And what was your major at Troy 20 University? 21 A Major in communications with a minor in 22 public relations. 23 Q Any mi -- oh, public relations was your 24 minor? 25 A That's correct.</p>
<p style="text-align: right;">Page 18</p> <p>Redacted</p> <p>11 Have you been involved in any other 12 lawsuits? 13 A Lawsuits? 14 Q Yeah. Legal actions? 15 A Yes. I had one dispute with a landlord 16 in Montgomery over a rental property. 17 Q And when was that? 18 A Gosh, that was 2007, 2008 -- 19 Q Okay. 20 A -- somewhere in that neighborhood. 21 Q And that was the only lawsuit that 22 you've been a party of? 23 There's no other occasions? 24 A That's correct -- 25 Q Thank you.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Were you a member of any clubs or teams 2 at the school? 3 A My freshman year I lettered in 4 basketball, and then I was a part of the sigma chi 5 fraternity and in the fraternity council. 6 Q Excellent. 7 What do you currently do for work? 8 A My title is the president and CEO of the 9 Baldwin County Economic Development Alliance. 10 Q Do you mind if I refer to the Baldwin 11 County Economic Development Alliance as BCEDA? 12 A Yes, sir. Or you can -- or the EDA is 13 -- is for short. 14 Q EDA? Okay. 15 And what is the EDA? 16 A The EDA is a 501(c)(6) not-for-profit 17 entity that is charged -- is for all 18 economic-development-related purposes for all of 19 Baldwin County. 20 Q And what are your responsibilities as 21 president of the EDA? 22 A Directly, my responsibilities are to run 23 the organization, hire and fire the staff, and oversee 24 all of the fiduciary responsibilities of the 25 organization.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q And when you say "run the organization,"</p> <p>2 does that include approving and reviewing reports</p> <p>3 published by the EDA?</p> <p>4 A That is correct.</p> <p>5 Q Okay. What other roles have you had at</p> <p>6 the EDA?</p> <p>7 A Previously, I was a project manager here</p> <p>8 on the staff.</p> <p>9 Q And how many staff members are currently</p> <p>10 working for the EDA?</p> <p>11 A We currently have a staff of six.</p> <p>12 Q Okay. And how have your</p> <p>13 responsibilities changed from project manager to now</p> <p>14 being president?</p> <p>15 A Can you repeat the question, please.</p> <p>16 Q Yes.</p> <p>17 How have your responsibilities changed</p> <p>18 since you started working at the EDA?</p> <p>19 A Well, I mean, the difference between</p> <p>20 project manager and president of the organization are</p> <p>21 vastly different. You know, from a project manager</p> <p>22 standpoint; the scope of my job was very narrow,</p> <p>23 working projects and related to that. As president of</p> <p>24 the organization, I'm responsible to oversee all</p> <p>25 facets of the organization.</p>	<p style="text-align: right;">Page 23</p> <p>1 Energy.</p> <p>2 Q And what did you do at the company?</p> <p>3 A I was responsible for economic</p> <p>4 development efforts in the 37-county service territory</p> <p>5 of Power South Energy.</p> <p>6 Q Are all those counties located in</p> <p>7 Alabama or spread out -- okay.</p> <p>8 A That's correct. Yeah. Just the Alabama</p> <p>9 territory for Power South Energy.</p> <p>10 Q Okay. Before coming to the EDA as a</p> <p>11 project manager then, what were you doing for work?</p> <p>12 I know you stated it before, but can you</p> <p>13 restate it for the record?</p> <p>14 A Sure. I worked for the Jefferson County</p> <p>15 Industrial Development Authority.</p> <p>16 Q And what was your title there?</p> <p>17 A Gosh, I think I was a project manager</p> <p>18 there I think was my title.</p> <p>19 Q Okay. And can you describe what your</p> <p>20 duties or responsibilities were as a project manager.</p> <p>21 A Yeah. The Jefferson County IDA is</p> <p>22 charged with developing industrial parks within</p> <p>23 Jefferson County. And as a project manager there, I</p> <p>24 oversaw the development of our parks; the marketing of</p> <p>25 those properties; and, when we had interested parties,</p>
<p style="text-align: right;">Page 22</p> <p>1 Q And how long have you worked at the EDA?</p> <p>2 A Combined, 14 years.</p> <p>3 Q And do you have any other jobs</p> <p>4 currently?</p> <p>5 A I do not.</p> <p>6 Q Okay. Where did you work immediately</p> <p>7 before coming to the EDA?</p> <p>8 A I worked for the Jefferson County</p> <p>9 Industrial Development Authority.</p> <p>10 Q And --</p> <p>11 A Are you -- wait. Wait. Let me rephrase</p> <p>12 that. Which time? Because I worked at the EDA two</p> <p>13 separate times.</p> <p>14 Are you talking about my stint before</p> <p>15 being president and CEO or my stint before being</p> <p>16 project manager?</p> <p>17 Q Oh, sorry.</p> <p>18 Did you work continuously at the EDA</p> <p>19 from project manager to president?</p> <p>20 A I did not.</p> <p>21 Q What did you do in between both</p> <p>22 positions?</p> <p>23 A Yeah. So after being project manager</p> <p>24 here at the EDA, I worked as an economic development</p> <p>25 representative for a company called Power South</p>	<p style="text-align: right;">Page 24</p> <p>1 working with them to locate them within those</p> <p>2 industrial parks.</p> <p>3 Q Okay. How long did you work there?</p> <p>4 A Roughly two years.</p> <p>5 Q Okay. And when -- you can just give me</p> <p>6 the year.</p> <p>7 When did you leave?</p> <p>8 A The Jefferson County IDA?</p> <p>9 Q Yes.</p> <p>10 A It would have been 2016.</p> <p>11 Q And do you mind stating why you left?</p> <p>12 A I'm sorry 2006. I'm sorry.</p> <p>13 Q Thank you.</p> <p>14 A Not '16. I apologize. 2006.</p> <p>15 I took a job here at the EDA as project</p> <p>16 manager.</p> <p>17 Q Okay. Do you mind describing what you</p> <p>18 know about the lawsuit at issue today?</p> <p>19 MR. MCKAY: Object to form.</p> <p>20 Q (By Mr. Campbell-Harris) You can</p> <p>21 answer.</p> <p>22 A What I know about the lawsuit is based</p> <p>23 on news reports and -- and conversations that have</p> <p>24 been had amongst stakeholders in our region about what</p> <p>25 the lawsuit would mean for -- for our geography and --</p>

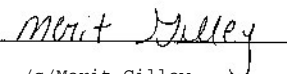
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<p style="text-align: right;">Page 25</p> <p>1 and for the Congressional districts.</p> <p>2 Q And how long have you been involved?</p> <p>3 A Involved in what?</p> <p>4 Q This legal action?</p> <p>5 A Roughly two weeks since making the</p> <p>6 declaration.</p> <p>7 Q And let's transition to your</p> <p>8 declaration.</p> <p>9 Did you produce a declaration as a part</p> <p>10 of Alabama's response to plaintiff's objections?</p> <p>11 A Yes, I did.</p> <p>12 Q Okay. I'm going to mark and share my</p> <p>13 screen here and publish an exhibit. Give me a moment.</p> <p>14 (Plaintiffs' Exhibit 1 was</p> <p>15 marked for identification.)</p> <p>16 Q Okay. Are you seeing the declaration?</p> <p>17 A Yes. I can see --</p> <p>18 Q I'm showing you the --</p> <p>19 A -- your screen.</p> <p>20 Q -- legal filing. Sorry.</p> <p>21 Have you seen this document before?</p> <p>22 A How many page -- how many pages is that</p> <p>23 document? 73?</p> <p>24 Q That is correct.</p> <p>25 A I have not seen a 73-page document. No.</p>	<p style="text-align: right;">Page 27</p> <p>1 A I did not.</p> <p>2 Q Okay. And you signed this declaration</p> <p>3 at the bottom; correct?</p> <p>4 A I did.</p> <p>5 Q And you signed the declaration under the</p> <p>6 penalty of perjury?</p> <p>7 A That is correct.</p> <p>8 Q Thank you. I'm going to stop sharing my</p> <p>9 screen.</p> <p>10 Who contacted you about submitting a</p> <p>11 declaration?</p> <p>12 A The Alabama Attorney General's office.</p> <p>13 Q And do you remember the individual's</p> <p>14 name?</p> <p>15 A The first individual I spoke with at the</p> <p>16 Attorney General's office name was Edmund -- gosh,</p> <p>17 what is Edmund's last name? I can look it up if you</p> <p>18 want me to. I'm trying to remember Edmund's last</p> <p>19 name. I just had the one initial conversation; the</p> <p>20 other conversation has been with Charles McKay.</p> <p>21 Q Was it Eddie LaCour?</p> <p>22 A Yes. That's right.</p> <p>23 Q And is --</p> <p>24 A I don't know him as -- I don't know him</p> <p>25 as Eddie. I know him as Edmund.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q Okay. I'm going to stop sharing my</p> <p>2 screen now. Thank you. And I'm going to show you</p> <p>3 another document that I think you might be more</p> <p>4 familiar with, and I'm going to put it in the chat.</p> <p>5 Marking this document as Exhibit 2.</p> <p>6 (Plaintiff's Exhibit 2 was</p> <p>7 marked for identification.)</p> <p>8 Q Have you seen this document before?</p> <p>9 A I have.</p> <p>10 Q And do you recognize this exhibit as</p> <p>11 your declaration?</p> <p>12 A I haven't seen every page of this</p> <p>13 document that you're scrolling; but, yes, the first</p> <p>14 page does look like my declaration.</p> <p>15 Q And did you draft this document?</p> <p>16 A I had -- I provided content for this</p> <p>17 document. Yes.</p> <p>18 Q How did you provide content for the</p> <p>19 document?</p> <p>20 MR. MCKAY: Object to form.</p> <p>21 A Through conversations with the Attorney</p> <p>22 General's office and -- and then also through, you</p> <p>23 know, putting some of this data and facts together.</p> <p>24 Q (By Mr. Campbell-Harris) Did you type</p> <p>25 out the declaration?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Understand.</p> <p>2 Was there anyone else that you spoke</p> <p>3 with at the Alabama Attorney General's office?</p> <p>4 A No. Just Edmund and Charles McKay.</p> <p>5 Q Did you speak with anyone else</p> <p>6 representing the state of Alabama?</p> <p>7 A I have not.</p> <p>8 Q And you were contacted two weeks ago?</p> <p>9 A Roughly.</p> <p>10 Q What were you told was the purpose of</p> <p>11 your declaration?</p> <p>12 MR. MCKAY: Object to form.</p> <p>13 A The purpose of my declaration was to</p> <p>14 have an economic development professional add data and</p> <p>15 context to why Mobile, Baldwin Counties, and south</p> <p>16 Alabama are communities of interest.</p> <p>17 Q (By Mr. Campbell-Harris) Okay. And</p> <p>18 were you told to say anything in your declaration?</p> <p>19 A No, I was not specifically. I was asked</p> <p>20 to give my perspective as an economic developer as to</p> <p>21 why south Alabama, specifically Mobile and Baldwin</p> <p>22 Counties, economically are -- and geographically are</p> <p>23 tied together through economic development but also</p> <p>24 workforce development and my perspective and</p> <p>25 background as a professional economic developer down</p>

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<p style="text-align: right;">Page 29</p> <p>1 here for a combined 14 years and why Mobile and 2 Baldwin County are uniquely tied together from an 3 economic development perspective. 4 Q Thank you. I'm going to pivot to some 5 of the more recent developments in the case if that's 6 okay. 7 Did you attend the public hearing on 8 July 13th, in 2023? 9 A No, I did not. 10 Q And did you review the enacted 2023 11 Congressional map for Alabama? 12 A Which map is that? 13 Q Well, let me pivot back, actually, to 14 the previous question. 15 Did you attend any public hearings for 16 redistricting in the past two years? 17 A I have not. No. 18 Q Okay. Okay. I think that's all my 19 questions for today. 20 MR. CAMPBELL-HARRIS: I'm ready to pass 21 over the witness if anyone else has questions. 22 MS. ALLEN: No questions for me. Thank 23 you. 24 MR. MCKAY: Could I get just two minutes 25 and then come back on, and I -- I don't think I'll</p>	<p style="text-align: right;">Page 31</p> <p>1 at this time, but we'll get back to you all by the end 2 of the day if that changes. 3 MR. MCKAY: All right. Someone came 4 into the room and told me do not need an expedited 5 copy, so cancel that. 6 THE VIDEOGRAPHER: This concludes 7 today's videotaped deposition. The time is 8:42 a.m. 8 Going off the record now. 9 (THE DEPOSITION WAS CONCLUDED AT 8:42 A.M.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 30</p> <p>1 have questions, but could I just get two minutes off 2 the record? 3 THE VIDEOGRAPHER: Going off video 4 record; 8:37 a.m. 5 (Short recess.) 6 THE VIDEOGRAPHER: We are now back on 7 video record; 8:41 a.m. 8 MR. MCKAY: And we have no more 9 questions. 10 THE VIDEOGRAPHER: And before we go off 11 the record, would anybody like to order the transcript 12 or the video at this time? 13 MR. CAMPBELL-HARRIS: Yes, please. The 14 Milligan plaintiffs would like to order an expedited 15 copy of both. 16 MR. MCKAY: And we'll -- we'll take an 17 expedited copy as well. 18 THE VIDEOGRAPHER: Both counsel? 19 MR. CAMPBELL-HARRIS: Yes, please. 20 THE VIDEOGRAPHER: Counsel for Alabama 21 Attorney General's office? 22 MR. MCKAY: Yes. 23 THE VIDEOGRAPHER: Okay. 24 MS. JASRASARIA: Yes. And I'm with the 25 Caster plaintiffs. I think we'll hold off on ordering</p>	<p style="text-align: right;">Page 32</p> <p>1 2 C E R T I F I C A T E 3 4 STATE OF ALABAMA) 5 JEFFERSON COUNTY) 6 7 I hereby certify that the above 8 and foregoing deposition was taken down 9 by me in stenotype, and the questions and 10 answers thereto were reduced to computer 11 print under my supervision, and that the 12 foregoing represents a true and correct 13 transcript of the deposition given by 14 said witness upon said hearing. 15 16 I further certify that I am 17 neither of counsel nor of kin to the 18 parties to the action, nor am I in 19 anyway interested in the result of said 20 cause. 21 22  23 /s/Merit Gilley 24 Merit Gilley, Commissioner 25 ACCR NO. 67</p>

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ALABAMA
 3 SOUTHERN DIVISION
 4
 5 NO. 2:21-CV-01530-AMM
 6
 7 EVAN MILLIGAN, et al.,
 8 Plaintiffs,
 9 Vs.
 10 WES ALLEN, et al.,
 11 Defendants.
 12
 13
 14 VIDEOTAPED REMOTE DEPOSITION OF:
 15 STEVE LIVINGSTON
 16 August 9, 2023
 17 11:43 A.M.
 18
 19
 20
 21 REPORTED BY:
 22 Cindy C. Jenkins, CCR
 23
 24
 25

Page 2

1 S T I P U L A T I O N S
 2
 3 IT IS STIPULATED AND AGREED by and
 4 between the parties through their respective
 5 counsel, that the deposition of Steve
 6 Livingston may be taken before Cindy C.
 7 Jenkins, Commissioner, via Zoom Video
 8 Conference, on the 9th day of August, 2023.
 9
 10 IT IS FURTHER STIPULATED AND AGREED
 11 that the signature to and the reading of the
 12 deposition by the witness is waived, the
 13 deposition to have the same force and effect
 14 as if full compliance had been had with all
 15 laws and rules of Court relating to the taking
 16 of depositions.
 17
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Page 3

1 S T I P U L A T I O N S
 2 (continued)
 3
 4 IT IS FURTHER STIPULATED AND AGREED
 5 that it shall not be necessary for any
 6 objections except as to form or leading
 7 questions, and that counsel for the parties
 8 may make objections and assign grounds at the
 9 time of the trial, or at the time said
 10 deposition is offered in evidence or prior
 11 thereto.
 12
 13 IT IS FURTHER STIPULATED AND AGREED
 14 that the notice of filing of the deposition by
 15 the Commissioner is waived.
 16
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 23
 24
 25

Page 4

1 A P P E A R A N C E S
 2
 3 APPEARING ON BEHALF OF THE MILLIGAN
 4 PLAINTIFFS:
 5 NAACP LEGAL DEFENSE & EDUCATIONAL FUND
 6 Mr. Deuel Ross
 7 Mr. Tanner Lockhead
 8 700 14th Street, Northwest
 9 Suite 600
 10 Washington, DC 20005
 11 dross@naacpldf.org
 12
 13 NAACP LEGAL DEFENSE
 14 & EDUCATIONAL FUND, INC.
 15 Ms. Brittany Carter
 16 40 Rector Street, 5th Floor
 17 New York, New York 10006
 18 212-965-2200
 19 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
 20 Mr. Davin M. Rosborough
 21 125 Broad Street
 22 New York, New York 10004
 23 drosborough@aclu.org
 24 APPEARING ON BEHALF OF THE CASTER PLAINTIFFS:
 25 ELIAS LAW GROUP LLP
 Mr. Joe Posimato
 250 Massachusetts Avenue, Northwest
 Suite 400
 Washington, D.C. 20001
 jposimato@elias.law
 APPEARING ON BEHALF OF THE COCHAIRS; RANDY
 HINAMAN, STEVE LIVINGSTON, and CHRIS PRINGLE:
 BALCH & BINGHAM
 Mr. Dorman Walker
 105 Tallapoosa Street
 Suite 200
 Montgomery, Alabama 36104
 dwalker@balch.com



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1 APPEARANCES
(continued)

2

3 APPEARING ON BEHALF OF THE SECRETARY OF STATE,
WES ALLEN:

4 OFFICE OF THE ATTORNEY GENERAL
Mr. Jim Davis
Assistant Attorney General
501 Washington Avenue
6 Montgomery, Alabama 36130
jim.davis@alabamaag.gov

7

8 VIDEOGRAPHER:
9 Mr. Bailey Diaz

10

11 ALSO PRESENT:
12 Ms. Joelle Miller
13 Ms. Donna Loftin
14 Mr. Chris Pringle

15
16
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23
24
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24	
25	

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1 PROCEEDINGS

2 AUGUST 9, 2023 11:43 A.M.

3 THE VIDEOGRAPHER: Good morning.

4 We're now on the record. The time is now is

5 11:43 a.m. on Wednesday, August 9th, 2023.

6 This begins the videotaped deposition of Steve

7 Livingston taken in the matter of Evan

8 Milligan, et al., vs. Wes Allen, et al., the

9 case number of which is 2:21-CV-01530-AMM.

10 The videographer today is Bailey Diaz. Our

11 court reporter is Cindy Jenkins, both

12 representing Esquire Deposition Solutions.

13 Counsel, would you please announce

14 your name for the record and whom you

15 represent after which the court reporter will

16 swear in the witness.

17 MR. ROSBOROUGH: Sure. Good

18 morning -- good morning there. Good afternoon

19 where I am. This is Davin Rosborough

20 representing the Milligan plaintiffs.

21 MR. DAVIS: Jim Davis representing

22 the defendant, Alabama Secretary of State, Wes

23 Allen.

24 MR. ROSS: Deuel Ross also for the

25 Milligan plaintiffs.

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1 MR. WALKER: Dorman Walker

2 representing Senator Steve Livingston.

3 There's no one else in the room with us.

4 MR. POSIMATO: Hi. This is Joe

5 Posimato on behalf of the Caster plaintiffs.

6 MR. LOCKHEAD: This is Tanner

7 Lockheed also on behalf of the Milligan

8 plaintiffs.

9 MS. CARTER: This is Brittany

10 Carter on behalf of the Milligan plaintiffs.

11 MR. ROSBOROUGH: And, again, I'll

12 note that Joelle Miller, who is an intern with

13 our office is also on the line listening in.

14 Also represent.

15 COURT REPORTER: I'll also note

16 that Mr. Pringle is also present; is that

17 correct?

18 MR. WALKER: I believe he is.

19 COURT REPORTER: Okay. Thank you.

20 STEVE LIVINGSTON

21 being first duly sworn, was examined and

22 testified as follows:

23 MR. WALKER: Madam Court Reporter?

24 COURT REPORTER: Yes, sir.

25 MR. WALKER: It looks like



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1 Ms. Loftin is also present just for the
2 record.
3 COURT REPORTER: Yes, thank you.
4 I have her listed as also present. Thank you
5 so much. All set, Counsel, when you're ready
6 to go on the record.
7 EXAMINATION BY MR. ROSBOROUGH:
8 Q. Good morning, Senator Livingston,
9 how are you today?
10 A. Good morning, sir. How are you?
11 Q. Good. You understand that you're
12 testifying under oath right now; correct?
13 A. Yes, sir.
14 Q. Okay. Is there anything that
15 might prevent you from either understanding my
16 questions or answering truthfully today?
17 A. No, sir.
18 Q. Have you been deposed before?
19 A. Yes, sir.
20 Q. And when was that?
21 A. Business lawsuits in the past.
22 I don't remember the years or time frames.
23 Sorry.
24 Q. Okay. Have you ever been deposed
25 in relation to your duties as a senator?

Page 10

1 A. No, sir.
2 Q. Okay. I'm just going to make sure
3 we're in agreement on a few basic ground rules
4 today before we jump in. Obviously I'll be
5 asking you some questions. If you don't
6 understand a question, just let me know. If
7 I -- if you answer the question I'm going to
8 assume that you understood the question; is
9 that fair?
10 A. Yes, sir.
11 Q. Okay. And also Ms. Jenkins, the
12 court reporter, is here typing everything that
13 you and I are saying and will type anything
14 that anyone on the zoom conference says. So
15 it's important that only one person speaks at
16 a time; therefore, please allow me to finish
17 my questions and sentences even if you think
18 you anticipate what I might -- where I may be
19 going, and I will do the best -- do the best
20 to do the same with you before jumping into
21 the next question, if that sounds all right to
22 you?
23 A. Thank you.
24 Q. Okay. Okay. Senator Livingston,
25 without disclosing the content of any

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1 discussions with your attorney, what did you
2 do to prepare for your deposition today?
3 A. We had a brief conversation this
4 morning. We had expected additional time. I
5 think it was a little time error or confusion
6 about what time we actually started this
7 morning, so...
8 Q. Okay. Did you meet with anyone
9 other than Mr. Walker in preparation for your
10 deposition?
11 A. No, sir.
12 Q. Did you discuss your testimony
13 today with anyone who was not an attorney?
14 A. No, sir.
15 Q. Okay. Did you review any
16 documents in preparation for your deposition
17 today?
18 A. Some, yes, sir.
19 Q. Do you recall which documents you
20 reviewed?
21 A. Most would have been the
22 interrogatories and the -- what's the word
23 I'm looking for? Requests for production the
24 last couple of days.
25 Q. Okay. And are you referring to

Page 12

1 the responses to the interrogatories that your
2 counsel produced to us on your behalf
3 yesterday?
4 A. Yes, sir.
5 Q. Okay. Did you do anything else to
6 prepare for your deposition that we haven't
7 covered?
8 A. No, sir.
9 Q. Okay. We just mentioned, I
10 believe, that you recently responded to
11 written questions known as interrogatories
12 from the plaintiffs in this case; is that
13 correct?
14 A. Yes, sir, I think so.
15 MR. ROSBOROUGH: Okay. Can we
16 please pull up Exhibit 1?
17 Q. Senator Livingston, are you able
18 to see the screen okay?
19 (Whereupon, Exhibit 1 was marked
20 for identification.)
21 THE WITNESS: Yes, sir.
22 Q. (By Mr. Rosborough) We'll just
23 sort of give you a bird's eye view. I'm not
24 going to ask you any particular question about
25 these at that time moment. But if we could



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1 just scroll down really quickly and see if you
 2 can affirm that these are the interrogatory
 3 responses to which you were referring?
 4 A. They look so, yes.
 5 Q. Okay. And is that your signature
 6 on the bottom?
 7 A. Yes, sir.
 8 Q. Okay. And to the best of your
 9 knowledge, these are still your true and
 10 accurate responses?
 11 A. Yes, sir.
 12 MR. ROSBOROUGH: Okay. We can
 13 take that down. Thank you.
 14 Q. Senator, where are you from in
 15 Alabama?
 16 A. I reside in Scottsboro, Alabama,
 17 which is the northeast corner of Alabama.
 18 Q. All right. And you represent
 19 Senate District 8; is that correct?
 20 A. Yes, sir, I do.
 21 Q. Have you lived in other parts of
 22 Alabama before?
 23 A. Some brief times in Huntsville,
 24 Birmingham back in college days and
 25 Tuscaloosa in college days.

Page 14

1 Q. Okay. Have you ever lived in the
 2 Gulf Coast area?
 3 A. No, sir, I have not.
 4 Q. Okay. Have you ever lived in the
 5 area you consider as being part of the Black
 6 Belt of Alabama?
 7 A. No, sir.
 8 Q. Okay. Senator, when approximately
 9 were you appointed as cochair of the joint
 10 reapportionment committee?
 11 A. I don't remember the date. It
 12 would have been last year at the end of the
 13 legislative session approximately.
 14 Q. Okay. Just for our -- purposes of
 15 brevity and mutual understanding, if I refer
 16 to the committee, will you understand that
 17 to -- me to be referring to the joint
 18 reapportionment committee?
 19 A. Yes, sir.
 20 Q. Okay. Before your appointment as
 21 cochair, did you serve on the committee?
 22 A. I did, yes, sir.
 23 Q. When were you initially appointed
 24 to the committee?
 25 A. I honestly don't remember, sir.

Page 15

1 I'm sorry.
 2 Q. That's all right. You can only
 3 testify to the best of your recollection.
 4 How about this, were you a member
 5 of the committee during the 2021 redistricting
 6 process?
 7 A. I was a member during that time
 8 frame, yes, sir.
 9 Q. Okay. Were you a member -- strike
 10 that. We can move on from there.
 11 When did you learn that you were
 12 going to be appointed as cochair of the
 13 committee?
 14 A. Roughly the end of last year's
 15 legislative session, 2022's legislative
 16 session.
 17 Q. Okay. Do you have any
 18 understanding of why you were chosen to serve
 19 as cochair?
 20 A. No, sir.
 21 Q. All right. I'd like to switch
 22 gears and start talking about maps. That's
 23 why we're here after all.
 24 At what point after the Supreme --
 25 well, let me step back. If I refer to the

Page 16

1 Supreme Court's decision generally, will you
 2 understand me to be referring to the decision
 3 in this case, the Allen v. Milligan case?
 4 A. Yes, sir.
 5 Q. Okay. So at what point did you
 6 begin your work as cochair as -- looking at
 7 the possibility of a new congressional
 8 districting map after the Supreme Court's
 9 decision?
 10 A. I would assume it would have
 11 been the week following the Court decision
 12 that the chairs got together with the
 13 attorneys and discussed what -- some decision
 14 of a plan and how we needed to be prepared
 15 going forward.
 16 Q. Okay. And without asking you to
 17 discuss the content of the conversation with
 18 the attorneys, what attorneys are you
 19 referring to?
 20 A. It would have been -- Dorman
 21 Walker would have been the attorney. That
 22 would have been the only one present at that
 23 meeting.
 24 Q. Okay. After that initial meeting,
 25 what were your next steps as -- in your role



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1 as cochair?
 2 A. We established a meeting of the
 3 cochairs, the attorney, I think Mr. Hinaman
 4 was in that room the next time. And then
 5 from there, we established the steps of
 6 moving forward until we knew what the dates
 7 were that we were given by the -- by the
 8 governor for the special session.
 9 Q. Okay. And when you say "we," who
 10 specifically are you referring to?
 11 A. So that would have Chairman
 12 Pringle, Dorman, and then probably Randy --
 13 Mr. Hinaman would have been at one of these
 14 meetings. Other than that -- it would have
 15 been that. And likely Donna Loftin would
 16 have been there also as supervisor of the
 17 reapportionment office.
 18 Q. Okay. Did you consult with anyone
 19 else about the process at that point who was
 20 not in the meeting?
 21 A. I'm sorry. You dropped a little
 22 bit. Can you repeat that?
 23 Q. Oh, I'm sorry. Sure. Sure.
 24 Other than the people who were in
 25 the meeting, do you recall consulting with

Page 18

1 anyone else about the process moving forward?
 2 A. No, sir.
 3 Q. All right. What were your next
 4 steps in the process of looking at new maps
 5 after that -- after that meeting with you and
 6 Mr. Walker and Representative Pringle and
 7 Mr. Hinaman?
 8 A. I'm not sure I can recall that
 9 to be honest with you. It was a pressed time
 10 frame, and I just don't recall. I'm sorry.
 11 Q. From that first meeting, were
 12 there any specific next steps set out for any
 13 of the participants?
 14 A. So the legislature had gone down
 15 to a -- a term committee, which you remember
 16 would have been three members of the senate
 17 and then three members of the house with
 18 Chairman Pringle and I being cochair. I
 19 think we had a meeting of that and asked
 20 the -- it would have been the lieutenant
 21 governor and the speaker of the house to
 22 recreate the full standing committee back to
 23 the membership. And then we would have a
 24 meeting of that membership and discussed the
 25 guidelines there and the public hearings that

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1 we were going to have as we moved in towards
 2 the special session date.
 3 Q. Do you recall from the meeting
 4 that you had with representative
 5 Representative Pringle and Mr. Walker and
 6 Mr. Hinaman if anyone gave Mr. Hinaman a
 7 charge leaving the meeting in terms of
 8 starting work on a new map?
 9 A. I don't remember exactly, no,
 10 sir.
 11 Q. Okay. Do you recall how the map
 12 drawing process itself got started?
 13 A. I do not, sir. I'm sorry.
 14 Q. Okay. Tell me about the first
 15 meeting that the full reconstituted
 16 reapportionment committee had to the best of
 17 your recollection.
 18 A. The meeting was called to order.
 19 We had to elect -- reelect cochairs, which
 20 Representative Pringle was elected, and I was
 21 elected as cochairs from that full
 22 membership. We had conversation about the,
 23 again, the public hearings that we wanted to
 24 have, the process of submitting maps to the
 25 reapportionment office so they could be

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1 populated, the last date of what they could
 2 be submitted. I think it was a week or ten
 3 days prior, is that correct, Dorman? I
 4 forgotten. So a week or ten days prior to
 5 the start of the legislative session so they
 6 could be populated on the computer.
 7 Q. Okay. Did you discuss in
 8 enactment of redistricting guidelines at that
 9 meeting?
 10 A. Yes, we did. Yes, sir.
 11 Q. And what do you recall about that
 12 discussion?
 13 A. There was some conversation
 14 about whether they needed to be changed or not.
 15 Ultimately the committee voted not to change
 16 them.
 17 Q. Okay. And what was your view in
 18 that regard as to whether or not the
 19 guidelines needed to be changed from the 2021
 20 guidelines?
 21 A. My view?
 22 Q. Yes, sir.
 23 A. I guess my view is a committee's
 24 view because they elected not to change them.
 25 Q. Okay. Did you have -- did you



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1 have another view other than the committee
2 view at that time?
3 A. No, sir.
4 Q. All right. At that point in
5 time -- well, let me step back.
6 How did Mr. Hinaman come to be
7 involved in the map drawing process?
8 A. He has been the demographer
9 for -- or I guess that's the terminology --
10 for the state for some time and was brought
11 in to -- to help us with the maps as we moved
12 forward.
13 Q. At the point before any public
14 hearings started, was there anyone else
15 besides Mr. Hinaman brought in to help either
16 draw or evaluate maps?
17 A. Not that I'm aware of.
18 Q. Okay. When did -- let me ask.
19 Are you familiar with Dr. M.V. Hood, III,
20 better known as Trey Hood from the University
21 of Georgia?
22 A. Just that I understood he
23 provided performance analysis for us.
24 Q. Do you have an understanding of
25 when he became involved in the process?

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1 A. No, sir, I really don't know
2 when he got involved in the process.
3 Q. Do you recall a point in time when
4 any instructions were given to Mr. Hinaman to
5 start working on a map or maps?
6 A. I do not specifically, no, sir.
7 Q. Do you recall, putting aside any
8 particular time frame, any particular
9 instructions that were given to Mr. Hinaman
10 about drawing a new map?
11 A. I do not personally, no, sir.
12 Q. Okay. Were you involved in any
13 conversations with Mr. Hinaman about the
14 drawing of a new map or maps?
15 A. There was a lot of conversation
16 about a lot of different maps. And just to
17 be fair, they all kind of run together until
18 you sit down and look at them individually.
19 Q. Okay. And we will definitely do
20 that. Broadly, at this point in time,
21 before -- before the public hearings, do you
22 recall providing any input to Mr. Hinaman
23 about what you wanted to see in a map?
24 A. Individually or as a committee?
25 Q. Let's start with individually.

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1 A. I did not individually. I think
2 the committee may have offered some
3 guidelines or some guidance to him as maps
4 were being submitted.
5 Q. And do you recall what guidelines
6 or guidance were given to Mr. Hinaman at that
7 time?
8 A. I think they asked him to abide
9 by the guidelines that were adopted by the
10 committee and move forward from there.
11 Q. Okay. Do you recall if any
12 instructions were given to Mr. Hinaman in
13 regards to the -- either the District Court or
14 the Supreme Court's order in this case?
15 A. I think the word "opportunity"
16 was mentioned, yes.
17 Q. Okay. What do you recall about
18 the -- what was said to Mr. Hinaman regarding
19 the word opportunity?
20 A. I think that the -- it was
21 expressed to him that the Court's ordered us
22 to look at an opportunity district --
23 districts.
24 Q. Okay. And at that point in time,
25 what was your understanding of what that

Page 24

1 meant?
2 A. That's very vague.
3 Q. Okay. At this point in time, do
4 you have an understanding of what that term
5 means?
6 A. It's still very vague.
7 Q. All right. Despite the vagueness,
8 how -- what is -- even if vague, what is your
9 understanding of what the term "opportunity
10 district" means in this context?
11 A. Would you repeat that for me,
12 please?
13 Q. Sure. Sure.
14 Even if vague or uncertain, what
15 is your understanding of that term opportunity
16 district means in this context?
17 A. As I understand it, the Courts
18 have ordered us to provide two opportunity
19 districts, minority -- majority minority
20 opportunity districts.
21 Q. And what is your sense of what it
22 means to provide two minority opportunity
23 districts?
24 A. Again, that's very vague. And I
25 think it's to a matter of interpretation.



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1 Q. Do you have an interpretation?
 2 A. I do not, sir.
 3 Q. And let me go back. Okay.
 4 Do you -- without revealing any
 5 conversations with counsel, do you -- did you
 6 hear from others as to -- who were involved
 7 with the process as to where their conception
 8 of having two minority opportunity districts
 9 are?
 10 A. Are you in reference to
 11 committee members, sir, or outsiders or --
 12 Q. Let's start with committee
 13 members. That would be great.
 14 A. Our committee members expressed
 15 some interest and some, I think, again, they
 16 were very vague at the definition of what it
 17 was while our minority members were pretty
 18 specific about they thought it meant that we
 19 had to draw two majority minority districts,
 20 not opportunity districts.
 21 Q. Okay. Under your conception of
 22 opportunity districts, would having a second
 23 district where African American voters would
 24 not have won across a series of previous
 25 statewide elections qualify as an opportunity

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1 district?
 2 A. Could I ask you to repeat that
 3 for me?
 4 Q. Sure. Let's say that there is
 5 analysis where the second district, which is
 6 supposed to be a minority opportunity
 7 district, that that -- that that is
 8 reconfigured to run past election results and
 9 those results show that in all, let's say,
 10 seven of the elections run, minority or
 11 African American particularly preferred
 12 candidates would have lost. Does that, in
 13 your definition, qualify as an opportunity
 14 district?
 15 A. If there were high enough
 16 percentages -- if they had been well-funded
 17 and a well-known candidate, in some
 18 instances, yes.
 19 Q. Is there a particular threshold
 20 for how close prior races would need to be
 21 such that you believed a well-funded and
 22 well-known candidate preferred by African
 23 American voters might make that a race that
 24 they could win?
 25 A. I do not have a number, no, sir.

