

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DYAMONE WHITE, et al.,**

**PLAINTIFFS**

**V.**

**Civil Action No. 4:22-cv-00062-SA-JMV**

**STATE BOARD OF ELECTION  
COMMISSIONERS, et al.,**

**DEFENDANTS**

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**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR  
PAYMENT OF FEES AND COSTS**

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COME NOW the Plaintiffs, Dyamone White, Derrick Simmons, Ty Pinkins, and Constance Olivia Slaughter Harvey-Burwell ("Plaintiffs"), by and through counsel, and file their Response in Opposition to Defendants' Motion for Payment of Fees and Costs and in support thereof offer the following:

1. Consistent with this Court's April 14, 2023 order, Plaintiffs stipulated to pay Defendants "reasonable expert fees and costs actually incurred in preparing sur-rebuttal reports." ECF No. 140 at 12–13; ECF No. 143 at 2. Separately, the Federal Rule of Civil Procedure 26(b)(4)(E) requires Plaintiffs to pay Defendants' experts "a reasonable fee for time spent" responding to discovery.
2. Defendants now seek over \$120,000 in fees and costs that far exceed the bounds of reasonableness, the scope of this Court's order, and the terms of Plaintiffs' stipulation.
3. The demand includes significant amounts of non-compensable expenses, such as over \$29,621.40 in attorneys' fees, which are not required by either this Court's Rule 37 order or Rule 26, as well as excessive and unreasonable expert fees.

4. Defendants' expert, Dr. David Swanson, accumulated over 200 hours to prepare a 17-page sur-rebuttal report and attend a local deposition, billing thousands of dollars to teach himself statistics, generating duplicative work between himself and an associate whose role was not disclosed in the sur-rebuttal report, and even billing hours for working on his report after the final version had been served on Plaintiffs on September 15, 2023.
5. As detailed in Plaintiffs' *Daubert* motion, Dr. Swanson, along with the firm he purports to have relied on for much of his analysis, Bryan GeoDynamics ("BGD"), is admittedly unqualified to opine on Dr. Burch's EI analysis. *See* ECF No. 164. Defendants do not dispute that Dr. Swanson lacks such expertise, yet Dr. Swanson and BGD now seek compensation (in some cases duplicative compensation) for 182.70 hours of work, for a total of \$73,080 at the rate of \$400 an hour, to evaluate Dr. Burch's work.
6. It is not reasonable for Plaintiffs to pay for Dr. Swanson to educate himself on topics in which he was not a proper expert, nor is the rate of \$400 per hour or the total amount quoted by Dr. Swanson and his associate, Mr. Bryan, close to reasonable—particularly given Dr. Swanson's conceded lack of relevant expertise, and Mr. Bryan's record of being discredited by multiple courts.
7. The fees Defendants have sought in this case are excessive. Accordingly, for the reasons detailed in Plaintiffs' accompanying memorandum of law, this Court should reduce the fee award to \$34,435.87 or such other lesser amount it deems reasonable and appropriate under the scope of its prior Rule 37 Order, Plaintiffs' unopposed stipulation, and Rule 26(b)(4)(E)(i).
8. In further support of their motion, Plaintiffs respectfully submit the following:  
**Exhibit "A"** Color-coded invoices of Dr. Swanson and Bryan GeoDemographics

**Exhibit “B”** September 15, 2023 Email Exchange Regarding Scheduling of Expert Depositions

**Exhibit “C”** September 18, 2023 Letter from Michael B. Wallace, Wise Carter, counsel for Defendants, to Ari Savitzky, American Civil Liberties Union (“ACLU”), counsel for Plaintiffs, Regarding Agreement to Pay for Expenses Related to Expert Depositions.

**WHEREFORE, PREMISES CONSIDERED**, the Plaintiffs respectfully request that the Court reduce the fee award to \$34,435.87 or such other lesser amount it deems reasonable.

THIS the 19th Day of December, 2023.

Respectfully submitted,

/s/ Joshua Tom

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\* Admitted *pro hac vice*

\*\**Pro hac vice* motion forthcoming

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Joshua Tom, hereby certify that on December 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all parties on file with the Court.

