IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

Case No. 2021-1193

OHIO REDISTRICTING COMMISSION, *et al.*,

v.

Respondents.

OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS Volume 1 of 4 (pages 1-163)

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Counsel for Respondent Ohio Redistricting Commission

OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS

Volume 1 of 4 (pages 1-163)

Index of Documents

<u>ITEM</u>	DESCRIPTION	BATES RANGE
1	Deposition of John Morgan (November 28, 2018) - Ohio A. Phillip Randolph Institute, et al., v. Ryan Smith, Case No. 1:18-cv-00357-TSB (SD Ohio)	DEPO_SDOH_0001 - DEPO_SDOH_0163

Cas	e: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 1 of 163 PAGEID #: 16850
	Page 1
1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE SOUTHERN DISTRICT OF OHIO
3	
4	x
5	OHIO A. PHILIP RANDOLPH INSTITUTE, No. 1:18-cv-00357-TSB
б	et al.,
7	Plaintiffs,
8	V.
9	RYAN SMITH, Speaker of the Ohio
10	House of Representatives, et al.,
11	Defendants.
12	x
13	
14	
15	
16	DEPOSITION OF JOHN MORGAN
17	Washington, DC
18	November 28, 2018
19	
20	
21	
22	
23	
24	Reporter: Linda Kinkade
25	Job No. 149798

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 2 of 163 PAGEID #: 16851

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4			
5			
6	November 28, 2018		
7	9:09 a.m.		
8			
9			
10			
11			
12	The following is the transcript of the		
13	deposition of JOHN MORGAN held at the offices of		
14	Covington & Burling LLP, One CityCenter, 850 Tenth		
15	Street, NW, Washington, DC 20001.		
16			
17			
18			
19	Reported by: Linda S. Kinkade RDR CRR RMR RPR CSR		
20			
21	Registered Diplomate Reporter, Nationally Certified	ł	
22	Realtime Reporter, Registered Merit Reporter,		
23	Registered Professional Reporter, Certified Shortha	and	
24	Reporter, in and for the State of California, Notar	сy	
25	Public, within and for the District of Columbia		

Page 3 1 A P P E A R A N C E S: 2 3 Covington & Burling 4 On Behalf of Plaintiffs OHIO A. PHILIP 5 RANDOLPH INSTITUTE, et al. 6 BY: Robert Fram, Esq. 7 One Front Street 8 San Francisco, California 94111 9 10 11 -and-12 13 Covington & Burling 14 On Behalf of Plaintiffs OHIO A. PHILIP 15 RANDOLPH INSTITUTE, et al. 16 BY: Peter Rechter, Esq. 17 One CityCenter 18 850 Tenth Street, NW 19 Washington, DC 20001 20 21 22 23 24 25

	Page 4
1	A P P E A R A N C E S (continued):
2	
3	
4	Baker & Hostetler
5	On Behalf of Deponent John Morgan
6	BY: Katherine McKnight, Esq.
7	1050 Connecticut Avenue, NW
8	Washington, DC 20036
9	
10	
11	
12	Ogletree, Deakins, Nash, Smoak & Stewart
13	On Behalf of Legislative Defendants
14	BY: Alyssa Riggins, Esq.
15	4208 Six Forks Road
16	Raleigh, North Carolina 27609
17	
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Case: 1:18-cv-00357-TSB	-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 5 o 16854	of 163 PAGEID #:
		Page 5
1	INDEX OF EXAMINATION	
2		
3 EXAMINATI	ON OF JOHN MORGAN	PAGE
4	BY MR. FRAM	7
5	BY MS. MCKNIGHT	
6	BY MS. RIGGINS	
7		
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11		
12		
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Page 6 1 J. MORGAN 2 PROCEEDINGS 3 THE REPORTER: Good morning, counsel. Ιf 4 you would state your appearances for the record, 5 please. 6 MR. FRAM: Sure. Rob Fram, 7 Covington & Burling, for the plaintiffs. 8 MR. RECHTER: Peter Rechter, Covington & 9 Burling, for the plaintiffs. 10 MS. MCKNIGHT: Good morning. Katherine 11 McKnight, BakerHostetler, for John Morgan. 12 JOHN MORGAN, 13 having been first duly sworn, was thereafter 14 examined and testified as follows: 15 MR. FRAM: I was about to start by saying 16 the stipulations that we've had in the prior 17 depositions will apply, and there are basically two 18 of them, and that is that objections other than to 19 form are preserved, and the other one may or may not 20 be necessary today, but an objection made by one 21 attorney here counts for the other attorneys as well. 22 Ms. McKnight is the only attorney here, and 23 certainly -- I don't know what we do about that. We 24 haven't had this -- I haven't been in a deposition 25 before where they weren't here, but, as far as I'm

Page 7 1 J. MORGAN 2 concerned, the stipulation is fine. 3 EXAMINATION 4 BY MR. FRAM: 5 0. So, Mr. Morgan, have you been deposed before? 6 7 Α. Yes. 8 How many times? 0. 9 Α. I don't know off the top of my head. Six 10 or seven times maybe. 11 Thank you. That's a fair number. Well. 0. 12 that will help move things along here. I'll try not 13 to bore you with some of the usual things lawyers say 14 at the beginning of depositions, but just a couple of 15 things. 16 The most important thing I think we tend to 17 say is that I will do my best to try not to interrupt 18 you, my best, and not fill in your sentences. And 19 I'll ask you to do the same just so that the court 20 reporter here can get a clean booklet of what we're 21 saying here for later when people read this. Is that 22 okay? 23 Okay. Α. 24 Of course, if you need to take a break, Ο. 25 feel free. I'll ask you try not to do that when I've

	Pag	e 8
1	J. MORGAN	
2	asked you a question that you haven't answered yet,	
3	unless you need to talk to your lawyer about an	
4	attorney-client privilege question, and, of course,	
5	that's always fine. But, other than that, I'd ask	
6	you to please not take a break while the question is	
7	hanging out there. Do you understand that?	
8	A. Okay.	
9	Q. Any reason you can't give complete and	
10	truthful testimony today, any medications or	
11	anything?	
12	A. No, nothing like that.	
13	Q. Okay. I'd like to show you a document we	
14	premarked as Exhibit 1, which is the subpoena in this	
15	case that was served on you. Please take a look at	
16	it.	
17	(Exhibit 1 marked for	
18	identification: Subpoena to Produce	
19	Documents, Information or Objects)	
20	Q. After you take a look at it, I'll ask	
21	whether you recall seeing it before?	
22	A. Yes.	
23	Q. Do you recall when you saw it?	
24	A. Sometime in the summertime.	
25	Q. Okay. And did you go look for documents	

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Page 9 1 J. MORGAN 2 in response to this subpoena, Exhibit 1? 3 I shared this with the attorneys that are Α. 4 representing me here, and then, after discussing it 5 with them, I looked for documents, yes. 6 Okay. And the documents you produced in Ο. 7 this case, did you look on a computer to find some of them? 8 9 Α. Yes. 10 Okay. And was that a computer that -- a Ο. 11 personal computer or work computer, do you recall? 12 It's primarily a work computer. Α. 13 Do you recall, other than the computer, do 0. 14 you recall looking for documents any other place? 15 I would have looked through some files as Α. 16 well, like physical files. 17 Ο. Did you find some documents in the 18 physical -- in the paper files? 19 Α. No. 20 Okay. So the only documents you produced Ο. 21 in this case, they were from the computer; is that 22 right? 23 That's right. Α. 24 And did you look in email accounts when 0. 25 you were looking on the computer?

	Page 10
1	J. MORGAN
2	A. Yes.
3	Q. Do you recall which email accounts?
4	A. All the email accounts that I have access
5	to.
6	Q. Okay. Now would one of them be jmorgan@
7	appliedresearchcoordinates.com?
8	A. Yes.
9	Q. Any others that you have access to that
10	you can recall?
11	A. morgangop@comcast.net, jmorgan4@cox.net,
12	and I also have redistrictingexpert@gmail.com, which
13	I don't think was active at the time of this
14	redistricting work that I did.
15	Q. Were the other three email accounts active
<mark>16</mark>	back in 2011?
17	A. I believe so.
18	Q. You mentioned you've been deposed a few
19	other times. Did any of those depositions involve
20	redistricting?
21	A. Yes.
22	Q. I'm going to make a point here. When we
23	talk about redistricting in this deposition, it will
24	be a couple different ways. I'm going to ask you
25	some questions about your general redistricting

l		Page
	1	J. MORGAN
	2	background, but, when I ask you about Ohio, I'm going
	3	to be asking you about redistricting as it concerns
	4	congressional redistricting, not the state
	5	legislative redistricting. Do you understand that?
	б	A. Okay.
	7	Q. And if it's not clear, please let me know,
	8	and I will try and clarify just so you understand.
	9	So you said some of these depositions
	10	concerned redistricting; is that right?
	11	A. Yes.
	12	Q. Do you recall what states they concerned?
	13	A. Yes.
	14	Q. Could you please let me know?
	15	A. North Carolina, Virginia, New Mexico,
	16	Georgia. I think that's all.
	17	Q. Okay. Did any of them concern challenges
	18	to maps drawn in 2011 as regards the congressional
	19	redistricting?
	20	A. Yes.
	21	Q. Do you recall which one?
	22	A. Virginia.
	23	Q. Any of the others?
	24	A. Not that I recall.
	25	Q. In preparing for today's deposition
I		

Page ⊥⊿

	Page 1
1	J. MORGAN
2	well, let me back up. Did you do anything to prepare
3	for today's deposition?
4	A. Yes.
5	Q. And what did you do, please?
б	A. I met with Ms. McKnight yesterday.
7	Q. Anything else?
8	A. That's basically all I did for
9	preparation.
10	Q. Did you review any documents?
11	A. I looked at an invoice yesterday.
12	Q. Anything else?
13	A. I think there was another document that
14	Ms. McKnight shared with me.
15	Q. Did it help you remember something you
16	hadn't remembered before you saw it?
17	A. Yes.
18	Q. Okay. Well, then I would ask you, what
19	was that document, please?
20	A. It was about a meeting in July of 2011.
21	Q. In Ohio?
22	A. In Ohio.
23	Q. Around July 7 or 8?
24	A. I think so.
25	Q. 2011?