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1 Q. Okay. If there's a history of
 2 African American preferred congressional
 3 candidates not being well-funded, does that --
 4 did that factor into your decision at all?
 5 MR. WALKER: Objection to form.
 6 If you understand the question, you may answer
 7 it.
 8 THE WITNESS: I don't understand
 9 the question, so...
 10 Q. (By Mr. Rosborough) Let me
 11 actually ask something a little different. I
 12 think that wasn't a great question. Where did
 13 your belief come from that an opportunity
 14 district meant even if African American
 15 preferred candidates would have lost in all of
 16 the previous reconstituted race, if analyzed,
 17 if -- it was nonetheless an opportunity
 18 district if a black preferred candidate was
 19 well-funded and well-known? Where did that
 20 belief stem from?
 21 A. I'm going to tell you this came
 22 from back home. I live in a community of
 23 about 15,000 people with the African American
 24 population of less than 5 percent. And our
 25 election cycle there in the city, we -- we

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1 had an African American female beat a sitting
 2 city council president handily, and we had an
 3 African American male beat a sitting school
 4 board candidate, not so handily, by one vote.
 5 I think it's about the person and the
 6 candidate.
 7 Q. Okay. And with these two African
 8 American candidates, do you have any idea
 9 whether those candidates were preferred by a
 10 majority of African American voters in the
 11 area?
 12 A. I think so and probably by white
 13 voters also.
 14 Q. Okay. And what's your basis of
 15 belief that these two African American
 16 candidates were also the candidates who were
 17 preferred by African American voters?
 18 A. Because they won pretty handily
 19 in a relatively small minority district, less
 20 than 5 percent.
 21 Q. Okay. Do you have any other basis
 22 for your belief about an opportunity district
 23 being one in which it would require an African
 24 American preferred candidate to be well-funded
 25 and well-known, any other sources for that



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1 belief?
 2 A. No, sir.
 3 MR. ROSBOROUGH: Okay. Can we
 4 pull up what we've marked as Exhibit No. 2,
 5 please.
 6 (Whereupon, Exhibit 2 was marked
 7 for identification.)
 8 MR. ROSBOROUGH: Yeah, if we
 9 can enlarge that a little maybe, the text.
 10 There we go. Perfect. Thank you.
 11 Q. Feel free to take a minute to look
 12 at that Senator Livingston. But once you've
 13 had chance to look at that, can you let me
 14 know if you recognize this what appears to be
 15 e-mail?
 16 A. Yes, sir.
 17 Q. Okay. And what is this e-mail?
 18 A. I think that was actually a text
 19 message that came to me from State Party
 20 Chairman *John Waugh asking me to have a
 21 meeting with -- what's his name? Having a
 22 phone call, not a meeting, Dale Oldham is
 23 what that came from.
 24 Q. Okay. Do you remember when you
 25 got this message?

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1 A. No, sir, I do not. It's been a
 2 few weeks ago.
 3 Q. Okay. Did you end up -- well, to
 4 the best of your understanding was Mr. Oldham
 5 retained as counsel to -- well, let me back
 6 up. To the best of your knowledge, is
 7 Mr. Oldham one of your counsel?
 8 A. No, sir.
 9 Q. Okay. Did you ever have a
 10 conversation with Mr. Oldham?
 11 A. No, sir, I did not.
 12 Q. And why not?
 13 MR. WALKER: I'm going to assert
 14 privilege here and instruct the witness not to
 15 answer to the extent that his response would
 16 include any advice that I gave him.
 17 Q. (By Mr. Rosborough) Okay.
 18 Let me revise that question then.
 19 So without revealing any conversations you had
 20 with Mr. Walker, are you able to say outside
 21 of any conversations why you chose not to meet
 22 with Mr. Oldham?
 23 A. I was advised by counsel not to
 24 meet with him.
 25 Q. Okay. And are you aware of

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1 whether Mr. Oldham played any role in this
 2 redistricting process?
 3 A. No, sir, I am not.
 4 MR. ROSBOROUGH: Okay. We can
 5 take that down.
 6 Q. Before we move on, I want to
 7 ask -- come back and ask a couple of questions
 8 about the two races that you referred to where
 9 you said there had been two African American
 10 candidates who had won local races. What
 11 specific races are you referring to, Senator
 12 Livingston, just so the record is clear?
 13 A. City council race and a city
 14 school board race.
 15 Q. And this is in Scottsboro?
 16 A. Yes, sir.
 17 Q. Okay. And do you know if any
 18 statistical analysis of racially polarized
 19 voting or otherwise were performed to
 20 determine candidate of choice by race in
 21 either of those races?
 22 A. No, sir.
 23 Q. Okay. I'm sorry. Do you recall
 24 the names of those candidates who won?
 25 A. The candidates?

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1 Q. Yes. Yes, sir.
 2 A. The city council was Nita
 3 Tolliver.
 4 Q. Okay.
 5 A. And the school board was Gary
 6 Speers, Dr. Gary Speers.
 7 Q. And do you know if these were
 8 partisan or nonpartisan races?
 9 A. Nonpartisan races.
 10 Q. Nonpartisan. Okay.
 11 And do you know the race of the --
 12 of their opponents?
 13 A. The two opponents?
 14 Q. Yes, sir.
 15 A. They were both white. They were
 16 both white; one male, one female.
 17 Q. Okay.
 18 A. The black female beat a white
 19 male and the black male beat a white female.
 20 Q. Okay. I'd like to switch gears
 21 and talk about the July 13th, 2023 committee
 22 meeting and public hearing. Just to help
 23 refresh your memory, this was the Thursday
 24 before the special session started. Do you
 25 recall that meeting generally?



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1 A. I recall it, yes, sir.
 2 Q. Okay. At that point during that
 3 meeting, the only maps that had been
 4 introduced publicly were maps that were
 5 submitted by members of the public and the
 6 plaintiffs in various cases. Is that your
 7 understanding?
 8 A. I don't recall, but likely, yes.
 9 Q. Okay. What was the status of the
 10 committee majorities map drawing efforts at
 11 that point in time?
 12 A. The committee majority?
 13 Q. Well, let's take a step back. At
 14 the point of that Thursday meeting, what was
 15 your involvement in any maps that were being
 16 drafted, whether or not they were finished?
 17 A. I don't think there were any
 18 maps finished on that Thursday. I think we
 19 were waiting to take public input before we
 20 came through with a map and brought it
 21 forward.
 22 Q. Was Mr. Hinaman working on drafts
 23 of maps at that point?
 24 A. I don't remember if Mr. Hinaman
 25 was there on that Thursday or not to be

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1 honest.
 2 Q. Do you recall if anyone else --
 3 I'm sorry. Go ahead and finish.
 4 A. I don't -- I just don't recall
 5 if he was -- if he was in Montgomery on that
 6 date, I'm sorry.
 7 Q. That's all right.
 8 Are you aware of whether
 9 Mr. Hinaman was working on maps at that point
 10 in time, whether or not he was in Montgomery?
 11 A. I don't know whether he was in
 12 Montgomery or not. But I feel sure that he
 13 was trying to work on some maps, yes.
 14 Q. Okay. And at that point in time,
 15 do you know of any specific guidance he had
 16 been given on the maps he was drawing?
 17 A. The guidance he had given were
 18 the guidelines that we had adopted at the
 19 committee.
 20 Q. Okay. The Thursday, July 13th
 21 hearing was the second public hearing that had
 22 occurred; is that correct?
 23 A. I believe that's correct, yes,
 24 sir.
 25 Q. Okay. After that hearing, how, if

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1 at all, did Mr. Hinaman take account of public
 2 input that was received during those hearings?
 3 A. I can't answer that question.
 4 Q. How, if at all, did you take
 5 account for input received during those two
 6 public hearings?
 7 A. We had a court reporter -- a
 8 reporter there that was online taking all of
 9 the information down and providing that and
 10 provided it to the committee. It was taken.
 11 And we had conversations about it and --
 12 afterwards, but it was somewhat brief.
 13 Q. Okay. What do you recall about
 14 the conversation, the brief conversation you
 15 mentioned afterwards about the testimony?
 16 A. I think that was about the same
 17 time frame we had the large number of maps
 18 that had been submitted online because
 19 Thursday was the deadline -- I believe that
 20 Thursday was the deadline. I believe that's
 21 right. But we had had a large number of maps
 22 submitted online by any number of folks,
 23 including some from Paris, France. So I
 24 don't remember the conversation, I apologize.
 25 Q. That's all right.

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1 Did public input you received at
 2 either of those hearings change any of the
 3 guidance that were given to either Mr. Hinaman
 4 or anyone else working on a map?
 5 A. I don't think so, no, sir.
 6 Q. Do you recall at the beginning of
 7 the public portion of that hearing several
 8 individuals were called up to speak about
 9 communities of interest?
 10 A. Yes, sir.
 11 Q. And I think I'm speaking
 12 specifically, I believe the first few were
 13 Mike Schmitz, who is the former mayor of
 14 Dothan, and Jeff Brannon, the CEO of Flowers
 15 Hospital. Do you recall that?
 16 A. Yes, sir.
 17 Q. Did you have a role in calling
 18 those witnesses to come testify at the public
 19 hearing?
 20 A. I did not. I was told by a
 21 committee member that he wanted to have them
 22 come to testify, that they thought the
 23 Wiregrass was significant as a community of
 24 interest.
 25 Q. Okay.



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1 MR. ROSBOROUGH: Can we pull up
2 exhibit No. 3, please?
3 (Whereupon, Exhibit 3 was marked
4 for identification.)
5 Q. (By Mr. Rosborough) Is this a text
6 message you received, Senator Livingston?
7 A. Yes, sir, it is.
8 Q. And who is that text message from?
9 A. That's from committee member
10 Senator Chasteen.
11 Q. Okay. Was Senator Chasteen the
12 one who asked for Mr. Schmitz and Mr. Brannon
13 to be called as witnesses?
14 MR. WALKER: I'm going to assert
15 legislative privilege and immunity here.
16 Apparently this was an inadvertent disclosure
17 of a communication from Senator Chasteen which
18 we would ask to be returned. And I will
19 instruct the witness not the answer any
20 questions about what Senator Chasteen told
21 him.
22 MR. ROSBOROUGH: Okay. We can
23 pull that down for the moment then. Thank
24 you.
25 MR. WALKER: Thank you.

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1 MR. ROSBOROUGH: And obviously
2 we'll reserve our rights to challenge that
3 assertion of privilege. But we can -- we can
4 move past that for the moment.
5 MR. WALKER: Certainly.
6 MR. ROSBOROUGH: Okay.
7 Q. Senator Livingston, separate and
8 apart from any conversation you had with
9 Senator Chasteen, did you have any other
10 understanding of why Mr. Schmitz and
11 Mr. Brannon appeared to testify first and
12 second at the hearing?
13 A. Would you repeat that for me,
14 please?
15 Q. Sure. Separate and apart -- I'm
16 not asking you about you any conversations you
17 had Senator Chasteen. Separate and apart from
18 those, do you have any understanding of why
19 Mr. Schmitz and Mr. Brannon were called as
20 witnesses to testify first and second at that
21 hearing?
22 A. I do not, sir, I'm sorry.
23 Q. Separate and apart from
24 Mr. Schmitz and Mr. Brannon, did you have any
25 role in asking any other specific witnesses to

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1 come and testify at the hearing?
2 A. No, sir.
3 Q. Are you aware of whether Cochair
4 Pringle had any role in having any specific
5 witnesses come and testify at that hearing?
6 A. I am not, sir.
7 Q. Okay. Let's move on and talk a
8 little bit about the committee guidelines I
9 think you referenced. Am I correct that at
10 the July 13th committee meeting that we've
11 been speaking about, the committee voted to
12 readopt the 2021 legislative redistricting
13 guidelines?
14 A. Yes, sir.
15 Q. Okay. Was there any prior
16 discussion that you were involved in whether
17 to readopt those guidelines or change the
18 guidelines?
19 A. No, sir.
20 Q. Why did you choose to readopt the
21 prior guidelines personally?
22 A. They seemed to serve us well. I
23 don't remember the conversation around it to
24 be honest. So...
25 Q. Okay. Do you recall that, I

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1 believe it was Representative England, offered
2 an amendment to the guidelines at that
3 meeting?
4 A. Yes, sir, he did.
5 Q. Okay. And does it sound correct
6 that the guidelines -- the amendment that he
7 offered specifically concerned instructions
8 about compliance with the Court's order and
9 Voting Rights Act?
10 A. I don't remember what it
11 contained, no, sir I'm sorry.
12 Q. Okay.
13 Did you vote against
14 Representative England's amendment?
15 A. Yes, sir.
16 Q. Why did you choose to vote against
17 that amendment?
18 A. It didn't feel like it was
19 necessary.
20 Q. And why was that?
21 A. We felt like the guidelines were
22 accurate as they were.
23 MR. ROSBOROUGH: Let's pull up
24 Exhibit 4, please.
25 (Whereupon, Exhibit 4 was marked



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1 for identification.)
 2 MR. ROSBOROUGH: Tanner, if you
 3 could slowly scroll down there.
 4 Q. (By Mr. Rosborough) So
 5 Representative -- I'm sorry, Senator
 6 Livingston, do those appear to be the 2021
 7 guidelines which the committee reenacted as
 8 guidelines for the 2023 process?
 9 A. It looks like that, yes, sir.
 10 Q. Okay.
 11 MR. ROSBOROUGH: Let's scroll down
 12 to page 3 of the guidelines if we can.
 13 Q. Okay. And can you see, Senator
 14 Livingston, the guideline on the -- toward the
 15 top half of the page that's marked with small
 16 Roman numeral 6 above G.
 17 A. Yes, sir.
 18 Q. Okay. And just so it's clear,
 19 that -- that guideline reads, In establishing
 20 legislative districts, the reapportionment
 21 committee shall give due consideration to all
 22 the criteria herein. However, priority is to
 23 be given to the compelling state interest
 24 requiring equality of population among
 25 districts and compliance with the Voting

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1 Rights Act of 1965 as amended should the
 2 requirements of those criteria conflict with
 3 any other criteria. Did I read that
 4 correctly?
 5 A. Yes, sir.
 6 Q. What is your understanding of that
 7 provision in the legislative guidelines?
 8 A. That we paid attention to
 9 compactness, communities of interest, not
 10 having candidates to challenge themselves --
 11 or challenge each other, as the case may be.
 12 Q. Okay. And what about that
 13 paragraph references to you communities of
 14 interest, compactness, and avoid pairing of
 15 incumbents?
 16 A. Would you repeat that again?
 17 Q. Sure. I believe that you said
 18 that -- and please correct me if I'm wrong --
 19 that you understood that paragraph to refer to
 20 the importance of compactness, respect for
 21 communities of interest, and not pairing
 22 incumbents. Did I get your prior statement
 23 correct there?
 24 A. Yes, sir.
 25 Q. Okay. So what about this

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1 provision suggests those as the three most
 2 important factors to you?
 3 A. I'm missing your question. I'm
 4 sorry.
 5 Q. Sure. Well, you referred to --
 6 you referred to three factors that I think you
 7 just confirmed, which were not pairing
 8 incumbents, communities of interest, and
 9 compactness. But I don't see any of those
 10 words in that paragraph. So my question to
 11 you is: What about that paragraph conveyed to
 12 you that those three considerations were the
 13 most important considerations?
 14 A. I'm still not following your
 15 question. My apologies.
 16 Q. Sure.
 17 Well, that paragraph that we just
 18 read states in part that priority is to be
 19 given to requiring equality of population and
 20 compliance with the Voting Rights Act should
 21 those requirements conflict with any other
 22 criteria. Am I correct in generally
 23 summarizing that paragraph?
 24 A. Okay. Yes, sir.
 25 Q. Okay. But then you referenced to

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1 me several other criteria, I believe;
 2 communities of interest, compactness, and not
 3 pairing incumbents. And so I'm wondering -- I
 4 don't see those factors mentioned in that
 5 paragraph. So what about population equality
 6 and compliance with the Voting Rights Act to
 7 you suggest that compliance with those three
 8 factors you mentioned are most important?
 9 A. I'm not sure I know how to
 10 answer that question, sir. I'm sorry.
 11 Obviously, we were -- deviation was plus or
 12 minus one on the plans we had. The Voting
 13 Rights Act, I think it deals --
 14 Q. And I'm sorry.
 15 A. I'm not sure I know how to
 16 answer that.
 17 Q. Well, without revealing any
 18 conversations you had with counsel, how did
 19 you understand compliance with the voting
 20 rights of 1965 -- with the Voting Rights Act
 21 of 1965 in the context of --
 22 A. I haven't had that communication
 23 with counsel.
 24 Q. Okay. I just want to make sure I
 25 understand because I'm just -- I'm just



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1 following up here because I was a little --
 2 I'm a little confused by your answer.
 3 In referencing population equality
 4 and compliance with the Voting Rights Act,
 5 you -- you know, and I asked you about how you
 6 understood those -- how you understood this
 7 passage, which said that those two factors
 8 should take precedence if they conflict with
 9 any other criteria. In response, you
 10 mentioned communities of interest,
 11 compactness, and not pairing incumbents.
 12 And so what I'm trying to ask you
 13 is: I'm not seeing the link between that
 14 paragraph and those three factors. And --
 15 which you obviously believe is there, which is
 16 fine. But I'm just trying to understand why
 17 you believe there's a link between population
 18 equality and Voting Rights Act compliance and
 19 the factors of communities of interest, not
 20 pairing incumbents, and compactness.
 21 A. Well, the three things that were
 22 mentioned were part of our plan or the
 23 guidelines in addition to that. And I think
 24 that says -- excuse me, compelling state
 25 interest. So...

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1 Q. Okay. So is it your understanding
 2 that not pairing incumbents -- let's break the
 3 three down. Is it your understanding that not
 4 pairing incumbents is of co-equal or higher
 5 importance than compliance with the Voting
 6 Rights Act under your guidelines?
 7 MR. WALKER: I'm sorry, Davin.
 8 Would you -- would you repeat the question?
 9 Q. (By Mr. Rosborough) Of course.
 10 So I'm just going to go through
 11 the three factors you mentioned, which you
 12 said were the key factors in the plan, I
 13 believe. Is it your understanding that under
 14 these legislative guidelines not pairing
 15 incumbents has either equal or greater
 16 importance to complying with the Voting Rights
 17 Act?
 18 A. I think we thought we were
 19 complying with the Voting Rights Act, sir.
 20 Q. And why did you think you were
 21 complying with the Voting Rights Act?
 22 A. A lot has happened in a short
 23 time frame, sir. And I can't remember
 24 everything. And I just apologize.
 25 Q. Well, let me ask you a different

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1 question because I don't mean to keep us on
 2 this particular topic forever, and I do want
 3 to talk about some of the plans in particular.
 4 Is it your understanding that by
 5 drawing a map that does not pair incumbents,
 6 complies with communities of interest, and is
 7 reasonably compact, that you are complying
 8 with the Voting Rights Act?
 9 A. We thought the plans that we did
 10 put together using those provided that
 11 compliance with the Voting Rights Act, yes.
 12 Q. Okay. I think we're on the same
 13 page. Let me just confirm. So it was your
 14 understanding in using these guidelines that
 15 so long as the plan enacted did not pair
 16 incumbents, was reasonably compact, and
 17 respected communities of interest, that it
 18 would be compliant with the Voting Rights Act,
 19 do I have that right?
 20 A. Not totally. But, you know, I
 21 would say that we -- by doing this, we
 22 were -- we thought we were in compliance by
 23 not discriminating or pushing or packing.
 24 Q. What do you mean by pushing or
 25 packing?

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1 A. Piling African Americans into a
 2 district.
 3 Q. Okay. What role did that in the
 4 consideration of race play in drawing the 2023
 5 plan?
 6 A. I think we tried to draw it race
 7 neutral.
 8 Q. So is it correct that in drawing
 9 the 2023 plan, you did not consider race?
 10 A. I said we tried to draw it race
 11 neutral, yes, sir.
 12 Q. I'm just trying to make sure
 13 because that term can mean different things to
 14 different people. What do you mean by saying,
 15 we tried to draw it race neutral?
 16 A. When drawing the maps, we didn't
 17 have that flag, whatever it is, turned on.
 18 Q. Okay. So just to confirm, in
 19 drawing the -- or let me put it this way. In
 20 evaluating the plans that you wanted to put
 21 forward for the 2023 map, you were not looking
 22 at race as you evaluated those plans; is that
 23 correct?
 24 A. That's correct.
 25 Q. Okay. I'd like to do maybe one



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1 more exhibit. Take a few more minutes and
 2 then we can take a short break if that's a
 3 good time. Does that work, maybe we go five
 4 more minutes or so and take a break?
 5 A. Yes, sir.
 6 Q. Okay.
 7 MR. ROSBOROUGH: All right.
 8 Tanner, would you mind pulling up Exhibit 5,
 9 please.
 10 MR. LOCKHEAD: It's coming. One
 11 second.
 12 MR. ROSBOROUGH: No rush. I
 13 appreciate it. No, I'm sorry. That's not
 14 mine. My fault. Let's see. This is the PI
 15 opinion and order. If you don't have it
 16 ready, I can pull it up here.
 17 MR. LOCKHEAD: I've got it. Sorry
 18 about that.
 19 MR. ROSBOROUGH: No. No problem.
 20 (Whereupon, Exhibit 5 was marked
 21 for identification.)
 22 Q. (By Mr. Rosborough) Okay.
 23 Senator Livingston, can you see
 24 what's up there, what we'll mark as Exhibit 5?
 25 A. Yes, sir.

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1 Q. Okay. Do you recognize this
 2 document? You can just pause there for one
 3 second.
 4 A. Yes, sir.
 5 Q. Okay. And what do you understand
 6 this to be?
 7 A. It's the -- it's the Singleton
 8 vs. Merrill which turned into cases -- is it
 9 the three judge opinion?
 10 Q. Sure. Sure. Yeah, I'm sorry. I
 11 don't mean to make this a memory test. That's
 12 not why we're here.
 13 Do you recognize -- does it seem
 14 correct to you that this is -- and it's quite
 15 a long document. But this is the preliminary
 16 injunction ordered by the three judge district
 17 court in this case?
 18 A. I would assume it is, yes, sir.
 19 I don't know.
 20 Q. Okay. I'll represent to you that
 21 that's what that is for purposes of our
 22 questioning. And I only have, I think, one
 23 specific question about it. I'm not going to
 24 take you through -- it's a 225-page document.
 25 So if we could scroll down to page 6, please.

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1 Okay. So I'm looking at the first full
 2 paragraph here. And I'm just going to read
 3 this paragraph. And you can tell me if I read
 4 it correctly. And then I've got a question
 5 for you about it. "The legislature enjoys
 6 broad discretion and may consider a wide range
 7 of remedial plans. As the legislature
 8 considers such plans, it should be mindful of
 9 the practical reality based on the ample
 10 evidence of intensely racially polarized
 11 voting adduced during the preliminary
 12 injunction proceedings that any remedial plan
 13 will need to include two districts in which
 14 black voting either comprise a voting age
 15 majority or something quite close to it." Did
 16 I read that correctly?
 17 A. Yes, sir.
 18 Q. Senator Livingston, are you
 19 familiar with that guidance from the Court in
 20 this case?
 21 A. That's actually the first time
 22 that's been pointed out to me in a paragraph.
 23 Q. Okay. In more general terms, are
 24 you familiar that the Court provided that
 25 guidance?

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1 A. Yes, sir.
 2 Q. Okay. How, if at all, did you or
 3 the committee account for that guidance in
 4 drawing the 2023 plan?
 5 A. It would be something quite
 6 close to it.
 7 Q. Okay. So is it your testimony
 8 that the enacted plan, SB-5, which has a
 9 second congressional district approximately
 10 under 40 percent black voting age population
 11 qualifies as something quite close to a
 12 majority of black voting age population?
 13 A. It was the committee's -- the
 14 committee that decided that, yes, sir.
 15 Q. Okay. And how did the committee
 16 make that decision?
 17 A. This is -- this is the plan that
 18 was brought forward in the end and was
 19 compromised upon.
 20 Q. And we'll talk a little bit more.
 21 But what did you mean when you say that this
 22 plan was a compromise?
 23 A. Well, you had -- the house had a
 24 plan, and the senate had a plan, and this was
 25 a compromised plan that could be passed.



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1 Q. As you were considering these
2 different plans and ultimately coming to a
3 plan that passed, did you have an
4 understanding of what it means for black
5 voters to have an opportunity to elect a
6 candidate of -- a representative of their
7 choice in a district?
8 A. Yes, sir, I think.
9 Q. Okay. And what was your
10 understanding?
11 A. I'll go back to what we talked
12 about a little while ago about having a
13 quality candidate that's funded.
14 Q. Okay. All right. Give me one
15 second. I think this may be a good time to
16 take a break. But let me just -- so just to
17 clarify a couple of things, was it your
18 view -- when you said a quality candidate that
19 was funded, can you tell me what you -- what
20 you mean by that?
21 A. I'll go back to the incident in
22 my hometown where you have two candidates
23 that were, you know, African Americans that
24 defeated well-funded candidates that were in
25 place in front of them. So...

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1 Q. And how did you define -- in
2 your -- I think you said quality candidate.
3 What did you mean by that?
4 A. Somebody who has respect, I
5 would assume, and -- of his fellow peers.
6 Q. Okay. And what do -- and just you
7 what do you mean by that, has respect of their
8 peers?
9 A. I'm sorry?
10 Q. I'm sorry. Could you just clarify
11 what you mean by that, when you said someone
12 who has respect of their fellow peers?
13 A. Again, a quality candidate.
14 Somebody that has the respect of, not just
15 necessarily their peers, but their
16 constituents.
17 Q. Okay. So is it your understanding
18 that in the prior statewide races over the
19 past decade that there have not been black
20 preferred candidates who have funding and the
21 respect of their peers?
22 A. And several whites also.
23 MR. ROSBOROUGH: Okay. I think
24 now is a good time for us to take a break.
25 Should we do -- do you want to do ten minutes,

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1 or do you want to do a longer break so you can
2 get some food?
3 MR. WALKER: Ten is fine for us.
4 MR. ROSBOROUGH: Ten. All right.
5 So I see that it's 12:47 central time. We'll
6 come back at 12:57 central, if that works.
7 MR. WALKER: Thank you.
8 THE VIDEOGRAPHER: The time is
9 12:47 p.m. We're going off the record.
10 (A short break was taken.)
11 THE VIDEOGRAPHER: The time is
12 1:13 p.m. We're back on the record.
13 Q. (By Mr. Rosborough) Okay.
14 Senator Livingston, I want to come
15 back quickly to a couple of things we were
16 discussing earlier before moving on and then
17 talking about some specific maps.
18 Am I correct that you said earlier
19 you understood the Court to require creation
20 of two opportunity districts for minority
21 voters; is that accurate?
22 A. Yes, sir.
23 Q. Okay. In your view, how did
24 consideration of communities of interest,
25 compactness, and not pairing incumbents ensure

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1 that you followed that guidance?
2 A. As we tried to develop a map
3 that was part of the committee, those played
4 a role in being able to develop what would
5 end up being two into one that was
6 competitive.
7 Q. And if I'm correct, you said that
8 race did not play a role in the development of
9 your plan; correct?
10 A. I think I stated that earlier.
11 And I was corrected when we off the role
12 (sic) a little bit that it was part of the --
13 it was on -- it was on -- and that we weren't
14 paying attention to it, as the case may be.
15 But it was developed that way.
16 Q. Okay. So it would be accurate --
17 would it be accurate to say that, while racial
18 figures may have been up on the screen as the
19 maps were drawn or shown, you were personally
20 not paying attention to race?
21 A. Yes, sir.
22 Q. Okay. Other than compactness,
23 communities of interest, and not pairing
24 incumbents, were there other considerations
25 you took account of in deciding on a new



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1 congressional districting plan?
 2 A. I would have to say committee
 3 members were offering advice.
 4 Q. Do you recall any specific advice?
 5 MR. WALKER: I'm going to assert
 6 privilege as to communications or statements
 7 made by members of the reapportionment
 8 committee that have not waived the privilege
 9 immunity and instruct the witness not to
 10 answer to that extent.
 11 Q. (By Mr. Rosborough) Okay.
 12 So Senator Livingston, if you can
 13 answer that question without divulging
 14 conversations you had other committee members,
 15 you can go ahead.
 16 A. I do not recall, sir.
 17 Q. Okay. Let's talk about the
 18 legislative special session. The committee
 19 had its first meeting during the special
 20 session on the first day of the session on
 21 Monday, July 17th; is that correct?
 22 A. I really -- I honestly don't
 23 remember. It was all a whirlwind.
 24 Q. All right. At the first meeting
 25 of the committee during this special session,

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1 do you recall that a number of new plans were
 2 introduced?
 3 A. I think there were several plans
 4 offered, yes, sir.
 5 Q. Okay. Does the community of
 6 interest plan ring a bell to you?
 7 A. I believe it was the one that
 8 was originally introduced, yes, sir.
 9 Q. Okay. And what about the
 10 opportunity plan, does that ring a bell to
 11 you?
 12 A. I remember it, yes.
 13 Q. Do you recall any other plans that
 14 were discussed at the hearing?
 15 A. Not the names, but I know there
 16 were several offered that same day.
 17 Q. Okay. Let's talk about the
 18 community of interest plan. What was --
 19 what's your understanding of the origin of the
 20 community of interest plan?
 21 A. I believe that was the map that
 22 was designed by Randy Hinaman.
 23 Q. And what was your involvement in
 24 the development of that plan, if any?
 25 A. Very little.

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1 Q. Are you aware of who else was
 2 involved in developing that plan?
 3 A. There were several, I think that
 4 may have played a role. But I don't
 5 remember.
 6 Q. Are you aware of what instructions
 7 were given to Mr. Hinaman in the drawing the
 8 community of interest plan?
 9 A. No, sir.
 10 Q. Do you recall when a full draft of
 11 that plan was complete?
 12 A. I do not remember, no, sir.
 13 Q. Do you recall any feedback given
 14 to Mr. Hinaman after seeing an initial draft
 15 of that plan?
 16 A. I do not recall that, no, sir.
 17 Q. Do you recall if Mr. Hinaman made
 18 any changes to the community of interest plan
 19 after he first showed it to you or other
 20 committee members?
 21 A. I do not know that.
 22 MR. ROSBOROUGH: If we could pull
 23 up Exhibit 6, please.
 24 Q. Senator Livingston, you'll see
 25 this exhibit has two pages. There's a map and

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1 then there's some statistics at the bottom.
 2 Do you see that?
 3 A. Yes, sir.
 4 Q. Okay. Let's go up to the top at
 5 the moment, the first page. Does this appear
 6 to be the community of interest plan that we
 7 were just discussing?
 8 (Whereupon, Exhibit 6 was marked
 9 for identification.)
 10 THE WITNESS: That's the label,
 11 yes.
 12 Q. (By Mr. Rosborough) Okay. And is
 13 it correct that this plan was worked on by
 14 Mr. Hinaman, you, Mr. Pringle, Dr. Trey Hood,
 15 and a couple of attorneys?
 16 A. Yes, sir, that sounds familiar.
 17 Q. Okay. What were your priorities.
 18 You mentioned community of interest as one of
 19 the key priorities in developing a new plan.
 20 What particular communities of interest were
 21 you considering?
 22 A. We considered the three. One
 23 was going to be the Gulf Coast, one of the
 24 Wiregrass would be a community of interest,
 25 and one would be the Black Belt being



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1 consolidated into two districts rather than
2 three.
3 Q. Okay. And how did the committee
4 decide on prioritizing those three communities
5 of interest?
6 A. How did the committee? How did
7 the committee form that?
8 Q. Yes, sir.
9 A. It -- we had members of each of
10 the three areas that were a part of our
11 committee, and they all expressed interest.
12 Q. Okay. The community of interest
13 plan that you're seeing here was the first
14 plan passed out at the committee, is that
15 correct, to the best of your recollection?
16 A. The best of my recollection,
17 yes, sir.
18 Q. Okay.
19 A. I can't remember which one came
20 out first.
21 Q. And to the best of your
22 recollection, this community of interest plan
23 also passed the full house of representatives;
24 is that correct?
25 A. Yes, sir.

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1 Q. Okay. In looking at the lines
2 here, does the community of interest plan keep
3 the Gulf Coast counties together in one
4 district?
5 A. Yes, sir.
6 Q. Does the community of interest
7 plan put the Black Belt in two districts
8 rather than three?
9 A. Yes, sir.
10 Q. And does the community of interest
11 plan keep together what you consider to be the
12 Wiregrass other than part of Covington County?
13 A. Yes, sir.
14 Q. Did you or do you consider this
15 plan to have met the committee's goals in
16 terms of communities of interest?
17 A. Initially, yes, sir.
18 Q. Okay. You said initially. Did
19 that change at any point in time?
20 A. I'm not sure. I don't -- I
21 don't think it has, no, sir.
22 Q. Okay. Dr. Hood performed a
23 performance or functionality analysis
24 regarding this plan; is that accurate?
25 A. I assume, yes, sir. I don't

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1 remember.
2 MR. ROSBOROUGH: Let's pull up
3 Exhibit 7, please.
4 (Whereupon, Exhibit 7 was marked
5 for identification.)
6 Q. (By Mr. ^ Attyname) All right.
7 Senator Livingston, does this look
8 familiar to you?
9 A. Yes, sir.
10 Q. And what do you recognize this as?
11 A. It's a different format. But it
12 seems like it might be the functionality or
13 whatever -- the performance test.
14 Q. Okay. And you were -- you
15 attended the deposition of Mr. Hinaman earlier
16 today?
17 A. Yes, sir.
18 Q. And do you recall this analysis
19 being discussed during that deposition?
20 A. Yes, sir.
21 Q. And you -- do you agree that in
22 the four races analyzed here, which are the
23 2020 presidential race, the 2020 U.S. Senate,
24 2018 governor, 2018 attorney general, that in
25 two of those four races black preferred

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1 candidates won, and in the other two, white
2 preferred candidates won; is that correct?
3 A. Yes, sir.
4 Q. Okay. Did you have any assessment
5 of how this plan performed in remedying the
6 likely Voting Rights Act violation identified
7 by the Court?
8 A. Would you repeat that for me,
9 please?
10 Q. Sure. Did you have any assessment
11 of how then this community of interest plan
12 performed in terms of remedying the likely
13 Voting Rights Act violation found by the
14 Court?
15 A. No, sir.
16 Q. Okay. Do you believe this plan
17 would have provided a fair opportunity for
18 African American voters to elect preferred
19 candidates in the second district?
20 A. It might have, yes, sir.
21 Q. Okay. And why is that in your
22 view?
23 A. I think it shows two of each
24 winning.
25 Q. And why, if at all, does that



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1 matter in your assessment?
2 A. It's 50/50.
3 Q. Okay. I'm sorry. Would
4 somebody -- I thought I heard somebody else
5 say something in the room. Can I -- was
6 anything else just -- was there anyone in the
7 room just trying to speak?
8 MR. WALKER: Are you talking about
9 in the room where we are?
10 MS. ROSBOROUGH: Yes.
11 MR. WALKER: No. No. Nobody -- I
12 did not say anything.
13 MR. ROSBOROUGH: Okay.
14 MR. WALKER: And there's no one
15 else -- Davin, there's no one else in the
16 room.
17 MR. ROSBOROUGH: Okay. I just
18 wanted to make sure. All right. We can take
19 this down. Thank you.
20 Q. (By Mr. Rosborough) So Senator
21 Livingston, at some point, is it correct that
22 you switched your focus from this community of
23 interest plan to other plans?
24 A. The committee members changed
25 focus, yes, sir.

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1 Q. Okay. And why, in your view, did
2 committee members change focus from the
3 community of interest plan to other plans?
4 A. I can't answer what brought them
5 to where they got to. I just know they
6 moved, and when -- they moved.
7 Q. And what about you personally, did
8 anything in particular spark your decision to
9 move your focus from the community of interest
10 plan to other plans?
11 A. The committee moved, and I was
12 going to be left behind.
13 Q. Okay. You didn't have any
14 independent reason for switching your focus to
15 other plans other than that's where the
16 majority of the committee was?
17 A. I did not, no, sir. I did not,
18 no, sir.
19 Q. Okay.
20 MR. ROSBOROUGH: Can we pull up
21 Exhibit 8, please?
22 (Whereupon, Exhibit 8 was marked
23 for identification.)
24 Q. (By Mr. Rosborough) Have you seen
25 this news article before?