/s/ Joshua Tom  
Joshua Tom

Plaintiffs' Legend (section of Pls' Response)

Unnecessary Expenses (Section II.A.1)

Duplicative Expenses (Section II.A.2)

Vague Expenses (Section II.A.3)

Unreasonable Deposition Expenses (Section II.A.4)

David A. Swanson, Ph.D  
1 Lake Louise Drive #19, Bellingham, WA 98229

Hours (RED FONT IS BILLED TO PLAINTIFF)

Date	BILLED TO PLAINTIFF	TASK(S) FOR 2023, CONSULTING AGREEMENT*	LABOR	OTHER COSTS*	SUM	RUNNING SUM	Location
27 MAR 23	0		\$0.00	\$0.00	\$0.00	\$0.00	Bellingham, WA
28 MAR 23	0		\$0.00	\$0.00	\$0.00	\$0.00	Bellingham, WA
29 MAR 23	0		\$0.00	\$0.00	\$0.00	\$0.00	Bellingham, WA
30 MAR 23	0		\$0.00	\$0.00	\$0.00	\$0.00	
31 MAR 23	0		\$0.00	\$0.00	\$0.00	\$0.00	
1 APR 23	2	REVIEW BURCH'S REBUTTAL: and Logistic regression	\$800.00	\$0.00	\$800.00	\$800.00	Bellingham, WA
2 APR 23	2.15	REVIEW BURCH'S REBUTTAL: and Logistic regression	\$860.00	\$0.00	\$860.00	\$1,660.00	Bellingham, WA
3 APR 23	0		\$0.00	\$0.00	\$0.00	\$1,660.00	
4 APR 23	1.5	research/refresh myself on logistic regression	\$600.00	\$0.00	\$600.00	\$2,260.00	Bellingham, WA
5 APR 23	1	research/refresh myself on logistic regression	\$400.00	\$0.00	\$400.00	\$2,660.00	Bellingham, WA
6 APR 23	1	research/refresh myself on logistic regression	\$400.00	\$0.00	\$400.00	\$3,060.00	Bellingham, WA
7 APR 23	0		\$0.00	\$0.00	\$0.00	\$3,060.00	
8 APR 23	2.15	research/refresh myself on EI	\$860.00	\$0.00	\$860.00	\$3,920.00	Bellingham, WA
9 APR 23	2.15	research/refresh myself on EI	\$860.00	\$0.00	\$860.00	\$4,780.00	Bellingham, WA
10 APR 23	2.45	research/refresh myself on EI	\$980.00	\$0.00	\$980.00	\$5,760.00	Bellingham, WA
11 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
12 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
13 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
14 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
15 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
16 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
17 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,760.00	
18 APR 23	0.5	INSTALL R	\$200.00	\$0.00	\$200.00	\$5,960.00	Bellingham, WA
19 APR 23	0		\$0.00	\$0.00	\$0.00	\$5,960.00	Bellingham, WA
20 APR 23	0.5	INSTALL R STUDIO	\$200.00	\$0.00	\$200.00	\$6,160.00	Bellingham, WA
21 APR 23	2	OBTAIN KING'S EI PROGRAM IN R	\$800.00	\$0.00	\$800.00	\$6,960.00	Bellingham, WA
22 APR 23	2.75	INSTALL AND RUN EI DEMO	\$1,100.00	\$0.00	\$1,100.00	\$8,060.00	Bellingham, WA
23 APR 23	3	REVIEW BURCH'S REBUTTAL	\$1,200.00	\$0.00	\$1,200.00	\$9,260.00	Bellingham, WA
24 APR 23	5	CALL: ANALYZE BURCH'S CES DATA	\$2,000.00	\$0.00	\$2,000.00	\$11,260.00	Bellingham, WA
25 APR 23	4	analyze ces data and logit reg syntax	\$1,600.00	\$0.00	\$1,600.00	\$12,860.00	Bellingham, WA
26 APR 23	5.15	analyze ces data and logit reg syntax	\$2,060.00	\$0.00	\$2,060.00	\$14,920.00	Bellingham, WA
26 APR 23	4	analyze ces data and logit reg syntax	\$1,600.00	\$0.00	\$1,600.00	\$16,520.00	Bellingham, WA
27 APR 23	6.5	CES DATA ANALYSIS	\$2,600.00	\$0.00	\$2,600.00	\$19,120.00	Bellingham, WA
28 APR 23	3	CALL, CES DATA ANALYSIS	\$1,200.00	\$0.00	\$1,200.00	\$20,320.00	Bellingham, WA
29 APR 23	0		\$0.00	\$0.00	\$0.00	\$20,320.00	