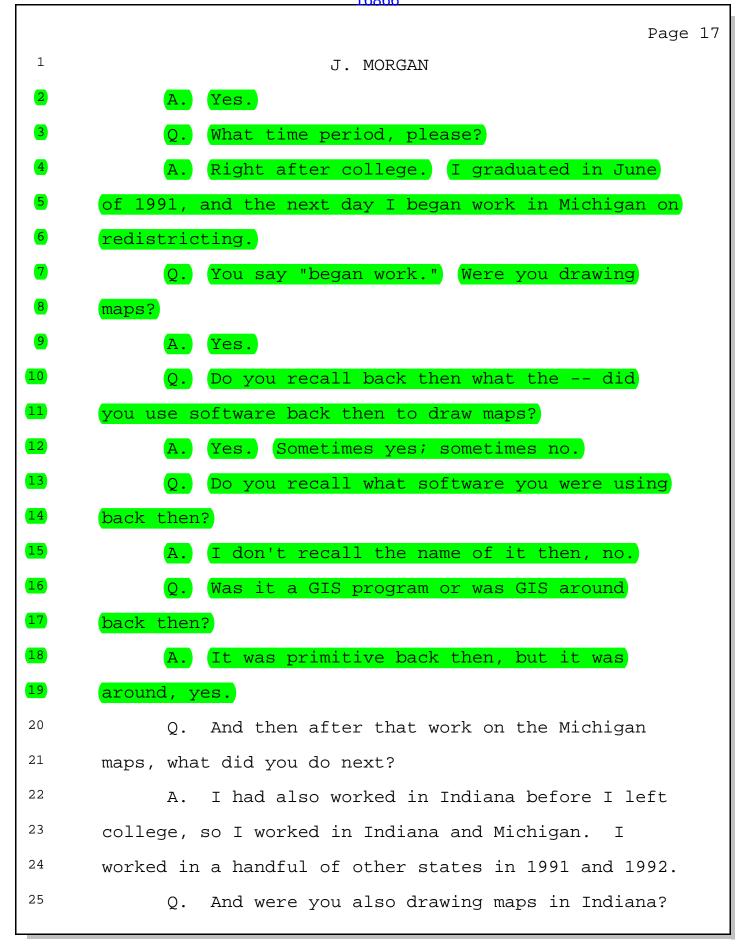
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		Page
	J. MORGAN	
	A. I think so.	
	Q. Okay. We'll look at some of that.	
Anyt	hing else?	
	A. That's it.	
	Q. Okay. At any time have you looked at t	he
comp	laint in this case?	
	A. No, not really.	
	Q. You say "not really." I got to warn yo	u.
As a	lawyer, when anyone says "not really," they	
alwa	ys ask, well, in any way.	
	A. No.	
	Q. Okay. It's sort of a red flag for us.	
	A. I haven't I haven't seen a document	
with	the complaint.	
	Q. Okay. I take it you heard about it; yo	u
just	haven't read it.	
	A. Correct.	
	Q. I understand. We'll mark next a docume	nt.
It's	a version of your CV. We pulled it off the	
Inte	rnet. It was attached to a proposal of Appli	ed
Resea	arch Coordinates for the City of Placentia, b	ut
I'm :	not going to ask about the proposal. It just	
happ	ens to be the document we have with your CV.	So
I ju	st want to make that clear for the record.	

	Page 14
1	J. MORGAN
2	We'll have this as Exhibit 2. I'm just going
3	to ask you about your CV.
4	(Exhibit 2 marked for
5	identification: Re Proposal for
6	services 2017 (City of Placentia)
7	with attached CV)
8	Q. Some of the questions I'll ask right now
9	you'll need to look at the CV, some you won't, you'll
10 1	probably just know off the top of your head, but if
	you need to look at it, feel free.
12	I guess, if you could please state your
13	education since high school.
14	A. I graduated from the University of Chicago
15 (with a B.A. in history.
16	Q. And, yes, I see from your CV you did an
17 1	Honors Thesis, didn't you.
18	A. Yes.
19	Q. And that was entitled, quote, "The Net
20	Effects of Gerrymandering 1896 to 1932"; is that
	right?
22	A. Yes.
23	Q. And what was the was there any theme
	you recall about the net effects of gerrymandering in
25	your Honors Thesis?

1	J. MORGAN
2	A. The time period under consideration was a
3	defined political time period in U.S. history. So
4	that's the 1896 to 1932 is a recognized time
5	period. So I looked at the redistricting that
6	occurred in 1900, 1910, 1920 and 1930, and I was
7	looking at the balance of seats between the parties
8	as a result of those elections.
9	Q. And did you find there was a net effect of
10	gerrymandering in any one of those cycles?
11	A. I would say that, in general, first off, I
12	need to say that the 1920 reapportionment cycle,
13	there was no redistricting or apportionment of seats
14	conducted after 1920. It would be unusual, and, as
15	far as I know, it's the only time when the House of
16	Representatives did not reapportion its seats.
17	So, in a sense, there wasn't a redistricting
18	following the 1920 census in the way that we would
19	understand seats the number of seats changing
20	based on the population every ten years. In 1920
21	there was no adjustment made for that.
22	So, with that in mind, I looked at the
23	redistricting cycles in that time period. And, I
24	guess, the general conclusion was that any
25	redistricting effects were fairly balanced or any

1	J. MORGAN
2	advantage from redistricting, any of the effects from
3	the parties, were fairly balanced. With the
4	Republicans in the North and the Midwest, if they had
5	an advantage, it was canceled effectively by the
6	Democratic strength in the South and the Southwest.
7	Q. Now when you say it was balanced, just so
8	I understand, that the parties in their respective
9	regions, they did seek an advantage, they just is
10	that right?
11	A. That was my analysis in that paper, yes.
12	Q. And they, in fact, regionally did obtain
13	one; is that right?
14	A. That's what I discussed in the paper.
15	Q. I see. Okay. I'm going to bring you
16	forward from 1932 a little bit.
17	A. Sure.
18	Q. Let's see if we can get up to your
19	employment after you graduated. Will you please
20	describe that? What was your first job?
21	A. Sure. Well, after college, I went to work
22	for my father's company, Applied Research
23	Coordinates, and I worked with him in that company.
24	Q. And did any of that work concern
25	redistricting?



Page	18
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	Page
1	J. MORGAN
2	A. Yes.
3	Q. And then after that cycle, then, the 1991
4	cycle, what was your next job?
5	A. Well, I continued to work with my father's
б	company in 1991, '92, '93, '94, and I assisted him
7	also for the rest of the '90s.
8	Q. Now after '91, what were you doing I
9	take it let me back up. So after '91 did any of
10	your work concern redistricting during the '90s?
11	A. Yes. In 1992 I continued to work on
12	redistricting.
13	Q. And where was that, please?
14	A. I did work in Pennsylvania, New York,
15	New Jersey, Florida, Illinois, Wisconsin. I think
16	that's most of the work that I personally did in the
17	1990s cycle.
18	Q. Now I'm asking about after '91. So were
19	these state legislative maps or were they
20	congressional maps?
21	A. So to clarify, I worked in '91 and '92 on
22	redistricting for state legislative and congressional
23	redistricting in various combinations in those
24	states.
25	Q. I see. And then after '92, what were you

		Page	19
1	J. MORGAN		
2	working on?		
3	A. I would work with my father's company,		
4	Applied Research Coordinates, on campaigns,		
5	elections, things like that.		
6	Q. What did you do on campaigns and electi	ons	
7	in the '90s?		
8	A. I would look at past election results a	nd	
9	come up with vote models or just analyze demograp	hics	
10	and election history for campaign work.		
11	Q. When you say "vote models," could you		
12	please explain what you mean by that?		
13	(A. Sure.) (In the '90s I would help create)		
14	what I would call margin goals or expectations fo	r	
16	statewide or district-based elections.		
17	Q. So you say expectations for, let's say, congressional district election. Would that mean		
18	some sort of a prediction or expectation as to ho		
19	that district might vote based on how the map was		
20	drawn?	,	
21	A. I would say that it was campaign-specif	ic.	
22	So if I had a congressional candidate as a client		
23	would try to anticipate what votes were necessary		
24	win the upcoming election.		
25	And so in my discussion of terms, I would c	all	