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1 A. No, sir.
2 Q. Okay. If we can scroll down in
3 this article to another page, please. Okay.
4 So in this third page -- this article is from
5 July 20th. So this would have been, I think,
6 the Thursday of the special session. The
7 article says, "Livingston said senate
8 republicans began working on their own map
9 because the committee 'got some information'
10 that led them to prioritize 'compactness and
11 communities of interest being as important as
12 the black voting age population.'" What did
13 you mean by that, Senator Livingston?
14 A. The committee members had
15 received some additional information they
16 thought they should go in the direction of
17 compactness, communities of interest, and
18 making sure that congressmen are not paired
19 against each other, congressmen or women are
20 not paired against each other.
21 Q. And who did it receive that
22 information from?
23 A. I don't know that, sir.
24 Q. How did you first learn about that
25 information?

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1 A. When we got ready to pass the
2 other plan, that -- it was a large hiccup.
3 Q. Is it your understanding that this
4 information came from people in Washington?
5 A. I don't know where it came from.
6 Q. Why did you find this information
7 reliable?
8 A. There were -- I was -- I was a
9 single member left.
10 Q. Do you know who received this
11 information on the committee?
12 A. I do not.
13 Q. How did you first learn about this
14 information then?
15 A. It was a committee conversation.
16 Q. Do you recall who mentioned it?
17 A. I do not, no, sir.
18 Q. Do you have any idea at all who or
19 what type of figure was the source of this
20 information, even if you're not certain?
21 A. No, sir.
22 MR. ROSBOROUGH: Okay. We can
23 take this down.
24 Q. Senator Singleton -- I'm sorry,
25 Senator Livingston, do you recall



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<p style="text-align: right;">Page 69</p> <p>1 the opportunity --</p> <p>2 A. We look a lot a like.</p> <p>3 Q. Do you recall the opportunity plan</p> <p>4 as another plan that was introduced in the</p> <p>5 committee during the special session?</p> <p>6 A. I remember it was submitted, I</p> <p>7 think, electronically. I don't remember who</p> <p>8 by.</p> <p>9 Q. Okay. Is it correct that Senator</p> <p>10 Dan Roberts mailed the plan in?</p> <p>11 A. It may have been, yes, sir.</p> <p>12 Q. Okay. Do you recall when you</p> <p>13 first saw this plan?</p> <p>14 A. I do not, no, sir.</p> <p>15 Q. Do you recall providing any</p> <p>16 feedback regarding this plan?</p> <p>17 A. I don't know. I do not, no,</p> <p>18 sir.</p> <p>19 MR. ROSBOROUGH: Okay. Can we</p> <p>20 pull back up Exhibit No. 1, which is Senator</p> <p>21 Livingston's interrogatory responses, please.</p> <p>22 And I'd like to -- if you could scroll down to</p> <p>23 No. 3, interrogatory No. 3 and the response.</p> <p>24 Q. So interrogatory No. 3 says, _____</p> <p>25 describe the role played with respect to</p>	<p style="text-align: right;">Page 71</p> <p>1 Chris Brown authored this plan?</p> <p>2 A. I think maybe Senator Roberts</p> <p>3 told us that.</p> <p>4 Q. Okay. Do you have any</p> <p>5 understanding of whether Mr. Brown was</p> <p>6 retained by any individual or entity to draw</p> <p>7 this plan?</p> <p>8 A. Not that I'm aware of, no, sir.</p> <p>9 Q. Do you have any understanding of</p> <p>10 any guidance or instructions given to</p> <p>11 Mr. Brown in drawing this plan?</p> <p>12 A. No, sir.</p> <p>13 Q. Did you have any belief one way or</p> <p>14 another about where this plan would provide a</p> <p>15 fair opportunity to black voters to elect a</p> <p>16 preferred candidate in the second district?</p> <p>17 A. I assume you're still on the</p> <p>18 opportunity plan?</p> <p>19 Q. Yes, sir. Thank you for</p> <p>20 clarifying.</p> <p>21 A. No, sir.</p> <p>22 Q. You had no view one way or the</p> <p>23 other?</p> <p>24 A. No, sir.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 70</p> <p>1 legislative remedial plans -- to the</p> <p>2 legislative remedial plans by each individual</p> <p>3 and/or entity identified in interrogatories</p> <p>4 No. 1 or 2. Your response then lists the four</p> <p>5 different plans discussed. And under</p> <p>6 opportunity plan, it says, Chris Brown</p> <p>7 authored the plan and Senator Dan Roberts</p> <p>8 delivered it to the reapportionment office; is</p> <p>9 that correct?</p> <p>10 A. That's what it says, yes, sir.</p> <p>11 Q. Okay. And who is Chris Brown?</p> <p>12 A. Mr. Brown is a political</p> <p>13 consultant in Birmingham, Alabama.</p> <p>14 Q. Okay. Is he the owner of Red</p> <p>15 State Strategies?</p> <p>16 A. I believe that's the company,</p> <p>17 yes, sir.</p> <p>18 Q. How did he come -- how did</p> <p>19 Mr. Brown come to be involved in the map</p> <p>20 drawing process?</p> <p>21 A. I have no idea.</p> <p>22 Q. When did you first learn of</p> <p>23 Mr. Brown's involvement in the process?</p> <p>24 A. I don't remember, sir.</p> <p>25 Q. How did you come to learn that</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. ROSBOROUGH: Can we put up</p> <p>2 Exhibit 9. Let's put back up Exhibit 9.</p> <p>3 Actually, no, I'm sorry. I'm sorry. We had</p> <p>4 that up already. Is that correct? Did we put</p> <p>5 up exhibit 9 yet? I lost track there.</p> <p>6 COURT REPORTER: I am going to</p> <p>7 verify.</p> <p>8 MR. ROSBOROUGH: I think maybe we</p> <p>9 didn't. So let's put it up. Let's go ahead</p> <p>10 and put it up as Exhibit 9.</p> <p>11 COURT REPORTER: We didn't.</p> <p>12 MR. ROSBOROUGH: Okay. Thank you.</p> <p>13 Sorry. I lost track there.</p> <p>14 (Whereupon, Exhibit 9 was marked</p> <p>15 for identification.)</p> <p>16 Q. Are Senator Livingston, do you</p> <p>17 recognize this as the opportunity plan that we</p> <p>18 were just discussing?</p> <p>19 A. That's the label I see at the</p> <p>20 top, yes, sir.</p> <p>21 Q. Okay. And do you recall how this</p> <p>22 plan differed from the community of interest</p> <p>23 plan?</p> <p>24 A. Not unless they're side by side,</p> <p>25 no, sir.</p>



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1 Q. Okay. Does it sound correct to
2 you that the black voting age population in
3 the second congressional district in the
4 opportunity plan was approximately 38 percent?
5 A. I do not remember the numbers,
6 no, sir.
7 Q. Okay. You don't remember one way
8 or the other, is that correct?
9 A. No. I don't remember those
10 numbers, no, sir.
11 Q. Okay. All right.
12 So if we take a look -- I don't
13 know if you can zoom in at all more. If not,
14 we'll live with it. Thank you.
15 So let's look at the second
16 congressional district in the opportunity
17 plan. Am I correct that the second district
18 in this plan includes the whole counties of --
19 well, let me ask you: Can you identify for me
20 which counties are listed -- are included in
21 CD-2 under this plan in whole or part?
22 A. It looks like Houston, Geneva,
23 Coffee, Dale, Henry, Barber, Pike, Crenshaw,
24 Montgomery, Bullock, Russell, Macon, and
25 Elmore.

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1 Q. Okay. And does it appear there
2 might be a little piece of Elmore that's
3 included in congressional district 3?
4 A. Yes, sir.
5 Q. Okay.
6 MR. ROSBOROUGH: All right. You
7 can take that down. Thank you.
8 Q. Senator Livingston, do you recall
9 introducing a plan in the senate known as the
10 Livingston 2 plan?
11 A. Yes, sir.
12 MR. ROSBOROUGH: Let's go ahead
13 and bring up Exhibit 10.
14 MR. WALKER: I'm sorry, Davin,
15 what exhibit is this?
16 MR. ROSBOROUGH: Oh, I'm sorry.
17 This is Exhibit 10.
18 MR. WALKER: 10. I just couldn't
19 hear you.
20 MR. ROSBOROUGH: Yes, no problem.
21 (Whereupon, Exhibit 10 was marked
22 for identification.)
23 Q. Senator, do you recognize this as
24 the Livingston plan 2?
25 A. I think, yes, sir.

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1 Q. Okay. Do you know why this is
2 named Livingston congressional plan 2?
3 A. Because I think I brought it to
4 the floor.
5 Q. Okay.
6 A. Or committee. I don't remember
7 which -- if it went to the committee first.
8 Q. This plan was quite similar in a
9 number of respects to the opportunity plan we
10 just looked at; correct?
11 A. I think you said that, yes, sir.
12 Q. Okay. And specifically, if we can
13 sort of zoom in to congressional district 2,
14 congressional district 2 in the Livingston 2
15 plan and the opportunity plan appear to be
16 identical; is that correct?
17 A. I assume you've seen them
18 side-by-side. I haven't, so...
19 Q. Well, if we go through, it has the
20 full counties of Geneva, Houston, Coffee,
21 Dale, Henry, Crenshaw, Pike, Barber,
22 Montgomery, Bullock, Russell, Macon, and most
23 of Elmore except that little piece there; is
24 that accurate?
25 A. Yes, sir.

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1 Q. And those -- that appears to be
2 the same configuration of district 2 in the
3 opportunity plan?
4 A. Yes, sir, I think you are
5 correct.
6 MR. ROSBOROUGH: Okay. And if we
7 scroll down to the second page. Thank you.
8 Q. And we look at the black voting
9 age population in that last column of
10 district 2, we see it is 38.31 percent. Does
11 that seem right?
12 A. That's what it looks like, yes,
13 sir.
14 Q. Okay. What is the relationship --
15 we just -- we just saw that congressional
16 district 2 is identical between the
17 opportunity plan and the Livingston 2. What
18 is the relationship between those two plans?
19 A. Again, I'd have to look at them
20 side-by-side. I think there are some
21 differences, but I just don't remember.
22 Q. Is the Livingston 2 plan basically
23 the opportunity plan with some certain changes
24 made to it?
25 A. I would say probably fairly



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1 similar, yes, sir.
 2 Q. Okay. Do you recall why changes
 3 were made to the opportunity plan such that it
 4 turned into Livingston 2?
 5 A. I don't really remember. I
 6 would say tweaks and compactness and
 7 communities of interest and zero deviation,
 8 making sure and less precincts being split.
 9 Q. Okay. I believe --
 10 MR. ROSBOROUGH: And you can take
 11 that down, Tanner. Thank you.
 12 Q. (By Mr. Rosborough) You testified
 13 a few minutes ago that you had no view one way
 14 or the other as to the opportunity plan, about
 15 whether it would allow black voters a fair
 16 opportunity to elect candidates of choice in a
 17 second district; correct?
 18 A. Was that a question? I'm sorry.
 19 Q. Oh, I'm sorry. Is that correct?
 20 A. Would you repeat your question
 21 if that was a question? I'm sorry.
 22 Q. I will. I will.
 23 Am I correct that a few minutes
 24 ago -- I'm sorry. I'm hearing an echo. -----
 25 Okay. Am I correct that a few

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1 minutes ago, you testified that you did not
 2 know one way or the other about whether the
 3 opportunity plan would allow black voters a
 4 fair chance to elect candidates of choice in a
 5 second district; am I correct about that?
 6 A. Yes.
 7 Q. Okay. So I posed the same
 8 question to you for this plan. Did you have a
 9 view one way or the other as to whether this
 10 plan would allow black voters a fair chance to
 11 elect candidates of choice in two districts?
 12 A. I think it provided a better
 13 opportunity than the opportunity plan.
 14 Q. And what is the basis of that
 15 belief?
 16 A. The tweaks that we made in
 17 areas.
 18 Q. Okay. What particular tweaks are
 19 you thinking of here?
 20 A. I saw so many maps, sir, I don't
 21 remember. I'm sorry.
 22 Q. Okay.
 23 MR. ROSBOROUGH: Let's pull up
 24 Exhibit 11, please.
 25 (Whereupon, Exhibit 11 was marked

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1 for identification.)
 2 Q. (By Mr. Rosborough) Okay. Senator
 3 Livingston, have you seen this article before?
 4 It is a July 18th article from 1819 News?
 5 A. I have -- I have not seen it,
 6 no, sir.
 7 Q. Okay. You are quoted in this
 8 article in a few places. And I want to ask
 9 you about those. So let's -- perfect. Stop
 10 right there.
 11 At the top of that page, you are
 12 quoted as saying -- well let's set some
 13 context first. So the title of this article
 14 is House and Senate Committee Narrow
 15 Redistricting Plans to Two. Do you recall
 16 that this is the point where the senate had
 17 passed the Livingston 2 plan, the house had
 18 passed the communities of interest plan, and
 19 there had not yet between a resolution between
 20 the two plans? Does that sound right to you?
 21 A. Yes, sir.
 22 Q. Okay. I believe in referring then
 23 to the Livingston plan 2, you say -- you're
 24 quoted as saying, "This plan is based on
 25 neutral principles promoting communities of

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1 interest in the Gulf, Black Belt and
 2 Wiregrass, ensuring that the state's
 3 long-terms principles of compact districts is
 4 given a fuller and fairer effect." Is that
 5 quote accurate to the best of your knowledge?
 6 A. Yes, sir, I think so.
 7 Q. Okay. What did you mean by that?
 8 A. I think it's self-explanatory.
 9 Q. Okay. So you say first that "The
 10 plan is based on neutral principles promoting
 11 communities of interest in the Gulf, Black
 12 Belt and Wiregrass." I think we've talked
 13 about that. But then you say, "Ensuring that
 14 the state's long-term principles of compact
 15 districts is given a fuller and fairer
 16 effect." What did you particularly mean by
 17 the compact districts giving a fuller and
 18 fairer effect?
 19 A. I think that in Livingston 2 we
 20 made the districts a little more compact,
 21 providing -- I've forgotten what the two
 22 categories are in compactness and communities
 23 of interest. But providing higher scores.
 24 Q. Okay. So to the best of your
 25 recollection, were the main differences



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1 between the opportunity plan and Livingston 2
 2 improve compactness in the Livingston 2 plan?
 3 A. I believe that's correct.
 4 But I -- I believe that's correct.
 5 Q. Okay. And then you go on to
 6 say -- or I should say you're quoted as
 7 saying, "While the plan is not graded based on
 8 race, the result is fairly applied with these
 9 neutral principles and the black voting age
 10 population in district 2, which was in the
 11 existing map" -- "which was in the existing
 12 map was like around 30 percent, is now 38.8
 13 percent in this plan. District 7 preserves a
 14 core which is 50.43 percent black voting age
 15 population. This plan complies with the
 16 Voting Rights Act." Does that appear to be an
 17 accurate quotation of what you said?
 18 A. Yes, sir.
 19 Q. Okay. What did you mean when you
 20 said "The plan is not graded based on race"?
 21 A. It goes back to we were looking
 22 at the principles of compactness, communities
 23 of interest, and not putting the
 24 candidates -- competing candidates against
 25 each other. And the benefit would be the --

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1 the improvement in the BVAP.
 2 Q. So when you say "this plan
 3 complies with the Voting Rights Act," was
 4 it -- was your understanding of that based on
 5 those three principles you just discussed,
 6 communities of interest, compactness, and no
 7 pairing incumbents?
 8 A. And the improvement of the BVAP.
 9 Q. And improvement of the BVAP, okay.
 10 Do you recall any sort of
 11 performance or functionality analysis such as
 12 the one that Mr. Hood performed on the
 13 earlier -- Dr. Hood, I'm sorry, performed on
 14 the earlier plan being run on this plan?
 15 A. I think there was one run that
 16 we were able to produce on Friday, yes, sir.
 17 Q. Okay. Okay. So after this plan
 18 passed the senate, Livingston 2 and
 19 communities of interest passed the house, what
 20 happened next in the legislative process?
 21 MR. ROSBOROUGH: And I'm sorry.
 22 You can pull that down. Thanks.
 23 THE WITNESS: So what happened
 24 next in the legislative process?
 25 Q. (By Mr. Rosborough) Yes, sir.

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1 A. I guess we started making
 2 sausage at that point in time.
 3 Q. Can you say a little bit more
 4 about that?
 5 A. Making sausage? That's what
 6 they describe the legislative process as, as
 7 making sausage. And we had two different
 8 bills, and we had to come to some compromise
 9 in between them to pass one.
 10 Q. Okay. And was the result of that
 11 sausage making the Livingston 3 plan which was
 12 introduced and passed out of the conference
 13 committee?
 14 A. Yes, sir.
 15 Q. Okay.
 16 MR. ROSBOROUGH: Can we pull up
 17 Exhibit 12, please.
 18 (Whereupon, Exhibit 12 was marked
 19 for identification.)
 20 MR. ROSBOROUGH: Thank you.
 21 Q. (By Mr. Rosborough) Okay.
 22 Senator Livingston, does this
 23 appear to be the Livingston congressional
 24 plan 3 that passed out of the conference
 25 committee?

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1 A. Yes, sir.
 2 Q. Okay. How would you characterize
 3 this plan in contrast to Livingston 2?
 4 A. The primary changes are down in
 5 district 2. You added -- I can't really see
 6 them. But you added two counties to the west
 7 there.
 8 Q. Would that be Lowndes and Butler?
 9 A. I think that's correct, yes,
 10 sir. It's awful small. And the district 3,
 11 Etowah County was put back whole and added
 12 into the third congressional district. The
 13 remainder of Blount was put into the fourth
 14 congressional district. And in the fifth
 15 congressional district, Lawrence County was
 16 added into the fifth congressional district.
 17 Otherwise, it was just -- changes were made
 18 in deviation to make it -- make it whole.
 19 That brought back even higher scores in
 20 compactness and communities of interest than
 21 we had before.
 22 Q. Okay. What were the reasons to
 23 the best of your recollection for these
 24 changes that you just described?
 25 A. Again, I just stated, we brought



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1 back higher community of interest and
 2 compactness scores than there was in the
 3 Polsby-Popper and the Reock scores.
 4 Q. Okay. I think I understand in
 5 terms of compactness. How did this improve
 6 off the previous maps in terms of communities
 7 of interest?
 8 A. We actually added what would be
 9 considered one up in the fifth congressional
 10 district between Lawrence and Morgan
 11 Counties. Lawrence County being the old farm
 12 belt there, and Morgan being the industrial
 13 county where the gins used to be in the day,
 14 so --
 15 Q. Okay. Any other -- I'm sorry
 16 about that. I didn't mean to interrupt you.
 17 A. That's all.
 18 Q. Okay. Were there any other
 19 changes made to improve the community of
 20 interest configurations from previous plans?
 21 A. We maintained the Black Belt in
 22 two districts and obviously the Wiregrass and
 23 the Gulf Coast community of interest.
 24 Q. Did the -- did that initial plan,
 25 the community of interest plan equally comply

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1 in terms of those three communities of
 2 interest?
 3 A. I think the Gulf Coast did and
 4 the Wiregrass did and the Black Belt, yes.
 5 The north Alabama with Lawrence County and
 6 Morgan County being similar -- did not -- was
 7 not included in that.
 8 Q. Okay. I believe in your
 9 interrogatory response, you named a number of
 10 different senators who contributed to the
 11 input of the plan's design. Senator Barefoot,
 12 Senator Bell, Senator Chasteen, yourself,
 13 Senator Orr, Senator Roberts, Senator
 14 Scofield, and Senator Williams. Do you recall
 15 amongst all these different contributions what
 16 your particular role was?
 17 MR. WALKER: Let me caution the
 18 witness that I have asserted the legislative
 19 immunity and privilege on behalf of other
 20 members of the reapportionment committee. And
 21 in his answer, if he can answer the question
 22 without saying what other members said.
 23 Q. (By Mr. Rosborough) Right.
 24 And just to be clear, my question
 25 at the moment was just about your particular

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1 role, Senator Livingston.
 2 A. My role as chair was to get a
 3 plan out that we thought was fair and did
 4 what the Court said. We focused on
 5 communities of interest, compactness, and not
 6 putting incumbents against each other.
 7 Q. Okay. Okay.
 8 What were the areas, if you
 9 recall, that you needed to compromise on with
 10 the house plan? Was that primarily in the
 11 north part of the state, or were there other
 12 areas?
 13 A. I apologize. But without
 14 looking at both maps, I couldn't tell you.
 15 So -- obviously one of the compromises we had
 16 to have was in making Etowah County whole.
 17 Past that, I don't remember.
 18 Q. Okay. Do you remember any
 19 differences of opinion between yourself and
 20 Representative Pringle as to the boundaries of
 21 a compliant plan?
 22 A. Would you repeat that for me,
 23 please?
 24 Q. Sure. Obviously, there was a
 25 house map that passed and a senate map that

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1 passed. Do you recall what differences there
 2 were between you and Representative Pringle
 3 that needed to be resolved in a final plan?
 4 A. Obviously Chairman Pringle was
 5 very, very interested in his community of
 6 interest map. I don't remember any -- the
 7 differences, no.
 8 Q. Okay. But you -- and I don't want
 9 to put words your mouth, so tell me if I'm
 10 incorrect on this. But I believe that you
 11 testified that you had been supportive of the
 12 community of interest map, but went along with
 13 this other chain of maps, which was
 14 opportunity to Livingston 2 to Livingston 3
 15 because of outside input; is that correct?
 16 A. I don't think I said outside
 17 influence. I think I said my committee
 18 members.
 19 Q. Okay. So it was other committee
 20 members that no longer were supportive of the
 21 community of interest plan; is that correct?
 22 A. Yes, sir.
 23 Q. And your understanding is that
 24 that was because of outside information they
 25 received?



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1 A. I don't know what the
2 information they received.
3 Q. Okay. Do you understand --
4 without revealing the contents of
5 conversations, do you have an understanding of
6 why the other senate members of the committee
7 no longer supported the community of interest
8 plan?
9 A. I don't know why -- why that
10 changed.
11 MR. ROSBOROUGH: All right. Can
12 we pull up Exhibit 13, please.
13 (Whereupon, Exhibit 13 was marked
14 for identification.)
15 Q. (By Mr. Rosborough) Senator
16 Livingston, do you recognize this document?
17 A. I have seen it before, yes, sir.
18 Q. Does this appear to be the
19 analysis Dr. Hood performed on the
20 Livingston 3 plan which was ultimately the
21 plan enacted in senate bill 5?
22 A. It doesn't identify itself as
23 that. But it looks familiar, yes, sir.
24 Q. Okay. And did you see Dr. Hood's
25 analysis before the plan passed the

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1 legislature during the special session?
2 A. Yes, sir.
3 Q. Okay. And under this analysis in
4 senate district -- I'm sorry -- in
5 congressional district 2 in the seven races
6 analyzed, black preferred candidates would
7 have lost all seven of those races; is that
8 correct?
9 A. I think that's what that shows,
10 yes, sir.
11 Q. Okay. And that also shows that
12 black preferred candidates would have lost by
13 an average of about a little under eight
14 points; is that correct?
15 A. I see on the percentage on
16 there. It's 46.6 out on the end of CD-2.
17 That's an average.
18 Q. Oh, I'm sorry. I think I meant to
19 say about seven points. It's 46.6 percent for
20 the black preferred candidate and 53.4 for the
21 white preferred candidate. Does that seem
22 accurate?
23 A. Yes, sir, I see that.
24 Q. Okay. How did this analysis
25 factor into your decision to support this

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1 plan, if at all?
2 A. Again, it's 46.6 percent
3 opportunity if you've got the right candidate
4 and the right funding.
5 Q. If this had been 43 percent
6 average, would that have been an opportunity
7 district in your mind?
8 A. If you're talking about CD-2,
9 average 43 percent?
10 Q. Yes.
11 A. I don't think so.
12 Q. Okay. Where do you sort of
13 draw -- where do you draw the line in
14 considering what average -- for a black
15 preferred candidate for prior elections, what
16 average would make this an opportunity
17 district?
18 A. I don't have a number for that,
19 sir.
20 Q. Nut somewhere above 43 percent,
21 but 46.6 percent qualifies; is that fair?
22 A. I think that would be fair, yes,
23 sir.
24 MR. ROSBOROUGH: Okay. All right.
25 We can take that down. Actually, can we pull

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1 up Exhibit 14, please.
2 Q. Okay. Senator Livingston, this is
3 an article from the Alabama Reflector from
4 July 21st, 2023 with the title Alabama
5 Legislative Passes Controversial Congressional
6 Map. Have you seen this article before?
7 A. No, sir, I have not.
8 (Whereupon, Exhibit 14 was marked
9 for identification.)
10 Q. (By Mr. Rosborough) I'm asking
11 about this article because you are quoted in
12 it. If we could scroll down to, I believe,
13 page 3. There we go.
14 And you understand this article is
15 referring to the plan that ultimately passed,
16 which was Livingston 3 and ultimately passed
17 as senate bill 5?
18 A. Yes, sir.
19 Q. Okay. All right.
20 If you see, you are quoted in this
21 article as saying -- well, it refers to you, I
22 should say, as noting that republicans
23 prioritize compactness and communities of
24 interest which led to a 40 percent black
25 district. Livingston said there was not a



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1 conscious attempt to reach that number. And
 2 then you're specifically quoted as saying,
 3 There are three legs. And in the suit, the
 4 Court's order are -- those are two of the
 5 three legs. Does that appear to be an
 6 accurate quote?
 7 A. I don't remember saying that,
 8 but I'm sure they got it recorded.
 9 Q. Okay. Okay.
 10 What do you mean there were three
 11 legs, and in the suit, the Court's order and
 12 these are two of the three legs?
 13 A. I would assume that I'm talking
 14 about compactness and communities of
 15 interest.
 16 Q. Okay. And then what is the third
 17 leg, is that the Court's order?
 18 A. I would say that would be the --
 19 Q. Okay. And you talked a good
 20 amount about how compactness and communities
 21 of interest played into the map, but what
 22 about the Court's order, what role did that
 23 play for you?
 24 A. So the Court's order was to
 25 give -- to create two opportunity districts.

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1 And I think that's what we tried to do with
 2 this.
 3 MR. ROSBOROUGH: I'd like to
 4 scroll down toward the bottom. Further down.
 5 Keep going. Okay. There we go. All right.
 6 Q. So toward the bottom of the
 7 article, the last -- these -- the last couple
 8 paragraphs on the page shown says, they say,
 9 The week-long session drew national attention.
 10 Republicans have a slim majority in the U.S.
 11 House that could shift with the loss of five
 12 seats. Livingston said Friday he had spoken
 13 with U.S. House Speaker Kevin McCarthy, R.
 14 California. He said, "I'm interested in
 15 keeping my majority," Livingston said. "That
 16 was basically his conversation. He's just
 17 telling us to do what we can do. We did the
 18 best we could."
 19 What do you recall about your
 20 conversation with Speaker McCarthy?
 21 A. Just a brief conversation that
 22 he expressed exactly what I said there.
 23 Q. Okay. And when you said at the
 24 end, "We did the best we could," what did you
 25 mean by that?

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1 A. I think -- I think we made a
 2 valid attempt at making it fair and equal for
 3 everybody.
 4 Q. Okay. And he said, "I'm
 5 interested in keeping my majority." When you
 6 said, "We did the best we could," are you
 7 referring to passing what you think is a fair
 8 map while keeping a republican majority?
 9 A. I think we passed a fair map
 10 that satisfied the Court's requirements of
 11 opportunity districts.
 12 Q. And I understand that. I'm just
 13 wondering what -- how your response, "We did
 14 the best we could" in response to Speaker
 15 McCarthy's statement, "I'm interested in
 16 keeping my majority," what the relationship
 17 between those two are?
 18 A. I think you'd have to go back
 19 and ask whoever the -- wrote the article.
 20 I'm not sure they were in the same sentence
 21 or even meant to be tied together. But they
 22 are tied together there.
 23 Q. Okay. How, if at all, did helping
 24 Speaker McCarthy keep a republican majority in
 25 the house, how, if at all, did that play into

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1 your efforts here?
 2 A. They really didn't play into our
 3 efforts. You know, they really didn't.
 4 Q. Okay. Are you just speaking for
 5 yourself, or are you speaking to other
 6 committee members?
 7 A. I would speak for myself there.
 8 Q. Okay. Would you say that you
 9 consider it fair and equal for black preferred
 10 candidates to win zero elections in
 11 congressional district 2 as drawn in the new
 12 plan?
 13 A. Would you repeat the question
 14 for me, please?
 15 Q. Would you consider it fair and
 16 equal for black preferred candidates to win
 17 zero elections in the newly drawn
 18 congressional district 2?
 19 A. No, sir, I don't think. I think
 20 they have an opportunity to win there.
 21 Q. And you think they have an
 22 opportunity to win even though all of the
 23 analysis you saw showed that they would have
 24 not have won a single election had that
 25 district been drawn in the past?



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1 A. I think if you go back and look
2 at the numbers that were in there, some of
3 those candidates were very weak.
4 Q. Were there any candidates run in
5 those races that you did do not consider very
6 weak?
7 A. I'd have to look at it again to
8 be honest with you. But, yes, sir, I think
9 there were some that were not weak.
10 Q. But those candidates that were not
11 weak nonetheless would have lost in the second
12 district; correct?
13 A. I think that's correct, yes,
14 sir. Again, I'd have to look at it.
15 Q. Okay. Which of those prior
16 candidates do you think were weak?
17 A. I don't remember, sir. I don't
18 see that in front of me. So I don't know
19 who -- that was '20 and -- 2018 and 2020
20 data; right?
21 Q. 2018 and 2020 data. I think there
22 might have been some 2016 data in the
23 analysis.
24 A. You know, just to be perfectly
25 honest with you, this was three weeks of, you

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1 know, trying to get this together and to get
2 it to the Court, so...
3 MR. ROSBOROUGH: Okay. We can
4 pull this down. We're getting close -- we're
5 getting close to wrapping up on my end.
6 Q. So let me just confirm then, you
7 didn't -- can you think of any candidates in
8 the past other than Doug Jones who you would
9 consider -- well, let me rephrase that.
10 One of those elections was Doug
11 Jones, correct, where he lost to Senator
12 Tuberville in 2020 and would have lost in that
13 second congressional district under the
14 analysis; is that correct?
15 A. Well, some of the analysis -- it
16 probably wasn't on this map, but some of the
17 analysis showed him winning the second
18 congressional district.
19 Q. Well, let's pull back up --
20 A. Maybe not in that one.
21 Q. Yeah. Let's just go ahead and
22 pull back up really quickly Exhibit 13 if you
23 don't mind. It will be easy. Again, I'm
24 really not trying to do this as a memory test.
25 I know it was a fast session.

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1 A. I would have withheld that. I'm
2 sorry.
3 Q. No, that's all right.
4 So if we look at district 2 in the
5 Senate 2020 race, that was the Doug Jones
6 versus Tommy Tuberville race; correct?
7 A. Yes, sir, I think so.
8 Q. Okay. And that was in a
9 presidential year where there's generally
10 higher turnout; is that correct?
11 A. Yes, sir.
12 Q. And in that race in this new
13 congressional district 2 under the enacted
14 plan, Senator Tuberville would have beaten
15 Doug Jones -- former Senator Jones by
16 4 percentage points; is that accurate?
17 A. Yes, sir, that's what I see.
18 Q. Okay. Would you consider Senator
19 Jones a weak candidate?
20 A. No, sir, I would not.
21 Q. Would you consider him to be more
22 well-funded than most other democratic
23 candidates in recent years?
24 A. Yes, sir.
25 Q. So despite being well-known, a

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1 former incumbent, and well-funded, Senator
2 Jones would have lost to Senator Tuberville by
3 4 points in this district; correct?
4 A. Yes, sir.
5 MR. ROSBOROUGH: Okay. You can
6 take that down. Okay. Can we just -- I'm
7 getting close to wrapping up, Senator
8 Livingston. I appreciate your time. I've got
9 a few more minutes.
10 Can we please pull up Exhibit 15?
11 Q. Okay. Senator Livingston, do you
12 recognize this document?
13 (Whereupon, Exhibit 15 was marked
14 for identification.)
15 THE WITNESS: Yes, sir.
16 Q. (By Mr. Rosborough) And what is
17 it?
18 A. I think that's the final bill
19 that was passed SB-5 as enacted and stamped.
20 And I think if I remember from earlier
21 conversation has got the governor's signature
22 on the bottom of the front page.
23 MR. ROSBOROUGH: Okay. All right.
24 And if we could scroll up to, I think it's
25 maybe the second page. Scroll up one page



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1 more. There we go.
 2 Q. Okay. So section one of the bill
 3 sets out a number of -- well, line 15 right
 4 there says, "The legislature finds and
 5 declares the following." And then it sets out
 6 a number of statements over the next several
 7 pages. If you scroll down all the way until
 8 we get to section 2, I believe, which is an
 9 actual description of the districts; is that
 10 correct?
 11 A. I'll take your word for it.
 12 It's very difficult to see here.
 13 Q. Okay. Are you generally familiar
 14 with the fact that there are what are titled
 15 legislative findings that take up about, you
 16 know, five or so pages in the bill?
 17 A. Yes, sir.
 18 Q. Okay. And do you recall in your
 19 responses to the interrogatories that when you
 20 were asked to identify each individual and/or
 21 entity who participated in the drafting of the
 22 statement of legislative intent accompanying
 23 the congressional districting map, you said
 24 all information and belief, Eddie LaCour, do
 25 you recall that?