30 APR 23	0		\$0.00	\$0.00	\$0.00	\$20,320.00	
1 MAY 23	2	REPLICATION OF BURCH'S LOGIT ANALYSES	\$800.00	\$0.00	\$800.00	\$21,120.00	Las Vegas, NV
2 MAY 23	3.5	CONST. OF LOGISTIC MODEL WITH CORRECT WEIGHTS	\$1,400.00	\$0.00	\$1,400.00	\$22,520.00	Las Vegas, NV
3 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
4 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
5 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
6 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
7 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
8 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
9 MAY 23	0		\$0.00	\$0.00	\$0.00	\$22,520.00	
10 MAY 23	3	COMPARING INCORRECT TO CORRECT MODE	\$1,200.00	\$0.00	\$1,200.00	\$23,720.00	Las Vegas, NV
11 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
12 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
13 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
14 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
15 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
16 MAY 23	0		\$0.00	\$0.00	\$0.00	\$23,720.00	
17 MAY 23	2.15	WRITING EVAL OF BURCH'S LOGISTIC MODEL	\$860.00	\$0.00	\$860.00	\$24,580.00	Bellingham, WA
18 MAY 23	2	WRITING EVAL OF BURCH'S LOGISTIC MODEL	\$800.00	\$0.00	\$800.00	\$25,380.00	Bellingham, WA
19 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
20 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
21 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
22 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
23 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
24 MAY 23	0		\$0.00	\$0.00	\$0.00	\$25,380.00	
25 MAY 23	0.5	DISCUSSION W TOM RE EI DATA	\$200.00	\$0.00	\$200.00	\$25,580.00	Bellingham, WA
26 MAY 23	3	ZOOM MEETING RE BURCH EI DATA; EVAL OF SAME	\$1,200.00	\$0.00	\$1,200.00	\$26,780.00	Bellingham, WA
27 MAY 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
28 MAY 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
29 MAY 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
30 MAY 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
31 MAY 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
1 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
2 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
3 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
4 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
5 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
6 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
7 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
8 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
9 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
10 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
11 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
12 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
13 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
14 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
15 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
16 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
17 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
18 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	