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	Page 20
1	J. MORGAN
2	that margin goals so that the candidate would have
3	some idea of what it would take to win.
4	Q. And what would you base that on, what
5	sorts of information or data?
6	A. I would use past elections. I would use
7	demographic data. I would use candidate-specific
8	information, such as background profiles, you know,
9	bios of candidates. Polling information would also
10	go into that.
11	Q. Now you say "past elections." Did you
12	ever come to view what collection of past elections
13	were most reliable for some of these expectations, as
14	you called them?
15	A. Actually I would have most of the time
16	available multiple elections for a series of years
17	beforehand, and typically I would put the election
18	data on a series of maps that I would then show to
19	the campaigns, and these maps would be specific to
20	whatever district was being analyzed.
21	Q. And did you have any did you have a
22	view as to whether or not you should have more than
23	one election, more than two, any certain number of
24	elections you should have?
25	A. I would produce a lot of election

21

	Page
1	J. MORGAN
2	material, and what was most useful varied depending
3	on the nature of the election that was being
4	conducted.
5	Q. Just so I understand, if you can give me
б	an example of a campaign where you did this.
7	A. In that time period?
8	Q. Sure.
9	A. I would have let me think of a specific
10	campaign. In the New Jersey legislative elections, I
11	would have worked I did work for the State
12	Assembly and the State Senate Republican caucuses in
13	the 1991 and 1993 election cycles.
14	Q. Did you do any of this work for any
15	congressional campaigns?
16	A. Yes.
17	Q. Could you name one for me, please.
18	A. I believe I did work I did work for
19	Wisconsin congressional district 1 in a special
20	election, and then a general election, I believe, in
21	1994. There were other congressional elections in
22	that cycle.
23	I did work for a New Jersey congressional
24	candidate in 1994 in district 8. I did work for
25	New Jersey congressional candidates in 1992 in

	Pag
1	J. MORGAN
2	district 6 and district 2. There are others as well.
3	(Counsel, Ms. Riggins, joined the deposition.)
4	Q. In the congressional district races, do
5	you recall the kinds of election data that you would
6	look at in terms of setting expectations? How many
7	elections?
8	A. It really varies by state. In the case of
9	New Jersey, I would have I did look at
10	gubernatorial elections, presidential elections, and
11	U.S. Senate elections. Those are the only statewide
12	elections in New Jersey, but in other states there
13	were more elections available.
14	So in Wisconsin I looked at elections for
15	governor, treasurer, attorney general, secretary of
16	state, president, Senate. Because there are more
17	elections available in Wisconsin. Each state has a
18	different slate of elections available.
19	Q. I notice you're including statewide
20	elections with the elections you identified. Do I
21	have that right?
22	A. Yes. I looked at statewide elections. I
23	also looked at congressional election results too.
24	Q. Okay. Did you tend to stay away from
25	judicial elections?

	Page
1	J. MORGAN
2	A. In those cases, yes.
3	Q. Congressional have you ever used
4	judicial elections looking at a congressional
5	A. Yes.
6	Q. Okay. Which one, do you recall?
7	A. I looked at them in New Mexico, definitely
8	in New Mexico. There are other times when I've used
9	them. It just depends on the state and the elections
10	that are available.
11	Q. Looking at those elections that you were
12	looking at, did you ever create averages or indices?
13	A. I have done that. I don't tend to use
14	them in this context.
15	Q. Do you use them in any context?
16	A. If a client requests them, yes.
17	Q. In what context, can you recall? If you
18	ever have used them, in what context, can you recall?
19	A. In New Mexico there was an election
20	average that was used by the legislature. And in the
21	redistricting litigation around New Mexico's
22	legislative elections, that average was used
23	throughout.
24	Q. Have you ever used averages in any other
25	work you've done?

Page	24
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Page
J. MORGAN
A. Yes, again, if the client requests it,
yes.
Q. Can you recall where?
A. It would be state by state.
Q. Do you recall any states where you did?
A. Again, New Mexico, possibly Pennsylvania,
possibly Ohio.
Q. Okay. Thank you for answering that way
because I was going to clarify.
When asking about these averages, I was asking
about beyond just the '90s, if that helps, but I
think your answer is I take it the work in
Pennsylvania and Ohio, that was after the '90s; is
that right?
A. Yes.
Q. For election averages, have you ever heard
something abbreviated EA? Have you ever seen that
software?
A. I have seen election averages abbreviated
as EA, yes.
Q. So we were talking about your work in the
'90s. At some point did you leave Applied Research
Coordinates?
A. Yes.

Page	25
rage	20

	1430
1	J. MORGAN
2	Q. And where did you go to, what job?
3	A. I worked for an organization called GOPAC
4	starting in 1995.
5	Q. And what did you do there?
6	A. I was the national field director, and so
7	I would I did a lot of things. I worked on
8	candidate training classes. I would analyze
9	elections and help the political team determine where
10	to spend resources on legislative and congressional
11	elections.
12	Q. How long did you have that job?
13	A. I was full-time employed at GOPAC for
14	about two years in 1997, and I continued as a
15	consultant after that for a time period.
16	Q. Until about '99?
17	A. Yes.
18	Q. Okay. And then after '99 what did you do?
19	A. I went back to work with my father's
20	company, Applied Research Coordinates.
21	Q. And how long were you there?
22	A. I worked there until I took another
23	position with GOPAC in 2004.
24	Q. So roughly '99 to 2004?
25	A. That's right.

Page	26
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	Page
1	J. MORGAN
2	Q. Okay. And what were you doing, on your
3	return to Applied Research, what were you doing?
4	A. I did campaign work, as we discussed a
5	little bit, and I also did redistricting work in 2001
6	and 2002.
7	Q. And do you recall what states you did
8	redistricting work in the 2001 cycle?
9	A. Yes.
10	Q. Which were they, please?
11	A. Rhode Island, New Jersey, Pennsylvania,
12	Virginia, North Carolina, South Carolina, Georgia,
13	Indiana, Wisconsin. There may have been one or two
14	others.
15	Q. Did any of these concern congressional
16	were these all congressional redistricting?
17	A. They were a mix of legislative and
18	congressional.
19	Q. Which ones were congressional, please?
20	A. Virginia, I think Pennsylvania and
21	New Jersey. I don't know. I don't know some of the
22	others.
23	Q. And did you actually draw maps?
24	A. Yes.
25	Q. And did you use software in the 2001 cycle

	Page 27
1	J. MORGAN
2	to draw maps?
3	A. Yes.
4	Q. What was the software that was in use at
5	that time?
6	A. It varied by state, depending on what was
7	available. The two software that I recall are
8	Maptitude and ArcGIS, or sometimes their product is
9	called AutoBound, but some states have their own
10	proprietary software as well.
11	Q. What was the first state you employed
12	Maptitude in?
13	A. I think it was used in Georgia, possibly
14	Wisconsin, New Jersey, Virginia, North Carolina.
15	Q. So I think you said that Virginia was a
16	congressional redistricting; is that right?
17	A. Yes.
18	Q. And so did you use Maptitude to draw maps
19	in Virginia's congressional redistricting in 2001?
20	A. Yes.
21	Q. And also New Jersey's congressional
22	redistricting in 2001, did you use Maptitude?
23	A. I believe so. I don't know that I was as
24	involved in that as my father was.
25	Q. Okay. And what about Pennsylvania? Do

	Page	28
1	J. MORGAN	
2	you recall what you did there, which software?	
3	A. I don't. That may have been more	
4	legislative. There I worked primarily for the state	
5	Senate caucus.	
6	Q. When you used Maptitude to draw lines back	
7	then, did you go through any training to learn how to	
8	use it?	
9	A. Yes.	
10	Q. What was the training?	
11	A. I think there was a training session	
12	sponsored by Maptitude in conjunction with the	
13	Republican National Committee, and I also did	
14	Maptitude training at the NCSL, the National Council	
15	of State Legislators. There may have been more	
16	training than that, but those are two that I recall.	
17	Q. Do you recall who led the training at the	
18	RNC?	
19	A. At the RNC training, it would have been	
20	Dave Flaherty and Tom Hofeller. I think those two	
21	were the ones that did that training. At NCSL, I	
22	don't recall.	
23	Q. Okay. Do you recall anything about, like,	
24	how long the training took place? Was it a couple of	
25	days?	



	Fage
1	J. MORGAN
2	features of Maptitude in 2010 or 2011 that were
3	subject to the training?
4	A. No, I don't really. It just blurs
5	together.
б	Q. Do you recall any new features in
7	Maptitude that have evolved since the first time you
8	used it?
9	A. Yes. There was a new feature that allowed
10	Maptitude users to bring in a Google Earth view
11	underneath the maps. I think there was more
12	functionality with the data side of the GIS work
13	engine.
14	Q. When you say the data side of the GIS
15	engine, can you explain to me a little more what that
16	involves?
17	A. Sure. The GIS software primarily takes
18	the geospatial information and marries it with what
19	you would consider to be something closer to
20	spreadsheet data or database programs, and I think
21	there was more functionality with the database side
22	in 2011 than there would have been in 2001.
23	Q. Do you remember something called the
24	DataView 1 table or window?
25	A. Yes.