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1 A. Yes, sir.
 2 Q. When -- are these sections of the
 3 bill what you were referring to in that
 4 answer?
 5 A. Yes, sir.
 6 MR. ROSBOROUGH: All right. We
 7 can -- well, let me just -- we can take that
 8 down. That's fine.
 9 Q. Do you -- without revealing any
 10 conversations with counsel, do you have any
 11 understanding of why those findings were
 12 included in the bill?
 13 A. I do not, sir.
 14 Q. Okay. Senator Livingston, did
 15 you -- do you recall preparing or receiving
 16 any talking points regarding the enacted plan
 17 or any draft plans during the special session?
 18 A. Yes, sir.
 19 MR. ROSBOROUGH: Okay. Can we
 20 pull up Exhibit 16, please?
 21 (Whereupon, Exhibit 16 was marked
 22 for identification.)
 23 Q. (By Mr. Rosborough) Okay.
 24 And if we can just sort of slowly
 25 scroll down and give you a chance to look

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1 over. I am happy to go slower if you need.
 2 Just let us know. But do these appear to be
 3 the talking points that you just mentioned?
 4 A. Yes, sir.
 5 Q. Okay. Who prepared these talking
 6 point?
 7 A. I think they came from Eddie
 8 LaCour.
 9 Q. Okay. And do you recall when you
 10 received them?
 11 A. That, I do not remember, no,
 12 sir.
 13 Q. Do you recall discussing these
 14 talking points with anyone?
 15 A. No, sir.
 16 Q. Did you rely on these talking
 17 point during legislative hearings?
 18 A. Some of them I did, yes, sir.
 19 MR. ROSBOROUGH: Okay. Okay.
 20 Give me one sec. I'm just going to take one
 21 sec if you don't mind the awkward the pause.
 22 Okay. We can take that down.
 23 If we can just take a five-minute
 24 break. I think that's probably all the
 25 questions I have. But I just want a second to

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1 confer with my cocounsel. Does that work? We
 2 can take five and come back at 3:27.
 3 MR. WALKER: Davin, would you mind
 4 if we took a little bit longer than five, say
 5 maybe ten or so minutes?
 6 MR. ROSBOROUGH: Oh, sure, that's
 7 fine. We can take ten.
 8 MR. WALKER: Okay.
 9 MR. ROSBOROUGH: Well, actually,
 10 how about this? You know what, I feel pretty
 11 comfortable those are all of my questions. So
 12 let me see if Mr. Posimato from the Caster
 13 plaintiffs or anyone else wants to -- anyone
 14 else has any questions because it may be -- if
 15 not, we can just end this and take a longer
 16 break.
 17 MR. POSIMATO: This is Joe
 18 Posimato from the Caster plaintiffs. The
 19 Caster team doesn't have any further
 20 questions.
 21 MR. DAVIS: Nothing from the
 22 secretary of state.
 23 COURT REPORTER: Okay. No other
 24 questions, Counsel?
 25 MR. ROSBOROUGH: Nothing else from



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1 me.
2 COURT REPORTER: Okay.
3 THE VIDEOGRAPHER: Counsel, is it
4 going to be the same orders for this witness?
5 MR. ROSS: Same orders for this
6 witness, yes, thank you.
7 MR. POSIMATO: For the Caster
8 plaintiffs, I think my colleague had ordered a
9 transcript, but not a rush transcript from the
10 last deposition. We would actually like to
11 amend that. Can we actually have rush
12 transcript for the Milligan plaintiffs for all
13 of these depositions?
14 COURT REPORTER: Yes, sir.
15 MR. POSIMATO: Thank you so much.
16 COURT REPORTER: Okay. You can
17 take us off, I believe, Bailey.
18 THE VIDEOGRAPHER: No further
19 questions. The time is 2:24 p.m. on August
20 9th, 2023. We are going off the record.
21 (The deposition concluded at 2:24 p.m.)
22
23
24
25

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1 C E R T I F I C A T E
2
3 STATE OF ALABAMA)
4 CALHOUN COUNTY)
5
6 I hereby certify that the above
7 proceedings were taken down by me and
8 transcribed by me using computer-aided
9 transcription, and that the above is a true
10 and correct transcript of the said proceedings
11 given by said witness.
12 I further certify that I am neither
13 of counsel nor of kin to the parties to the
14 action, nor am I in anywise interested in the
15 result of said cause.
16 I further certify that I am duly
17 licensed by the Alabama Board of Court
18 Reporting as a Certified Court Reporter as
19 evidenced by the ACCR number found below.
20
21 COMMISSIONER - NOTARY PUBLIC
22
23 *Cindy C. Jenkins, CCR*
24 CINDY C. JENKINS, CSR
25 ACCR #470 - Exp. 9/30/2023



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**CHRISTOPHER P. PRINGLE
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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 NO. 2:21-CV-01530-AMM</p> <p>6</p> <p>7 EVAN MILLIGAN, et al.,</p> <p>8 Plaintiffs,</p> <p>9 vs.</p> <p>10 WES ALLEN, et al.,</p> <p>11 Defendants.</p> <p>12</p> <p>13</p> <p>14 VIDEOTAPED REMOTE DEPOSITION OF:</p> <p>15 CHRISTOPHER P. PRINGLE</p> <p>16 August 9, 2023</p> <p>17 3:04 P.M.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 REPORTED BY:</p> <p>22 Cindy C. Jenkins, CCR</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 S T I P U L A T I O N S</p> <p>2 (continued)</p> <p>3</p> <p>4 IT IS FURTHER STIPULATED AND AGREED</p> <p>5 that it shall not be necessary for any</p> <p>6 objections except as to form or leading</p> <p>7 questions, and that counsel for the parties</p> <p>8 may make objections and assign grounds at the</p> <p>9 time of the trial, or at the time said</p> <p>10 deposition is offered in evidence or prior</p> <p>11 thereto.</p> <p>12</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that the notice of filing of the deposition by</p> <p>15 the Commissioner is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N S</p> <p>2</p> <p>3 IT IS STIPULATED AND AGREED by and</p> <p>4 between the parties through their respective</p> <p>5 counsel, that the deposition of Christopher P.</p> <p>6 Pringle may be taken before Cindy C. Jenkins,</p> <p>7 Commissioner, via Zoom Video Conference, on</p> <p>8 the 9th day of August, 2023.</p> <p>9</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the signature to and the reading of the</p> <p>12 deposition by the witness is waived, the</p> <p>13 deposition to have the same force and effect</p> <p>14 as if full compliance had been had with all</p> <p>15 laws and rules of Court relating to the taking</p> <p>16 of depositions.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE MILLIGAN</p> <p>4 PLAINTIFFS:</p> <p>5 NAACP LEGAL DEFENSE & EDUCATIONAL FUND</p> <p>6 Mr. Deuel Ross</p> <p>7 Mr. Tanner Lockhead</p> <p>8 700 14th Street, Northwest</p> <p>9 Suite 600</p> <p>10 Washington, DC 20005</p> <p>11 dross@naacpldf.org</p> <p>12</p> <p>13 NAACP LEGAL DEFENSE</p> <p>14 & EDUCATIONAL FUND, INC.</p> <p>15 Ms. Brittany Carter</p> <p>16 40 Rector Street, 5th Floor</p> <p>17 New York, New York 10006</p> <p>18 212-965-2200</p> <p>19 AMERICAN CIVIL LIBERTIES UNION FOUNDATION</p> <p>20 Mr. Davin M. Rosborough</p> <p>21 125 Broad Street</p> <p>22 New York, New York 10004</p> <p>23 drosborough@aclu.org</p> <p>24 APPEARING ON BEHALF OF THE CASTER PLAINTIFFS:</p> <p>25 ELIAS LAW GROUP, LLP</p> <p>Ms. Makeba Rutahindurwa</p> <p>Mr. Joseph Posimato</p> <p>250 Massachusetts Avenue, Northwest</p> <p>Suite 400</p> <p>Washington, D.C. 20001</p> <p>jjasarasaria@elias.law</p> <p>APPEARING ON BEHALF OF THE COCHAIRS; RANDY</p> <p>HINAMAN, STEVE LIVINGSTON, and CHRIS PRINGLE:</p> <p>BALCH & BINGHAM</p> <p>Mr. Dorman Walker</p> <p>105 Tallapoosa Street</p> <p>Suite 200</p> <p>Montgomery, Alabama 36104</p> <p>dwalker@balch.com</p>



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<p>1 APPEARANCES (continued)</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE SECRETARY OF STATE, WES ALLEN:</p> <p>4 OFFICE OF THE ATTORNEY GENERAL Mr. Jim Davis 5 Assistant Attorney General 501 Washington Avenue 6 Montgomery, Alabama 36130 jim.davis@alabamaag.gov</p> <p>7</p> <p>8 VIDEOGRAPHER: 9 Mr. Bailey Diaz</p> <p>10</p> <p>11 ALSO PRESENT: 12 Ms. Joelle Miller 13 Ms. Donna Loftin</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p>	<p>1 PROCEEDINGS</p> <p>2 AUGUST 9, 2023 3:04 P.M.</p> <p>3 THE VIDEOGRAPHER: Good afternoon.</p> <p>4 We are now on the record. The time is</p> <p>5 3:04 p.m. on Wednesday, August 9th, 2023.</p> <p>6 This begins the videotaped deposition of Chris</p> <p>7 Pringle taken in the matter of Evan Milligan,</p> <p>8 et. al., vs. Wes Allen, et al., the case</p> <p>9 number of which is 2:21-CV-01530-AMM. The</p> <p>10 videographer today is Bailey Diaz. Our court</p> <p>11 reporter is Cindy Jenkins, both representing</p> <p>12 Esquire Deposition Solutions.</p> <p>13 Counsel, will you please announce</p> <p>14 your name for the record and whom you</p> <p>15 represent, after which the court reporter will</p> <p>16 swear in the witness.</p> <p>17 MR. LOCKHEAD: This is Tanner</p> <p>18 Lockheed on behalf of Milligan plaintiffs from</p> <p>19 the Legal Defense Fund.</p> <p>20 MR. DAVIS: Jim Davis for the</p> <p>21 defendant, Secretary of State, Wes Allen.</p> <p>22 MR. WALKER: Dorman Walker</p> <p>23 representing defendant, Chris Pringle.</p> <p>24 MR. ROSBOROUGH: Davin Rosborough</p> <p>25 also for the Milligan plaintiffs.</p>	<p>Page 7</p>
<p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 CHRISTOPHER P. PRINGLE</p> <p>4 Examination by Mr. Lockheed 8</p> <p>5</p> <p>6</p> <p>7 I N D E X OF EXHIBITS</p> <p>8 NUMBER PAGE</p> <p>9 Exhibit A 17</p> <p>10 Exhibit C 48</p> <p>11 Exhibit D 52</p> <p>12 Exhibit F 57</p> <p>13 Exhibit G 77</p> <p>14 Exhibit H 85</p> <p>15 Exhibit I 88</p> <p>16 Exhibit J 89</p> <p>17 Exhibit K 96</p> <p>18 Exhibit L 106</p> <p>19 Exhibit O 108</p> <p>20 Exhibit X 61</p> <p>21 Exhibit Y 62</p> <p>22 Exhibit Z 102</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 6</p>	<p>1 MS. CARTER: Brittany Carter for</p> <p>2 the Milligan plaintiffs.</p> <p>3 MR. POSIMATO: This is Joseph</p> <p>4 Posimato on behalf of the Caster plaintiffs.</p> <p>5 MS. RUTAHINDURWA: Makeba</p> <p>6 Rutahindurwa on behalf of the Caster</p> <p>7 plaintiffs.</p> <p>8 MR. ROSBOROUGH: We also have</p> <p>9 Deuel Ross here on behalf of the Milligan</p> <p>10 plaintiffs and Joelle Miller who is a legal</p> <p>11 intern with the Legal Defense Fund.</p> <p>12 CHRIS PRINGLE,</p> <p>13 being first duly sworn, was examined and</p> <p>14 testified as follows:</p> <p>15 EXAMINATION BY MR. LOCKHEAD:</p> <p>16 Q. Good afternoon. My name is Tanner</p> <p>17 Lockheed, and I represent the Milligan</p> <p>18 plaintiffs in this case. And I'll be taking</p> <p>19 your deposition this afternoon.</p> <p>20 Would you mind starting by stating</p> <p>21 your full name for the record?</p> <p>22 A. Christopher Paul Pringle.</p> <p>23 Q. And Mr. Pringle, you understand</p> <p>24 that you're testifying under oath?</p> <p>25 A. I do.</p>	<p>Page 8</p>



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1 Q. Okay. Is there anything that
2 might prevent you from understanding my
3 questions or answering truthfully today?
4 A. Only the audio on this feed.
5 Prevent me from hearing you. It doesn't
6 prevent me from telling the truth.
7 Q. That's fair. If I cut out at any
8 point, just let me know. And Mr. Pringle, are
9 you currently represented by an attorney?
10 A. Dorman Walker.
11 Q. So Mr. Pringle, you were last
12 deposed in this case on December 17th, 2021;
13 is that correct?
14 A. I believe so, yes.
15 Q. Have you testified in any trial or
16 deposition since your prior deposition in this
17 case?
18 A. No.
19 Q. Okay. I'll just go over some of
20 the key rules of road just as a refresher if
21 that's all right. So I'll ask questions. If
22 you don't understand a question, just let me
23 know. If you answer a question, I'll assume
24 that you understood the question; is that
25 fair?

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1 A. Yes.
2 Q. Also, of course, the court
3 reporter is here, as you may have already
4 noticed, and there's a video recording. So
5 it's important that just one person speak at a
6 time. So just please -- I ask that you allow
7 me to finish my questions, and I'll do my best
8 to make sure you're able to finish your
9 answers before jumping into the next question;
10 is that all right?
11 A. Yes.
12 Q. Great. So without disclosing the
13 content of any discussions with your attorney,
14 what did you do to prepare for your deposition
15 today?
16 A. Nothing.
17 Q. Did you meet with any of your
18 attorneys?
19 A. I talked to Dorman on the phone.
20 Q. Okay. Only once or multiple
21 times?
22 A. Two or three times.
23 Q. Okay. Did you meet with anyone
24 who was not an attorney in preparation for the
25 deposition today?

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1 A. No.
2 Q. Okay. Did you review any
3 documents?
4 A. No. I turned all of mine over.
5 Q. Did you review any documents in
6 the course of turning them over for the
7 deposition?
8 A. Not really.
9 Q. Okay. Have you discussed the
10 deposition with anyone?
11 A. No.
12 Q. Okay.
13 A. Just I told my girlfriend -- I
14 told my girlfriend I have one.
15 Q. So fair to say nobody from the
16 State of Alabama affiliated with state
17 legislature?
18 A. No.
19 Q. Okay. Who first told you that
20 your deposition had been requested in this
21 case?
22 A. Dorman.
23 Q. Okay. And are you being
24 compensated by anyone for being here today in
25 this deposition?

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1 A. I'm losing so much money right
2 now it's not even funny. No.
3 Q. And do you expect to be
4 compensated in any way to testify at trial in
5 this matter?
6 A. No.
7 Q. So Representative Pringle, since
8 your prior deposition in this case in 2021,
9 have you been involved in any other lawsuits,
10 any other depositions?
11 A. No.
12 Q. Okay. So let's go ahead and
13 transition to your time in the legislature.
14 What is your current role in Alabama
15 legislature?
16 A. State representative house
17 district 101 and speaker pro tempore of the
18 Alabama house.
19 Q. Are you currently on any
20 committees?
21 A. Numerous.
22 Q. Which ones?
23 A. I am cochairman of the
24 legislative council. I'm cochairman of
25 reapportionment. I'm on the elections



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1 committee. I'm on the Mobile County
2 legislative delegation committee. I'm on the
3 contract review committee. I can't even name
4 them all.
5 Q. So for purposes of brevity,
6 throughout this deposition when I refer to the
7 redistricting committee, what I mean by that
8 is the reapportionment committee. Can we
9 agree to that? Is that fair?
10 A. That's perfectly fine.
11 Q. Okay. You said you served as
12 cochairman of the reapportionment committee
13 during the 2021 redistricting cycle; is that
14 correct?
15 A. Correct.
16 Q. And you also served as cochair
17 during the 2023 redistricting cycle as well;
18 is that correct?
19 A. Correct.
20 Q. Okay. Representative Pringle, how
21 did you come to be the cochair in 2021?
22 A. I was elected by my peers.
23 Q. And what about in 2023?
24 A. Elected by my peers.
25 Q. Would you mind just quickly

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1 walking me through your responsibilities as
2 cochair of that committee?
3 A. I'm the house cochair. So when
4 the house side of it meets, I chair that
5 committee. When the full committee meets,
6 sometimes I chair it, sometimes Livingston
7 will chair it.
8 Q. Okay. And what does that involve,
9 chairing?
10 A. We go through the agenda. You
11 run the meeting.
12 Q. Did your responsibilities as chair
13 change from the 2021 cycle through to the 2023
14 cycle, or would you say they're about the
15 same?
16 A. About the same.
17 Q. Okay. Okay. So let's go ahead
18 and jump into the thing. So are you aware of
19 the Supreme Court's decision in Allen vs.
20 Milligan?
21 A. Yes, sir.
22 Q. Okay. Did you read that decision?
23 A. Not in its entirety, no.
24 Q. Did you read it in part?
25 A. Parts of it, yes, sir.

Page 15

1 Q. Okay. That decision was issued on
2 June 8th, 2023, does that sound right?
3 A. Yes, sir.
4 Q. Okay. How did you become aware of
5 that decision?
6 A. The news.
7 Q. Did you speak to anybody about it?
8 A. Well, I'm sure I called Dorman
9 very quickly to find out.
10 Q. Did you speak to anybody else?
11 A. You know, probably a thousand
12 people have talked to me about that decision.
13 Q. Okay. Well, let's maybe take
14 it --
15 A. I can't remember.
16 Q. Did you speak -- Representative
17 Pringle, am I coming through okay?
18 A. You're breaking up, but go
19 ahead.
20 Q. Okay. Did you speak with Governor
21 Ivey about the decision?
22 A. No.
23 Q. What about other members of the
24 Alabama congressional delegation?
25 A. Yes.

Page 16

1 Q. And who was that?
2 A. Jerry Carl, Mike Rogers.
3 Q. Any others?
4 A. No.
5 Q. Did you speak with Senator
6 Tuberville?
7 A. No.
8 Q. Or a member of his staff?
9 A. No.
10 Q. What about any folks at the NRCG
11 (sic), the national republican redistricting
12 trust?
13 A. Not since 2021.
14 MR. LOCKHEAD: Okay.
15 Let's go ahead if it's all right
16 and pull up what's been marked as Exhibit A.
17 I think that Davin is going to help out with
18 that.
19 THE WITNESS: Somebody's going to
20 have to help me because I don't see anything.
21 Oh, wait a minute. There we go.
22 Thank you.
23 Q. (By Mr. Lockhead) Representative
24 Pringle, can you see that all right?
25 A. Yes.



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1 (Whereupon, Exhibit A was marked
2 for identification.)
3 Q. (By Mr. ^ Attyname) Representative
4 Pringle, what -- do you recognize this
5 document?
6 A. Yes.
7 Q. And what is it?
8 A. It's a lawsuit.
9 Q. Do you know which lawsuit?
10 A. The Milligan vs. Merrill.
11 Q. And this is the preliminary
12 injunction memorandum issued from the three
13 judge court in the Milligan case; is that your
14 understanding?
15 A. That's my understanding, yes.
16 Q. Okay. Representative Pringle, are
17 you familiar with the guidance given by the
18 Court in this case concerning what's required
19 in order to remedy a likely Voting Rights Act
20 violation under section 2?
21 A. Either two majority minority
22 districts or something close to it. They
23 were providing (inaudible) for a protected
24 class of citizens to elect a candidate of
25 their choosing.

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1 Q. So you're familiar with that
2 guidance given by the Court concerning what
3 was required of the map?
4 A. Yes, sir.
5 MR. LOCKHEAD: Okay. Can we
6 scroll to page 6, and if we could zoom in a
7 little bit.
8 Q. Representative Pringle, I'm going
9 to start to read at the paragraph that begins
10 with the legislature. Do you see that
11 paragraph?
12 A. Yes.
13 Q. Okay. "The legislature enjoys
14 board discretion and may consider a wide range
15 of remedial plans. As the legislature
16 considers such plans, it should be mindful of
17 the practical reality based on the ample
18 evidence of intensely racially polarized
19 voting adduced during the preliminary
20 injunction proceedings that any remedial plan
21 will need to include two districts in which
22 black voters either comprise a voting age
23 majority or something quite close to it." Did
24 I read that correctly?
25 A. Yes, sir.

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1 Q. And you were familiar with this
2 passage; correct?
3 A. Yes.
4 Q. In fact, I think you recited it
5 from memory; is that fair?
6 A. I'm familiar with it.
7 Q. What role, if any, did this
8 passage from the preliminary injunction order
9 play in your consideration of these new maps
10 during the 2023 redistricting cycle?
11 A. That we were charged with
12 drawing a map that would provide an
13 opportunity for the black voters to elect a
14 candidate of their choosing.
15 Q. Did you have an understanding of
16 what was required in order for that
17 opportunity to comply with the opportunity as
18 its expressed in this paragraph?
19 A. An opportunity for blacks to
20 elect a candidate of their choosing.
21 Q. Okay. So as you were considering
22 plans, did you have an understanding of what
23 it means for black voters to have an
24 opportunity to elect a representative of their
25 choice?

Page 20

1 A. Ask me that again, please.
2 Q. Sure. Tell me what you
3 understand -- what it means to provide black
4 voters with an opportunity to elect a
5 candidate of their choice.
6 A. You know, a district which they
7 have the ability to elect or defeat somebody
8 of their choosing. I have no magic number on
9 that.
10 Q. Sure. Does it turn on the ability
11 to elect for you?
12 A. Yes. Ability.
13 Q. So in thinking through this
14 decision, other than with your counsel, of
15 course, did you have discussions with anyone
16 about what it means for black voters to have
17 an opportunity to elect a representat ve of
18 their choice in a district?
19 A. Not that I recall.
20 Q. Okay. Not other members of the
21 legislature?
22 A. Not that I recall.
23 Q. Okay. So you did not -- cannot
24 recall an example of any discussion with the
25 legislature regarding what it means to create



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1 an opportunity district?
 2 A. Not -- not that I can recall.
 3 Q. Okay. Let's go ahead and turn to
 4 the 2023 process itself.
 5 So Representative Pringle, at what
 6 point did you first begin working on a new map
 7 after the Supreme Court decision?
 8 A. Probably within a matter of days
 9 after the Supreme Court handed down the
 10 ruling in June.
 11 Q. And who did you consult in that
 12 process?
 13 A. My attorney Dorman Walker and
 14 Randy Hinaman and my cochairman Steve
 15 Livingston.
 16 Q. Did you speak with anyone else at
 17 that stage when you were beginning to draft
 18 maps, other legislators or members of the
 19 congressional delegation or others?
 20 A. Not that I recall.
 21 Q. Okay. Did you speak with
 22 Congresswoman Terry Sewell or any of her
 23 staff?
 24 A. No, sir.
 25 Q. What about Speaker McCarthy?

Page 22

1 A. I had a very, very brief
 2 conversation with him one Sunday afternoon as
 3 I was returning from New Orleans, yes.
 4 Q. What did you discuss with Speaker
 5 McCarthy?
 6 A. The one time I met him in his
 7 office, I asked if he remembered meeting me
 8 several years ago. But mostly he just -- he
 9 just was concerned about keeping his majority
 10 and wanted us to keep that in mind. But it
 11 was not in any way -- it was very congenial
 12 call. He was -- he was not asking us to do
 13 anything other than just keep in mind that he
 14 has a very tight majority. It was a very
 15 pleasant phone call. He was not being
 16 insistent on trying to get us to do something
 17 we shouldn't at all.
 18 Q. How did that factor into your
 19 consideration of maps, if at all, during the
 20 process?
 21 A. Well, I mean, you know, my
 22 overriding principle is complying with what
 23 the United States Supreme Court told me to
 24 do.
 25 Q. So is fair to say not at all?

Page 23

1 A. You know, it's -- like I said,
 2 my overriding principle is what the United
 3 States Supreme Court told us to do. They --
 4 they told us draw a map, and that's what I
 5 tried to do.
 6 Q. So you said you spoke with Speaker
 7 McCarthy. Did you speak with anyone else that
 8 you can recall during this stage when you were
 9 first working on the map after the decision?
 10 A. You know, I've had 10,000
 11 conversations. People stop me on the street
 12 asking me about it. So what specific
 13 questions do you want to talk about?
 14 Q. Well, how about let's -- what
 15 about with other folks, either, again, in the
 16 Alabama congressional delegation or other
 17 officials in Alabama. Any of those folks?
 18 A. You know, naturally I had a
 19 conversation with Brian Rell, Robert
 20 Aderholt's chief of staff. I've talked to
 21 Jerry Carl's chief of staff. I had a very
 22 brief conversation with Barry Moore's county
 23 director in the hallway at the very, very,
 24 very end of the special session. And then,
 25 of course, John Waugh called me from the

Page 24

1 state party. That's really all I can
 2 remember right now.
 3 Q. What did your conversation with
 4 Mr. Waugh, what did you discuss?
 5 A. He said that he was going to
 6 retain some attorney -- I can't remember his
 7 name -- that he was available for me to talk
 8 to should I desire to talk to him.
 9 Q. Okay. What do you think prompted
 10 that?
 11 A. You'd have to ask him.
 12 Q. What about Barry Moore, you
 13 mentioned you spoke with the chief of staff;
 14 is that right?
 15 A. District director, Bill Harris.
 16 Q. District director.
 17 A. It was like a five second
 18 conversation in the hall. I just said, wish
 19 y'all the best of luck.
 20 Q. Did you speak with Mr. Ed LaCour?
 21 A. He was in the several meetings,
 22 yes.
 23 Q. Okay.
 24 A. I'm sorry. I forgot to mention
 25 him. He was definitely in the



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1 reapportionment office while we were there.
 2 Q. Okay. Maybe if it's all right, I
 3 realize it was a wild time, but if you want to
 4 take just maybe a second and think if there
 5 other folks again from congressional
 6 delegations, officials in Alabama, that come
 7 to mind.
 8 A. Well, naturally, I mean, I had a
 9 conversation with the speaker of the house
 10 and the pro tempore of the senate. But they
 11 were brief. Just updates on what we were
 12 working on.
 13 Q. Okay. Okay. Let's jump forward.
 14 Did you retain any map drawers or
 15 consultants at this stage when you were
 16 beginning to draft maps in the 2023 cycle?
 17 A. Randy Hinaman.
 18 Q. Did you decide to retain
 19 Mr. Hinaman, or was that someone else?
 20 A. I mean, he was already -- he was
 21 already part of the process and has been part
 22 of the process since the early '90s as far as
 23 I know.
 24 Q. So did you retain him new, or was
 25 this an existing agreement? Walk me through

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1 what happened in 2023.
 2 A. Mr. Hinaman, if I'm not -- is
 3 part of the -- the -- he works with Dorman
 4 Walker. And Dorman was already present when
 5 I -- when I came on-board.
 6 Q. Did Dorman recommend him to you
 7 for the 2023 session?
 8 A. We've -- we've always worked
 9 together.
 10 Q. So did he recommend him or not?
 11 A. He was -- he's always been
 12 there.
 13 Q. Okay. Is there anyone else that
 14 served as a map drawer?
 15 A. For other me or for others?
 16 Q. Or for the committee.
 17 A. No. Well, Eddie LaCour worked
 18 as a map drawer at some point in time.
 19 Q. Okay. And what did he do as a map
 20 drawer?
 21 A. Drew maps.
 22 Q. Do you remember how many or which
 23 ones?
 24 A. No.
 25 Q. Would you have a guess for how

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1 many?
 2 A. No.
 3 Q. Was it a substantial number or
 4 like one?
 5 A. You know, you asked about a map.
 6 There could have been -- as y'all argued in
 7 court, there could be a trillion different
 8 maps depending on how you do it. If you
 9 point and click on any -- any census block,
 10 that's a new map. You can get into the
 11 trillions doing it. So, you know, one map
 12 could have 50 different versions of it or 100
 13 different versions or a thousand different
 14 versions. So...
 15 Q. Did he approach you with a
 16 particular map on any given occasion?
 17 A. No.
 18 Q. So how did you know that he draw
 19 maps?
 20 A. He was in the room with his
 21 computer across from me in reapportionment
 22 working on maps.
 23 Q. So let's maybe talk about that.
 24 We'll come back to that maybe in a bit. But
 25 let's talk about that meeting in particular.

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1 Did this happen in advance of the first
 2 meeting of the reapportionment committee, or
 3 when was that meeting?
 4 A. Probably soon after the Supreme
 5 Court handed down their ruling.
 6 Q. Do you know who called that
 7 meeting together?
 8 A. I would -- if I remember
 9 correctly, it would have been Senator
 10 Livingston and myself. Again, the process of
 11 trying to comply with the Supreme Court
 12 ruling.
 13 Q. And in that respect, did
 14 Mr. LaCour primarily serve as a mapper drawer
 15 or an attorney?
 16 A. Initially as an attorney.
 17 Q. What about after that?
 18 A. I lost contact with Mr. LaCour
 19 at the very beginning of the special session
 20 and never saw or communicated with him again.
 21 He was upstairs meeting with the senators in
 22 a different room working with them to draw
 23 what ultimately became the Livingston plans.
 24 Q. Understood. What about Dr. Hood,
 25 was he involved as a consultant at any stage?



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1 A. Dr. Hood, I believe, is the man
2 in Georgia that was giving us the performance
3 analysis on the plans. I never met him.
4 I've never seen him. I never talked to him.
5 Q. Did you see those performance
6 analyses?
7 A. I saw them on my plan, yes. I
8 did see the Livingston one, but it was at the
9 very end.
10 Q. Okay. So you mentioned that
11 Mr. Hinaman had worked with the committee
12 before; is that correct?
13 A. Yes.
14 Q. Okay.
15 A. And so had Mr. Walker.
16 Q. So Mr. Hinaman helped produce the
17 2021 congressional map; is that correct?
18 A. Correct.
19 Q. Okay. Can you talk me through the
20 decision to keep on Mr. Hinaman after that map
21 was ultimately found to be likely a violation
22 of the Voting Rights Act.
23 A. Mr. Hinaman has drawn numerous
24 plans over the years, many of which have been
25 challenged and successfully defended, some of

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1 which have been challenged and had to be
2 redrawn. So I consider him to be an
3 extremely intelligent and competent person in
4 drawing maps and very knowledgeable.
5 Q. And that wasn't a factor?
6 A. What?
7 Q. His involvement in the 2021
8 redistricting process.
9 A. No. He's a very experienced and
10 knowledgeable person.
11 Q. So let's go back just to make sure
12 that I have the time line good to go. You
13 mentioned that you met with Mr. Hinaman before
14 the special session; is that right?
15 A. Yes.
16 Q. Okay. When was that?
17 A. Probably sometime shortly after
18 the Supreme Court ruling we began meeting and
19 talking.
20 Q. How often did you have those
21 meetings with Mr. Hinaman would you guess?
22 A. It depends on the day and the
23 week.
24 Q. Do you have an estimate?
25 A. No. Sorry.

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1 Q. Was it every other day or every
2 month?
3 A. You know, sometimes we'd meet
4 four times a day, and sometimes we might go a
5 couple of days without talking.
6 Q. Okay. Can you talk me through
7 what you instructed Mr. Hinaman to do during
8 the map drawing stage at that point?
9 A. Follow the guideline and comply
10 with what the Supreme Court told us.
11 Q. Did you take notes during any of
12 those meetings with Mr. Hinaman?
13 A. I'm not a note taker.
14 Q. Is that a no?
15 A. No. Yeah, that's a no.
16 Q. So you said you tasked him
17 following guideline and complying with the
18 Supreme Court order; is that correct?
19 A. Yes, sir.
20 Q. Is there anything else?
21 A. Not that I can think of right
22 now.
23 Q. When you instructed Mr. Hinaman to
24 draw the maps with the -- compliance with the
25 court decision and also the guidelines in

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1 mind, did you instruct him to draw a map with
2 two majority black districts or something
3 close to it in particular?
4 A. I just told him to follow the
5 guidelines and comply with what the Supreme
6 Court told us. And that was to draw two
7 districts which had the ability to elect a
8 black candidate.
9 Q. So you did instruct Mr. Hinaman to
10 draw a map with two districts where black
11 voters have an opportunity to elect a
12 candidate of their choice; is that fair?
13 A. I don't think I ever put it that
14 succinctly. I think I said we need to -- we
15 need to follow the guidelines in the Supreme
16 Court ruling.
17 Q. Did you explain in any other terms
18 what an opportunity to elect means?
19 A. No.
20 Q. What about an opportunity
21 district?
22 A. No.
23 Q. Okay. Did you provide Mr. Hinaman
24 with any materials?
25 A. A computer.



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1 Q. Anything else?

2 A. I mean, he just used the

3 reapportionment computer, the state computer.

4 Q. What about information, did you

5 provide any data or other types of information

6 for his process and work?

7 A. I personally did not, no.

8 Q. Do you know who might have

9 provided information of that type?

10 A. The computer in the

11 reapportionment office.

12 Q. Do you know if he received letters

13 from either of the Voting Rights Act

14 plaintiffs or other organizations that were

15 submitted to the redistricting committee?

16 A. Did I?

17 Q. Actually, let's come back to that.

18 Let's skip forward.

19 What about information from public

20 hearings, was any of that -- was there any

21 information gathered from public hearings that

22 you or others that you know of gave to

23 Mr. Hinaman to draw his map?

24 A. He was -- all of that

25 information was made available to him.

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1 Q. When did Mr. Hinaman provide you

2 with a first draft of a congressional map

3 related to the 2023 redistricting process?

4 A. I couldn't tell you the date.

5 There was so many different variations. The

6 map was -- as I told somebody, I said, right

7 now, that map looks like colored sand on a

8 vibrating plate. It just changes by the

9 second, so...

10 Q. What about the community of

11 interest plan? When I say the word community

12 of interest plan, do you know what I'm

13 referring to?

14 A. That's the plan that I

15 eventually introduced, yes.

16 Q. When did Mr. Hinaman, if ever,

17 present to you the community of interest plan

18 the first time?

19 A. A version, it was called -- I

20 don't even remember what it was called before

21 that. But you remember we didn't finalize --

22 we couldn't finalize anything until after

23 that July -- what was it, July -- Friday,

24 July the 7th date? When was the final day to

25 be turned in? No, it was Friday, July the --

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1 it was July the 14th was the final day -- the

2 final day that plans could be submitted.

3 Q. But you saw drafts of that plan

4 before that; is that right?

5 A. I saw different versions of

6 plans, yes. Trying to come up with that

7 something that we thought would comply with

8 the Court order.

9 Q. And what feedback did you give to

10 him to instruct him about how to better comply

11 with the Court order by tweaking the map?

12 A. I allowed -- I did not get

13 involved in the minutia of tweaking the maps.

14 Q. So did you provide him any

15 feedback at all when he came to you with the

16 draft?

17 A. I just said do you think this

18 would comply with the Court order based on

19 you and the legal counsel's opinion?

20 Q. Would you direct him to ask the

21 attorney only or what -- I'm just trying to

22 get a sense of what the conversations were

23 like.

24 A. It was -- I don't get involve

25 minutia. I just tell you upfront. I mean,

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1 my job is to pass a plan on the floor of the

2 house. I hire professionals to draw it.

3 Q. And you defer to them?

4 A. Yes. I mean, that's the reason

5 why you hire lawyers and professionals.

6 Q. Do you think it's your job to have

7 a view of what an opportunity district might

8 be?

9 A. Yeah, the one that gives the

10 opportunity for minorities to elect or defeat

11 a candidate of their choosing.

12 Q. Is that something that sort of you

13 consider your responsibility to communicate

14 what that is to the map drawer or not as much?

15 A. I mean, Randy is a very

16 intelligent man and does an excellent job.

17 And Dorman is a very, very experienced

18 attorney. So that's a -- that's a no, I

19 suppose. You know, I hire professional

20 people, and I let them do their jobs.

21 Q. Okay. Did you ever personally

22 recommend any particular changes to any draft

23 that Mr. Hinaman gave to you of the community

24 of interest plan?

25 A. No.



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1 Q. Did any of the drafts that
2 Mr. Hinaman presented to you contain two
3 majority black districts?
4 A. I can't remember specifically
5 what -- what the numbers were as they went
6 through the process, no.
7 Q. If he had, what would your
8 response have been?
9 A. Did we comply with what the
10 Court wanted? Did we comply with our
11 guidelines? And if it is, in fact, a racial
12 gerrymander.
13 Q. So there's a third factor, not
14 just the first two?
15 A. To figure out, you know, are we
16 breaking communities up along racial lines?
17 Are we breaking counties along racial lines?
18 Q. So if the draft plan contained two
19 majority minority districts, the inquiry would
20 become does this constitute racial
21 gerrymandering? But if does not contain two
22 majority minority districts, then you would
23 not ask the question about racial
24 gerrymandering; is that fair?
25 A. I would ask racial

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1 gerrymandering any way.
2 Q. What about if Mr. Hinaman had
3 presented you with a map containing one
4 majority black district and one district with
5 a 45 percent black voting age population,
6 would your response have been similar or
7 different?
8 A. I hate to speculate on that.
9 Q. In your view, would that comply
10 with what the Court required in this case?
11 A. I hate to speculate.
12 Q. Would you have voted for it?
13 A. I would hate to speculate on
14 what I would do.
15 Q. Let's jump forward and talk about
16 Mr. Hood briefly. You said Dr. Trey Hood was
17 involved in the 2023 redistricting process; is
18 that right?
19 A. I heard his name as a person who
20 was doing the analysis on the plans,
21 performance analysis.
22 Q. But you didn't --
23 A. That's all.
24 Q. -- instruct him to do any of that
25 analysis; is that right?

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1 A. Correct.
2 Q. Do you know anyone who did
3 instruct him to perform that analysis?
4 A. I would just assume it would
5 be Dorman, but I don't know.
6 Q. Did you ask Dorman to contact
7 Mr. Hood for that purpose?
8 A. No.
9 Q. Did you ever meet with Dr. Hood
10 between the --
11 A. No.
12 Q. So you did not meet with
13 Mr. Hood --
14 A. I told you. I've never seen
15 him -- I've never --
16 COURT REPORTER: I'm so sorry. I
17 didn't hear the whole question. Can you
18 repeat that question, Mr. Lockhead, please?
19 MR. LOCKHEAD: Sure. I know we're
20 getting used to the court reporter. But I
21 appreciate you.
22 Q. (By Mr. Lockhead) So, just to
23 clarify, Representative Pringle, did you ever
24 meet with Dr. Trey Hood between June 8th when
25 the Milligan decision was released and the end

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1 of the special session?
2 A. I've never seen him or spoken to
3 him.
4 Q. Okay. Did you ever review any
5 analysis, I'll call it performance analysis,
6 produced by Dr. Hood regarding your community
7 of interest plan?
8 A. Yes.
9 Q. And when did you receive that
10 analysis?
11 A. I believe it was after the
12 reapportionment committee meeting on Monday,
13 was it July 17th? Yeah.
14 Q. Did you know it was coming?
15 A. I was waiting for it, yes.
16 Q. How did you know it was coming?
17 A. Because I knew, since we passed
18 that plan out of committee, we were going to
19 request it.
20 Q. Who requested it?
21 A. I would assume it was Dorman.
22 Q. But there was an understanding
23 that he would request it?
24 A. I never spoke to the man. So I
25 assume Dorman had requested it, and it came



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1 in.
 2 Q. Do you know why it was requested?
 3 A. So we could discuss whether the
 4 plan performed or not.
 5 Q. Okay. When you received his
 6 analysis, what was your reaction to it?
 7 A. I thought it proved that the
 8 community of interest plan would comply with
 9 what the Supreme Court ordered and would
 10 provide an opportunity for minority citizens
 11 to elect a candidate of their choosing.
 12 Q. One moment. Sorry.
 13 A. That's fine.
 14 Q. Okay. If we can -- actually, I'm
 15 going to skip by that.
 16 So the performance analysis that
 17 you received from -- from Dr. Hood, do you
 18 recall what it said?
 19 A. That democratic candidates would
 20 have the opportunity to win in elections.
 21 Not guaranteed, but they have an opportunity.
 22 Q. Was it significant that black
 23 preferred candidates won two out of four
 24 elections in the second congressional district
 25 under Dr. Hood's performance analysis?