19 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
20 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
21 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
22 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
23 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
24 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
25 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$26,780.00	
26 JUNE 23	0.75	ZOOM CONF CALL	\$300.00	\$0.00	\$300.00	\$27,080.00	Bellingham, WA
27 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
28 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
29 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
30 JUNE 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
1 JULY 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
2 JULY 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
3 JULY 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
4 JULY 23	0		\$0.00	\$0.00	\$0.00	\$27,080.00	
5 JULY 23	2.5	ANALYSIS OF BURCH'S LOGISTIC MODEL 2	\$1,000.00	\$0.00	\$1,000.00	\$28,080.00	Bellingham, WA
6 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
7 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
8 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
9 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
10 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
11 JULY 23	0		\$0.00	\$0.00	\$0.00	\$28,080.00	
12 JULY 23	1	REVIEW BURCH'S REBUTTAL: EI	\$400.00	\$0.00	\$400.00	\$28,480.00	Bellingham, WA
13 JULY 23	3.75	ZOOM CONF CALL & PREP & INITIAL SUMMARY CES ANALYSIS	\$1,500.00	\$0.00	\$1,500.00	\$29,980.00	Bellingham, WA

invoice of July 13

27 MAR 23 - TOTAL TO BE BILLED  
13 JULY 23 TO PLAINTIFF \$29,980.00

14 JULY 23	0		\$0.00	\$0.00	\$0.00	\$0.00	
15 JULY 23	6	continue with CES analysis	\$2,400.00	\$0.00	\$2,400.00	\$2,400.00	Bellingham, WA
16 JULY 23	2	continue with CES analysis	\$800.00	\$0.00	\$800.00	\$3,200.00	Bellingham, WA
17 JULY 23	4.5	continue with CES analysis	\$1,800.00	\$0.00	\$1,800.00	\$5,000.00	Bellingham, WA
18 JULY 23	1.5	continue with CES analysis	\$600.00	\$0.00	\$600.00	\$5,600.00	Bellingham, WA
19 JULY 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$5,800.00	Bellingham, WA
20 JULY 23	0		\$0.00	\$0.00	\$0.00	\$5,800.00	
21 JULY 23	0		\$0.00	\$0.00	\$0.00	\$5,800.00	
22 JULY 23	0		\$0.00	\$0.00	\$0.00	\$5,800.00	
23 JULY 23	0		\$0.00	\$0.00	\$0.00	\$5,800.00	
24 JULY 23	1	draft of findings	\$400.00	\$0.00	\$400.00	\$6,200.00	Bellingham, WA
25 JULY 23	0.75	draft of findings	\$300.00	\$0.00	\$300.00	\$6,500.00	Bellingham, WA
26 JULY 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$6,700.00	Bellingham, WA
27 JULY 23	0		\$0.00	\$0.00	\$0.00	\$6,700.00	
28 JULY 23	0		\$0.00	\$0.00	\$0.00	\$6,700.00	
29 JULY 23	0		\$0.00	\$0.00	\$0.00	\$6,700.00	
30 JULY 23	2	draft of findings	\$800.00	\$0.00	\$800.00	\$7,500.00	Bellingham, WA
31 JULY 23	3	draft of findings	\$1,200.00	\$0.00	\$1,200.00	\$8,700.00	Bellingham, WA
1 AUG 23	1	draft of findings	\$400.00	\$0.00	\$400.00	\$9,100.00	Bellingham, WA
2 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$9,300.00	Bellingham, WA
3 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$9,500.00	Bellingham, WA
4 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$9,700.00	Bellingham, WA
5 AUG 23	0.75	draft of findings	\$300.00	\$0.00	\$300.00	\$10,000.00	Bellingham, WA
6 AUG 23	0		\$0.00	\$0.00	\$0.00	\$10,000.00	
7 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$10,200.00	Bellingham, WA
8 AUG 23	0		\$0.00	\$0.00	\$0.00	\$10,200.00	
9 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$10,400.00	Bellingham, WA
10 AUG 23	4.75	zoom call and draft of findings	\$1,900.00	\$0.00	\$1,900.00	\$12,300.00	Bellingham, WA
11 AUG 23	1	draft of findings	\$400.00	\$0.00	\$400.00	\$12,700.00	Bellingham, WA
12 AUG 23	0.5	draft of findings	\$200.00	\$0.00	\$200.00	\$12,900.00	Bellingham, WA
13 AUG 23	0.25	CES study research	\$100.00	\$0.00	\$100.00	\$13,000.00	Bellingham, WA
14 AUG 23	0.5	CES study research	\$200.00	\$0.00	\$200.00	\$13,200.00	Bellingham, WA
15 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
16 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
17 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
18 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
19 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
20 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
21 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
22 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
23 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
24 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
25 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
26 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
27 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
28 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
29 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
30 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
31 AUG 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
1 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
2 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
3 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
4 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
5 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
6 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,200.00	
7 SEP 23	1.5	ZOOM CALL AND REVISION OF DRAFT	\$600.00	\$0.00	\$600.00	\$13,800.00	Bellingham, WA
8 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	
9 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	
10 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	
11 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	
12 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	

13 SEP 23	0		\$0.00	\$0.00	\$0.00	\$13,800.00	
14 SEP 23	1	finalize declaration	\$400.00	\$0.00	\$400.00	\$14,200.00	Bellingham, WA
15 SEP 23	1.5	finalize declaration	\$600.00	\$0.00	\$600.00	\$14,800.00	Bellingham, WA