	Page 31
1	J. MORGAN
2	Q. The Info Tool?
3	A. Yes.
4	Q. Do you remember you could click on the
5	Info Tool and then scroll over a portion of a map and
6	then click on it, and the DataView 1 table would show
7	up or a window would pop up?
8	A. I'm not exactly sure that it works that
9	way.
10	Q. What's your understanding of how the Info
11	Tool works or worked in 2011, to be specific?
12	A. I just don't know if it calls up the
13	DataView 1 table when you do the procedure you were
14	describing.
15	Q. But you saw the DataView you were able
16	to call up the DataView are you comfortable with
17	calling it the DataView 1 window or DataView 1 table?
18	A. I'm not sure what you're referring to
19	exactly when you say that. When I think of DataView
20	1, I'm thinking of the District Summary view, which
21	is different than what you might be describing. I
22	think our terms are crossed here.
23	Q. Okay. In the DataView 1 table, could you
24	see different election results?
25	A. I'm not sure I understand what the

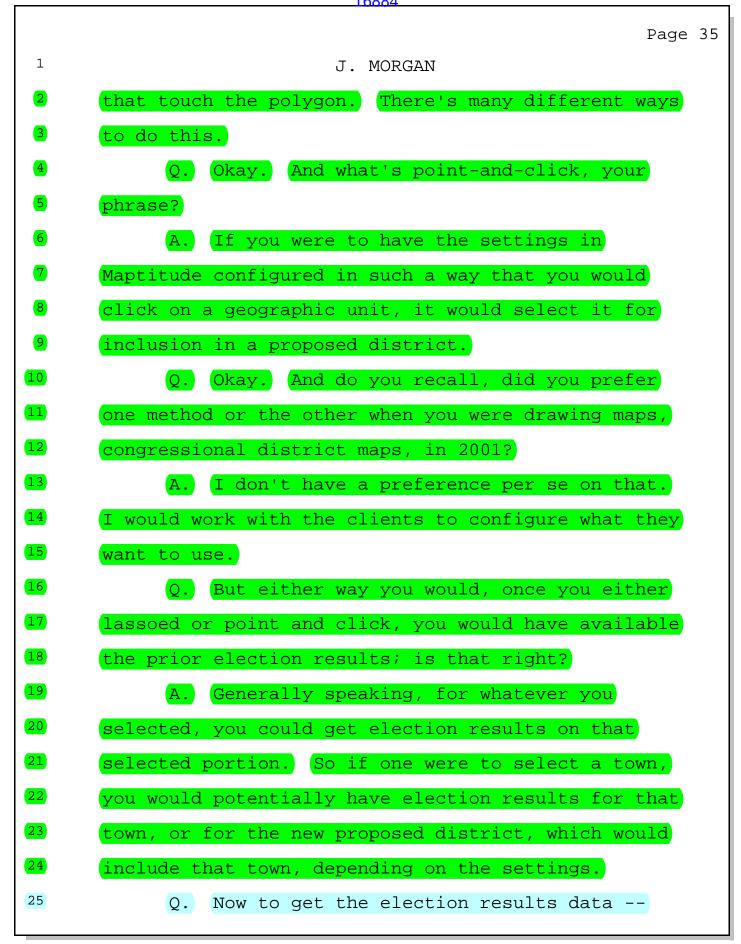




33

	Page
1	J. MORGAN
2	window or table changed in Maptitude since 2011?
3	A. I don't know.
4	I'm going to get a little water.
5	Q. Oh, sure, sure.
6	MR. FRAM: For the record, do you want to
7	say hi?
8	(Alyssa M. Riggins, Esq. now present)
9	BY MR. FRAM:
10	Q. We were talking about 2001 a little bit.
11	I think you actually said I want to make sure I
12	got it right. You actually did draw maps in 2001?
13	A. Yes.
14	Q. And for congressional districts?
15	A. Yes.
16	Q. Okay. And when you did it, did you have
17	election result data available?
18	A. Yes, election data current through 2000
19	yeah, 2000, and very rarely would have been 2001,
20	probably just through 2000.
21	Q. And using Maptitude were you able to
22	tell have the election results data at the census
23	block level?
24	A. Yes.
25	Q. And then, do I have it right, that the way

	Page 34
1	J. MORGAN
2	you draw a map in Maptitude is you draw a line around
3	a group of census blocks; is that right?
4	A. There are many different ways to draw
5	maps. One way is as you're describing.
6	Q. What are the other ways?
7	A. Primarily you would do a point-and-click
8	like you're describing. You can lasso where you draw
9	an outline around census blocks. You can also use
10	other levels of geography to point and click.
11	You can also select by other attributes. You
12	could select by, say, a search of a code. Like you
13	could select something based on its geography code.
14	So I could select a single county, not by clicking on
15	it, but by putting in its county ID. So there's just
16	multiple ways to select things. But point-and-click
17	and also lassoing and things like that.
18	Q. When you say "point-and-click," just so
19	that we're on the same page here, and "lassoing,"
20	does lassoing involve circling a certain, let's say,
21	number of census blocks, as an example?
22	A. As an example, you could circle census
23	blocks. The sensitivity depends on what you actually
24	encompass, whether the program is set to select only
25	things enclosed within the polygon or whether things



1	J. MORGAN
2	well, I'll ask you. How did you get the election
3	results data? What was the source of it?
4	A. Generally speaking, the source of the
5	election results data would be the secretaries of
6	states from the various states, the election
7	authorities, division of elections or secretary of
8	states in South Carolina or Wisconsin or Indiana,
9	depending.
10	Q. Did the secretary of states have election
11	data broken down to the census block level?
12	A. In my experience most secretaries of
13	states do not but some election authorities do.
14	Q. Okay. If they didn't, was there another
15	source you would need to use or did use?
16	A. Well, ultimately, when you talk about the
17	source, the source is ultimately going to be the
18	secretary of state or election division. The
19	election results are reported at different levels.
20	Generally, they would be reported at the precinct
21	level, possibly a town or county level, and so that's
22	the source material.
23	Q. Right. That's the ultimate source
24	material
25	A. Yes.

	Page 37
1	J. MORGAN
2	Q but it might be if the secretary of
3	state, let's say, for example, provided the election
4	results at the precinct level, not a census block
5	level, have you ever run into a state where that was
6	the case?
7	A. Yes.
8	Q. For Maptitude, you might want to have the
9	election results at the census block level. Have you
10	ever run into that where you only had precinct data
11	from the secretary of state but you needed to get
12	census block election results from Maptitude?
13	A. Yes.
14	Q. Do you remember an example of where that
15	happened?
16	A. That would be fairly standard, yes.
17	Q. Okay. And so to get from that secretary
18	of state precinct-level information to the
19	census-block level to use in Maptitude, how was that
20	translation effected?
21	MS. MCKNIGHT: Objection.
22	Q. How did you fair enough.
23	How did you get from secretary of state
24	precinct-level data to census-block-level data?
25	A. In general, the precinct-level data would

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 38 of 163 PAGEID #: 16887

	Page 38
1	J. MORGAN
2	be allocated by the underlying census blocks to the
3	extent that the census-block boundaries were
4	congruent with the precinct boundaries.
5	Q. Did somebody have to figure that out?
6	A. Well, not always, because the census
7	geography sometimes aligns with the precinct
8	geography, so, in a sense, that information is
9	available.
10	Q. Okay. Is it already just geocoded in by
11	the secretary of state or someone needs to do that
12	work?
13	A. It depends on the state. Again, the
14	there is a lot of additional data work that can be
15	done to make this process more efficient.
16	Q. And sometimes precincts split census
17	blocks; is that right?
18	A. Yes.
19	Q. And then someone has to figure out what to
20	do about that; is that right?
21	A. In those cases, yes, if it's a requirement
22	for redistricting.
23	Q. Did you do that work yourself or did you
24	work with some other person or expert to help on
25	that?

	Page 39
1	J. MORGAN
2	MS. MCKNIGHT: Objection.
3	A. In general, I do some work by myself. I
4	work with others. I use the data that's provided for
5	me.
6	Q. Who are the others you might have worked
7	with or you did work with in the past on
8	congressional redistricting with this sort of data?
9	A. I've worked with Clark Benson. I've
10	worked with Dave Flaherty, John Diaz. I've also
11	worked with Jennifer Flaherty. There have been other
12	people that have provided data like this, but those
13	are the people I remember working with.
14	Q. Do you recall the elections in which you
15	worked with Clark Benson?
16	A. I worked with Clark Benson on many
17	elections.
18	Q. Okay. Do you recall any congressional
19	districting projects where you worked with Clark
20	Benson?
21	A. Yes.
22	Q. Which ones, please?
23	A. I've worked with him as far as election
24	data he provides datasets for dozens of states
25	that I've worked in. I've gotten data from him for

		Page	40
1	J. MORGAN		
2	Connecticut, New York, Pennsylvania, New Jersey,		
3	Maryland, Virginia, North Carolina, South Carolin	<mark>a,</mark>	
4	Georgia, Florida, Tennessee, Ohio, Michigan, Indi	<mark>ana,</mark>	
5	Wisconsin, Missouri, Iowa, Louisiana, New Mexico,)	
6	California, Nevada.		
7	These are instances where I've gotten elect	ion	
8	data in the way that you're describing from Clark		
9	There may be others.		
10	Q. Did you get any you mentioned Ohio,	and	
11	you also mentioned some other experts you worked	with	
12	in terms of election data. Anybody else besides		
13	Mr. Benson that you worked with for Ohio?		
14	A. Primarily for Ohio, for this type of		
15	election work, I worked with Mr. Benson, and I		
16	believe that there was an Ohio university that wa	S	
17	involved in some of this data collection.		
18	Q. Does the name Mark Salem ring a bell?		
19	A. No.		
20	Q. Does Cleveland State University ring a		
21	bell?		
22 23	A. That sounds right.	4 - 3	
23	Q. Okay. You said you were back with Appl		
	Research Coordinates, I think you said until 2004	1	
25	and then you went back to GOPAC; is that right?		