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1 A. To me, it was, yes.
 2 Q. What if black preferred candidates
 3 had won one out of four?
 4 A. Mine had two out of four, so it
 5 gave it a 50/50 shot.
 6 Q. If it had been less, would that
 7 fail to be an opportunity district?
 8 A. It wasn't my plan.
 9 Q. What if it had been? I accept
 10 it's a hypothetical. But if it had been just
 11 one of four --
 12 A. Listen. I've drawn majority
 13 minority districts that turned around an
 14 elect white men to them. So I don't know how
 15 you can -- they were democrats, but they were
 16 majority minority districts that elected
 17 white men to them. And we've got an
 18 African -- we have a black republican member
 19 of the legislature elected in a majority
 20 white district just like we've had blacks
 21 elected out of majority white districts.
 22 So...
 23 Q. I suppose I may just have it
 24 unclear. If the performance analysis revealed
 25 that candidates of any race preferred by black

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1 voters won only one out of four elections that
 2 were analyzed, would that suggest that the
 3 opportunity district provided a fair
 4 opportunity for black voters to elect a
 5 candidate of their choice or not?
 6 A. Mine -- I provided them two.
 7 Not one, two. Two out of four.
 8 Q. What if it had resulted in zero
 9 out of four?
 10 A. You know, it didn't.
 11 Q. Let's go ahead and jump to the
 12 public hearing on June 29th.
 13 Representative Pringle, do you
 14 recall a public hearing regarding the remedial
 15 congressional districting proposals held on
 16 June 29th?
 17 A. Yes.
 18 Q. Who organized that hearing?
 19 A. That would be me and Senator
 20 Livingston.
 21 Q. And what was the purpose of that
 22 hearing?
 23 A. What that the first one? The
 24 29th.
 25 Q. That's the one on June 29th.

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1 A. That was the first one; correct?
 2 Q. That's right.
 3 A. Yeah. That was -- that was to
 4 begin the process of taking input from the
 5 public on what they would like to see in the
 6 plans and announce how people could submit
 7 plans to the reapportionment committee. And
 8 also, once again, put the guidelines out
 9 before the committee so we could vote on them
 10 again. We had to adopt them because the last
 11 set of guidelines, just like the committee
 12 chairmanships had to be redone because that
 13 quadrant they're adopted under ended.
 14 Q. Did you attend that hearing?
 15 A. I believe I chaired it.
 16 Q. Do you recall individuals at that
 17 hearing offering testimony or comment?
 18 A. Oh, yes.
 19 Q. Do you recall any individuals
 20 testifying about the need for a second
 21 district in which minority voters could elect
 22 a candidate of their choice?
 23 A. I believe the attorneys for the
 24 plaintiffs did an excellent job of preparing
 25 their people to come to the microphone and



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1 read very well written prepared texts, yes.
 2 Q. Is it your position that folks who
 3 requested there be two districts where black
 4 preferred candidates could prevail is the
 5 product of plaintiff's attorneys and not
 6 community input?
 7 A. The ones I saw were clearly
 8 reading talking points that I remember.
 9 There might have been one two that came in
 10 just in passing speeches, but the majority of
 11 them were reading prepared scripts, yes,
 12 which is fine. You know, that's the process.
 13 They came in. They were the plaintiffs.
 14 They had well-written positions, and they
 15 delivered them to the committee. And we
 16 listened.
 17 Q. Did that reduce the weight that
 18 you accorded that testimony?
 19 A. The what?
 20 Q. Did that reduce in any way the
 21 weight that you accorded to that testimony?
 22 A. No.
 23 Q. Do you remember -- actually
 24 scratch that. I'll rephrase. _____
 25 Were there any witnesses who you

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1 had a relationship with before the public
 2 hearing that you knew who came to testify or
 3 offer public comment?
 4 A. I knew Dr. Joe Reed and the
 5 gentleman from Blakeley State Park, the
 6 historian. I never met him personally, but
 7 he came on my request to talk about Mobile
 8 and Baldwin being a community of interest and
 9 being together for generations.
 10 Q. And why did you request his
 11 testimony?
 12 A. Because he's a well-known
 13 historian that's written extensively about
 14 the history of the Gulf Coast and Mobile and
 15 Baldwin County.
 16 Q. Did you request the testimony of
 17 anyone who spoke the need for two districts in
 18 which minority voters could elect a candidate
 19 of their choice?
 20 A. No.
 21 Q. Let's turn to the guidelines. You
 22 mentioned those earlier. I think that's
 23 right; is that right?
 24 A. Yes.
 25 Q. Okay. And in particular, I want

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1 to talk about the reapportionment committee
 2 meeting that was held on July 27th. Do you
 3 recall that meeting?
 4 A. Yes.
 5 Q. Okay. Did you do anything to
 6 prepare for it?
 7 A. Put together an agenda.
 8 Q. Did you talk to anybody about it
 9 ahead of time, I assume?
 10 A. Not particularly. We just made
 11 a list of what we needed to talking about.
 12 Q. Okay. What happened at that
 13 meeting, as you remember it?
 14 A. If I remember correctly, we
 15 adopted the guidelines and then presented
 16 plans.
 17 Q. Let's turn to the guidelines
 18 themselves.
 19 MR. LOCKHEAD: And I'm going to
 20 ask you to display what's been marked as
 21 Exhibit C at page 104.
 22 MR. ROSBOROUGH: Give my one
 23 second. I'm trying to locate that.
 24 Q. (By Mr. Lockhead) Representative
 25 Pringle, do you see a document displayed on

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1 your screen with the title reapportionment
 2 committee redistricting guidelines?
 3 A. Yes.
 4 (Whereupon, Exhibit C was marked
 5 for identification.)
 6 Q. (By Mr. Lockhead) And the date
 7 below it, is that May 5th, 2021?
 8 A. Yes.
 9 Q. Do you recognize this document?
 10 A. Those are basically the same
 11 guidelines the democrats adopted in the 1990s
 12 because I served on this committee in 1998
 13 and remember basically the same exact
 14 committee guidelines from when the democrats
 15 were the super majority and originally
 16 drafted them, yes.
 17 Q. Are these also the guidelines from
 18 2023 just reenacted from 2021?
 19 A. They're basically the same ones
 20 from the 1990s and enacted by the democrats,
 21 yes. They've not been changed. They've been
 22 tweaked a little bit, but not much at all.
 23 Substantially exactly the same.
 24 Q. Why do you think that they've
 25 stayed almost exactly the same since the '90s?



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1 A. Well, I mean, I hate to say
2 this, but obviously the democrats did a good
3 job when they drew them in the '90s.
4 Q. Why do you hate to say that?
5 A. Because I'm a republican. You
6 know, I just -- you know, they cover all the
7 bases.
8 Q. Did you see any need to revisit
9 them or amend them for purposes of the 2023
10 redistricting cycle?
11 A. We always look to see if the
12 Court has changed anything or if they need --
13 if the law has been changed and we need to
14 tweak them.
15 Q. Was that the case between 2021 and
16 2023 when you readopted them?
17 A. I don't think -- the guidelines
18 are fine.
19 Q. Do you expect when folks draw maps
20 or present them to the legislature that those
21 maps comply with these guidelines?
22 A. I don't know. I can't answer
23 what other people do.
24 Q. But it's important if they do
25 generally; is that fair?

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1 A. They should, yes. They also
2 should comply with the 14th amendment and the
3 Voting Rights Act too.
4 MR. LOCKHEAD: If we can, let's go
5 ahead and take down Exhibit C and then bring
6 up what's been marked as Exhibit D. Actually,
7 let's pause. Let's not bring that up quite
8 yet.
9 Q. Representative Pringle, how
10 commonly would you say folks offer amendments
11 to the redistricting guidelines?
12 A. How commonly? I'm sure when you
13 go through the reapportionment process,
14 somebody's always going to offer an amendment
15 of some sort. I remember back in '98 I
16 offered an amendment that said we could not
17 do -- we could not reduce the number of
18 minority districts in the legislature in
19 redistricting. We had to maintain all the
20 minority seats and Senator Smitherman tabled
21 my motion.
22 Q. I'm sorry. Could you explain a
23 little bit more? So just walk me through that
24 process.
25 A. Back in probably it was 2000

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1 when we were doing it, I know I offered an
2 amendment to the guidelines that clearly
3 stated we could not reduce the number of
4 majority minority districts in the State of
5 Alabama. And Senator Smitherman tabled my
6 motion. So you've always got some -- some
7 amendment being offered to them at some point
8 in time.
9 Q. Why did you offer that amendment?
10 A. Because I thought it was
11 important we retained the number of majority
12 minority districts in the State of Alabama we
13 had.
14 Q. Is that something you still think
15 is important today?
16 A. Yes. I mean, I've drawn
17 majority minority districts that have elected
18 white men to them. So we try. But we can't
19 guarantee outcomes. No matter what we draw,
20 the voters will ultimately decide who they
21 want to elect.
22 Q. Why is it important to you that
23 districts be drawn majority minority?
24 A. Because we had majority minority
25 districts for the legislature, and we're

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1 trying to maintain the number of minority
2 districts we have.
3 MR. LOCKHEAD: Let's go ahead and
4 pull up Exhibit D if we can.
5 (Whereupon Exhibit D was marked
6 for identification.)
7 Q. (By Mr. Lockhead) Representative
8 Pringle, do you see the document on your
9 screen here that's titled, proposed amendment
10 to reapportionment committee guidelines?
11 A. Yes.
12 Q. Do you recognize this?
13 A. That was offered by
14 Representative England.
15 Q. Okay. Do you recall considering
16 this appointment during the process for
17 considering the guidelines in 2023?
18 A. Yes.
19 Q. Do you recall the vote on this
20 amendment?
21 A. No.
22 Q. Did you vote for it or against it?
23 A. I voted against it.
24 Q. And why is that?
25 A. Because, if you read our



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1 guidelines, it automatically says we must
2 comply with the 14th amendment of the
3 Constitution and the 1965 Voting Rights Act.
4 And I saw no need for this. The guidelines
5 already say that we have to comply with the
6 14th amendment and the Voting Rights Act.
7 Q. Would you say that this is a fair
8 understanding of what the 14th amendment and
9 Voting Rights Act requires of you?
10 A. Repeat your question.
11 Q. Sure. Would you say that this
12 amendment accurately reflects what the Voting
13 Rights Act and 14th amendment requires of you,
14 so it was simply redundant?
15 A. Yes.
16 MR. LOCKHEAD: All right. We can
17 go ahead and take that down.
18 Q. Now, I want to talk a little bit
19 about communities of interest, if we can.
20 First, what is the Wiregrass?
21 A. That would be the southeast
22 corner of the State of Alabama. Down in --
23 anchored over in Dothan.
24 Q. What counties are in it?
25 A. Oh, Lord. Henry, Houston,

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1 Geneva, Pike. I can't remember them all now.
2 I'm sorry.
3 Q. What about the Gulfport (sic)
4 region, what's that?
5 A. Gulfport is in Mississippi.
6 Q. Would you say that it's -- go
7 ahead.
8 A. You said the Gulfport region.
9 Gulfport is in Mississippi. You mean the
10 Gulf Coast region?
11 Q. That's right.
12 A. Just a technicality.
13 Q. I'm not from Alabama, you can
14 tell.
15 A. It's a community of interest. I
16 mean, we've been linked together for
17 generations. I mean, you have to remember,
18 we're boarded on the west by Mississippi.
19 We're boarded on the east by Florida. And to
20 the south is the Gulf of Mexico. We're
21 squeezed in just one little geographic area
22 the State of Alabama. Because of that, we're
23 inextricably linked together through history
24 and through culture. I mean, who else has a
25 Mardi Gras parade in the state of Alabama

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1 outside of Mobile and Baldwin County? And we
2 have a major bridge that's going to be built
3 because so many of the people in Mobile and
4 Baldwin County, they live in one county and
5 work in the other. The Mobile Ballet is
6 housed in Daphne, Alabama, which is in
7 Baldwin County. We are inextricably linked
8 together as a community of interest. 40
9 percent of the employees at Austal USA live
10 in Baldwin County. I think Airbus is about
11 the same. The major employers here live
12 in -- you know, people cross the bay
13 constantly for work, for school. The
14 University of South Alabama has a campus in
15 Baldwin County. It's main campus is in
16 Mobile, but it has a branch in Baldwin
17 County.
18 Q. You mentioned two statistics in
19 particular; one about Airbus and another about
20 a different company. What was that second
21 company?
22 A. Airbus and Austal, the ship
23 builders.
24 Q. Do you recall when you received
25 information about the proportion of employees

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1 that work across that particular region? How
2 did you learn that?
3 A. I read in the Lagniappe
4 Newspaper when the county was debating on
5 giving a \$10 million tax break to Airbus or
6 Austal, one of the two. And the comment was
7 that some of the county commissioners and
8 city council members were concerned because
9 such a large percentage of the people who
10 work there lived in Baldwin County. I'll
11 tell you, the most interesting -- if you read
12 the paper down here, the chairman of the
13 Baldwin County Democratic Conference is
14 quoted as saying Mobile and Baldwin County
15 are communities of interest and should not be
16 divided in a congressional district. And
17 that's the chairman of the Baldwin County
18 ADC.
19 Q. And what about the Black Belt,
20 what counties are in that?
21 A. They're about 18 counties.
22 Wilcox, Monroe, Lowndes, Macon County,
23 Crenshaw, Butler. I can't name them all.
24 I'm sorry. I'm not good at Alabama
25 geography. I should be better.



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1 Q. Would you say the Black Belt is a
2 historic community of interest?
3 A. I would say, yeah. I mean,
4 they -- they have a lot in common, yes, they
5 do. You know, I work for Southern
6 Timberland. So I've traveled all through
7 Wilcox -- I work in Wilcox County all the
8 time. And, in fact, I've got a project in
9 Wilcox right now that I'm working on. So I'm
10 up there a lot.
11 Q. Let's -- if we can, Representative
12 Pringle, move to the second public hearing
13 held on July 13th. Do you recall a hearing on
14 that day?
15 A. I recall hearings. I don't
16 remember the dates.
17 MR. LOCKHEAD: If we can, let's
18 pull up what's been marked as Exhibit F.
19 THE WITNESS: What date is this?
20 Q. (By Mr. Lockhead) July 13th.
21 (Whereupon, Exhibit F was marked
22 for identification.)
23 Q. Representative Pringle, do you see
24 a document on your screen?
25 A. Yes.

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1 Q. That appears to been an agenda.
2 A. Yes.
3 Q. Do you recognize this?
4 A. Yes.
5 Q. What is it?
6 A. It's the agenda for the July
7 13th reapportionment committee meeting.
8 Q. Okay. And do you see agenda item
9 5-B?
10 A. "Plans being discussed today
11 are," yes.
12 Q. And those four plans, could you
13 briefly read those out?
14 A. *ERA plans remedial map, CLC
15 map, singleton congressional plan 3, and
16 hatcher remedial congress plan 1.
17 Q. Were those the only four maps that
18 were discussed at this hearing?
19 A. Yes, sir. That was the very
20 beginning of the process, yes.
21 MR. LOCKHEAD: Okay. We can go
22 ahead and take down that exhibit.
23 Q. Did you submit any plans for
24 purposes of this hearing?
25 A. No.

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1 Q. And why not?
2 A. Well, I was taking public input
3 on what they wanted, and I don't know how I
4 could produce a plan until I finished hearing
5 from the public.
6 Q. Why do you think that the plans
7 were considered at this hearing, the other
8 four? Had they not been sufficiently publicly
9 vetted?
10 A. Well, those are the plaintiffs'
11 plans. They didn't have to have public
12 hearings when they drew theirs. Theirs were
13 all drawn off campus. I have no clue who
14 drew them. I don't know what consultant was
15 hired or what lawyer was hired to draw those
16 plans, and they didn't have to take public
17 input. They could do whatever they wanted.
18 Q. And this was the second hearing;
19 correct? So there was a hearing before this,
20 so there was an opportunity for public input
21 on plans that you may have participated in
22 drafting?
23 A. Well, the first part was just to
24 get the process started. And this one, we
25 had some plans that had been submitted, so we

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1 knew we were going to have a lot. So we
2 started going through them.
3 Q. Did you suggest to anyone that
4 they not put forward a plan at this hearing?
5 A. No.
6 Q. Did you discuss the decision about
7 whether to put forward your community of
8 interest plan at this hearing? Did you
9 discuss that decision with anyone?
10 A. I did not have a plan ready at
11 the time.
12 Q. Do you recall any witnesses who
13 spoke at the public portion of that hearing?
14 A. Not off the top of my head, no.
15 Q. I'll represent to you that I
16 believe Mike Schmitz, major of Dothan, Jeff
17 Brannon, local businessman spoke. Do you --
18 do those names sound familiar?
19 A. Now that you bring them up, yes.
20 Q. Did you have relationships with
21 either of those folks beforehand?
22 A. No.
23 Q. Did you speak to anybody about
24 testifying at that hearing?
25 A. Like I said, gentleman from



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1 Blakeley State Park, or Blakeley Park, I
 2 asked to come because of his expertise and
 3 history of Mobile and Baldwin County. But I
 4 talked to him on the phone. And I laid eyes
 5 on him about five minutes before that meeting
 6 started for the first time in my life, and
 7 I've not seen or spoken to him since.
 8 Q. Okay. Do you recall a plan
 9 titled, the extended Black Belt plan that was
 10 considered during the course of this hearing?
 11 A. No.
 12 MR. LOCKHEAD: Okay. If we can,
 13 let's go ahead and pull up the exhibit marked
 14 extended Black Belt.
 15 (Whereupon, Exhibit X was marked
 16 for identification.)
 17 Q. (By Mr. ^ Attyname) Representative
 18 Pringle, do you see that on your screen, a
 19 document titled -- if we can go zoom in a
 20 little bit.
 21 THE WITNESS: I can see it.
 22 Q. -- title expanded Black Belt plan.
 23 Do you recognize this?
 24 A. I believe I've seen it before, _____
 25 but that's all.

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1 Q. Where do you believe you saw it
 2 before?
 3 A. I believe I saw it in one of the
 4 committee meetings.
 5 Q. Do you know who drew it?
 6 A. No.
 7 MR. LOCKHEAD: Okay. You can go
 8 ahead and take that down. Likewise, let's
 9 pull up the plan called Russell split plan.
 10 (Whereupon, Exhibit Y was marked
 11 for identification.)
 12 Q. (By Mr. Lockhead) Representative
 13 Pringle, do you see this document here map
 14 titled Russell split plan?
 15 A. Yes.
 16 Q. Do you recognize this?
 17 A. I have seen it before, yes.
 18 Q. And what is it?
 19 A. It's a plan, I believe -- it's a
 20 variation of a plan drawn by Randy Hinaman.
 21 Q. How do you know this plan was
 22 drawn by Randy Hinaman?
 23 A. I just remember him talking
 24 about it. Plus I watched him on his
 25 interview.

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1 Q. Which interview was that?
 2 A. This one. His deposition.
 3 Q. Great. And for the record, you
 4 attended the entire duration of Mr. Hinaman's
 5 deposition earlier today; is that correct?
 6 A. Not the entirety of it, no.
 7 Q. How much of it would you say?
 8 A. I'd say 90 percent maybe.
 9 Q. Okay.
 10 A. I was --
 11 Q. Did you speak to Mr. Hinaman about
 12 this plan?
 13 A. Not that I remember specifically
 14 about it, no.
 15 Q. Do you recall mentioning that this
 16 was submitted by a member of the public?
 17 A. No.
 18 MR. LOCKHEAD: Okay. We can take
 19 that down.
 20 Q. All right. So, more generally,
 21 can you talk about how you accounted for
 22 public input at this meeting in the course of
 23 coming to ground on a 2023 congressional map?
 24 A. I'm not sure what you're asking
 25 me. I'm sorry.

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1 Q. Did public input from this meeting
 2 affect in any way your decisionmaking for
 3 creating a new map in 2023?
 4 A. I mean, yeah, I found it quite
 5 fascinating the plaintiffs turning on each
 6 other and fighting and to watch the
 7 democratic members of the committee fight
 8 amongst themselves over which plan they
 9 wanted based on their own personal political
 10 agendas.
 11 Q. Did that affect the way that you
 12 drew your map?
 13 A. I wouldn't say that, no.
 14 Q. So is it fair to say that nothing
 15 from this public hearing contributed to the
 16 way that you either drew your map or advanced
 17 maps in the course of your work as cochair
 18 with the redistricting committee?
 19 A. Well, the public hearings made
 20 perfectly clear that people wanted a district
 21 they thought that blacks could elect a
 22 candidate of their choosing. That's the
 23 reason I drew the map -- Randy and I drew the
 24 map we came up with.
 25 MR. LOCKHEAD: Okay. If we can,



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1 can we take maybe a five-minute break? Are
2 folks all right with that? We've been going
3 for a minute. Let's go off the record.
4 MR. WALKER: Hey, Tanner, when do
5 you want to come back?
6 MR. LOCKHEAD: Let's come back at
7 5:15? Does that sound okay to everybody?
8 MR. WALKER: Okay.
9 MR. LOCKHEAD: Is that okay with
10 you, Representative Pringle?
11 THE WITNESS: That's fine.
12 MR. LOCKHEAD: All right. Sounds
13 good. Or sorry, 4:15.
14 THE VIDEOGRAPHER: The time is
15 4:10 p.m. We're going off the record.
16 (A short break was taken.)
17 THE VIDEOGRAPHER: The time is
18 4:18 p.m. We're back on the record.
19 Q. (By Mr. Lockhead) Representative
20 Pringle, I want to turn to the committee
21 meeting that was held on July 17th. The
22 reapportionment committee held a committee
23 meeting on July 17; is that correct?
24 A. Yes.
25 Q. Okay. Do you know what the

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1 purpose of that meeting was?
2 A. It was to pass a plan out of the
3 committee so we could introduce it that day
4 into the special session that we were about
5 to go into.
6 Q. Did you take any notes at that
7 meeting?
8 A. I'm not a note taker. I mean,
9 anything I wrote down was on the agenda that
10 I turned over.
11 Q. Okay.
12 A. But it was very limited.
13 MR. LOCKHEAD: All right. Let's
14 go ahead and pull up what's been marked as
15 Exhibit C at page 35.
16 And actually, I'd like to make a
17 quick note that the prior two exhibits, one
18 previously called extended Black Belt, let's
19 mark that as Exhibit X. The other is the
20 Russell split plan, let's call that Exhibit Y.
21 And now let's turn to what's been marked as
22 Exhibit C at 35.
23 Q. Okay. Representative Pringle, did
24 you introduce a proposal of a Congressional
25 redistricting plan at the committee meeting on

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1 July 17th?
2 A. It was referred to as the
3 community of interest plan, yes.
4 Q. Okay. And who drew that plan?
5 A. Randy Hinaman.
6 Q. All right. If you could turn to
7 your screen, do you see a document --
8 MR. WALKER: Tanner? Hello?
9 MR. LOCKHEAD: Hello? My
10 apologies. Let's go off the record.
11 THE VIDEOGRAPHER: The time is
12 4:21 p.m. We're going off the record.
13 (A short discussion was held.)
14 THE VIDEOGRAPHER: The time is
15 4:28 p.m. We're back on the record.
16 Q. (By Mr. Lockhead) Okay.
17 Representative Pringle, on your
18 screen, do you see a map that's titled Pringle
19 congressional plan?
20 A. Yes.
21 Q. Do you recognize this map?
22 A. Yes.
23 Q. And what is it?
24 A. It's the plan that I introduced
25 in the Alabama House. It was commonly

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1 referred to in committee meetings as the
2 community of interest plan.
3 Q. For this community of interest
4 plan, do you recall what the black voting age
5 population in is congressional district 2?
6 A. No.
7 MR. LOCKHEAD: Okay. Let's scroll
8 I believe one up from the map itself. Let's
9 go to page 58.
10 Q. Representative Pringle, do you see
11 in front of you a piece of paper that says
12 population summary with the plan name
13 community of interest?
14 A. Yes.
15 Q. Do you recognize this document?
16 A. Yes.
17 Q. And what is it?
18 A. It was what I had before me
19 because I remember writing Bill Cooper's name
20 on it. I can't remember who he is, but I
21 wrote his name. I think that was the name --
22 anyway, yes, that's mine.
23 Q. So does this describe the
24 population summary of the community of
25 interest plan that you introduced?



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1 A. Yes.

2 Q. Do you see for district 2 the

3 black voting age population of approximately

4 42 percent?

5 A. 42.45, yes.

6 Q. And that's for congressional

7 district 2; correct?

8 A. Correct.

9 Q. Do you recall if there was any

10 racial polarization analysis that was

11 completed on this community of interest plan?

12 A. I don't recall a racial

13 polarization analysis. But I do recall a

14 performance analysis on voting.

15 Q. Okay. That performance analysis

16 was completed by Dr. Hood; is that correct?

17 A. I believe so, yes.

18 MR. LOCKHEAD: Okay. Let's pull

19 up that performance analysis which is still at

20 Exhibit C at page 62.

21 Q. Representative Pringle, do you see

22 a document in front of you with the header

23 community of interest plan?

24 A. Yes.

25 Q. Do you recognize this document?

Page 70

1 A. Yes.

2 Q. And what is it?

3 A. It's the performance analysis

4 that was given on my -- on my plan.

5 Q. Okay. So this contain analysis

6 for four elections; 2020 presidential, 2020

7 senate, 2018 governor, and 2018 attorney

8 general; is that correct?

9 A. Correct.

10 Q. Okay. Why were those the

11 elections that were chosen in particular for

12 the performance analysis?

13 A. I really couldn't tell you. I

14 didn't do it.

15 Q. And what did the analysis reveal

16 about the plan, in your own words?

17 A. In my own words, if the

18 democrats feel that a viable candidate is

19 funded, they win this election -- they can

20 win that district.

21 Q. Okay. So in CD-2, of the four

22 elections that were analyzed in this

23 performance analysis, in how many of those

24 four did the black preferred candidate win?

25 A. Two.

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1 Q. And you believe this plan provides

2 fair opportunity for black voters to elect a

3 candidate of their choice in a second

4 congressional district?

5 A. Yes.

6 Q. Okay. Is a district where black

7 voters preferred candidate has a one in four

8 chance of being elected an opportunity

9 district?

10 A. Not -- not my plan.

11 Q. I understand it's not your plan.

12 But is it your view that a district where

13 black voters preferred candidate has a one in

14 four chance of being elected an opportunity

15 district?

16 A. I believe my community of

17 interest is the one that does that.

18 Q. You believe your community of

19 interest plan has a one in four chance of

20 election or is an opportunity --

21 A. No. I believe my -- mine is the

22 one that provides the minorities -- blacks

23 the opportunity to elect a candidate of their

24 choosing. That's the reason why I supported

25 it.

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1 Q. Okay. Do you recall the

2 opportunity plan as another plan that was

3 introduced in committee on the 17th?

4 A. Yes.

5 Q. Did you know about that plan

6 before the 17th?

7 A. Yes.

8 Q. When did you learn about it?

9 A. When Senator Dan Roberts brought

10 a thumb drive into the committee room

11 claiming that all of our numbers were wrong,

12 that his consultant, Chris Brown, had drawn a

13 plan that had the right numbers, and we

14 needed to use his plan because everything we

15 had done was wrong.

16 Q. And what was the basis for that

17 view?

18 A. He had the wrong denominator in

19 his plan. So when he changed it to the

20 correct denominator, his plan linked exactly

21 with ours.

22 Q. And when you say "his plan," are

23 you referring to the opportunity plan?

24 A. That was drawn by Chris Brown

25 and brought by Dan Roberts, yes.



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1 Q. Did you -- at what point was it
2 discovered that they, in fact, had the
3 incorrect data?
4 A. About two minutes after Randy
5 Hinaman started looking at it. He -- he
6 discovered the problem very quickly.
7 Q. Could you say just a word about
8 what that problem was? What do you mean by
9 denominator?
10 A. He was using, I think, the total
11 population denominator and not the black
12 voting age population denominator.
13 Apparently -- I'm just going to tell you.
14 Randy said this. Apparently Maptitude
15 automatically defaults back to total
16 population and not BVAP population, so...
17 Q. So it's your understanding then
18 that the plan, the opportunity plan, was just
19 created using incorrect information, and then
20 once it was presented to Mr. Hinaman, he
21 recognized that and expressed that to the
22 sponsors and to you?
23 A. Yes. And they changed the
24 denominator, and that's the numbers that
25 everybody saw. But Dan Roberts -- Senator

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1 Roberts came in saying all of our plans were
2 wrong, that all of our numbers were --
3 MR. WALKER: Chris --
4 THE WITNESS: I'm sorry. I
5 should --
6 MR. LOCKHEAD: Let's go ahead and
7 pull up what's been marked as Exhibit C.
8 Q. And Representative Pringle, I'm
9 sorry, just to confirm, is anyone speaking to
10 you in the room?
11 A. No. I'm alone.
12 Q. What about on the phone?
13 A. No.
14 Q. Okay.
15 A. You see me looking at the phone,
16 it's my employees blowing me up at work
17 because I haven't been there all day.
18 Q. I know the feeling.
19 A. No, you're getting paid.
20 MR. LOCKHEAD: Okay. Let's go to
21 Exhibit C at page 59.
22 Q. Okay. Now, Representative
23 Pringle, do you see this document in front of
24 you with, plan name, label opportunity? Do
25 you see that?

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1 A. Yes.
2 Q. Do you recognize this document?
3 A. I'm sure I've seen it.
4 Q. And what is it?
5 A. It's -- it's something you put
6 up labeled opportunity.
7 Q. Okay. I'll represent to you that
8 this is the population summary for the
9 Livingston opportunity plan. If you look in
10 district 2 at the BVAP population, do you see
11 that number on the right side?
12 A. 38.31 percent.
13 Q. Okay.
14 And is this the population
15 summary, this data that reflects the map as it
16 was initially drawn by Senator Roberts?
17 A. I could not answer that.
18 Q. Okay. Was this pre or post error
19 correction?
20 A. I could not answer that.
21 Q. Okay. Who is Chris Brown?
22 A. He's a reapportionment political
23 consultant in Birmingham.
24 Q. Okay. Do you know who retained
25 him?

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1 A. No.
2 Q. Do you know what he was instructed
3 to do?
4 A. No.
5 Q. Who was he working with?
6 A. Don't know.
7 Q. Was he working with Senator
8 Roberts, if they put this plan together?
9 A. I couldn't answer that.
10 Q. Okay.
11 Are you aware of any racial
12 polarization analysis done on this map prior
13 to the redistricting committee hearing or
14 meeting or at any point?
15 A. No.
16 Q. Was there any analysis you're
17 aware of how this map would have performed in
18 prior elections?
19 And by that, I mean, the ability
20 of black voters to elect a candidate of their
21 choice in two congressional districts?
22 A. No.
23 MR. LOCKHEAD: Okay. Let's go
24 ahead and pull up what's been marked as
25 Exhibit G.



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1 (Whereupon, Exhibit G was marked
2 for identification.)
3 Q. (By Mr. Lockhead) Representative
4 Pringle, do you see a document here titled
5 defendant, Steve Livingston's responses to
6 plaintiff's third set of interrogatories?
7 A. Yes.
8 Q. Do you recognize this?
9 A. Never seen it before.
10 Q. Okay. I'll represent to this that
11 was interrogatories submitted by Steve
12 Livingston in this case.
13 MR. LOCKHEAD: If we could scroll
14 down to interrogatory No. 7. Okay. And if we
15 could zoom in a little bit.
16 THE WITNESS: Can you scroll a
17 little bit? Down. I mean up. I'm sorry.
18 The other way.
19 Q. Okay. Interrogatory No. 7, do you
20 see the paragraph that starts with, identify
21 all memoranda?
22 A. Yes.
23 Q. Okay. So just to quickly read
24 that paragraph, this interrogatory asks to
25 identify all memoranda, reports, analyses,

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1 evaluation, or other documents relied upon in
2 evaluating the legislative remedial plans and
3 the VRA Plaintiff's remedial plan considered
4 by the joint legislative reapportionment
5 committee including, but not limited to, the
6 extent to which the plans provide black voters
7 the opportunity to elect their preferred
8 candidates and any performance functionality
9 or racially polarized voting analysis. Do you
10 see that?
11 A. Yes.
12 Q. Did I read that correctly?
13 A. Yes.
14 Q. Let's scroll down. Do you see
15 here for -- the opportunity plan at No. 2?
16 A. Yes.
17 Q. Does that read, I considered the
18 map, related population data and the
19 performance report for Dr. Hood? Do you see
20 that?
21 A. Yes. Yes, I see it.
22 Q. Do you know what the performance
23 report of Dr. Hood is referring to?
24 A. Not in this instance, no.
25 Q. Did you ever see that performance

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1 report for this version of the -- for this
2 map?
3 A. No.
4 Q. Okay. Is that something that you
5 would find helpful in assessing whether this
6 map was compliant with the Voting Rights Act?
7 A. If I had seen it, possibly, yes,
8 but I never saw it.
9 Q. Okay.
10 A. I saw -- I never saw one.
11 Q. Did you ask for one?
12 A. No.
13 Q. Why not?
14 A. I didn't ask for it.
15 Q. Do you know why not?
16 A. No.
17 Q. Okay. Do you believe that this
18 plan -- the opportunity plan provides a fair
19 opportunity to black voters to elect preferred
20 candidates in the second congressional
21 district?
22 A. I don't know the answer to that
23 question.
24 Q. And why is that?
25 A. Because I never -- never looked

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1 or studied the opportunity plan.
2 MR. LOCKHEAD: Okay. Let's go
3 ahead and pull that down. Thank you, Davin.
4 Q. Okay. So next the house of
5 representatives held a hearing on
6 redistricting on July 19th; is that correct?
7 A. The house? Or they had the bill
8 on the floor of the house?
9 Q. Bill on the floor. Does that
10 sound right?
11 A. Yeah. Yeah. They had my bill
12 on the floor of the house on the 19th.
13 Q. Okay. Did you prepare at all for
14 that day?
15 A. Yes.
16 Q. How so?
17 A. Gathered my little file and went
18 down to the floor.
19 Q. Do you recall what was in your
20 little file?
21 A. Not much. I had the quote
22 that I -- about the Voting Rights Act, what
23 the Court ruled, two majority districts or
24 something close thereof that provided an
25 opportunity. And I had my map. And I had



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1 that analysis that was given to me. Then I
2 had the population analysis.
3 Q. Okay. I want to ask were there
4 any other documents that you reviewed in
5 preparation for that proceeding on the floor?
6 A. Not that I recall.
7 MR. LOCKHEAD: Okay. Let's go
8 ahead and pull up Exhibit C one more time.
9 Thanks, Davin.
10 Q. Let's go to page 115.
11 A. Yes.
12 Q. All right. Senator Livingston
13 (sic), do you see a document here that begins
14 with the bullet point, the plaintiff's
15 consistently supported?
16 A. You mean Representative Pringle?
17 Q. I'm sorry. Apologies,
18 Representative Pringle. It's been a long day.
19 Let me start again.
20 A. Yes. And I do recall seeing
21 this, but I didn't have it on the floor with
22 me that day.
23 Q. Okay. So you recognize this
24 document?
25 A. Yes. I remember seeing it.