**INVOICE OF 15  
SEP 23**

**14 JULY 23 TO  
15 SEP 23 TOTAL TO BE BILLED  
TO PLAINTIFF \$14,800.00**

16 SEP 23	0		\$0.00	\$0.00	\$0.00	\$0.00	
17 SEP 23	0		\$0.00	\$0.00	\$0.00	\$0.00	
18 SEP 23	1	finalize declaration	\$400.00	\$0.00	\$400.00	\$400.00	Bellingham, WA
19 SEP 23	1.5	finalize declaration	\$600.00	\$0.00	\$600.00	\$1,000.00	Bellingham, WA
20 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
21 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
22 Sep 123	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
23 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
24 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
25 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
26 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
27 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
28 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
29 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
30 Sep 23	0		\$0.00	\$0.00	\$0.00	\$1,000.00	
1 Oct 23	1.5	REVIEW FOR DEPOSITION	\$600.00	\$0.00	\$600.00	\$1,600.00	Bellingham, WA
2 Oct 23	2	REVIEW FOR DEPOSITION	\$800.00	\$0.00	\$800.00	\$2,400.00	Bellingham, WA
3 Oct 23	1	REVIEW FOR DEPOSITION	\$400.00	\$0.00	\$400.00	\$2,800.00	
4 Oct 23	1.5	deposition prep	\$600.00	\$0.00	\$600.00	\$3,400.00	Bellingham, WA
5 Oct 23*	7	deposition	\$2,800.00	\$11.14	\$2,811.14	\$6,211.14	Bellingham, WA
6 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
7 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
8 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
9 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
10 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
11 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
12 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
13 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
14 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
15 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
16 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
17 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
18 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
19 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
20 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
21 Oct 23	0		\$0.00	\$0.00	\$0.00	\$6,211.14	
22 Oct 23	4.08	1ST REVIEW AND CORRECTION OF DEPOSITION	\$1,632.00	\$0.00	\$1,632.00	\$7,843.14	Bellingham, WA
23 Oct 23	2.15	2ND REVIEW AND CORRECTION OF DEPOSITION	\$860.00	\$0.00	\$860.00	\$8,703.14	Bellingham, WA
24 Oct 23	1	SIGN, NOTARIZED & MAIL ERRATA SHEET***	\$400.00	\$0.00	\$400.00	\$9,103.14	
25 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,103.14	
26 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,103.14	
27 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,103.14	
28 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,103.14	
29 Oct 23	1	FINALIZATION (ON FORMS) OF REVIEWS OF DEP. & MAILING**	\$400.00	\$38.40	\$438.40	\$9,541.54	Bellingham, WA
30 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,541.54	
31 Oct 23	0		\$0.00	\$0.00	\$0.00	\$9,541.54	

**16 SEP 23 TO 31  
OCT 23 TOTAL TO BE BILLED  
TO PLAINTIFF \$9,541.54**

\*mileage: 1 lake louise dr to Sheraton 4 Points, r/t = 17 miles @ 65.5 cents/mile, per GAO 2023 business mileage rate = \$11.14

\*\* Mailing cost = 2 first class stamps (\$1.32) and envelope (\$) = \$1.42

\*\*\*mileage 1 lake louise dr to UPS store, 4152 Meridian, Bellingham & return = 12x2 @ \$.65/mile + time = 1 hour + cost of notary & mailing to Buell = \$15.60 + \$450 + \$22.80 = \$488.40

<b>INVOICE OF 31 OCT 23</b>	<b>David A. Swanson, Ph.D</b>	<b>1 Lake Louise Drive #19, Bellingham, WA 98229</b>	<b>27 MAR 23 TO 31 OCT 2023</b>	<b>TOTAL DUE FROM PLAINTIFF</b>	<b>\$54,321.54</b>
					<i>David A. Swanson</i>



Thomas M. Bryan  
13106 Dawnwood Terrace  
Midlothian, VA 23114  
425-466-9749  
tom@bryangeodemo.com

September 18, 2023

Wise Carter PLLC  
Attn: Michael B. Wallace  
PO Box 651  
Jackson, MS 39205-0651

Third Invoice for Mississippi Supreme Court Redistricting Litigation, Via Email

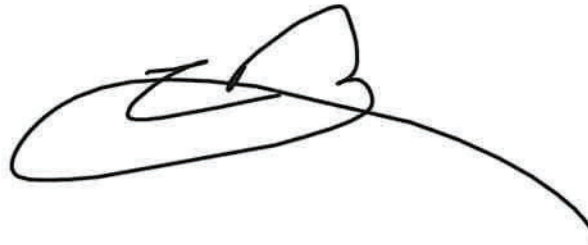
Mr. Wallace,

Thank you very much for the engagement and the opportunity to serve in support of your demographic expert in the case of *Dyamone White, et al v. State Board of Election Commissioners, et al.* This invoice for the second quarter of 2023 (July 21, 2023 to September 14, 2023) reflects 14 hours for Mr. Thomas Bryan billable to the Plaintiffs (for \$5,600) as detailed in Appendix 1.

Please let me know if you have any questions.

Best regards,

Tom

A handwritten signature in black ink, appearing to be 'Tom Bryan', with a long horizontal flourish extending to the right.