	Page 41
1	J. MORGAN
2	A. Yes. I started work as GOPAC executive
3	director in July of 2004.
4	Q. And what did you do then?
5	A. I was the leader of the organization. I
6	was the executive director from 2004 through 2007
7	working with the chairman, J.C. Watts, who was a
8	former member of Congress.
9	Q. What were your responsibilities?
10	A. I was responsible for all aspects of the
11	organization.
12	Q. Did any of it have to do with
13	redistricting?
14	A. During that time period, to the extent
15	that redistricting was discussed, I might have said
16	something about it.
17	Q. Do you recall anything?
18	A. Not specifically.
19	Q. Now, I'm sorry, you were there until about
20	2007?
21	A. That's right. I left my position
22	officially in March of 2007. I continued on as a
23	consultant for a few more months.
24	Q. And then what did you do after that?
25	A. I took over ownership of Applied Research

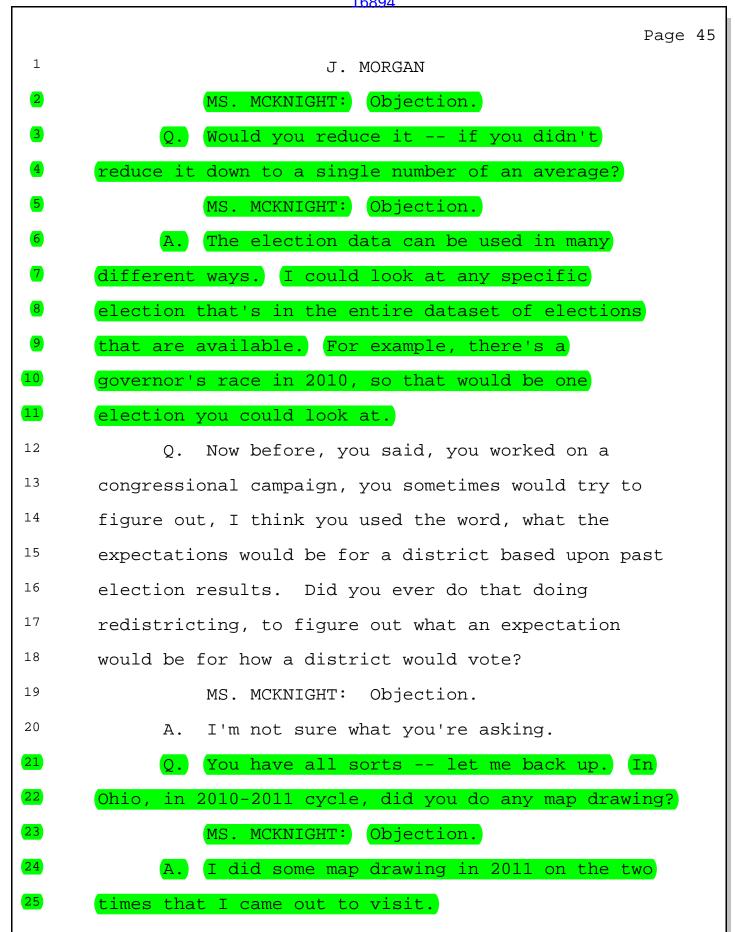
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 42 of 163	PAGEID #:
16891	

Pa	.ge 42
J. MORGAN	
² Coordinates. I acquired that from my father.	
³ Q. And that's your present job to this day?	
4 A. Yes.	
5 Q. Now Applied Research Coordinates, that's	
6 over in Fairfax, Virginia; is that right?	
7 A. At this time it was. I currently am in	
8 Springfield.	
9 Q. I'm sorry. We should get our time right.	
10 In 2011 was it in Virginia?	
11 A. Yes.	
12 Q. In Fairfax?	
13 A. Yes.	
Q. Okay. And how many people work at Applied)
Research Coordinates in 2011?	
A. Typically it would be one or two.	
Q. I see in your résumé one of the clients	
¹⁸ you listed was Republican State Leadership Committee	•
¹⁹ Was that the case in 2011?	
A. I'm sorry. Where are you directing	
Q. On your résumé, which we have here as	
Exhibit 2, I think you've got here under, let's see,	
the second bullet under Employment, on page 1 of you	r
24 CV, Republican State Leadership Committee.	
A. I see that.	

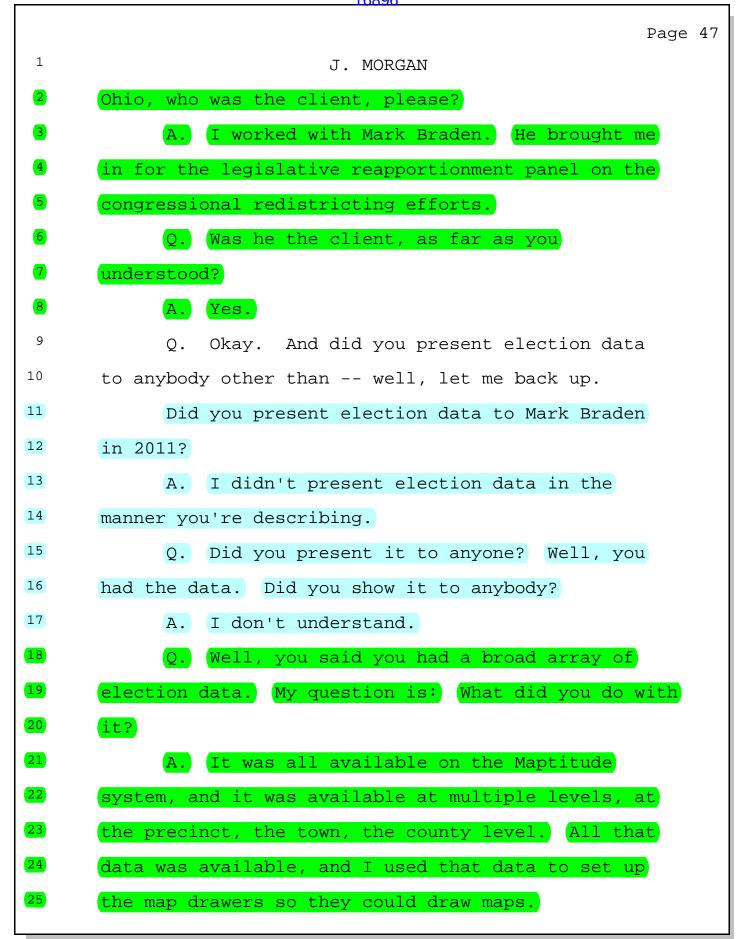
		Page 43
1		J. MORGAN
2	Q.	Was that a client in 2011?
3	A.	No.
4	Q.	Okay. When did you work with the
5	Republica	n State Leadership Committee?
6	Α.	In 2014.
7	Q.	Okay. Did you ever work with a person
8	called Ch	ris Jankowski?
9	Α.	I have worked with him, yes.
10	Q.	Did you do any work with him in 2010?
11	A.	No.
12	Q.	2011?
13	A.	No.
14	Q.	Okay. 2009?
15	Α.	No.
16	Q.	Did you work with anybody did you ever
17	work with	someone called Ed Gillespie?
18	Α.	No.
19	Q.	We can get into specifics in just a little
20	bit, but	I think you mentioned Ohio. So you worked
21	on Ohio r	edistricting in 2011, correct?
22	A.	Yes.
23	Q.	And at that time you worked with
24	Maptitude	<mark>?</mark>
25	A .	Yes.

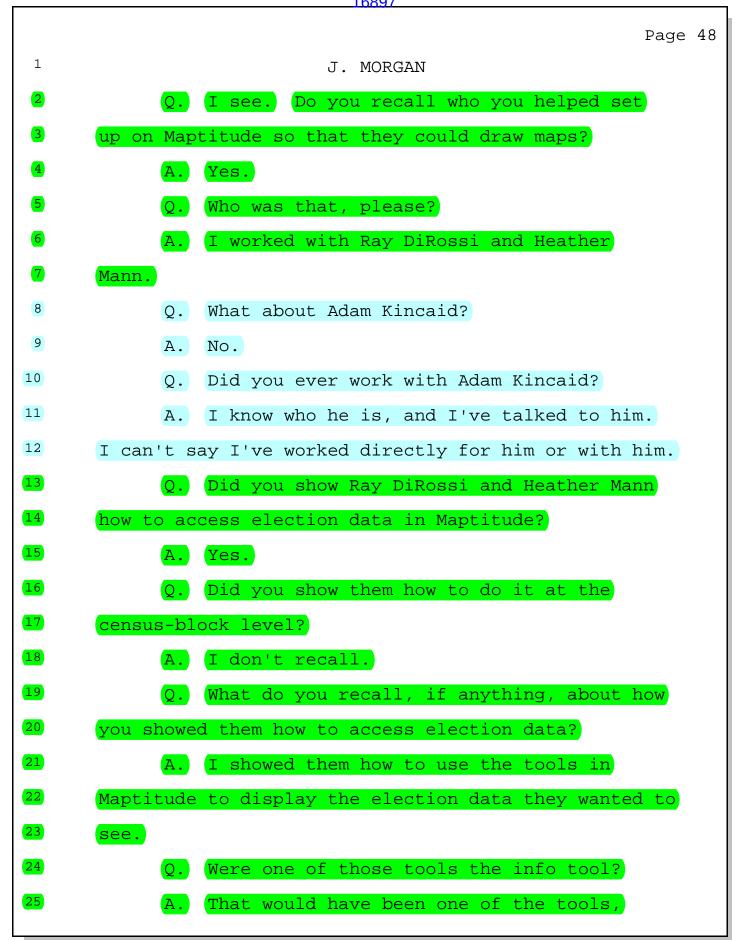
	1
	J. MORGAN
Q.	And the work you did with Maptitude
involved	having access to election results data,
that rig	ht, in 2011 in Ohio?
A.	Yes.
Q.	And you had that information at the
census-b	lock level?
A.	Yes.
Q.	Do you recall the elections as to which
you had	election results data when you did your w
in Ohio	in 2011?
A .	I had election results from 2002, 2004,
2006, 20	08 and 2010, as I recall.
Q.	Statewide?
A.	I believe so.
Q.	Nonjudicial?
A.	I believe so.
Q.	Do you recall using any averages of the
election	s?
	MS. MCKNIGHT: Objection.
A.	I don't specifically recall that, no.
Q.	How would you use these election result