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1 MR. LOCKHEAD: Let's scroll, if we
2 can, to the next page.
3 Q. Do you recognize this page as
4 well?
5 A. Again, it's a document I
6 remember glancing at.
7 Q. What is this document?
8 A. I don't know. It was some
9 talking points that were prepared.
10 Q. Okay. When did you first see this
11 document?
12 A. I don't remember. Sometime
13 during the special session.
14 Q. Do you recall if it was after the
15 committee held its meeting on the 17th?
16 A. I don't recall exactly when.
17 I'm sorry.
18 Q. Who shared this with you?
19 A. I don't remember.
20 Q. Do you know who prepared it?
21 A. No.
22 Q. Do you have any guesses about who
23 prepared it?
24 A. If I want me to flat guess, I
25 would guess Eddie LaCour, but I can't

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1 guarantee that at all.
2 Q. And what's the basis for that
3 guess?
4 A. Just looks like something he
5 would write.
6 Q. And why is that?
7 A. It's his style.
8 Q. What about it?
9 A. Just very legal.
10 MR. LOCKHEAD: Let's go to page
11 117 of this same exhibit, Exhibit C.
12 Q. Representative Pringle, do you see
13 a document here that begins with the 2023 plan
14 as a communities of interest plan that's
15 crossed out in what appears to be a red pen?
16 A. Yes.
17 MR. LOCKHEAD: And can we scroll
18 to -- slowly through page 120 of the PDF?
19 Q. All right. Representative
20 Pringle, do you recognize this document?
21 A. No.
22 Q. Have you seen it before?
23 A. Not that I remember.
24 MR. LOCKHEAD: Okay. Let's now go
25 to page 121, also Exhibit C.

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1 Q. All right. Do you see here at the
2 top of the page responses to possible
3 questions?
4 A. Yes.
5 Q. Do you recognize this document?
6 A. No. Not unless -- I don't
7 recognize this page, no.
8 Q. Okay. And take time to read it.
9 I recognize I'm throwing a lot of pieces of
10 paper at you. But so you do not -- you do not
11 recognize this document?
12 A. I do not recognize it, no. Not
13 at this time.
14 Q. Do you know what it is?
15 A. Responses to possible questions.
16 Q. Did you review that document
17 before the hearing? I assume not?
18 A. No, I don't remember seeing
19 this. I don't remember reading it.
20 MR. LOCKHEAD: Let's go back up to
21 page 115, if we can.
22 Q. So this document here, this is the
23 document that you represented may have been
24 drafted by Eddie LaCour. Did you review this
25 document in advance of the hearing on the



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1 floor?
2 A. No. I might have looked at it,
3 but I didn't study it.
4 Q. Okay. And talk me through your
5 decision not to study this in advance of going
6 to the floor.
7 A. I didn't feel the need to --
8 need to.
9 Q. Why is that?
10 A. I didn't feel I needed to study
11 it.
12 MR. LOCKHEAD: Okay. Let's go
13 ahead and pull that down. Thanks, Davin.
14 Q. Next -- so the Senate passed a
15 slightly different map, the Livingston 2 plan
16 that was introduced by Senator Livingston, is
17 that correct, to your understanding?
18 A. Yes, to my understanding.
19 MR. LOCKHEAD: Okay. Let's pull
20 up Exhibit H, if we can.
21 (Whereupon, Exhibit H was marked
22 for identification.)
23 Q. All right. And Representative
24 Pringle, do you recognize this document here
25 titled Livingston congressional plan 2, 2023?

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1 A. Yes.
2 Q. What is it?
3 A. That's the plan that Senator
4 Livingston passed out of the senate and sent
5 it to the house.
6 Q. And the Livingston plan, what is
7 the relationship between the Livingston plan
8 and the opportunity plan we reviewed a moment
9 ago?
10 A. I couldn't tell you.
11 Q. Do you know if the Livingston plan
12 relied on corrected data? This reflects
13 correct data, is that correct, unlike the
14 version that you suggested had incorrect data?
15 A. I would assume so, yes. But I
16 don't know.
17 Q. Okay. Okay. So regarding CD-2,
18 do you see that in the bottom right?
19 A. Yes.
20 Q. Okay. Do you recall any changes
21 in CD-2 between the Livingston 2 plan and the
22 opportunity plan?
23 A. No.
24 Q. Okay. Do you recall any
25 discussion about whether, though, CD-2 should

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1 be the same composition between those two
2 plans?
3 A. No.
4 MR. LOCKHEAD: Okay. Let's zoom
5 in, if we can, on CD-2. Thank you so much.
6 Just one moment. Okay. Thank you so much.
7 Q. So let's do this instead.
8 Representative Pringle, do you
9 have any reason to doubt that this is the same
10 as the congressional district 2 in the
11 opportunity plan?
12 A. I played no part in either one
13 of them, so I don't know.
14 MR. LOCKHEAD: Okay. Let's go
15 ahead and take down this exhibit. Thanks,
16 Davin. Hopefully we can just move forward.
17 We'll be speedy.
18 Q. Okay. Representative Pringle, you
19 were a member of the conference committee that
20 was tasked with reconciling the plans that
21 were passed by both the house and the senate;
22 is that right?
23 A. Correct.
24 MR. LOCKHEAD: Okay. Let's go
25 ahead and pull up Exhibit I.

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1 (Whereupon Exhibit I was marked
2 for identification.)
3 Q. (By Mr. Lockhead) Do you recognize
4 this document?
5 A. I believe that's what came out
6 of the conference committee, yes.
7 Q. Okay. And so this document is
8 titled Livingston congressional plan 3 or SBA
9 (sic), is that a correct alternative name for
10 this plan as you understand it?
11 A. I thought it was SB-5.
12 Q. I'm sorry. SB-5, I apologize.
13 A. That's fine.
14 Q. Is that right?
15 A. What was your question again?
16 Q. The Livingston congressional
17 plan 3 you see here on the screen, that is the
18 map that was ultimately enacted by the
19 legislature; is that correct?
20 A. I believe so, yes.
21 Q. Okay. Also known as SB-5?
22 A. Yes.
23 Q. Okay. Okay.
24 MR. LOCKHEAD: Give me one moment.
25 Okay. Let's pull up what's been marked as



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1 Exhibit J. Thanks, Davin.
2 (Whereupon, Exhibit J was marked
3 for identification.)
4 Q. (By Mr. Lockhead) All right.
5 Representative Pringle, I want to the turn to
6 be text of SB-5 as it was reported from
7 conference committee and ultimately passed by
8 the legislature. Do you see the document here
9 entitled SB-5 enrolled?
10 A. Yes.
11 Q. Okay. And do you recognize this
12 document?
13 A. Yes.
14 Q. Do you -- what is it?
15 A. I mean, that was the copy of the
16 bill they handed to me on the floor of the
17 house when -- that bill came up before the
18 house.
19 MR. LOCKHEAD: Okay. Can we
20 scroll to the bottom, please? Great.
21 Q. And Representative Pringle, I'll
22 represent to you that this is the enacted
23 legislation, the text of SB-5. Do you see
24 there the signature, the relevant signatures?
25 A. Yes.

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1 MR. LOCKHEAD: Okay. Let's scroll
2 up to the second page of the text of SB-5.
3 Great.
4 Q. If you could, please look at
5 line 15.
6 A. Yes.
7 Q. The sentence says, the legislature
8 finds and declares the following. Do you see
9 that?
10 A. Yes.
11 MR. LOCKHEAD: Okay. And then if
12 we could slowly scroll for the next couple
13 pages.
14 Q. And as we do so, Representative
15 Pringle, just take a look.
16 MR. LOCKHEAD: Let's go a few
17 pages down. Okay. Thank you so much.
18 Q. Representative Pringle, these are
19 the legislature findings; is that right?
20 A. That's what was written in the
21 bill, yes.
22 Q. Okay. Do you know who drafted the
23 statement of legislative intent and findings
24 here?
25 A. No, sir.

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1 Q. Did you know that these would be
2 put in the bill?
3 A. No, sir.
4 Q. Did the redistricting committee
5 solicit anyone to draft these findings?
6 A. No, sir.
7 Q. Do you know why they're in here?
8 A. No.
9 Q. Remind me, have you ever seen
10 another redistricting bill contain similar
11 language like this, these findings?
12 A. Not to my knowledge, no.
13 Q. What about identified communities
14 of interest?
15 A. No, not to my knowledge. Not
16 that I can remember.
17 Q. Not that you can remember.
18 Okay. This statement of
19 legislative intent does not include any
20 reference to VRA compliance, is that correct,
21 to your knowledge?
22 A. I couldn't say. I didn't write
23 them. I had nothing to do with that.
24 Q. Okay.
25 MR. LOCKHEAD: Let's scroll to the

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1 findings recognizing three communities of
2 interest; Black Belt, Gulf Coast, and
3 Wiregrass, which should be starting in this
4 area. Great.
5 Q. So I'll represent to you that
6 these findings recognize three communities of
7 interest, the Black Belt, the Gulf Coast and
8 the Wiregrass. Do you see the definition of
9 the Black Belt here starting on the top of
10 page 5, the Black Belt is characterized?
11 A. I see the paragraph, yes.
12 Q. Okay. Okay.
13 Let's go to the section that
14 describes -- scratch that. Let's do this
15 instead.
16 Remind me again, Representative
17 Pringle, you -- you had not seen this before
18 this was enacted; that's right?
19 A. The first time I saw that was
20 Friday morning on the floor of the house when
21 the senate bill was brought up. I turned and
22 asked the clerk to give me a copy of the
23 bill.
24 Q. Do you think it's necessary for
25 the bill to include this?



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1 A. That's a senate bill. You need
2 to talk to the senators.
3 Q. Well, this was the bill that was
4 ultimately passed out of the house; is that
5 right?
6 A. It was sent to the house from
7 the senate.
8 Q. Did you vote for it?
9 A. Yes.
10 Q. Did you think it was necessary
11 when you decided to vote for it?
12 A. Yes. I thought it was necessary
13 for us to pass a bill.
14 Q. Okay. Do these conflict with the
15 redistricting principles that were adopted in
16 2023?
17 A. I had very quick -- some of them
18 looks like they are, some of the
19 redistricting principles. But there's other
20 stuff added, and I haven't analyzed what was
21 added to it.
22 Q. Okay. Could legislators have
23 satisfied the criteria that are enumerated in
24 SB-5 without knowing what those criteria were
25 beforehand?

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1 A. Explain the question.
2 Q. In other words, there are -- you
3 said that these are not identical with the
4 guidelines; is that correct?
5 A. I don't believe so, but I
6 haven't analyzed them line for line.
7 Q. Okay. And you would need to see
8 the guidelines in order to know how to comply
9 with the guidelines; is that right?
10 A. I would like to compare the two.
11 MR. LOCKHEAD: Okay. Let's go
12 ahead and take this down. Okay. Let's pull
13 up the exhibit we just looked at, which is
14 Exhibit I, the map version of SB-5.
15 MR. ROSBOROUGH: Sorry, one
16 second.
17 Q. (By Mr. Lockhead) Okay.
18 Representative Pringle, this is
19 the map of SB-5 we were just reviewing; is
20 that right?
21 A. I believe that's the final
22 version, yes.
23 MR. LOCKHEAD: Okay. Let's scroll
24 down one page and rotate it if we can.
25 Q. Do you see this page here titled

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1 Livingston congressional plan 3 population
2 summary?
3 A. Yes.
4 Q. And do you recognize this to be
5 the statistics that were calculated based on
6 the map SB-5?
7 A. I believe that's what I saw
8 Friday morning on the floor, yes.
9 Q. Okay. Can you read for me, the
10 BVAP that's contained in CD-2?
11 A. Let me ask -- is this the -- is
12 this the bill, or is this conference
13 committee report or analysis?
14 Q. So I'll represent to you that this
15 is the analysis that was performed on the map
16 here, Livingston 3.
17 A. Okay. I see it. Go ahead.
18 Q. So here do you see the BVAP in
19 CD-2?
20 A. 39.93.
21 Q. Okay. And you mentioned earlier
22 that you saw a performance analysis of SB-5;
23 is that correct?
24 A. On that Friday morning, yes.
25 Q. Okay. And that was performed by

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1 Dr. Hood?
2 A. I believe so, yes.
3 Q. Okay. I want to ask about what
4 that analysis showed.
5 MR. LOCKHEAD: So if we could pull
6 up Exhibit K.
7 (Whereupon Exhibit K was marked
8 for identification.)
9 Q. (By Mr. Lockhead) Do you recognize
10 this document here?
11 A. I believe I've seen it, yes.
12 Q. And what is it?
13 A. It's a -- it's a voting analysis
14 of the plan.
15 Q. Is this the analysis that you were
16 referring to earlier that you saw just before?
17 A. I believe it is, but I've looked
18 at so many documents. I would assume that
19 was what I saw Friday morning on the floor,
20 yes.
21 Q. So here we have a performance
22 analysis of seven elections; is that correct?
23 Do you see that?
24 A. Yes.
25 Q. Okay. Here, looking at each of



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1 these seven elections, black preferred
 2 candidates lost all seven elections in the new
 3 opportunity district of congressional district
 4 2; is that correct?
 5 A. According to that, yes.
 6 Q. So, in fact, this analysis shows
 7 that black preferred candidates never won in
 8 this new opportunity district; is that fair?
 9 A. What I'm seeing on this
 10 analysis, that is correct.
 11 Q. Okay. Were all members of the
 12 conference aware of this analysis?
 13 A. I believe so, yes.
 14 Q. Were members of the legislature to
 15 the best of your knowledge?
 16 A. I couldn't answer that question.
 17 Q. Okay.
 18 A. I did not see it until literally
 19 that morning.
 20 Q. In your view, is a district where
 21 black preferred candidates win zero of seven
 22 elections an opportunity district?
 23 A. I'm not an attorney, so I'm
 24 going to leave that to the Courts.
 25 Q. What about in your not legal view,

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1 but just in your personal view, does that
 2 constitute a real opportunity to elect a
 3 candidate of choice in zero of seven
 4 elections?
 5 A. You're asking me to speculate.
 6 And I just don't want to speculate.
 7 Q. Just not to speculate. I mean,
 8 is --
 9 A. I just -- I'm not going to
 10 speculate.
 11 Q. So let's understand -- you know,
 12 would you say that there was a meaningful
 13 difference in opportunity between the
 14 performance analysis that you see here for
 15 SB-5 and the performance analysis that
 16 accompanied your plan, the community of
 17 interest plan?
 18 A. I think my house plan was far
 19 superior to any other plan.
 20 Q. Would you say it provided a
 21 greater opportunity to elect candidates of
 22 choice for black voters than this bill, SB-5?
 23 A. I believe my plan complied with
 24 what the Court asked us to do, yes.
 25 Q. So that's a yes?

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1 A. I believe my plan complied with
 2 the Court order, yes, sir.
 3 Q. So let's understand the
 4 decisionmaking process in the conference
 5 committee given the options that were on the
 6 table. So first was the community of interest
 7 plan, your plan, originally passed by the
 8 house with a BVAP and CD-2 of 42.4 percent.
 9 Does that sound right?
 10 A. Yes, sir.
 11 Q. Okay. And that map occasionally
 12 performs for black preferred candidates, is
 13 that right, two of four elections thereabout?
 14 A. According to that analysis, yes.
 15 Q. Okay. And the next was the
 16 Livingston 2 plan which was originally passed
 17 by the senate. Does that sound right?
 18 A. Yes.
 19 Q. Okay. And that plan, the BVAP and
 20 CD-2 was 38.3 percent. Does that sound
 21 correct to you?
 22 A. Yes, sir.
 23 Q. Okay. And then ultimately what
 24 was enacted and what came out conference
 25 committee was SB-5, and the BVAP in

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1 congressional district 2 and SB-5 was 39.9
 2 percent; is that correct?
 3 A. It sounds correct.
 4 Q. Okay. And that map never
 5 performed for black preferred candidates in
 6 the second congressional district according to
 7 the performance analysis we just viewed; is
 8 that fair?
 9 A. Yes, sir.
 10 Q. Okay. So in CD-2, your community
 11 of interest plan had a BVAP of 42 percent.
 12 Livingston 2 had a BVAP of 38 percent. And
 13 SB-5 basically split the difference at 39.9.
 14 Does that sound fair to you?
 15 A. About correct, yes, sir.
 16 Q. Okay. Why did you take that
 17 approach?
 18 A. Again, I drew a plan that I
 19 thought would comply with what the Courts
 20 ordered us to do. But I was only the
 21 chairman of the house. What I could get
 22 passed at the house, I could not get passed
 23 at the Senate. The Senate made it perfectly
 24 clear they were not going to pass my plan,
 25 they were going to pass their plan. And we



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1 made the decision that it was more
 2 important -- we had to pass something and not
 3 just go to Montgomery and completely fail and
 4 not pass a plan. So the decision was we
 5 couldn't pass the house plan, so we had to
 6 pass the senate plan.
 7 Q. And what's the significance of the
 8 39.9 BVAP in SB-5, just that it passed?
 9 A. That's what the senate came up
 10 with, and they were not going to allow us to
 11 pass the house plan.
 12 Q. Do you know why they chose that
 13 number?
 14 A. You're going to have to talk to
 15 Senator Livingston and Eddie LaCour.
 16 Q. Did they mention anything to you?
 17 A. No.
 18 Q. Okay. Let's go ahead and --
 19 A. Well, let me say -- let me
 20 rephrase that. Senator Livingston came to me
 21 towards the end and said, we're going to take
 22 your plan and substitute my bill and pass
 23 your plan with my map in it. And I said, no
 24 we're not. If you want to pass a senate
 25 plan, you're going to pass the senate on the

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1 senate bill number, and you're not going to
 2 put my name on it. You're going -- it's not
 3 going to be a house bill number, it's going
 4 to be a senate bill number, that's what we're
 5 going to pass.
 6 Q. And why didn't you want your name
 7 on it?
 8 A. Because I thought my plan was a
 9 better plan.
 10 Q. In terms of its compliance with
 11 the Voting Rights Act?
 12 A. Exactly.
 13 MR. LOCKHEAD: Let's, if we can,
 14 pull up the exhibit labeled Birmingham Watch.
 15 COURT REPORTER: I'm sorry,
 16 Counsel. Are you going to label this an
 17 exhibit letter?
 18 MR. LOCKHEAD: Let's call this
 19 Exhibit Z.
 20 (Whereupon, Exhibit Z was marked
 21 for identification.)
 22 Q. (By Mr. Lockhead) Okay.
 23 Representative Pringle, do you see
 24 a document here, a news article, with the
 25 title, Alabama House Senate Approved Separate

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1 Congressional Maps?
 2 A. Yes.
 3 Q. Do you recognize this article?
 4 A. No.
 5 Q. Did you read it before?
 6 A. No.
 7 MR. LOCKHEAD: Okay. Let's scroll
 8 in and then -- I'm sorry. Zoom in and scroll
 9 down, if we can.
 10 Q. Okay. I'm going to read the
 11 paragraph starting, Livingston said. Do you
 12 see that paragraph?
 13 A. Yes.
 14 Q. Okay. So "Livingston said senate
 15 republicans began working on their own map
 16 because the committee 'got some information'
 17 that led them to prioritize 'compactness and
 18 communities of interest being as important as
 19 the black voting age population.' Livingston,
 20 who did not say where the information came
 21 from, said that he had not heard concerns from
 22 senators about districts being over 40 percent
 23 black." Did I read that right?
 24 A. Yes, sir.
 25 Q. Okay. Do you know what "some new

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1 information" refers to?
 2 A. No, sir. I was not privy to it.
 3 Q. Was there any information that you
 4 received that you think this could refer to,
 5 even if you're not sure exactly?
 6 A. No, sir. After the initial
 7 meeting, I never met with the republican
 8 members of the committee from the senate.
 9 They met in a different room on a different
 10 floor.
 11 MR. LOCKHEAD: Okay. We can go
 12 ahead and take this down. Thanks, Davin.
 13 Q. Okay. So I want to go back just
 14 very briefly to when you were presented with
 15 the two maps in conference committee, SB -- so
 16 the community of interest plan and the
 17 Livingston plan.
 18 Can you just talk about the way
 19 that the performance across the two districts
 20 factored into your decision in terms of which
 21 plan to support?
 22 A. In conference committee?
 23 Q. Correct?
 24 A. There was no two bills in
 25 conference committee. There was only one.



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1 Q. And that was SB-5 that was
2 ultimately passed out of conference?
3 A. Yes.
4 Q. Was there --
5 A. We voted to nonconcur and send
6 it to conference.
7 Q. Once SB-5 was passed out of
8 conference and then back to the floor, did you
9 speak with anyone about whether to support
10 SB-5?
11 A. No. We just went back
12 downstairs and passed it.
13 Q. Did you speak with anyone outside
14 the legislature, any members of the
15 congressional delegation about whether to pass
16 or support SB-5 before you cast your vote?
17 A. No.
18 Q. Did anyone try to contact you
19 about that?
20 A. No. It all happened so fast. I
21 mean, you have to remember, this was -- from
22 the time we passed SB-5 and voted to
23 nonconcur and go to conference, it probably
24 wasn't an hour before we passed the
25 conference committee report and went home.

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1 Q. Great.
2 MR. LOCKHEAD: Let's go ahead and
3 pull up Exhibit L. I promise we're getting
4 close.
5 (Whereupon Exhibit L was marked
6 for identification.)
7 Q. Do you see here a news article
8 with the headline, Alabama's Redistricting
9 Brawl Rehashes Bitter Fight Over Voting
10 Rights? Do you see that?
11 A. I see the headline, yes.
12 Q. Do you recognize this article?
13 A. No.
14 Q. Have you read it before?
15 A. No.
16 MR. LOCKHEAD: Okay. Let's scroll
17 down to page 3.
18 Q. Okay. I'm going to start reading
19 the paragraph here starting with, I believe.
20 A. Yes.
21 Q. Okay. So "I believe this map is
22 an opportunity map and would comply with
23 section 2 of the Voting Rights Act, said house
24 speaker *Pro Tem, Chris Pringle, the
25 republican who cochaired the Alabama

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1 redistricting committee, said of the candidate
2 of their choosing. And when pushed added,
3 when you add function on top of that, it could
4 work." This was in reference to SB-5; is that
5 correct?
6 A. No. That was in reference to
7 my -- my bill.
8 Q. Okay. And when you said that --
9 when you add function on top of that, what do
10 you mean by adding function?
11 A. The results that showed that
12 democrats could win the second congressional
13 district under my plan.
14 MR. LOCKHEAD: Okay. We can go
15 ahead and take that down. Thanks, Davin.
16 Q. Representative Pringle, did you
17 attend a recent meeting in Montgomery of the
18 Alabama republican party?
19 A. No.
20 Q. Have you attended one there
21 recently at all, Montgomery?
22 A. Not since 1990.
23 Q. Okay. So you weren't there when
24 Representative Barry Moore spoke or Attorney
25 General Marshall or Paul Reynolds; is that

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1 right?
2 A. Correct.
3 Q. Okay. And likewise, you were not
4 present at that meeting for the comments of
5 David Boucher; is that correct?
6 A. At the state executive committee
7 meeting?
8 Q. That's right.
9 A. I was not present at all. I
10 have a company to run. I was working.
11 MR. LOCKHEAD: Let's go ahead and
12 pull up Exhibit O.
13 (Whereupon, Exhibit O was marked
14 for identification.)
15 Q. (By Mr. Lockhead) You see a news
16 article on your screen with the headline,
17 Representative Terry Sewell, Alabama
18 shamelessly ignores U.S. Supreme Court? Do
19 you see that headline?
20 A. Yes.
21 Q. Do you recognize this article?
22 A. I believe I've seen it before,
23 yes.
24 Q. Okay. Are you aware that House
25 Speaker Ledbetter said that the map, SB-5



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1 gives a "good shot" in the Supreme Court where
 2 "the ruling was 5/4. So there's just one
 3 justice that needed to see something
 4 different?" Do you recall that quote from
 5 this article?
 6 A. No, I do not.
 7 Q. Okay. Let's go to -- go to it, if
 8 we can. Okay. So here at the top of the
 9 page, I'll read it again. So -- quote -- do
 10 you see the sentencing beginning "if you think
 11 about"?
 12 A. Yes.
 13 Q. Okay. So I'll represent to this
 14 is a quote from House Speaker Nathaniel
 15 Ledbetter where he says, "If you think about
 16 where we were, the Supreme Court ruling was
 17 five to four. So there's just one judge that
 18 needed to see something different. And I
 19 think the movement that we have and what we've
 20 come to compromise on today gives us a good
 21 shot," House Speaker Nathaniel Ledbetter said.
 22 Do you see that quote?
 23 A. Yes, I see the quote.
 24 Q. Do you agree that the legislature
 25 is attempting to get a justice to see

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1 something differently?
 2 A. You know, I don't believe -- I'm
 3 not.
 4 Q. You don't believe so?
 5 A. I don't want to speak on behalf
 6 of 140 members of the legislature. I know
 7 that I'm not.
 8 I'm trying to comply with what
 9 the Supreme Court ruled.
 10 Q. Did Speaker Ledbetter ever express
 11 that sentiment to you privately?
 12 A. No.
 13 Q. What about --
 14 A. But you got to -- you just read
 15 a quote from me a minute ago, and they had it
 16 attributed to the wrong piece of legislation.
 17 So you see how accurate our press is.
 18 Q. Are you --
 19 A. I don't know if he ever said
 20 that. So I don't know.
 21 Q. Are you surprised by it?
 22 A. Well, I don't know if he said it
 23 or not. I wasn't there.
 24 Q. Do you agree that a judge would
 25 need to see something differently for SB-5 to

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1 be upheld?
 2 A. I couldn't answer that. I'm not
 3 an attorney.
 4 Q. Okay.
 5 MR. LOCKHEAD: Let's go ahead and
 6 take down the exhibit. I think that's about
 7 it from us. Let's briefly go off the record
 8 if we can.
 9 THE VIDEOGRAPHER: The time is
 10 5:19 p.m. We're going off the record.
 11 (A short break was taken.)
 12 THE VIDEOGRAPHER: The time is
 13 5:20 p.m. We are back on the record.
 14 MR. LOCKHEAD: Milligan plaintiffs
 15 have no further questions at this time.
 16 And I'll pass the witness in case
 17 counsel for any of the parties wishes to ask
 18 any further questions.
 19 MS. RUTAHINDURWA: No questions
 20 from the Caster plaintiffs. Thank you.
 21 MR. WALKER: This is Dorman
 22 Walker. No questions.
 23 MR. DAVIS: No questions from the
 24 Secretary of State.
 25 THE VIDEOGRAPHER: Counsel, is it

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1 going to be the same orders for this witness?
 2 MR. LOCKHEAD: Yes, please.
 3 THE VIDEOGRAPHER: Just to go off
 4 the record with no question, the time is
 5 5:21 p.m. on August 9th, 2023. We are going
 6 off the record.
 7 (The deposition concluded at 5:21 p.m.)
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p style="text-align: center;">C E R T I F I C A T E</p> <p>STATE OF ALABAMA) CALHOUN COUNTY)</p> <p>I hereby certify that the above proceedings were taken down by me and transcribed by me using computer-aided transcription, and that the above is a true and correct transcript of the said proceedings given by said witness.</p> <p>I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.</p> <p>I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number found below.</p> <p style="text-align: center;">COMMISSIONER - NOTARY PUBLIC</p> <p style="text-align: center;"><i>Cindy C. Jenkins, CCR</i> CINDY C. JENKINS, CSR ACCR #470 - Exp. 9/30/2023</p>	
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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 EVAN MILLIGAN, et al.,)</p> <p>6 Plaintiffs,)</p> <p>7) CASE NO:</p> <p>8 VS.)2:21-CV-01530-AMM:</p> <p>9 WES ALLEN, in his official</p> <p>10 capacity as Alabama)</p> <p>11 Secretary of State.)</p> <p>12 Defendant.)</p> <p>13 MARCUS CASTER, et al.,)</p> <p>14 Plaintiffs,)</p> <p>15) CASE NO:</p> <p>16 VS.)2:21-CV-1536-AMM</p> <p>17 WES ALLEN, in his official</p> <p>18 capacity as Alabama)</p> <p>19 Secretary of State.) DEPOSITION OF:</p> <p>20 Defendant.) MIKE SCHMITZ</p> <p>21</p> <p>22 S T I P U L A T I O N S</p> <p>23</p> <p>24 IT IS STIPULATED AND AGREED, by and</p> <p>25 between the parties through their respective counsel,</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE MILLIGAN PLAINTIFFS:</p> <p>4 HARMONY A. GBE</p> <p>5 Attorney at Law</p> <p>6 Hogan Lovells US, LLP</p> <p>7 1999 Avenue of the Stars</p> <p>8 Suite 1400</p> <p>9 Los Angeles, California 90067</p> <p>10 310-785-4600</p> <p>11 harmony.gbe@hoganlovells.com</p> <p>12</p> <p>13 BRITTANY CARTER</p> <p>14 TANNER LOCKHEAD</p> <p>15 Attorneys at Law</p> <p>16 NAACP Legal Defense & Educational Fund, Inc.</p> <p>17 40 Rector Street</p> <p>18 5th Floor</p> <p>19 New York, New York 10006</p> <p>20 212-965-2200</p> <p>21 bcarter@naacpldf.org</p> <p>22 tlockhead@naacpldf.org</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 that the deposition of:</p> <p>2 MIKE SCHMITZ,</p> <p>3 may be taken before Merit Gilley, Commissioner and</p> <p>4 Notary Public, State at Large, with all parties</p> <p>5 appearing remotely, on the 10th day of August, 2023,</p> <p>6 commencing at approximately 10:10 a.m.</p> <p>7</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that</p> <p>9 the signature to and reading of the deposition by the</p> <p>10 witness is waived, the deposition to have the same</p> <p>11 force and effect as if full compliance had been had</p> <p>12 with all laws and rules of Court relating to the</p> <p>13 taking of depositions.</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that</p> <p>16 it shall not be necessary for any objections to be</p> <p>17 made by counsel to any questions, except as to form or</p> <p>18 leading questions, and that counsel for the parties</p> <p>19 may make objections and assign grounds at the time of</p> <p>20 the trial, or at the time said deposition is offered</p> <p>21 in evidence, or prior thereto.</p> <p>22 ***</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEUEL ROSS</p> <p>2 Attorney at Law</p> <p>3 NAACP Legal Defense & Educational Fund, Inc.</p> <p>4 700 14th Street N.W.</p> <p>5 Suite 600</p> <p>6 Washington, DC 20005</p> <p>7 202-682-1300</p> <p>8 dross@naacpldf.org</p> <p>9</p> <p>10 LATISHA GOTELL FAULKS</p> <p>11 Attorney at Law</p> <p>12 American Civil Liberties Union of Alabama</p> <p>13 P.O. Box 6179</p> <p>14 Montgomery, Alabama 36106-0179</p> <p>15 334-265-2754</p> <p>16 tgfaulks@aclualabama.org</p> <p>17</p> <p>18 AMANDA NECOLE ALLEN</p> <p>19 Attorney at Law</p> <p>20 Hogan Lovells US, LLP</p> <p>21 Columbia Square</p> <p>22 555 Thirteenth Street NW</p> <p>23 Washington, DC 20004</p> <p>24 202-637-2521</p> <p>25 amanda.n.allen@hoganlovells.com</p>

Page 5

1 FOR THE CASTER PLAINTIFFS:
 2 JOSEPH POSIMATO
 3 Attorney at Law
 4 Elias Law Group
 5 250 Massachusetts Avenue NW
 6 Suite 400
 7 Washington DC 20001
 8 202-968-4591
 9 Jposimato@Elias.law
 10
 11
 12 FOR THE DEFENDANT SECRETARY WES ALLEN:
 13 MISTY S. FAIRBANKS MESSICK
 14 Constitutional Defense Division
 15 Office of the Attorney General
 16 State of Alabama
 17 501 Washington Avenue
 18 P.O. Box 300152
 19 Montgomery, Alabama 36130
 20 334-353-8674
 21 misty.messick@alabamaag.gov
 22
 23
 24 ALSO PRESENT:
 25 Robert Pacheco - Esquire Video Specialist

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1 I, Merit Gilley, a Court Reporter of
 2 Birmingham, Alabama, and a Notary Public for the State
 3 of Alabama at Large, acting as Commissioner, certify
 4 that on this date, as provided by the Federal Rules of
 5 Civil Procedure and the foregoing stipulation of
 6 counsel, there came before me on the 10th day of
 7 August, 2023, with all parties appearing remotely,
 8 commencing at approximately 10:10 a.m., MIKE SCHMITZ,
 9 witness in the above cause, for oral examination,
 10 whereupon the following proceedings were had:
 11 THE VIDEOGRAPHER: We are now on the
 12 video record. Today's date is August the 10th, 2023.
 13 The time is 10:10 a.m. Central standard time. This
 14 begins the videoconference deposition of Mr. Michael
 15 Schmitz in the matter of Evan Milligan, et al. versus
 16 Wes Allen, et al.
 17 My name is Robert Pacheco. I am the
 18 remote videographer. Your court reporter today is
 19 going to be Ms. Merit Gilley; both representing
 20 Esquire Deposition Solutions. Would counsel please
 21 introduce yourselves and your affiliation, and the
 22 witness will be sworn in.
 23 MS. GBE: Good morning. My name is
 24 Harmony Gbe of Hogan Lovells; and I'm here on behalf
 25 of the Milligan plaintiffs.

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1 MS. FAIRBANKS MESSICK: Good morning.
 2 I'm Misty S. Fairbanks Messick, and I am counsel for
 3 Secretary of State Wes Allen.
 4 MR. ROSBOROUGH: Deuel Ross also for the
 5 Milligan plaintiffs.
 6 MR. POSIMATO: This is Joe Posimato on
 7 behalf of the Caster plaintiffs.
 8 MR. CARTER: Brittany Carter for the
 9 Milligan plaintiffs.
 10 MS. ALLEN: Amanda Allen for the
 11 Milligan plaintiffs.
 12 MIKE SCHMITZ
 13 being first duly sworn, was examined and testified as
 14 follows:
 15 THE COURT REPORTER: Usual stipulations?
 16 MS. GBE: Agreed.
 17 MS. FAIRBANKS MESSICK: Yes, please.
 18 THE COURT REPORTER: Go ahead.
 19 EXAMINATION
 20 BY MS. GBE:
 21 Q All right. Good morning, Mr. Schmitz.
 22 How are you?
 23 A Morning. Fine. Thank you.
 24 Q As I mentioned, my name is Harmony; and
 25 I am counsel for the Milligan plaintiffs in this case.