**APPENDIX 1: Thomas Bryan Invoice Detail**

7/21/2023	1.50	\$600.00	Document review and client call
8/10/2023	1.00	\$400.00	Client Call
8/18/2023	1.00	\$400.00	Client Call
9/11/2023	4.75	\$1,900.00	Report writing
9/13/2023	3.25	\$1,300.00	Report writing
9/14/2023	2.50	\$1,000.00	Report writing
<b>Total</b>	<b>14.00</b>	<b>\$5,600.00</b>	

Thomas M. Bryan  
13106 Dawnwood Terrace  
Midlothian, VA 23114  
425-466-9749  
tom@bryangeodemo.com

July 24, 2023

Wise Carter PLLC  
Attn: Michael B. Wallace  
PO Box 651  
Jackson, MS 39205-0651

Second Invoice for Mississippi Supreme Court Redistricting Litigation, Via Email

Mr. Wallace,

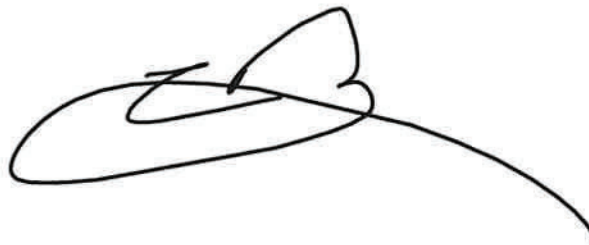
Thank you very much for the engagement and the opportunity to serve in support of your demographic expert in the case of *Dyamone White, et al v. State Board of Election Commissioners, et al.* This invoice the first half of 2023 invoice reflects three amounts:

- 1) 75 hours for Dr. David Swanson billable to the Plaintiffs (for \$30,000)
- 2) 13 hours for Mr. Thomas Bryan billable to the Clients (for \$5,200)
- 3) 54.25 hours for Mr. Thomas Bryan billable to the Plaintiffs (for \$21,700)

For a total of \$56,900. Please let me know if you have any questions.

Best regards,

Tom

A handwritten signature in black ink, appearing to be 'Tom Bryan', with a long horizontal flourish extending to the right.

**APPENDIX 2: Thomas Bryan Invoice Detail**

<u>Date</u>	<u>TB Hours</u>	<u>Total</u>	<u>Description</u>
2/8/2023	2.50	\$1,000.00	Evaluated rebuttal reports from Burch and Cooper
2/10/2023	4.25	\$1,700.00	Evaluated rebuttal reports from Burch and Cooper
3/7/2023	3.75	\$1,500.00	Evaluated supplemental declaration of DAS, provided details on Burch calcs of educational attainment.
3/27/2023	2.50	\$1,000.00	Researched Dr. Burch's previous work.
<b>Total Client</b>	<b>13.00</b>	<b>\$5,200.00</b>	
<u>Date</u>	<u>TB Hours</u>	<u>Total</u>	<u>Description</u>
4/14/2023	0.50	\$200.00	Order denying motion doc review
4/24/2023	1.50	\$600.00	Client call, analytic review, CB contact
4/25/2023	4.00	\$1,600.00	Research on CES and CPS
4/26/2023	5.75	\$2,300.00	Research on CES and CPS
4/27/2023	6.75	\$2,700.00	Research on CES and CPS
4/28/2023	5.50	\$2,200.00	Research on CES and CPS
5/1/2023	0.75	\$300.00	Client correspondence
5/3/2023	1.25	\$500.00	ACS / CES / SSRC distribution analysis
5/8/2023	0.50	\$200.00	Downloaded and examined SOS data files from Gdrive, client communication
5/26/2023	3.50	\$1,400.00	Call with client, EI data exploration and identification of error in Burch data
6/13/2023	6.50	\$2,600.00	Supported and reviewed V9 draft. Reviewed State of SOS Catalyst data. Identified erroneous county assignments in Burch's neweicentraldist for EI.XLSX file
6/26/2023	1.00	\$400.00	Client call
7/11/2023	7.25	\$2,900.00	Report writing on CES
7/12/2023	9.50	\$3,800.00	Report writing on CES
<b>Total Plaintiff</b>	<b>54.25</b>	<b>\$21,700.00</b>	

**From:** [Ari Savitzky](#)  
**To:** [Rex Shannon](#); [Michael B. Wallace \(mbw@wisecarter.com\)](#); [Gerald Kucia](#)  
**Cc:** [jyoungwood@stblaw.com](#); [External - Leslie Jones](#); [Joshua Tom](#); [Ming Cheung](#)  
**Subject:** Re: Deposition Dates in White v. SBEC  
**Date:** Tuesday, September 19, 2023 7:49:14 PM

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Mike and all:

Thanks for your letter. We would like to proceed with depositions of your experts. We can do so where they are located to obviate the need for them to travel, and we otherwise understand the requirement under the rules to pay the expert being deposed a reasonable fee for their time in connection with the deposition. As we understand it, that requirement does not extend to travel costs that may be associated with the deposition of an out-of-state expert.