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 45 of 163 PAGEID #: 16894



Page 46
1 J. MORGAN
2 Q. Okay. And when you drew, did the map
3 drawing, were you able did you have access to
4 election data when you drew the maps?
5 A. Yes.
Q. Okay. And using that election data, would
⁷ you have some expectation as to how a particular
8 congressional district would vote?
9 MS. MCKNIGHT: Objection.
10 A. I don't recall doing that.
11 Q. How would you how would you use, if you
¹² used it at all, the election data?
13 A. It depends on what the clients want to
14 see. In my case, you know, I would have all the
¹⁵ election data available.
Q. And in Ohio in 2011, do you recall what
17 the clients wanted to see?
18 A. No.
Q. Do you recall any way you used the
20 election data in 2011?
A. I mean, there was a lot of election data
available. I looked at the election data on the
screen, and I, you know, worked with what was
24 available.
Q. And did you present that in 2011 in



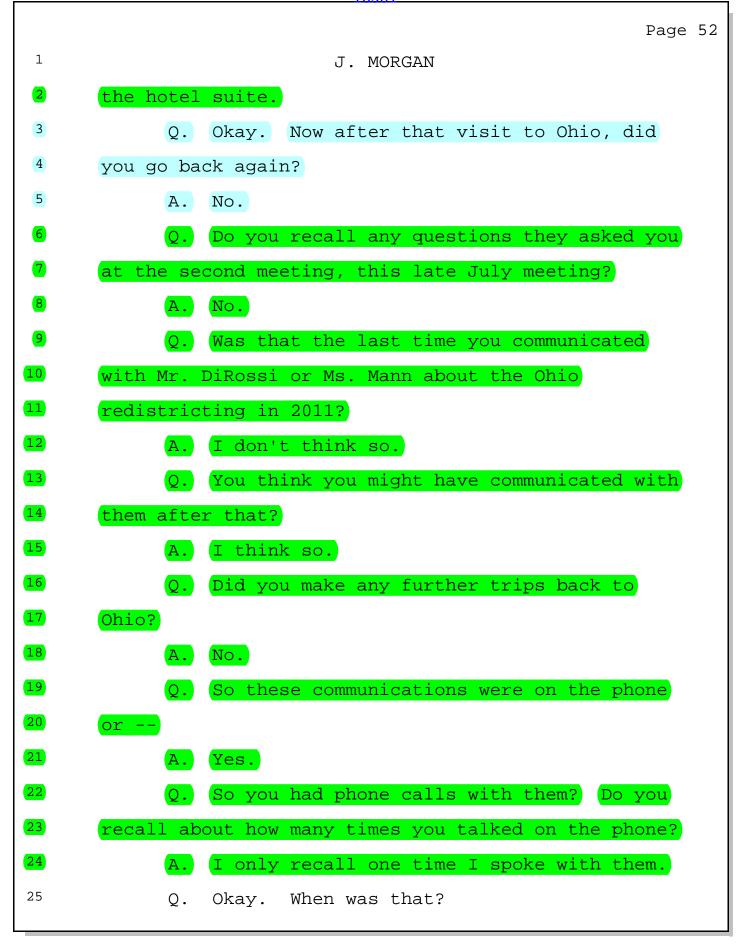


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 49 of 163 PAGEID #: 16898

		Page	49
1	J. MORGAN		
2	yes.		
3	Q. Do you recall any of the other tools?		
4	A. I would say that one of the tools I would	ld	
5	use would be the labeling tool so that you could		
6	display, say, the county name and then some polit:	ical	
7	or demographic data, such as the population or some	ne	
8	election result, on the label for a geography.		
9	Q. Any other tools you recall?		
10	A. I used the district summary tool, if you	L	
11	will, and the it's called, I think, the pending	3	
12	changes window, so it allows you to look at a		
13	proposed district based on a selection that has no	ot	
14	been added yet. So I used that tool as well.		
15	Q. Did any of these tools involve the expo	rt	
16	of data to Excel, election data, to Excel?		
17	A. I don't recall.		
18	Q. Do you recall ever seeing the output of		
19	their work using Heather Mann or Ray DiRossi's		
20	work using Maptitude?		
21	A. No.		
22	Q. Turning to the Ohio 2011 cycle, do you		
23	recall who reached out to you to work on that?		
24	A. Mark Braden.		
25	Q. You say you were providing training 1	let	

	Page 50
1	J. MORGAN
2	me back up. Is it fair to say that you were
3	providing training to Heather Mann and Ray DiRossi on
4	Maptitude in 2011?
5	A. Yes.
6	Q. And was that done in person in Ohio?
7	A. Yes.
8	Q. Was that done at that July 7 and 8 meeting
9	that you referenced in the beginning of the
10	deposition?
11	A. Yes. I worked with them on the
12	legislative and, to some extent, on the congressional
13	redistricting.
14	Q. And that took place that was in the
15	afternoon of the 7th and the morning of the 8th, is
16	that right, in July 2011?
17	A. I'm not sure.
18	Q. Do you recall how long the training was?
19	A. No.
20	Q. Okay. Do you recall going back there for
21	more training, to give them more training after that
22	early July meeting?
23	A. Yes, I went back, I think, later in July.
24	Q. Around the 25th?
25	A. That sounds about right.