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<p style="text-align: right;">Page 9</p> <p>1 Have you been deposed before?</p> <p>2 A Yes, I have.</p> <p>3 Q How -- how many times have you been</p> <p>4 deposed?</p> <p>5 A I was deposed back in the '90's for an</p> <p>6 automotive thing. And then I don't know if this is a</p> <p>7 -- was a deposition, but I was asked to go to Mike</p> <p>8 Hubbard. They had a -- my mind just went blank. I</p> <p>9 went to a -- oh, my goodness what's it called? Grand</p> <p>10 jury.</p> <p>11 Q I see.</p> <p>12 A I apologize.</p> <p>13 Q No worries at all.</p> <p>14 A Those are the two things I've done.</p> <p>15 Q Understood.</p> <p>16 And the grand jury appearance, when was</p> <p>17 that if you remember?</p> <p>18 A Probably five years ago, six year ago.</p> <p>19 Q Okay.</p> <p>20 A I don't have an exact -- I don't</p> <p>21 remember the exact date, but it's been a few year.</p> <p>22 Q And did you testify in that case?</p> <p>23 A I did not -- wait. I did. I did. I</p> <p>24 did.</p> <p>25 Q And -- and what was your testimony</p>	<p style="text-align: right;">Page 11</p> <p>1 or testified in any other cases?</p> <p>2 A No, ma'am.</p> <p>3 Q And you understand that you're</p> <p>4 testifying under oath today; correct?</p> <p>5 A Yes.</p> <p>6 Q Is there anything that might prevent you</p> <p>7 from understanding my questions or answering</p> <p>8 truthfully?</p> <p>9 A No, I don't think so.</p> <p>10 Q Are you represented by counsel today?</p> <p>11 A I am not.</p> <p>12 Q Okay. So you've -- since you've been</p> <p>13 deposed before, I'll try to keep this brief; but I'll</p> <p>14 go over some ground rules for the deposition so that</p> <p>15 we're on the same page.</p> <p>16 As you're probably familiar with the</p> <p>17 process, I'll be asking you a series of questions; and</p> <p>18 you are going to answer them to the best of your</p> <p>19 ability.</p> <p>20 Do you understand that?</p> <p>21 A Yes.</p> <p>22 Q So we have a court reporter with us</p> <p>23 today, and she is going to be transcribing our</p> <p>24 conversation. So I ask that you speak slowly and</p> <p>25 clearly and provide verbal answers only; so no head</p>
<p style="text-align: right;">Page 10</p> <p>1 about?</p> <p>2 MS. FAIRBANKS MESSICK: Object to the</p> <p>3 form.</p> <p>4 Can I just be clear: Are you asking him</p> <p>5 about his testimony in the courtroom in public; or are</p> <p>6 you asking about grand jury testimony, which is</p> <p>7 protected by secrecy laws of this state?</p> <p>8 MS. GBE: I'm asking about his testimony</p> <p>9 in the courtroom, but let me rephrase.</p> <p>10 Q (By Ms. Gbe) So, Mr. Schmitz, did you</p> <p>11 testify in the courtroom?</p> <p>12 A Yes.</p> <p>13 Q And -- and what was your testimony</p> <p>14 about?</p> <p>15 A As mayor of Dothan, I was working with</p> <p>16 Mike Hubbard when he was speaker of the house to</p> <p>17 recruit a company to create 500 jobs; and they asked</p> <p>18 me about that. That was mostly the issue of -- of</p> <p>19 what we discussed.</p> <p>20 Q Understood.</p> <p>21 And that -- that testimony was five or</p> <p>22 six years ago?</p> <p>23 Is that correct?</p> <p>24 A Correct.</p> <p>25 Q Have you been deposed in any other cases</p>	<p style="text-align: right;">Page 12</p> <p>1 nods or "uh-huhs" or those types of responses.</p> <p>2 Do you understand?</p> <p>3 A I do.</p> <p>4 Q On a similar note, we are going to try</p> <p>5 not to speak over each other. So please wait until</p> <p>6 the end of my questions before you respond; and,</p> <p>7 similarly, I will try to wait until you are finished</p> <p>8 responding before asking the next question.</p> <p>9 Is that all right?</p> <p>10 A Yes.</p> <p>11 Q And you understand that we're here to</p> <p>12 take your deposition in this case; correct?</p> <p>13 A Yes.</p> <p>14 Q And you understand that you should give</p> <p>15 the same seriousness in answering my questions here</p> <p>16 today as if you were testifying in court before a</p> <p>17 judge or a jury; correct?</p> <p>18 A Absolutely. Yes.</p> <p>19 Q And if you don't understand a question I</p> <p>20 ask you, please tell me so that I can rephrase or help</p> <p>21 you with -- with understanding the question; all</p> <p>22 right?</p> <p>23 A I will.</p> <p>24 Q If any attorney on the call makes an</p> <p>25 objection, I ask that you still answer the question</p>

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<p style="text-align: right;">Page 13</p> <p>1 unless you are instructed specifically not to do so.</p> <p>2 Do you understand?</p> <p>3 A I do.</p> <p>4 Q And if you need a break at any point,</p> <p>5 just let me know. The only thing I ask is that if</p> <p>6 there's a question pending, please answer that</p> <p>7 question before we take the break.</p> <p>8 A Okay.</p> <p>9 Q And as we go through the process, you</p> <p>10 may realize that a prior answer wasn't necessarily</p> <p>11 accurate or that you would like to add to it.</p> <p>12 So please let me know if that's the case</p> <p>13 so that we can correct the record.</p> <p>14 A Okay.</p> <p>15 Q So do you understand all those questions</p> <p>16 that we just discussed?</p> <p>17 A I believe so. Yes.</p> <p>18 Q Okay. So where are you right now?</p> <p>19 A I'm in my office at my dealership in</p> <p>20 Dothan, Alabama.</p> <p>21 Q And is there anyone else in the room</p> <p>22 with you right now?</p> <p>23 A There is not.</p> <p>24 Q Do you have any email or chat or text</p> <p>25 devices currently open?</p>	<p style="text-align: right;">Page 15</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And she contacted you a few days ago as</p> <p>4 well; correct?</p> <p>5 A Correct.</p> <p>6 Q And what was that in regards to?</p> <p>7 A About whether I would give the testimony</p> <p>8 and whether I would -- when I would be available to --</p> <p>9 to do this. Basically, that's it.</p> <p>10 Q And by "this," are you referring to</p> <p>11 today's deposition?</p> <p>12 A Yes, ma'am. I'm sorry.</p> <p>13 Q No problem.</p> <p>14 Okay. Did you speak to anyone besides</p> <p>15 Misty about today's deposition?</p> <p>16 A Well, I told my wife I was being</p> <p>17 deposed. I mean, not anybody in an official</p> <p>18 situation.</p> <p>19 Q Did you speak to anyone for -- from the</p> <p>20 State of Alabama or affiliated with the state</p> <p>21 legislature?</p> <p>22 A Not about this deposition. No.</p> <p>23 Q But you have spoken to them in the past;</p> <p>24 correct?</p> <p>25 A Oh, yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 A I do not.</p> <p>2 Q Okay. So let's discuss what you did to</p> <p>3 prepare for today's deposition; all right?</p> <p>4 A Okay.</p> <p>5 Q So what did you do to prepare for today?</p> <p>6 A I -- I don't know that I did anything.</p> <p>7 I'm speaking from my heart from 30 years of living in</p> <p>8 this community, so I -- I'm just going to answer your</p> <p>9 questions the best of my ability.</p> <p>10 Q Did you meet with anyone before -- to</p> <p>11 prepare for today's deposition?</p> <p>12 A I have not met with anybody. You know,</p> <p>13 Misty called and -- or emailed me and asked me to do</p> <p>14 this. And, of course, I responded and -- and then she</p> <p>15 went over a deposition and what it is. And other than</p> <p>16 that; of course, the number one thing she kept saying</p> <p>17 was, Tell the truth, which I will. And other than</p> <p>18 that, except for my normal life; I haven't met with</p> <p>19 anything specific on this -- on this.</p> <p>20 Q And when did Misty call you?</p> <p>21 A Well, she called me yesterday about the</p> <p>22 deposition. I think she contacted me a few days ago</p> <p>23 in an email.</p> <p>24 Q So she -- just to clarify: So you</p> <p>25 received a call yesterday about today's deposition;</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Okay. About this case?</p> <p>2 A About the map that -- before they</p> <p>3 designed it or -- or were drawing it, I -- I called</p> <p>4 them and told them my concerns about us staying</p> <p>5 together in southeast Alabama.</p> <p>6 Q Understood.</p> <p>7 A So I -- I did that.</p> <p>8 Q Okay. So we're going to speak a little</p> <p>9 bit about that a little later.</p> <p>10 But just in terms of preparing for this</p> <p>11 deposition, did you speak to anyone from the state</p> <p>12 legislature?</p> <p>13 A I did not.</p> <p>14 Q Have you ever seen any transcripts from</p> <p>15 depositions in this case?</p> <p>16 A I have not.</p> <p>17 Q Did you review any websites to prepare</p> <p>18 for today's deposition?</p> <p>19 A I have not.</p> <p>20 Q Did you review any documents at all to</p> <p>21 prepare for today?</p> <p>22 A I guess just the statement that I gave.</p> <p>23 I made sure I read it this morning.</p> <p>24 Q Okay. Did you do anything else to</p> <p>25 prepare for today's deposition?</p>

<p style="text-align: right;">Page 17</p> <p>1 A I have not.</p> <p>2 Q And are you being compensated by anyone</p> <p>3 for being here today?</p> <p>4 A No.</p> <p style="text-align: center; color: red;">Redacted</p>	<p style="text-align: right;">Page 19</p> <p>1 A High school.</p> <p>2 Q And where did you attend high school?</p> <p>3 A Monroe High School; Monroe, Wisconsin.</p> <p>4 Q And did you graduate?</p> <p>5 A Yes.</p> <p>6 Q And what do you do for a living?</p> <p>7 A I'm in the automobile business. I have</p> <p>8 new car franchises, a body shop. We also sell boats.</p> <p>9 I'm in the retail business.</p> <p>10 Q And you -- you served at -- as mayor of</p> <p>11 Dothan previously; correct?</p> <p>12 A I did.</p> <p>13 Q And what were the dates of your term?</p> <p>14 A October 2009 to October 2017.</p> <p>15 Q Okay. So now I'm going to ask you a few</p> <p>16 questions about this case in particular.</p> <p>17 Can you tell me a little bit about what</p> <p>18 you know about the lawsuit at issue today.</p> <p>19 A What I know is the Supreme Court said</p> <p>20 that Alabama needed to draw a district where an</p> <p>21 African-American has the ability to win and serve.</p> <p>22 And -- and then I didn't really pay much attention to</p> <p>23 it. Then a map came out that showed -- and I don't</p> <p>24 know who came up with the map. But the map basically</p> <p>25 showed separating Dothan and Houston County and</p>
<p style="text-align: right;">Page 18</p> <p style="color: red; font-size: 2em; font-weight: bold;">R e d a c t e d</p> <p>24 Q What is the highest level of education</p> <p>25 you've completed?</p>	<p style="text-align: right;">Page 20</p> <p>1 putting us out -- putting us with the west of Alabama,</p> <p>2 which is Mobile and Baldwin County, and that concerned</p> <p>3 me. So that's how I'm -- I got involved.</p> <p>4 Q And okay. So let's talk a little -- a</p> <p>5 little bit how you got involved.</p> <p>6 Did anyone contact you about getting</p> <p>7 involved in the lawsuit or -- or how did that process</p> <p>8 work?</p> <p>9 A Yeah. I -- I never meant to get</p> <p>10 involved in a lawsuit. But what I -- what I meant to</p> <p>11 do: I called Senator Chesteen -- he's our state</p> <p>12 senator -- and I called Steve Clouse -- he's a state</p> <p>13 representative that represents my district -- and just</p> <p>14 told them my concerns about us moving out west in</p> <p>15 Alabama. And although they're good people, they just</p> <p>16 have different needs. And -- and what they would</p> <p>17 focus on are different than what we do in southeast</p> <p>18 Alabama. So I talked to both of them. And -- and</p> <p>19 then Senator Chesteen basically said, There's a public</p> <p>20 hearing. Why don't you come up and talk. And that's</p> <p>21 what I did.</p> <p>22 Q So prior to your calls to Senator</p> <p>23 Chesteen, did -- did -- had anyone contacted you about</p> <p>24 the lawsuit?</p> <p>25 A No.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q Do you know any of the plaintiffs in the 2 lawsuit? 3 A I don't. No. I don't think so. I 4 don't -- I don't even know who they are. 5 Q Do you -- all right. 6 Do you know anyone named Latisha 7 Jackson? 8 A I'm sure I did. It's -- she's from 9 Dothan I think. I don't -- I'm sure I do. I don't -- 10 not on a personal level. No. 11 Q Okay. So, Mr. Schmitz, did you produce 12 a declaration as part of Alabama's response to 13 Plaintiffs' objections in this case? 14 A I did. 15 Q Okay. So I'm going to show you a 16 document that you may or may not have seen before. 17 Give me a second. 18 Mr. Schmitz, do you see a document on 19 your screen? 20 A I do. 21 Q It is -- so I'm going to mark and 22 publish this as Exhibit Number 1. 23 (Plaintiffs' Exhibit 1 was 24 marked for identification.) 25 Q The document is 73 pages. I'm going to</p>	<p style="text-align: right;">Page 23</p> <p>1 the declaration you submitted in support of 2 defendants' response? 3 A Yes. 4 Q And turning to -- or going to the 5 signature page -- or let's look at that. There we go. 6 Do you recognize that as your 7 signature -- 8 A It is. 9 Q -- on page four? 10 A Yes. 11 Q Great. 12 So who drafted this declaration? 13 MS. FAIRBANKS MESSICK: Object to the 14 form. 15 A The -- Misty, the Attorney General 16 folks. 17 Q (By Ms. Gbe) And who contacted you 18 about submitting a declaration? 19 A Well, I think the first contact I had 20 was a little over a week ago. Mr. LaCour called me -- 21 I was in San Francisco -- and asked me if I would 22 consider doing something like this. And I said, Yes. 23 And then Misty emailed me, and that's how we ended up 24 with this. 25 Q And when you say "doing something like</p>
<p style="text-align: right;">Page 22</p> <p>1 scroll through it fairly slowly for you. The title of 2 the document is "Defendants' Joint Response to 3 Milligan and Caster Objections and Request for 4 Preliminary Injunction." 5 Do you see that? 6 A I do. 7 Q Have you seen this document before? 8 A I have not. 9 Q Okay. So I will then take it down, and 10 I will show you another document. 11 Do you see another document on your 12 screen? 13 A I do. 14 Q Okay. So I'm going to mark and publish 15 this document as Exhibit Number 2 and scroll down to 16 the title. 17 (Plaintiffs' Exhibit 2 was 18 marked for identification.) 19 Q This document is four pages, and it is 20 titled "Declaration of Mike Schmitz." 21 Do you see that? 22 A I do. 23 Q Have you seen this document before? 24 A Yes. 25 Q And do you recognize this document as</p>	<p style="text-align: right;">Page 24</p> <p>1 this," what do you mean? 2 A Oh, I'm sorry. The statement. 3 Q The declaration? 4 A The declaration. Yes, ma'am. 5 Q And what did Mr. LaCour say to you 6 during that conversation? 7 A He apparently heard what I said when I 8 was -- spoke at the public hearing and wanted to know 9 if I would say the same thing in a document, I guess, 10 or testify. 11 Q And what were you told was the purpose 12 of your declaration? 13 A Well, I hope my purpose was to have 14 people understand how I feel that whatever map they 15 draw up; southeast Alabama, we need to stick together 16 and work together like we have for many years. 17 Q And what were you told to say in the 18 declaration? 19 A I was -- 20 MS. FAIRBANKS MESSICK: Object to form. 21 A I wasn't told to say anything. 22 Q (By Ms. Gbe) And why did you agree to 23 submit a declaration? 24 A Because I'm -- even though at my age it 25 won't matter, but I really love this community. And I</p>

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<p style="text-align: right;">Page 25</p> <p>1 truly feel the map they had, that puts us -- isolates 2 us with -- you know, will hurt all the citizens in our 3 area and, truthfully, will take away our voice and -- 4 and our vote. I -- I just feel passionately that our 5 community, which is the wiregrass and southeast 6 Alabama, we've been working together for years. So 7 whatever map they draw up, I simply would prefer us 8 staying together in some way. 9 Q Mr. Schmitz, are you a member of the 10 Republican party? 11 A I am. 12 Q How long have you been a member? 13 A 25 years. 14 Q Have you held any positions in the 15 party? 16 A No. 17 Q Okay. Do you identify as a Republican? 18 A I do. Now, when I ran for mayor, you 19 didn't have to declare a party; so I did not do that. 20 Because I really felt the position as mayor and the 21 council, there are -- we're neighbors. It's not about 22 a party; it's about working together. So I did not do 23 that as mayor. 24 Q A few follow-up questions on your -- the 25 declaration that you submitted.</p>	<p style="text-align: right;">Page 27</p> <p>1 doing this is not about the map. It's about where we 2 are going to end up. And so -- so I just believe all 3 the partnerships we've built up over these years, we 4 need to continue that. 5 Q Did Misty ask you to include anything 6 specific in your declaration? 7 A No. I don't -- I don't remember 8 anything like that. 9 Q And, I'm sorry, I don't think I actually 10 got this answer. But did you -- so you received the 11 draft. 12 Did you suggest any changes in terms of 13 phrasing or anything, or did you just sign the 14 declaration that you received? 15 A Yeah. It pretty much was what I said 16 and what I wanted; so I just signed it. 17 Q Okay. So let's talk about the hearing 18 that I think you referenced a few times during this, 19 the hearing on July 13th. 20 So did you attend the Alabama Permanent 21 Committee on Reapportionment and Redistricting public 22 hearing on July 13th? 23 A I did. 24 Q And how did you find out about that 25 hearing?</p>
<p style="text-align: right;">Page 26</p> <p>1 Did you type up the declaration? 2 A I did not. 3 Q Did you see a draft and provide edits? 4 A I saw a draft and -- I don't know if 5 edits. Basically, they sent what I asked them to -- 6 to put in there. 7 Q And when you say "them," who are you 8 referring to? 9 A Misty and their office. 10 Q Did you propose any edits to the 11 declaration before signing it? 12 A I -- I think probably the day before, I 13 sent a bunch of information and -- and this is -- this 14 is where -- I did call the Chamber of Commerce and ask 15 them, like the 40 percent peanuts grown in -- in -- 16 within 100 miles; we are the peanut capital of the 17 world. I just wanted to make sure all that was true, 18 and so I did that. And -- and sent just some ideas, I 19 guess, to Misty about that. 20 Q Did you speak -- so you spoke to Misty 21 before she drafted the declaration? 22 A I did. 23 Q Okay. So what did you say to her? 24 A Pretty much what's in the document. I 25 mean, again, what I just said: My -- the reason I'm</p>	<p style="text-align: right;">Page 28</p> <p>1 A When I called Senator Chesteen, he -- he 2 told me there will be a public hearing and asked me if 3 I would speak. 4 Q Did he tell you anything else? 5 A No. Just he gave me where it was and 6 the time. 7 Q And how do you know Senator Chesteen? 8 A Well, he's from our area; and I've known 9 him a long time. He was a football coach in Geneva. 10 And he was always involved with, like I was and have 11 been, with creating workforce development; trying to 12 in our high schools train our kids and help them get 13 some skills. He would -- he was always involved in 14 that, and so was I. So I've just -- I've known him a 15 long time. 16 Q And did he ask you to address anything 17 specific at the hearing? 18 A No. When I -- when I called and I -- 19 basically, what I said in the declaration; I told -- I 20 told him. And he said, Well, you know, here's a 21 public hearing. Why don't you come and say that. So 22 that's what I did. 23 Q Did anyone else ask you to address 24 anything at the hearing? 25 A No.</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q Okay. So I'm going to ask you about the 2 enacted plan -- the plan that was enacted in 2023 that 3 you've referenced earlier in this deposition. 4 Did you -- have you seen that plan 5 before? 6 MS. FAIRBANKS MESSICK: Object to the 7 form. 8 A I'm not sure what you're ask -- I'm not 9 sure what plan you're -- 10 Q (By Ms. Gbe) Let me just make this 11 easier. 12 I'll just show you the document, and 13 then you can let me know if you -- if it looks 14 familiar. 15 MS. FAIRBANKS MESSICK: Beverly, we can 16 see your deposition outline. I'm sorry, Harmony. 17 A It went away. 18 Q (By Ms. Gbe) Can you see the map now? 19 A No. Whatever you sent is not showing 20 up. Here we go. There. 21 Q So sorry. 22 A Right. Apologies for that. Okay. 23 So this is the map that I was referring 24 to that was enacted in 2023. 25 Does it look familiar to you?</p>	<p style="text-align: right;">Page 31</p> <p>1 A Right. So, no, the map that I -- the 2 map that I saw -- and a lot of folks from Dothan were 3 wearing T-shirts were showing us over -- just 4 isolating us, moving us over to the west coast of 5 Alabama up to Mobile and Mobile County. That's what I 6 remember. 7 Q And what -- where did you see this map 8 that you're referring to? 9 A Probably the Dothan Eagle. 10 Q And you mentioned just now that folks 11 were wearing T-shirts with this map? 12 So where were these people with the 13 T-shirts? 14 A Well, when I went up to the state house; 15 a bus pulled up. And a lot of folks that I know from 16 Dothan got off with all these T-shirts, and that's 17 when I saw that map with what they were wearing. And 18 that's -- I guess that's what I really saw the 19 T-shirts. 20 Q And was that different than the map that 21 you saw in the Dothan Eagle? 22 A I didn't get really close to them to 23 look at their -- the map. But it -- it looked just 24 like a -- it -- it -- again, it had us -- it had us 25 and then going over west and up to Mobile.</p>
<p style="text-align: right;">Page 30</p> <p>1 A I don't know. I need to see the bottom 2 of the map. I can't see that. 3 Q Can you see the bottom now? 4 A So what you're saying is, if I'm 5 correct, this is the map that the state legislature 6 approved; right? 7 Q Yes. 8 A Okay. Yeah. They put it in the Dothan 9 Eagle. I saw it. 10 Q Okay. So I'm going to mark and publish 11 this document as Exhibit 3. 12 (Plaintiffs' Exhibit 3 was 13 marked for identification.) 14 Q So did you -- did you look at this map 15 before you agreed to testify at the hearing, 16 Mr. Schmitz? 17 A No. When I -- well, let me understand 18 the question. 19 Before I agreed to testify today? 20 Q At the hearing on July 13th -- 21 A Oh. 22 Q -- had you seen this map before? 23 A No. At that time they hadn't passed 24 this map. 25 Q Great.</p>	<p style="text-align: right;">Page 32</p> <p>1 (Indicating throughout.) And so, yes, I assumed it's 2 the same map. 3 Q Have -- so based on your -- give me a 4 second. 5 So based on your understanding, these 6 people from Dothan with the T-shirts; they supported 7 the map that included Dothan with the black belt? 8 A Is Mobile part of the black belt? 9 I don't know that. 10 Q Yeah. 11 A So okay, then yes. It included Mobile. 12 That's what it included. 13 Q I see. 14 A And the west side of Alabama. I didn't 15 really look at all the towns and stuff. I just looked 16 what we were going away from the area of folks that I 17 know and people we've been working together for 25 18 years to over to the west side. 19 Q And were these people with the T-shirts, 20 were they black? 21 A Yes. 22 Q How many people were wearing the 23 T-shirts if you can estimate for me? 24 A Yeah. A bunch; probably 25, 30 people 25 got off the bus. I've known a lot of them for many</p>

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1 years, so -- anyway. Yes.

2 Q What do you mean by "you've known a lot
3 of them for many years"?

4 A Well, the folks that got off the bus
5 live in Dothan or live in our community; which could
6 be a small town. But I -- I've been involved --
7 heavily involved in this community for a long, long
8 time. And we all try to work together on issues,
9 so -- and as mayor I definitely did that, so that's
10 how I got to know them.

11 Q Did you recognize anyone in particular?

12 A You know, I -- I recognize faces; names
13 I'm not so good at. So, I mean, I can't think of any
14 of the names.

15 Q But your -- your understanding is that
16 these people with the T-shirts were also familiar with
17 the Dothan community?

18 A Oh, yeah.

19 MS. FAIRBANKS MESSICK: Object to the
20 form.

21 Q (By Ms. Gbe) Have you reviewed any
22 other maps, Mr. Schmitz, besides the one that we spoke
23 -- the ones that we've spoken about in terms of the
24 T-shirt, the news article; have you seen any other
25 maps in any other places?

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1 A I have not.

2 Q Have you been shown any maps by either
3 someone from the legislature -- actually, let me
4 rephrase.

5 Were you shown any maps by anyone from
6 the legislature?

7 A No.

8 Q Were you shown any maps by anyone from
9 the Attorney General's office?

10 A No.

11 Q I think that's all I have, but let me
12 take a few minutes just to confirm with my cocounsel
13 that that's all we have for you.

14 A Okay.

15 THE VIDEOGRAPHER: Going off video
16 record; 10:49 a.m.

17 (Short recess.)

18 THE VIDEOGRAPHER: We are now back on
19 video record; 11:05 a.m.

20 Q (By Ms. Gbe) Mr. Schmitz, I understand
21 that during the break you had a computer issue?

22 A I did.

23 Q Did you speak to anyone during the break
24 about your deposition testimony?

25 A Oh, no. No. I just got my office

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1 manager to get my computer back up. That's all.

2 Q I just have a few more questions for
3 you. It shouldn't take very long.

4 A Okay.

5 Q Did you review any performance analysis
6 for the 2023 plan?

7 A I did not.

8 Q Okay. That is all I have.

9 EXAMINATION

10 BY MS. FAIRBANKS MESSICK:

11 Q All right. I do have some questions for
12 you, Mr. Schmitz, if you don't mind sticking around
13 with us a little bit longer.

14 A I'm here. Let's go.

15 Q All right. Thank you.

16 Since Eddie LaCour first reached out to
17 you approximately two weeks ago, have there been a
18 number of conversations and emails that you have had
19 with people at this office?

20 A Yes.

21 Q And is it possible that it's hard to
22 remember exactly what happened when and what came
23 first and what came next and what was next?

24 A Well, for me that's challenging every
25 day. But, yeah, I mean, I was in San Francisco. I

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1 was traveling. I came back to Dothan. I have
2 businesses I run. Yeah.

3 Q Do you remember speaking with me and
4 Richard Mink after you got back from San Francisco?

5 A I do.

6 Q And do you remember if it was after we
7 spoke that we sent you a draft declaration?

8 A Yes.

9 Q Okay. And do you remember asking to be
10 able to think about it overnight?

11 A I did.

12 Q And did you -- what do you remember
13 about what you did with that time overnight with
14 respect to your declaration?

15 A Well, it's like I said earlier. I
16 wanted to make sure some of the facts that I gave in
17 -- in the declaration were still true. I -- I -- you
18 know, as mayor, I went to a lot of economic
19 development meetings and agricultural meetings. And
20 just -- so I -- I called the Chamber and talked to the
21 president of the Chamber.

22 Q And did you propose to include
23 information in your declaration that you got from
24 other people that was not your own knowledge?

25 A Yes. From him --

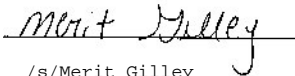
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<p style="text-align: right;">Page 37</p> <p>1 MS. GBE: Objection. Leading. 2 A Yes. 3 Q (By Ms. Fairbanks Messick) And was that 4 information ultimately included in your declaration? 5 A I don't believe -- 6 Q Take a few minutes and look -- I'm 7 sorry. I didn't mean to speak over you. I was going 8 to say if you want to look at it, you're certainly 9 welcome to take the time to do that. 10 A I don't -- I don't -- I can't think of 11 anything that they told me that I put in this. I -- I 12 mean, I -- I may have, but I don't think so. 13 Q Can you take a minute and look at your 14 deposition -- I'm sorry -- your declaration -- 15 A Right. 16 Q -- and let us know if there's anything 17 in there that you do not believe to be your firsthand 18 knowledge. 19 A (Witness complies.) I definitely have 20 years of experience in all that -- all these 21 statements. 22 Q And did you review your declaration 23 before you signed it? 24 A I did. 25 Q And did you understand when you signed</p>	<p style="text-align: right;">Page 39</p> <p>1 yourself, please. And then I'm going to ask you if 2 anything was added to that paragraph after we spoke. 3 A (Witness complies.) Well, I remember 4 talking to you about flying with Senator Tuberville 5 over Fort Novosel. That may have been added. I don't 6 know if I said that the first time or not. And while 7 I was doing that, I definitely impressed, you know, my 8 opinion on how important Fort Novosel is to -- to us 9 and to our nation. 10 Q Harmony asked you when I contacted you 11 or when the office contacted you about sitting for 12 this deposition. 13 A Right. 14 Q And I believe your testimony was that 15 you thought that that happened on Wednesday. 16 Is -- is that accurate to the best of 17 your recollection at this time? 18 A I don't remember what day. I -- I just 19 don't. 20 Q It was some time this week though; 21 right? 22 A Yes. Yes. 23 Q You mentioned earlier that Senator 24 Chesteen used to be a football coach in Geneva? 25 A Yes.</p>
<p style="text-align: right;">Page 38</p> <p>1 it it was like giving testimony in court; it was sworn 2 testimony? 3 A I did. 4 Q Okay. And do you remember receiving a 5 second draft of the declaration after we talked 6 further and you sent us additional information? 7 A Yes. 8 Q Can you look at paragraph one of your 9 declaration and read it to yourself silently, please. 10 A (Witness complies.) Okay. 11 Q Do you remember adding anything to that 12 paragraph? 13 A No, ma'am; I don't remember adding 14 anything. I remember we had conversations. But I -- 15 I -- 16 Q Okay. Do you remember if we made any -- 17 if any changes were made to paragraph four after we 18 spoke? 19 A Yes. You put in the website -- website 20 from the Army about the CASA and explained basically 21 what the website says in paragraph four. 22 Q So as you sit here today, it's your 23 recollection that that was added in the second draft? 24 A Yes. 25 Q In paragraph six; would you read that to</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Is Geneva a city? A county? 2 What is your reference to? 3 A Well, city -- it's a city and a county. 4 Q Okay. 5 A And I -- I don't remember where he was a 6 coach, which one of those because I didn't follow 7 Geneva High School football. 8 Q You spoke with Harmony about seeing 25 9 to 30 people, approximately, get off the bus at the 10 legislative hearing in mid July. 11 Were all of those people from Dothan so 12 far as you know? 13 A Yes. When I say "Dothan," they -- the 14 area. Because we have a lot of small towns, so I 15 don't know where they actually live. I know them from 16 Dothan. Yes. 17 Q Were there other people at the hearing 18 wearing those T-shirts who were not from Dothan? 19 A I didn't notice it. There -- there may 20 have been. I did -- I was -- they actually sat me 21 right next to the folks with the T-shirts, so that's 22 how I was focused on that. 23 Q Okay. Do you stand by your -- 24 everything that's in your declaration? 25 A I do.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q All right. I don't have any further 2 questioning -- questions. Harmony might have 3 additional questions for you. 4 MS. GBE: I don't have anything further. 5 MS. FAIRBANKS MESSICK: Thank you so 6 much for your time, Mr. Schmitz. We really appreciate 7 it. 8 MS. GBE: Yes. Thank you. It was nice 9 meeting you. 10 THE WITNESS: Thank you. 11 THE VIDEOGRAPHER: This concludes 12 today's videotaped deposition. The time is 11:16 a.m. 13 Going off the record now. 14 (THE DEPOSITION WAS CONCLUDED AT 11:16 A.M.) 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 42</p> <p>1 2 C E R T I F I C A T E 3 4 STATE OF ALABAMA) 5 JEFFERSON COUNTY) 6 7 I hereby certify that the above 8 and foregoing deposition was taken down 9 by me in stenotype, and the questions and 10 answers thereto were reduced to computer 11 print under my supervision, and that the 12 foregoing represents a true and correct 13 transcript of the deposition given by 14 said witness upon said hearing. 15 16 I further certify that I am 17 neither of counsel nor of kin to the 18 parties to the action, nor am I in 19 anyway interested in the result of said 20 cause. 21 22 23  24 /s/Merit Gilley Merit Gilley, Commissioner 25 ACCR NO. 67</p>	

<p style="text-align: center;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 EVAN MILLIGAN, et al.,)</p> <p>6 Plaintiffs,)</p> <p>7) CASE NO:</p> <p>8 VS.)2:21-CV-01530-AMM:</p> <p>9 WES ALLEN, in his official)</p> <p>10 capacity as Alabama)</p> <p>11 Secretary of State.)</p> <p>12 Defendant.)</p> <p>13 MARCUS CASTER, et al.,)</p> <p>14 Plaintiffs,)</p> <p>15) CASE NO:</p> <p>16 VS.)2:21-CV-1536-AMM</p> <p>17 WES ALLEN, in his official)</p> <p>18 capacity as Alabama)</p> <p>19 Secretary of State.) DEPOSITION OF:</p> <p>20 Defendant.) JEFF WILLIAMS</p> <p>21</p> <p style="text-align: center;">22 S T I P U L A T I O N S</p> <p>23</p> <p>24 IT IS STIPULATED AND AGREED, by and</p> <p>25 between the parties through their respective counsel,</p>	<p style="text-align: center;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE MILLIGAN PLAINTIFFS:</p> <p>4 HARMONY A. GBE</p> <p>5 Attorney at Law</p> <p>6 Hogan Lovells US, LLP</p> <p>7 1999 Avenue of the Stars</p> <p>8 Suite 1400</p> <p>9 Los Angeles, California 90067</p> <p>10 310-785-4600</p> <p>11 harmony.gbe@hoganlovells.com</p> <p>12</p> <p>13 DAYTON CAMPBELL-HARRIS</p> <p>14 Attorney at Law</p> <p>15 American Civil Liberties Union</p> <p>16 Voting Rights Project</p> <p>17 125 Broad Street</p> <p>18 18th Floor</p> <p>19 New York, New York 10004</p> <p>20 425-516-8400</p> <p>21 dcampbell-harris@aclu.org</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">Page 2</p> <p>1 that the deposition of:</p> <p>2 JEFF WILLIAMS,</p> <p>3 may be taken before Merit Gilley, Commissioner and</p> <p>4 Notary Public, State at Large, with all parties</p> <p>5 appearing remotely, on the 10th day of August, 2023,</p> <p>6 commencing at approximately 12:01 p.m.</p> <p>7</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that</p> <p>9 the signature to and reading of the deposition by the</p> <p>10 witness is waived, the deposition to have the same</p> <p>11 force and effect as if full compliance had been had</p> <p>12 with all laws and rules of Court relating to the</p> <p>13 taking of depositions.</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that</p> <p>16 it shall not be necessary for any objections to be</p> <p>17 made by counsel to any questions, except as to form or</p> <p>18 leading questions, and that counsel for the parties</p> <p>19 may make objections and assign grounds at the time of</p> <p>20 the trial, or at the time said deposition is offered</p> <p>21 in evidence, or prior thereto.</p> <p>22 ***</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 4</p> <p>1 JOELLE MILLER</p> <p>2 Attorney at Law</p> <p>3 NAACP Legal Defense & Educational Fund, Inc.</p> <p>4 40 Rector Street</p> <p>5 5th Floor</p> <p>6 New York, New York 10006</p> <p>7 212-965-2200</p> <p>8 Jmiller@naacpldf.org</p> <p>9</p> <p>10 AMANDA NECOLE ALLEN</p> <p>11 Attorney at Law</p> <p>12 Hogan Lovells US, LLP</p> <p>13 Columbia Square</p> <p>14 555 Thirteenth Street NW</p> <p>15 Washington, DC 20004</p> <p>16 202-637-2521</p> <p>17 amanda.n.allen@hoganlovells.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 5</p> <p>1 DEUEL ROSS 2 Attorney at Law 3 NAACP Legal Defense & Educational Fund, Inc. 4 700 14th Street N.W. 5 Suite 600 6 Washington, DC 20005 7 202-682-1300 8 dross@naacpldf.org 9 10 11 FOR THE CASTER PLAINTIFFS: 12 MAKEBA RUTAHINDURWA 13 Attorney at Law 14 Elias Law Group 15 250 Massachusetts Avenue NW 16 Suite 400 17 Washington DC 20001 18 202-968-459 19 mrutahindurwa@Elias.law 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 7</p> <p>1 2 EXAMINATION INDEX 3 4 Jeff Williams 5 BY MS. GBE 9 6 BY MS. FAIRBANKS MESSICK 41 7 8 9 10 11 12 EXHIBIT INDEX 13 14 Plaintiffs' Exhibit MAR 15 1 Declaration of Jeffrey V. Williams 32 16 2 Redistricting Map of Alabama 39 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 6</p> <p>1 FOR THE DEFENDANT SECRETARY WES ALLEN: 2 MISTY S. FAIRBANKS MESSICK 3 Constitutional Defense Division 4 Office of the Attorney General 5 State of Alabama 6 501 Washington Avenue 7 P.O. Box 300152 8 Montgomery, Alabama 36130 9 334-353-8674 10 misty.messick@alabamaag.gov 11 12 13 ALSO PRESENT: 14 Robert Pacheco - Esquire Video Specialist 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 8</p> <p>1 I, Merit Gilley, a Court Reporter of 2 Birmingham, Alabama, and a Notary Public for the State 3 of Alabama at Large, acting as Commissioner, certify 4 that on this date, as provided by the Federal Rules of 5 Civil Procedure and the foregoing stipulation of 6 counsel, there came before me on the 10th day of 7 August, 2023, with all parties appearing remotely, 8 commencing at approximately 12:01 p.m., JEFF WILLIAMS, 9 witness in the above cause, for oral examination, 10 whereupon the following proceedings were had: 11 THE VIDEOGRAPHER: We are now on the 12 video record. Today's date is August the 10th, 2023. 13 The time is 12:01 p.m. Central standard time. This 14 begins the videoconference deposition of Jeff Williams 15 in the matter of Evan Milligan, et al. versus Wes 16 Allen, et al. 17 My name is Robert Pacheco. I am the 18 remote videographer. The court reporter today is 19 going to be Ms. Merit Gilley, both representing 20 Esquire Deposition Solutions. Would counsel please 21 introduce yourselves and your affiliation, and the 22 witness will be sworn in. 23 MS. GBE: Hi. This is Harmony Gbe of 24 Hogan Lovells. I am counsel on behalf of the Milligan 25 plaintiffs.</p>