As for Dr. Bonneau, we can make either the 28th or the 29th work. Please let us know if you or Dr. Bonneau have a preference there.

As for Dr. Swanson, and per your letter, we can make some date after 10/2 work. We will await your further word re: his availability that week.

Thanks,

Ari

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**From:** Ari Savitzky <[asavitzky@aclu.org](mailto:asavitzky@aclu.org)>  
**Sent:** Friday, September 15, 2023 11:19:19 AM  
**To:** Rex Shannon <[Rex.Shannon@ago.ms.gov](mailto:Rex.Shannon@ago.ms.gov)>; Michael B. Wallace ([mbw@wisecarter.com](mailto:mbw@wisecarter.com)) <[mbw@wisecarter.com](mailto:mbw@wisecarter.com)>; Gerald Kucia <[Gerald.Kucia@ago.ms.gov](mailto:Gerald.Kucia@ago.ms.gov)>  
**Cc:** [jyoungwood@stblaw.com](mailto:jyoungwood@stblaw.com) <[jyoungwood@stblaw.com](mailto:jyoungwood@stblaw.com)>; External - Leslie Jones <[leslie.jones@splcenter.org](mailto:leslie.jones@splcenter.org)>; Joshua Tom <[JTom@aclu-ms.org](mailto:JTom@aclu-ms.org)>; Ming Cheung <[MCheung@aclu.org](mailto:MCheung@aclu.org)>  
**Subject:** Deposition Dates in White v. SBEC

Rex, Gerald, and Mike:

I hope you are all doing well.

With their sur-rebuttal reports presumably coming soon, I'm reaching out to make a time in the coming weeks for Dr. Swanson and Dr. Bonneau to sit for depositions.

I would propose the 26th or some later date that week. I'd also suggest that a virtual deposition would make some sense, among other reasons considering the locations of the experts.

Please do let us know when they might be available.

Thanks,

Ari



JACKSON OFFICE

**MICHAEL B. WALLACE**  
P.O. Box 651  
Jackson, MS 39205-0651  
P: 601.968.5534  
F: 601.944.7738  
[mbw@wisecarter.com](mailto:mbw@wisecarter.com)

September 18, 2023

**VIA EMAIL [asavitzky@aclu.org](mailto:asavitzky@aclu.org) and U.S. MAIL**

Ari Savitzky, Esq.  
ACLU Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004

Re: *Dyamone White, et al v. State Board of Election Commissioners, et al*; United States District Court, Northern District of Mississippi; Civil Action No. 4:22-cv-00062-SA-JMV

Dear Mr. Savitzky:

We are in receipt of your request to schedule depositions of our two experts, Professor Swanson and Professor Bonneau. Assuming agreement can be reached, the defense anticipates having a lawyer present with the witness. We have done this in the earlier telephonic depositions to which we have agreed, and we detected no problems in doing so.

However, these will be the first depositions in which interstate travel has been necessary to bring the witness and the lawyer together. That adds a great deal of time and expense to the process. If you will agree to pay travel expenses for whoever has to travel, the expert or the lawyer, as well as the fees for the expert's time for preparation and appearance, we will agree to a video deposition.

Assuming we can reach agreement, Professor Bonneau can be available on September 28 or 29. Professor Swanson will be in trial in Louisiana during the week of October 2. He believes that he can be available for deposition shortly thereafter. We will contact you as soon as we know a date when both Professor Swanson and counsel can appear.

Given the considerable expense involved, which must be borne by someone, we ask you carefully to consider whether you need to take these depositions. If you believe depositions to be necessary, then we will not resist your request, assuming we can reach agreement on expenses.

Ari Savitzky, Esq.  
September 18, 2023  
Page 2

We look forward to your further thoughts on this matter.

Sincerely,

WISE CARTER CHILD & CARAWAY, P.A.



Michael B. Wallace

MBW:ksh

cc: All Counsel of Record (via email)