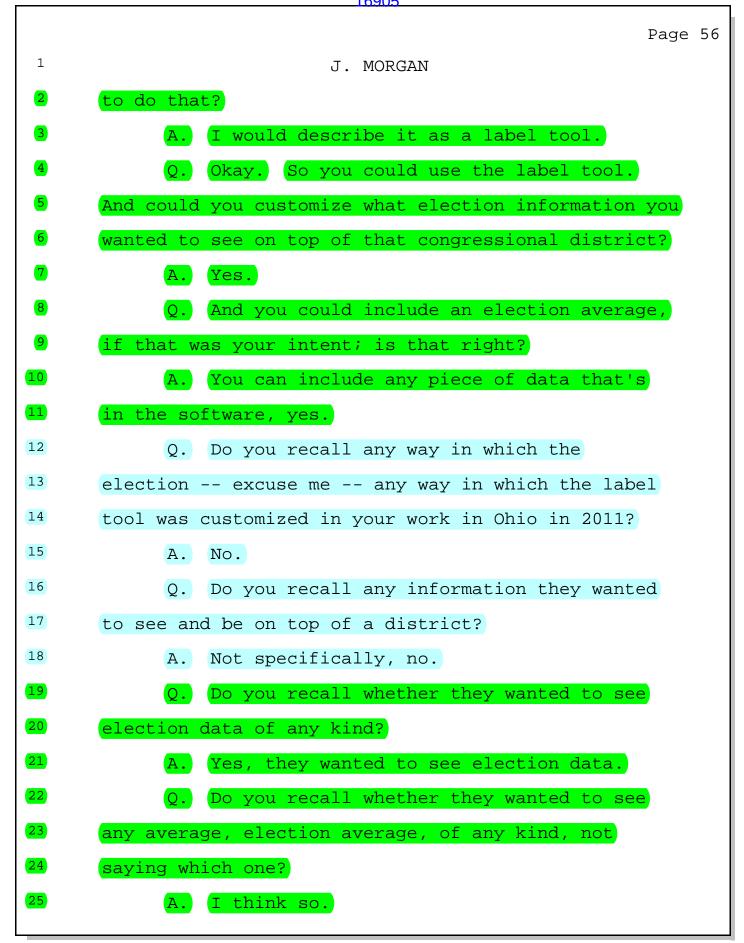




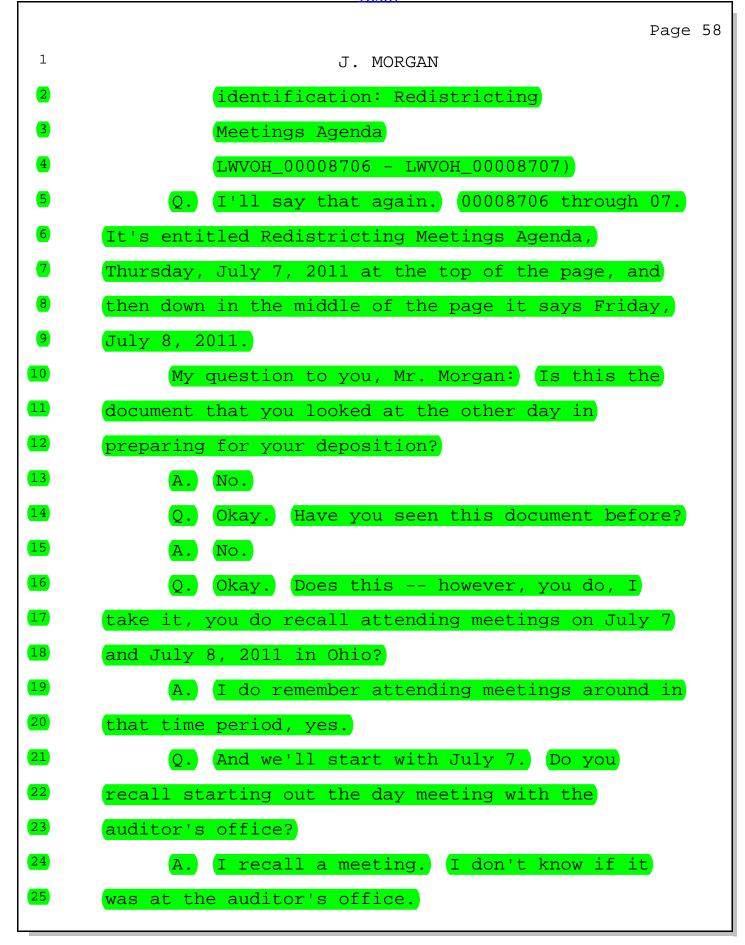
			Page	53
		J. MORGAN		
	Α.	I don't remember when it was. It was	I	
don't	knov	w when it was exactly.		
	Q.	Do you recall what it was about?		
	Α.	I don't recall what it was about.		
	Q.	Did you email back and forth?		
	Α.	Not that I recall.		
	Q.	Okay. Did you have any shared sites,	FTP	
sites	or a	any other sites, where you could share		
infor	matio	on?		
	Α.	Not that I recall, no.		
	Q.	Did you ever send each other any hard	сору	
of an	ythi	ng regarding redistricting in 2011?		
	Α.	No.		
	Q.	Other than your meeting on July 7 and	8 in	
Ohio,	did	you attend any other meetings in Ohio	about	
redis	tric	ting?		
	Α.	I think that was the first one.		
	Q.	Did you ever see any presentation by		
anybo	dy fi	rom Cleveland State University about		
redis	tric	ting in Ohio in 2011?		
	A.	No.		
	Q.	Do you recall any reason given as to w	<mark>/hy</mark>	
you w	ere l	being asked to help out in Ohio in 2011	.?	
	Α.	Mr. Braden said he was working for the	•	

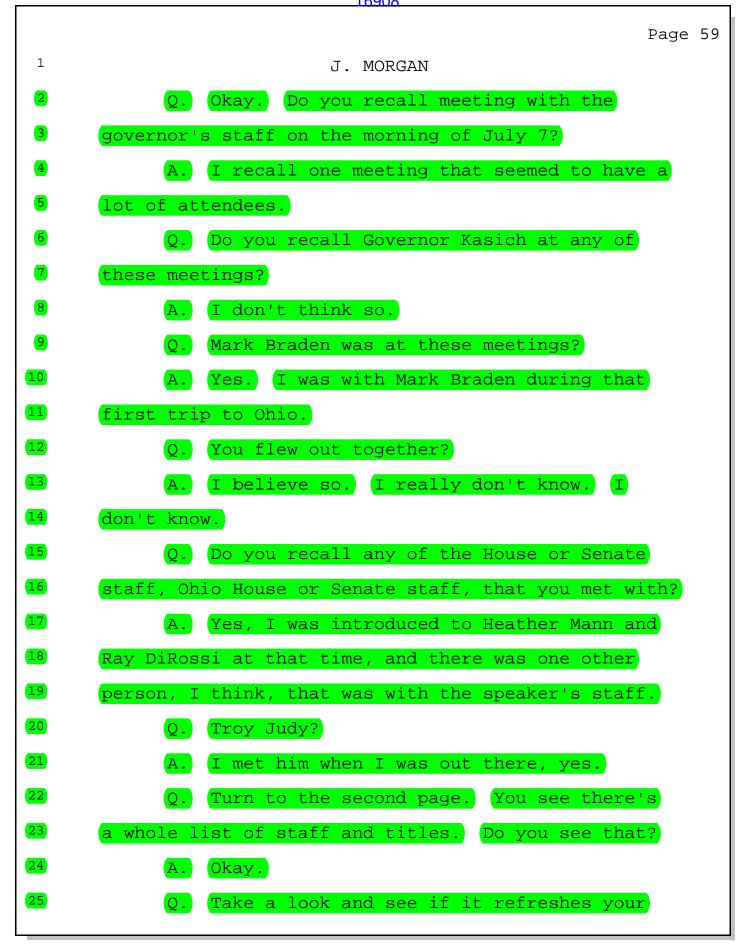
	Page 54
1	J. MORGAN
2	Ohio Redistricting Commission and that he wanted me
3	to be available to help out, and I said I thought I
4	could arrange it. And I had worked with him in other
5	states.
6	Q. Do you recall about when that conversation
7	took place?
8	A. Sometime in the summertime.
9	Q. Would it have been June?
10	A. I don't know.
11	MR. FRAM: We've been going a while. We
12	can take a break.
13	(Proceedings recessed at 10:15 a.m.)
14	(Session at 10:26 a.m.)
15	BY MR. FRAM:
16	Q. Before the break, we were talking about
17	different tools in Maptitude and you mentioned the
18	label tool. Do you remember that?
19	A. Yes.
20	Q. The label tool in Maptitude, it's a
21	little there's an icon on the right-hand, excuse
22	me, on the left-hand side of the screen, is that
23	right, to click on the label tool?
24	A. I don't know. The placement of things
25	varies on how the screens are set up.

	Page 55
1	J. MORGAN
2	Q. Okay. But there's an icon on the screen
3	you can click on the label tool?
4	A. Yes.
5	Q. When you click on the label tool, then if
6	you hover the cursor over a congressional district
7	and you click on it, what do you see then?
8	A. I don't know. That's not how I use the
9	label tool.
10	Q. How do you use it?
11	A. I use the label tool to put the name of
12	the locality that I'm interested in, say a township
13	or a county, and then some information about it.
14	Q. Okay. If you wanted to generate have
15	you ever generated a map where right on top of the
16	congressional district was a little box with certain
17	information about the district?
18	A. Yes.
19	Q. And that information could be election
20	data information?
21	A. Yes.
22	Q. Do you recall training Ms. Mann or
23	Mr. DiRossi how to do that in 2011?
24	A. Yes.
25	Q. And do you recall what tool you would use



	Page 57
1	J. MORGAN
2	Q. But I take it, as you sit here now, you
3	don't recall which election average, if they wanted
4	one, that they wanted to see?
5	A. No, I don't know.
6	Q. As you trained them, did you ever watch
7	them actually do that, use the label tool to show a
8	little box of information on top of a district?
9	A. I showed them how to display labels in
10	that manner, yes.
11	Q. And including election data?
12	A. Yes.
13	Q. Do you recall whether or not you trained
14	them in how to use the DataView 1 table?
15	A. Again, I'm not sure I understand what you
16	mean by the DataView 1 table.
17	Q. We can take a look at a document on that.
18	Did you ever look at did you show them how
19	to use the info tool?
20	A. I use the info tool. To the extent that
21	that was part of the training, then yes.
22	MR. FRAM: Why don't we mark as Exhibit 3,
23	it's a document, Bates number LWVOH_00008706 through
24	87 excuse me 07 on the other side of the page.
25	(Exhibit 3 marked for





		Page	60
1	J. MORGAN		
2	recollection as to any of the people that you met	•	
3	with while you were out there.		
4	A. I remember meeting Mike Lenzo and Troy	1	
5	Judy, and I think I met Beth Hanson.		
6	Q. Okay. Do you recall if you met Beth		
7	Hanson at the governor's office?		
8	A. I don't recall.		
9	Q. Okay. I think you already said you met		
10	Ray DiRossi; is that right?		
11	A. Yes.		
12	Q. And is that the first time you met Ray		
13	DiRossi?		
14	A. Yes.		
15	Q. And Heather Mann, did you meet her?		
16	A. Yes.		
17	Q. (Is that the first time you met her?)		
18	A. Yes.		
19	Q. I'm just going to stay with the morning	3	
20	before we get to the redistricting training. The	Ð	
21	meetings you had let me break this up.		
22	Do you remember there being meetings and the	hen	
23	separately there was a training set of meetings?		
24	A. I don't know if it was the same day or		
25	over two days. That's what I'm really not clear	on.	