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<p style="text-align: right;">Page 9</p> <p>1 MS. RUTAHINDURWA: Hi. Makeba 2 Rutahindurwa on behalf of the Caster plaintiffs. 3 MS. ALLEN: Amanda Allen of Hogan 4 Lovells on behalf of the Milligan plaintiffs. 5 THE COURT REPORTER: Ms. Messick? 6 MS. FAIRBANKS MESSICK: Misty 7 S. Fairbanks Messick for Secretary of State Wes Allen. 8 JEFF WILLIAMS 9 being first duly sworn, was examined and testified as 10 follows: 11 THE COURT REPORTER: All right. Usual 12 stipulations? 13 MS. GBE: Agreed. 14 MS. FAIRBANKS MESSICK: Yes, please. 15 THE COURT REPORTER: Go ahead. 16 EXAMINATION 17 BY MS. GBE: 18 Q All right. Hi, Mr. Williams. As I 19 mentioned, my name is Harmony Gbe; and I'm counsel for 20 the plaintiffs in this case. 21 Have you ever been deposed? 22 A I have. 23 Q How many times have you been deposed? 24 A One time, and it was maybe 25 years ago. 25 Q And do you remember what that case was</p>	<p style="text-align: right;">Page 11</p> <p>1 A Yes, ma'am. 2 Q As you know, we have a court reporter 3 with us here today; and she will be making a written 4 record of our conversation. So I ask that you provide 5 clear and concise answers and speak slowly so that she 6 can get everything. And please make sure to provide 7 verbal answers only, so no head nods or responses like 8 uh-huh. 9 A Sure. 10 Q Does that make sense? 11 A Yes, ma'am. 12 Q Relatedly, we should strive not to talk 13 over each other. I ask that you please wait until I 14 finish my question before responding, just as you're 15 doing now. And also I will wait until you've provided 16 your response before asking the next question; okay? 17 A Yes. 18 Q And you understand that you should give 19 the same seriousness in answering my questions here 20 today as you would if you were testifying in court 21 before a judge or a jury; correct? 22 A Of course. 23 Q If I ask you a question that you do not 24 understand, please let me know. 25 Otherwise, I will assume that you</p>
<p style="text-align: right;">Page 10</p> <p>1 about? 2 A I do not. It had -- had something to do 3 with and -- with the bank I was working for and a -- 4 and a client, but I do not remember the -- the 5 specifics of it. 6 Q And have you ever testified at trial? 7 A I have not. 8 Q You understand that you are testifying 9 under oath today? 10 A Yes, ma'am. 11 Q Is there anything that might prevent you 12 from understanding my questions or answering 13 truthfully? 14 A No. 15 Q Are you represented by counsel today? 16 A I am not. 17 Q So since it's been a while since you've 18 been deposed, I'm just going to go over a few ground 19 rules so we're on the same page. 20 Is that okay? 21 A Of course. 22 Q Okay. So I'll be asking you a series of 23 questions, and you're going to answer them to the best 24 of your ability. 25 Do you understand?</p>	<p style="text-align: right;">Page 12</p> <p>1 understand my question; okay? 2 A Yes, ma'am. 3 Q If any attorney makes an objection 4 during the deposition, you still have to answer the 5 question unless you are specifically instructed not to 6 do so. 7 Do you understand? 8 A I do. 9 Q Please let us know if you need a break 10 at any point. 11 The only thing I ask is that if there's 12 a question pending that you answer that question 13 before we take the break; okay? 14 A Yes. Okay. 15 Q And as we go through the questions 16 during the deposition, you may realize that a prior 17 answer wasn't entirely accurate. If you do realize 18 that, please let me know so that we can correct the 19 record. 20 Do you understand? 21 A I do. 22 Q So do you understand all the 23 instructions that we just discussed? 24 A I do. 25 Q Okay. So with that out of the way; you</p>

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<p style="text-align: right;">Page 13</p> <p>1 understand, Mr. Williams, that you're here testifying</p> <p>2 today as a witness in the case of Milligan versus</p> <p>3 Allen?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And we're conducting this deposition</p> <p>6 remotely.</p> <p>7 So where are you physically right now?</p> <p>8 A I'm in my office at 170 East Main</p> <p>9 Street, Dothan. I am -- I will tell you I am downtown</p> <p>10 on main street where there's a lot of traffic, sirens,</p> <p>11 and so forth. So there may be interruptions</p> <p>12 occasionally.</p> <p>13 Q Understood.</p> <p>14 Is there anyone in the room with you</p> <p>15 right now?</p> <p>16 A No, ma'am.</p> <p>17 Q And do you have access to any email,</p> <p>18 chat, or text message functions currently on your</p> <p>19 computer?</p> <p>20 A Yes, I do.</p> <p>21 Should I shut those down?</p> <p>22 Q Which ones do you have open?</p> <p>23 A I have Outlook is currently open. I can</p> <p>24 close that. And I can turn off my phone completely.</p> <p>25 Q That isn't necessary, but it -- it is</p>	<p style="text-align: right;">Page 15</p> <p>1 to prepare, did you --</p> <p>2 MS. GBE: Sorry -- was there -- I got</p> <p>3 some feedback. I wasn't sure.</p> <p>4 Can you all hear me?</p> <p>5 THE WITNESS: I can.</p> <p>6 MS. FAIRBANKS MESSICK: I can hear you.</p> <p>7 Q (By Ms. Gbe) Thank you.</p> <p>8 So going back to what you did</p> <p>9 specifically to prepare for today's deposition.</p> <p>10 Did you meet with anyone?</p> <p>11 A I -- I had phone calls with the Attorney</p> <p>12 General's office asking me to -- to testify and what</p> <p>13 that would mean; giving me the -- sort of the rules</p> <p>14 about the deposition; how the -- the -- how I should</p> <p>15 conduct myself and so forth; and asking me, you know,</p> <p>16 to prepare a written testimony about -- I should --</p> <p>17 why I have maybe some unique perspective to represent</p> <p>18 the wire -- the wiregrass in -- in this case.</p> <p>19 Q How many phone calls did you have?</p> <p>20 MS. FAIRBANKS MESSICK: Object to the</p> <p>21 form.</p> <p>22 Q (By Ms. Gbe) With the attorney -- how</p> <p>23 many phone calls did you have with the Attorney</p> <p>24 General's office to prepare for today's deposition?</p> <p>25 A I would estimate four.</p>
<p style="text-align: right;">Page 14</p> <p>1 helpful to know. Thank you.</p> <p>2 A Yes, ma'am.</p> <p>3 Q So let's talk about a little bit what</p> <p>4 you did to prepare for today's deposition.</p> <p>5 So tell me: What did you do to prepare?</p> <p>6 A Well, I -- I just thought about the case</p> <p>7 and how it might affect the wiregrass area. I thought</p> <p>8 about how we work together in this -- this --</p> <p>9 specifically, this five-county area in the very</p> <p>10 southeast of Alabama; how, from an economic</p> <p>11 standpoint, that it -- it -- dividing this area from a</p> <p>12 Congressional representation standpoint might affect</p> <p>13 us negatively. So it -- a lot of thought about all</p> <p>14 the -- the work together that the counties around here</p> <p>15 do. So make, you know -- you know, made mental notes</p> <p>16 and hopefully prepared myself to discuss it.</p> <p>17 Q Okay. I'm sorry. Just to go back to</p> <p>18 what we just discussed a few moments ago.</p> <p>19 Actually, do you -- could you please</p> <p>20 close your email and --</p> <p>21 A I did.</p> <p>22 Q -- turn off your phone.</p> <p>23 A I did. I did both.</p> <p>24 Q Thank you. Very much appreciated.</p> <p>25 But now talking back about what you did</p>	<p style="text-align: right;">Page 16</p> <p>1 Q I'm sorry.</p> <p>2 A One --</p> <p>3 Q Did you say "four"?</p> <p>4 A I would estimate four. One initially</p> <p>5 asking me if I'd be willing; and then two or three</p> <p>6 follow up to -- to -- about the written testimony and,</p> <p>7 you know, the parameters around that, what was needed;</p> <p>8 and then the final one to review what was required of</p> <p>9 me in a -- in a video deposition.</p> <p>10 Q And do you -- when were these phone</p> <p>11 calls?</p> <p>12 A I would say the initial one was maybe</p> <p>13 two weeks ago, and the -- and the others were two</p> <p>14 or -- maybe last week, and one yesterday.</p> <p>15 Q And how long, approximately, were each</p> <p>16 of these calls?</p> <p>17 A Fairly short --</p> <p>18 MS. FAIRBANKS MESSICK: Object to the</p> <p>19 form.</p> <p>20 A -- with the exception of the last one.</p> <p>21 The last one was reviewing all the rules around, you</p> <p>22 know, the video deposition and just kind of the</p> <p>23 standard, hopefully common sense, rules around video</p> <p>24 depositions. That was maybe 40 minutes long. The</p> <p>25 others were, I would say, no more than five to, say,</p>

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<p style="text-align: right;">Page 17</p> <p>1 ten minutes.</p> <p>2 Q (By Ms. Gbe) What rules are you</p> <p>3 referring to --</p> <p>4 A Just --</p> <p>5 Q -- in terms of the -- sorry. Go ahead.</p> <p>6 A -- essentially what you reviewed with me</p> <p>7 initially as far as how -- how depositions are</p> <p>8 conducted; not to -- you know, be respectful; not to</p> <p>9 use humor; you know, always be truthful; and, you</p> <p>10 know, don't talk over the attorney; so forth. Just I</p> <p>11 think it was just common deposition practices.</p> <p>12 Q Did you discuss anything else?</p> <p>13 MS. FAIRBANKS MESSICK: Object to the</p> <p>14 form.</p> <p>15 A On just --</p> <p>16 Q (By Ms. Gbe) On -- on -- on the -- the</p> <p>17 most recent call when you discussed the rules with</p> <p>18 someone from the Attorney General's office?</p> <p>19 A I believe it was pretty much all my --</p> <p>20 you know, what questions I had about the process and,</p> <p>21 you know, how -- how the process will work. And it</p> <p>22 reviewed -- they reviewed with me what I should expect</p> <p>23 and then, of course, the questions that I had around,</p> <p>24 you know, the process. So I think it was more of a</p> <p>25 procedural-type discussion.</p>	<p style="text-align: right;">Page 19</p> <p>1 Q And did Misty tell you anything else?</p> <p>2 A Nothing more than to be -- to be</p> <p>3 truthful and to not try to -- if I'm not an expert on</p> <p>4 something, just let -- let you know that I'm not.</p> <p>5 And, you know, I came here today to -- to testify on</p> <p>6 the items in my written testimony; which I do think</p> <p>7 I'm uniquely qualified to discuss. But I -- but</p> <p>8 outside of that, I did not -- did not want to get into</p> <p>9 the politics of the matter.</p> <p>10 Q And just to clarify: When you say "your</p> <p>11 written testimony," are you referring to the</p> <p>12 declaration you submitted in support of defendants'</p> <p>13 response in this case?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Okay.</p> <p>16 MS. FAIRBANKS MESSICK: Object to the</p> <p>17 form.</p> <p>18 Q (By Ms. Gbe) Going back to the four or</p> <p>19 so conversations you had to prepare for this</p> <p>20 deposition; we discussed in more detail the most</p> <p>21 recent one that you had with Misty.</p> <p>22 Did you speak to anyone else in the</p> <p>23 Attorney General's office?</p> <p>24 A Yes. There was one other gentlemen. I</p> <p>25 believe he was a supervisor. But I do not recall his</p>
<p style="text-align: right;">Page 18</p> <p>1 Q And what questions did you have about</p> <p>2 the process?</p> <p>3 A Well, how -- how it would be conducted;</p> <p>4 you know, the -- what to expect. And, you know, I had</p> <p>5 -- my only question is I did -- I'm not a -- I try not</p> <p>6 to get political. And -- and -- in any respect. But</p> <p>7 I have friends on both sides of the aisle, and I --</p> <p>8 and I wanted to make sure that I would not be drawn</p> <p>9 into the politics of this case. I wanted to keep my</p> <p>10 interaction and -- and my -- my deposition to just the</p> <p>11 facts as I know them about how the wiregrass is one</p> <p>12 cohesive unit, one cohesive area that works together.</p> <p>13 Q And what were the -- actually, let me</p> <p>14 strike that.</p> <p>15 Who were you speaking to specifically in</p> <p>16 this most recent conversation with the Attorney</p> <p>17 General's office?</p> <p>18 A Misty Messick.</p> <p>19 Q And what did Misty tell you in response</p> <p>20 to those questions that you had?</p> <p>21 A To be truthful and -- just be truthful,</p> <p>22 and if I don't -- if I'm not an expert on something or</p> <p>23 I don't know something, just say that I don't know it</p> <p>24 or I'm not able to answer that. I'm not an expert in</p> <p>25 that area.</p>	<p style="text-align: right;">Page 20</p> <p>1 name. He was on the call for maybe three or four</p> <p>2 minutes --</p> <p>3 Q What's --</p> <p>4 A -- just to help answer -- answer my</p> <p>5 question that I just -- my main question that I just</p> <p>6 reiterated. And, essentially, his response was, as</p> <p>7 Misty would say, just to be truthful and if I'm not --</p> <p>8 don't know the answer to -- or not an expert in that</p> <p>9 area, just let you know that.</p> <p>10 Q Was his name Mr. LaCour?</p> <p>11 A No, it was not.</p> <p>12 Q And you do not remember this gentleman's</p> <p>13 name?</p> <p>14 A I'm sorry. I do not. He was brought</p> <p>15 into the call for just a few -- couple of minutes;</p> <p>16 three or four at most.</p> <p>17 Q Was his name Jim Davis?</p> <p>18 A That sounds correct. Yes, ma'am.</p> <p>19 Q Okay. Did you discuss anything else</p> <p>20 with anyone from the Attorney General's office to</p> <p>21 prepare for today's deposition?</p> <p>22 A I would say I did -- have not. I did</p> <p>23 nothing other than what I have described.</p> <p>24 Q Did you speak to anyone outside of the</p> <p>25 Attorney General's office to prepare for today's</p>

<p style="text-align: right;">Page 21</p> <p>1 deposition? 2 A I did not. 3 Q Did you speak to anyone from the 4 legislature -- 5 A Not -- 6 Q -- to prepare for -- 7 MS. FAIRBANKS MESSICK: Object to the 8 form. 9 A No. In no way. I've not -- I've not -- 10 Q (By Ms. Gbe) Okay. 11 A I've kept this just between me and the 12 Attorney General's office. 13 Q Have you seen any transcripts from other 14 depositions in this case? 15 A I have not. 16 Q Did you visit any websites to prepare 17 for your testimony today? 18 A I have not. 19 Q Did you review any documents to prepare 20 for your testimony today? 21 A Nothing other than my written testimony, 22 my declaration I guess it was. 23 Q And do you have a copy of your 24 declaration in front of you? 25 A I -- it's on my desk over to the side,</p>	<p style="text-align: right;">Page 23</p> <p style="text-align: center;">Redacted</p>
<p style="text-align: right;">Page 22</p> <p>1 but I do not -- I'm not reading it or reviewing it at 2 this time. 3 Q Understood. 4 Did you do anything else to prepare for 5 this deposition today? 6 A I did not. Other than -- well, what I 7 described earlier was, you know, a lot of 8 consideration about how the area works together and -- 9 and all the factors that go into play about an area 10 working together for economic development; whether it 11 health care, you know, Fort Novosel, the -- the 12 HudsonAlpha center that's being built; the similar 13 geography; those kind of things. Just really tried to 14 understand, put in my -- my -- my own thoughts as to 15 around what would -- how would this affect us if we 16 were to -- we were divided from a Congressional 17 representation standpoint. 18 Q Are you being compensated by anyone for 19 being here today? 20 A I am not.</p> <p style="text-align: center;">Redacted</p>	<p style="text-align: right;">Page 24</p> <p style="text-align: center;">Redacted</p>

<p style="text-align: right;">Page 25</p> <p style="color: red;">Redacted</p> <p>7 Have you ever been involved in any other</p> <p>8 lawsuits?</p> <p>9 A I've -- nothing that's went to trial. I</p> <p>10 was sued by a former employee that was terminated.</p> <p>11 This was back in the, I would say, early 2000's. The</p> <p>12 -- it never went to trial; it was settled. That's the</p> <p>13 only -- and I've been a -- a juror on -- on a trial.</p> <p>14 That -- that would be my extent of my experience.</p> <p>15 Q Do you recall what the -- the case that</p> <p>16 you were a juror on, what it related to?</p> <p>17 A Yes. It was a rape case.</p> <p>18 Q Okay. So what is the highest level of</p> <p>19 your education?</p> <p>20 A Bachelor of arts. Bachelor of arts.</p> <p>21 Q And where did you attend school?</p> <p>22 A University of Alabama.</p> <p>23 Q And when did you graduate?</p> <p>24 A 1992.</p> <p>25 Q What do you do for a living?</p>	<p style="text-align: right;">Page 27</p> <p>1 A I was called by the Assistant General</p> <p>2 Mr. LaCour and asked if I would be a witness.</p> <p>3 Q When was that phone call from</p> <p>4 Mr. LaCour?</p> <p>5 A I would say two weeks ago. But it -- I</p> <p>6 couldn't tell you an exact date -- I'm sorry -- unless</p> <p>7 I looked it up.</p> <p>8 Q Do you know why Mr. LaCour called you?</p> <p>9 A He didn't say for sure. He said that I</p> <p>10 was -- my name was given to him as -- as potentially</p> <p>11 someone that would a -- a -- a good perspective on why</p> <p>12 the wiregrass should be considered as one -- one</p> <p>13 cohesive district.</p> <p>14 Q And why do you say that?</p> <p>15 I mean --</p> <p>16 MS. FAIRBANKS MESSICK: Object to the</p> <p>17 form of the question.</p> <p>18 Q I'm meaning why -- why -- why do you</p> <p>19 believe that -- that that is one of -- why he called</p> <p>20 you?</p> <p>21 MS. FAIRBANKS MESSICK: Object to the</p> <p>22 form.</p> <p>23 A I believe I have a unique perspective in</p> <p>24 that -- in my role as -- in commercial banking. I see</p> <p>25 a lot of different types of industry. I bank some of</p>
<p style="text-align: right;">Page 26</p> <p>1 A I'm the regional president for</p> <p>2 SmartBank.</p> <p>3 Q When did you start in that position as</p> <p>4 regional president for SmartBank?</p> <p>5 A September of 2021.</p> <p>6 Q And what was your position just prior to</p> <p>7 that one?</p> <p>8 A Market president for BBVA bank. BBVA.</p> <p>9 Q And how long were you market president</p> <p>10 for BBVA?</p> <p>11 A May 2013 through September of 2021.</p> <p>12 Q All right. So I'm going to pivot a</p> <p>13 little bit to your involvement in this specific case.</p> <p>14 Tell me what you know about the lawsuit</p> <p>15 at issue.</p> <p>16 A I understand that there are -- you know,</p> <p>17 the Supreme Court has -- has stated that the -- or --</p> <p>18 or ruled that Alabama is not properly representing</p> <p>19 minorities. There's not a -- we have only one</p> <p>20 district that's primarily minorities. And they're</p> <p>21 ruling that we should have two. And they've asked</p> <p>22 Alabama to go back to redraw the district -- district</p> <p>23 lines.</p> <p>24 Q And how did you get involved in this</p> <p>25 lawsuit?</p>	<p style="text-align: right;">Page 28</p> <p>1 the largest companies in this area. I have a unique</p> <p>2 perspective in that I'm -- I'm prior military. So I</p> <p>3 understand the issues that are involved all around</p> <p>4 Fort Novosel. I have a unique health care background.</p> <p>5 And I bank the largest health care practices and</p> <p>6 hospitals in the area. I'm -- I bank some</p> <p>7 agricultural-related industries which are -- is a big</p> <p>8 -- it's a big industry down here in agriculture. I --</p> <p>9 in my perspective coming from other markets, I've</p> <p>10 lived in Tennessee; I've lived in a good many cities</p> <p>11 in Alabama. I think I have a unique perspective on</p> <p>12 the geography and the industries here and how they're</p> <p>13 different than a Mobile or Montgomery or Auburn or</p> <p>14 Birmingham.</p> <p>15 And I'm very involved with the Chamber,</p> <p>16 as the incoming chairman and vice -- I'll be vice</p> <p>17 chairman and incoming chairman in October. So I have</p> <p>18 that Chamber of Commerce perspective. I'm also vice</p> <p>19 chairman of the Housing Authority. We're a regional</p> <p>20 housing authority, so I have a unique perspective on</p> <p>21 housing and what -- the need for affordable housing.</p> <p>22 So I have been very involved in community service, so</p> <p>23 I think I do bring a unique perspective to this case.</p> <p>24 MS. GBE: I'd like to object to</p> <p>25 Mr. Williams' answer as nonresponsive.</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q (By Ms. Gbe) Let me rephrase my 2 question. 3 You said that at -- Mr. -- you believe 4 Mr. LaCour called you because of your familiarity with 5 the wiregrass community. 6 Did anyone tell you that specifically? 7 A Yes. I believe that was the reason for 8 the -- for the call is that -- 9 Q Did he say that -- oh, I'm sorry. Go 10 ahead. 11 A I don't know if he said those exact 12 words. But asked if I would be a witness, felt like I 13 am -- I would -- my name was given to him as someone 14 who had a good perspective on why and how we work 15 together. So -- I do -- I don't know any more than 16 that that I can tell you. 17 Q And had you spoken to Mr. LaCour before 18 this phone call two weeks ago? 19 A I have not. It was the -- may have -- 20 no. I -- first of all, no. I've not talked to him 21 prior to that. And if I talked to him again, it was 22 -- it was very brief in that so and so would be 23 contacting me or something like that. So if I talked 24 to him, it -- it was no more than maybe twice. I know 25 I earlier said once. That would have been the primary</p>	<p style="text-align: right;">Page 31</p> <p>1 Q Okay. So as you've indicated here today 2 during your testimony, you've submitted written 3 testimony -- you've submitted a declaration in this 4 case; correct? 5 A Yes, ma'am. 6 Q And you produced this declaration as 7 part of Alabama's response to plaintiffs' objection in 8 -- in this case; correct? 9 A Correct. 10 Q Have you seen Alabama's actual response, 11 so not your declaration, but the -- the response that 12 the State submitted? 13 A No, ma'am. 14 Q So I'm going to pull up your actual 15 declaration and ask you a few questions about that if 16 that's all right. 17 A Yes, ma'am. 18 Q So do you see a document on your screen? 19 A Not yet. It says it -- it's started 20 sharing. There it goes. I see it now. 21 Q Do you see the document now? 22 A Yes, ma'am. 23 Q Let's scroll through so that you can get 24 a better look. 25 So this document is eight pages. And on</p>
<p style="text-align: right;">Page 30</p> <p>1 call. There may have been even an email or a phone 2 call follow up and saying so and so would be 3 contacting me to discuss a -- a written testimony. 4 No. I didn't even know him prior to -- to my call two 5 weeks ago. 6 Q Do you know how Mr. LaCour received your 7 name as someone who would be willing to submit this 8 testimony? 9 A I -- I do not. I assumed it was some of 10 our representatives or -- or business leaders down 11 here that gave him -- so I sent him several names to 12 review. 13 Q And why do you assume so? 14 A Who -- I was -- he asked me if I would 15 -- if I knew of anyone else that would have a similar 16 perspective and -- and would -- would I be willing to 17 give him their name -- give them his -- give him their 18 names. Excuse me. 19 Q Did you provide any names to Mr. LaCour? 20 A I did. Yes, ma'am. 21 Q And which names did you give him? 22 A Brad Kimbro, COO of Wiregrss Electric 23 Co-Operative. 24 Q Any other names? 25 A No, ma'am.</p>	<p style="text-align: right;">Page 32</p> <p>1 the first page -- on the second page -- I'm sorry -- 2 it's titled "Declaration of Jeffrey Williams." 3 Do you see that? 4 A Yes, ma'am. 5 Q Does this document look familiar? 6 A It does. 7 Q Is this the declaration that you 8 submitted in this case? 9 A Yes, ma'am. 10 Q So I'm going to scroll -- I'm sorry. 11 So I'm going to mark and publish this 12 document as Exhibit 1. 13 (Plaintiff's Exhibit 1 was 14 marked for identification.) 15 Q And now I'm going to the scroll to the 16 last page, page eight. 17 Do you see the signature page on your 18 screen, Mr. Williams? 19 A Yes, ma'am. 20 Q Is that your signature? 21 A It is. 22 Q Who drafted this declaration? 23 A I did. It was -- I -- I sent it in a 24 Word document, and the Attorney General's office 25 placed it into this format.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q So you typed up this -- this declaration 2 yourself? 3 A Yes, ma'am. Certainly did. 4 Q Okay. I'm going to shop sharing my 5 screen. 6 Did anyone make edits to the declaration 7 that you typed up before you signed it? 8 A Not edits, but suggest -- suggested 9 changes to tweak up -- just really minor -- minor 10 things. Maybe to bring out a certain point, maybe 11 more about my military service or something like that. 12 But the -- there was not -- they did not make edits, 13 but suggested that I, you know, go a little bit more 14 about my background, give a little bit more about my 15 military service and so forth. But did not -- I don't 16 believe, I think, anything they mentioned were not 17 true edits as much as they were just suggestions that 18 I incorporate a little bit more information. 19 Q So you mentioned some suggestions about 20 bringing up your military background. 21 Were there any other suggestions made to 22 you about what should be included in the declaration? 23 A I believe more about my background and 24 commercial banking. I believe those two items were 25 the areas they wanted me to bring out a little bit</p>	<p style="text-align: right;">Page 35</p> <p>1 testimony? 2 Is that right? 3 A Asked if I'd be willing to -- 4 MS. FAIRBANKS MESSICK: Object to the 5 form. 6 A Asked if I'd be willing -- 7 MS. FAIRBANKS MESSICK: I'm sorry. 8 A Asked if I'd be willing to testify and 9 -- and asked if I'd be willing to come to Birmingham 10 to -- to testify in person. And I said I'd be -- be 11 happy to. Gave him a bit -- and gave him my 12 background and why I thought I would have a unique 13 perspective on this -- on the redistricting. 14 Did I answer your question? 15 Q (By Ms. Gbe) Yes. 16 A follow-up question: Did you -- so you 17 were asked whether you would submit written testimony 18 and also if you would testify in person? 19 Did you agree to testify in person? 20 A I did. 21 MS. FAIRBANKS MESSICK: Object to the 22 form. 23 Q (By Ms. Gbe) So going back to your 24 declaration: You received the call. 25 Then what happened in terms of putting</p>
<p style="text-align: right;">Page 34</p> <p>1 more about my background. 2 Q Did you receive any other suggestions on 3 the substance of the declaration? 4 A I don't -- I do not recall anything else 5 other than just adding -- adding to it. Maybe there 6 was a -- I believe there was a couple of items, couple 7 of sentences in there, that really didn't read very 8 clear. And they suggested a -- that I, you know, 9 rethink that sentence. So -- but -- but nothing of 10 substance. 11 Q And when you say "they," who are you 12 referring to specifically? 13 A Primarily Misty Messick. There was -- 14 Q Do you -- 15 A -- also a Richard Mink, I believe it is, 16 that was copied on everything. But I don't know if he 17 was giving suggestions or not, but he was copied on 18 email that I sent in. 19 Q And did you take the suggestions you 20 received from Misty? 21 A I did. Yes, ma'am. 22 Q So just to make sure I understand the 23 process of how your declaration was put together: You 24 -- you received a call from Ms. LaCour roughly two 25 weeks ago suggesting that you submit written</p>	<p style="text-align: right;">Page 36</p> <p>1 together the actual declaration? 2 MS. FAIRBANKS MESSICK: Objection. 3 Asked and answered. 4 THE WITNESS: Do I need to answer? 5 Q (By Ms. Gbe) Yes. 6 A Sorry. Just not -- the process is just 7 a little unfamiliar for me. 8 I was asked to -- if I would do -- be 9 willing to do it in person. I started putting my 10 thoughts together about, you know, my reasoning for 11 having the view that I have. And then maybe a few 12 days after that, I was asked to submit written 13 testimony. And I stated that I would -- you know, 14 they asked if I wanted to kind of do an interview with 15 them and -- and let them know my thoughts or if I'd 16 rather just submit a written testimony myself. I said 17 I definitely want to prepare it myself, put my 18 thoughts into it, and -- and everything was prepared 19 by me and my -- it was my -- my thoughts. 20 Q So you -- you prepared a draft of your 21 written testimony and sent it to the AG's office for 22 feedback? 23 Is that right? 24 A Yes, ma'am. 25 Q And then they -- they made suggestions,</p>

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<p style="text-align: right;">Page 37</p> <p>1 which you accepted and revised the declaration? 2 Is that right? 3 A Again, the -- 4 MS. FAIRBANKS MESSICK: Object to the 5 form. 6 A -- suggestions were only to add more 7 background or to clarify a sentence or two. It was 8 nothing that I -- that I believe was of substance. 9 They didn't -- they didn't ask me to -- to add -- 10 bring out a point that I wasn't bringing out already, 11 so forth. 12 Q (By Ms. Gbe) And how many drafts were 13 there to your declaration? 14 A I would say maybe three total, with the 15 third being the final. 16 Q And did you receive suggestions on each 17 draft from Misty or anyone else in the Attorney 18 General's office? 19 A Yes, ma'am. 20 Q And did you review your declaration 21 before signing it? 22 A Yes, ma'am. 23 Q Are you a member of the Republican 24 party? 25 A I -- I do vote Republican. But I'm not</p>	<p style="text-align: right;">Page 39</p> <p>1 A Okay. 2 Q So do you see a document on your screen, 3 Mr. Williams? 4 A Yes, I do. 5 Q And it's titled "Livingston 6 Congressional Plan 3." 7 Do you see that? 8 A I do. 9 Q Okay. So I'm going to mark and publish 10 this document as Exhibit 2. And I'm going to scroll 11 down so that you can see the full map. 12 (Plaintiff's Exhibit 2 was 13 marked for identification.) 14 Q And just can you let me know if you've 15 seen this doc -- this map before. 16 A I cannot say that this is the exact map 17 that I -- that I've seen before. No. I certainly may 18 have in reading the news or articles about the case. 19 But I can't say for sure that I've seen this version. 20 Q Okay. And you've indicated that you've 21 seen several different versions of maps for Alabama; 22 is that right? 23 A I -- 24 MS. FAIRBANKS MESSICK: Object to the 25 form.</p>
<p style="text-align: right;">Page 38</p> <p>1 actively involved in the Republican party, but I do 2 vote Republican. Yes. 3 Q Do you identify as a Republican? 4 A I do. 5 Q Have you held any positions in the 6 party? 7 A No, ma'am. 8 Q In the Republican party? I'm sorry. 9 A No, ma'am. 10 Q Did you attend the Alabama Permanent 11 Committee on Reapportionment and Redistricting public 12 hearing on July 13th? 13 A No, ma'am. 14 Q Have you reviewed the enacted 2023 15 Congressional map for Alabama? 16 A I've seen -- you know, I'm -- I -- I do 17 read the news quite a bit, so I've seen versions of 18 the map. But I do not -- I do not know if I recall -- 19 if I know exactly which version -- that I've seen the 20 version you're discussing. I only -- my only 21 interaction with this would have been reading the 22 news. 23 Q Okay. So I'm going to show you a map. 24 And you can let me know if you've -- if it looks 25 familiar.</p>	<p style="text-align: right;">Page 40</p> <p>1 A I would say there's -- I've seen other 2 versions. Yes. But I can -- you know, again, I'm not 3 -- it's not something I've been spending a lot of time 4 reviewing. So I -- I can't say how many maps or 5 versions I've seen. 6 Q (By Ms. Gbe) Can you tell me how some 7 of the other maps you've seen differ from this one? 8 A Well, one that I believe I have seen had 9 us included with Mobile. And that was what really 10 concerned me is that I believe Mobile would -- is a 11 completely different geography and culture and -- and 12 different types of industries and so forth. So 13 that -- that's one that very much concerned me. 14 Q And have you reviewed any performance 15 analyses for any of the maps that you've seen? 16 A No, ma'am. 17 Q So I'm going to take this document down. 18 I think that's all the questions I have, 19 but just give me a few minute to confer with my 20 cocounsel. If we can go off the record for a minute 21 or two. 22 MS. FAIRBANKS MESSICK: Of course. 23 MS. GBE: Thank you. 24 THE VIDEOGRAPHER: We are off the video 25 record; 12:40 p.m.</p>

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1 (Short recess.)
 2 Q (By Ms. Gbe) That's all the questions I
 3 have for you, Mr. Williams. Thank you.
 4 A Thank you.
 5 MS. FAIRBANKS MESSICK: Mr. Williams, if
 6 you don't mind, I'd like to ask you just a few
 7 questions.
 8 THE VIDEOGRAPHER: Just a second, folks.
 9 We were off the video record. Stand by.
 10 We're now back on video record;
 11 12:40 p.m.
 12 MS. GBE: I have no further questions
 13 for -- for Mr. Williams. Sorry.
 14 MS. FAIRBANKS MESSICK: Mr. Williams --
 15 MS. GBE: Did not mean to speak over
 16 you.
 17 MS. FAIRBANKS MESSICK: Not at all.
 18 EXAMINATION
 19 BY MS. FAIRBANKS MESSICK:
 20 Q Mr. Williams, I wanted to just ask you
 21 about just three questions.
 22 But first: Did you shut down your
 23 email, chats, any kind of communication devices at the
 24 beginning of this deposition?
 25 A Not at the very beginning. But once it

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1 was brought to my attention when they asked the
 2 question did I have email or Out -- or any type of
 3 chat open, I did have my Outlook going on my computer
 4 and my -- my cell phone was on but on silent. So I
 5 shut both of those down at that time.
 6 Q During the time that your cell phone and
 7 your Outlook were open while this deposition was
 8 ongoing, were you sending or receiving any
 9 communications about this deposition?
 10 A Not at all. It's just typically my
 11 Outlook is always open on my computer when my computer
 12 is running. And my phone is always on but silenced.
 13 So just -- no. The answer is absolutely not. Was not
 14 communicating with anyone.
 15 Q Thank you.
 16 You were asked when we talked about you
 17 sitting for this deposition and preparing you for this
 18 deposition.
 19 Do you remember with certainty when that
 20 was?
 21 A No. No. I -- I don't think that's --
 22 most of the -- the discussions were last week; other
 23 than, you know, the discussion to prepare for the
 24 deposition.
 25 Q And I'm sorry. I was asking you

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1 specifically about the depositions, not the written
 2 testimony.
 3 Do you remember when we spoke this week
 4 about your willingness to sit for a deposition and
 5 what would be involved in that?
 6 A I would say it's either -- it was either
 7 Tuesday or -- or -- or yesterday. I -- you know, my
 8 -- my weeks stay pretty -- pretty full with a -- a lot
 9 going on. So my -- my calendar is my -- my guide
 10 typically. But I'm -- but, no, I don't recall
 11 specifically. No.
 12 Q Thank you.
 13 And is -- is everything in your
 14 declaration your sworn testimony that you agree with
 15 and stand by to this day?
 16 A Yes, ma'am. Absolutely.
 17 Q All right. I don't have any further
 18 questions. Harmony might have follow-up questions.
 19 MS. GBE: I do not.
 20 MS. FAIRBANKS MESSICK: Thank you so
 21 much for your time, Mr. Williams. We really
 22 appreciate it.
 23 MS. GBE: Yes. Thank you.
 24 THE WITNESS: Glad to. Thank you.
 25 THE VIDEOGRAPHER: This concludes

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1 today's videotaped deposition. The time is 12:44 p.m.
 2 Going off the record now.
 3 (THE DEPOSITION WAS CONCLUDED AT 12:44 P.M.)
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1
2 C E R T I F I C A T E
3
4 STATE OF ALABAMA)
5 JEFFERSON COUNTY)
6
7 I hereby certify that the above
8 and foregoing deposition was taken down
9 by me in stenotype, and the questions and
10 answers thereto were reduced to computer
11 print under my supervision, and that the
12 foregoing represents a true and correct
13 transcript of the deposition given by
14 said witness upon said hearing.
15
16 I further certify that I am
17 neither of counsel nor of kin to the
18 parties to the action, nor am I in
19 anyway interested in the result of said
20 cause.
21
22 Merit Gilley
23 /s/Merit Gilley
24 Merit Gilley, Commissioner
25 ACCR NO. 67