Page 6	51
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	i dge
1	J. MORGAN
2	Q. Okay.
3	A. I remember that there was one meeting with
4	a very large group, and there was another meeting
5	with a smaller group.
6	Q. Okay. And let's break them apart. Who
7	was in the larger group?
8	A. It would have been the people that were
9	representing the statewide elected officials on the
10	reapportionment board.
11	Q. Reapportionment, that being the state
12	legislative?
13	A. Yes.
14	Q. I'm not going to ask you about that.
15	A. Okay.
16	Q. But just focusing on the congressional
17	redistricting, was there other than the training
18	meetings, was there any meeting that concerned the
19	congressional redistricting?
20	A. I really don't distinguish between the
21	two. I was hired for work for both the legislative
22	and the congressional, so I don't know that the
23	meetings had different purposes.
24	Q. Okay. Do you recall anything of what was
25	discussed at the what I'll call the non-training

	Page 62
1	J. MORGAN
2	meeting?
3	MS. MCKNIGHT: Objection.
4	A. No, not really.
5	Q. Or what the purpose of that meeting was?
6	A. From my point of view, the purpose was to
7	make introductions. I really didn't know any of the
8	people that were involved in this process aside from
9	Mr. Braden.
10	Q. Do you recall anything that was said at
11	that meeting?
12	A. No.
13	Q. Okay. Why don't we turn to the training
14	meeting or meetings. Like you say, you're not sure
15	if it was one or two days. What do you recall about
16	that?
17	A. I recall working with Mr. Braden and Ray
18	and Heather and I think Troy Judy and Mike. Those
19	are the ones that I remember talking to in that
20	training-style session.
21	Q. What do you recall about the content of
22	the training?
23	A. I think I really don't remember. It
24	wasn't a formal training session like a classroom
25	style. So it wasn't like I was at a lectern talking.

		Page	63
1	J. MORGAN		
2 So it wa	s really more of a looking at Maptit	ude	
3 software			
4 Q.	And did you have Maptitude up on the		
5 screen t	hat they could see?		
6 A.	Yes.		
7 Q.	Did you show them how to use differen	t	
8 tools?			
9 A.	That's what I that's what I recall		
10 Q.	And one of those was the label tool?		
11 A.	Yes, I think I worked with the label	tool	
12 there.			
13 Q.	What about the info tool?		
14 A.	I don't recall that.		
15 Q.	What about exporting data to Excel, d	id	
	ver that in training?		
17 A.	I don't believe I did.		
18 Q.		m?	
19 A.			
(20) Q.)	
	data to include in Maptitude?		
22 A.			
23 Q.			
24 A.			
(25) Q.	Do you recall at any time?		

	Page 64
1	J. MORGAN
2	A. Yes, I recall looking at the statewide
3	elections, and I suggested that close statewide
4	elections would be useful to look at in a general
5	sense.
6	Q. With whom did you have that conversation,
7	please?
8	A. With Ray and Heather.
9	Q. Do you recall if that would have been
10	that would have been after the July 7 and 8 meetings;
11	is that right?
12	A. Yes.
13	Q. Would that have been before you returned
14	around July 25th to Ohio, or was it when you
15	returned?
16	A. It was when I returned.
17	Q. Okay. Do you recall why you suggested
18	looking at the state close elections?
19	A. I remember that the 2006 election results
20	were not favorable to the Republicans, and so in the
21	sense that you might treat that election as an
22	outlier, if you're looking for close elections.
23	Q. What about 2008 presidential? Do you
24	recall any conversation about that?
25	A. No.

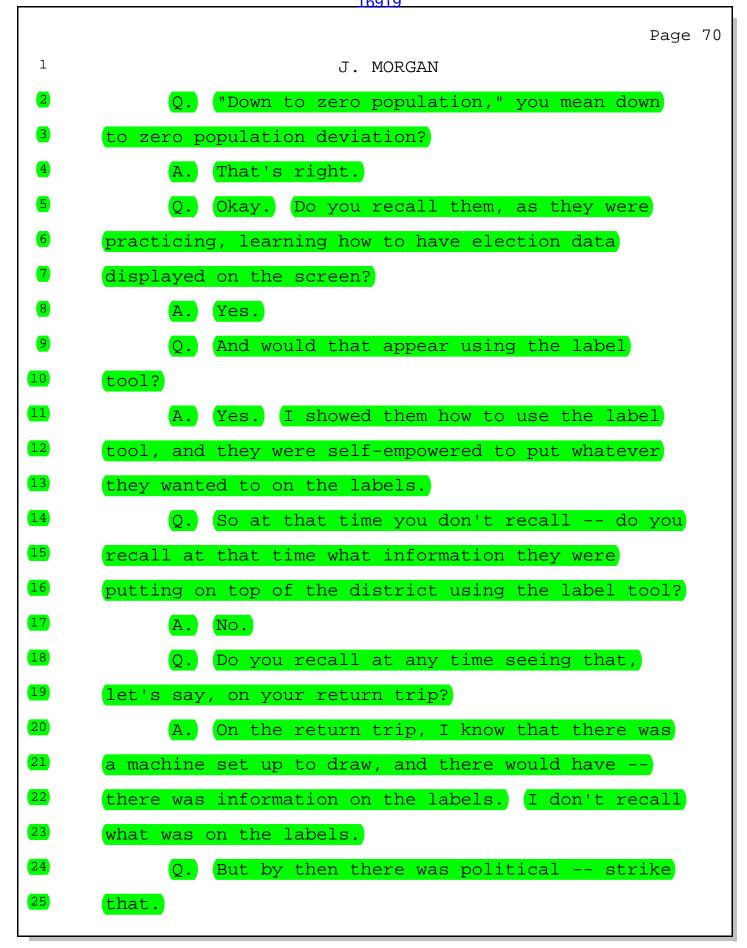
	Page
1	J. MORGAN
2	Q. Now there you said Obama won the state
3	in 2008; is that right?
4	A. Yes.
5	Q. Do you recall whether or not it would be a
6	good idea to rely on the McCain percentage or not?
7	A. I don't recall that conversation.
8	Q. What about the Senate elections? Do you
9	recall a conversation whether or not to rely on the
10	Senate elections in Ohio?
11	A. I'm aware of the Senate elections
12	generally. I don't recall specifically discussing
13	that.
14	Q. In some of those Senate elections the
15	Republicans did well; is that right?
16	A. Yes.
17	Q. Did you have any discussion whether to not
18	include those elections because the Republicans did
19	too well?
20	A. No.
21	Q. Do you recall discussing excluding any
22	elections because the Republicans did too well?
23	A. No.
24	Q. Why did you want to look at close
25	elections?

	Page
1	J. MORGAN
2	A. In general terms, I would say that close
3	elections are useful if you're looking at statewide
4	election it just models close elections to look at
5	previous close elections.
6	Q. Why would you want to model close
7	elections?
8	A. It's just one of the elections to look at.
9	I think that, in a general sense, the close elections
10	are useful in showing, you know, what can happen
11	when, you know, when a future election is not certain
12	or going strongly one way or the other, and in most
13	cases a future election is unknown.
14	Q. So see if I understand you correctly. If
15	a Republican would prevail using election results
16	data from a close election, was that, in your view,
17	more accurate prediction that they would prevail in a
18	district in a future election?
19	A. Not necessarily. I just would say that,
20	in a general sense, I think that the close elections
21	are useful than elections that skew one way or the
22	other at the extremes.
23	Q. Useful to what purpose, to what end?
24	A. To just understanding how a state
25	performs.

1	J. MORGAN
2	Q. Okay. But useful in understanding how
3	they perform as to who might win the election?
4	A. Yes. And also a lot of times, when you
5	use statewide elections of any kind, from my point of
б	view, looking at candidate geography is also
7	important, where a candidate is from.
8	Q. I'm sorry. What did you mean by that,
9	please?
10	A. When you're looking at a general election
11	in a statewide contest, which is usually what would
12	be used in a statewide redistricting setting, it's
13	important, in my opinion, to look at where candidates
14	are from, because, typically, they would overperform
15	in their home areas versus other areas of the state.
16	That's just a general observation.
17	Q. But you did look at statewide election
18	data, correct?
19	A. Yes.
20	Q. And that statewide election data does not
21	include congressional district level where the
22	candidate is from, correct?
23	A. I don't understand the question.
24	Q. Well, you said you would look I'm
25	trying to understand how you would include the

		Page
	1	J. MORGAN
	2	information about where the candidate is from. If
	3	you're starting with statewide election data, then
	4	how did you also include the information about where
	5	the candidate is from?
	6	A. It's not included in the data per se.
	7	Q. Okay. Can you does Maptitude help you
	8	capture that in some way?
	9	A. In a general sense, it's possible to
	10	identify a previous electoral district for a
	11	candidate or to show an address where that candidate
	12	resides.
	13	Q. But as you say you said it's possible.
	14	Do you recall doing that, training people how to do
	15	that in Ohio in 2011?
	16	A. No.
	17	Q. Okay. Do you recall any questions that
	18	were asked of you in the training sessions session
	19	or sessions on July 7 and 8 in Ohio in 2011?
	20	A. No, I don't recall specific questions.
	21	Q. Did Ms. Mann or Mr. DiRossi have the
	22	opportunity to actually go on a computer and practice
	23	using Maptitude during those sessions?
	24	A. Yes, I believe so.
	25	Q. Anybody else do that?
1		

	Page 69
1	J. MORGAN
2	A. I don't think so. I really don't recall
3	that.
4	Q. And do you recall, when they were on the
5	computer practicing, what were they practicing doing?
6	A. Either drawing legislative districts or
7	drawing congressional districts.
8	Q. Okay. And when they drew congressional
9	districts, were they drawing them around census
10	blocks or were they drawing how were they drawing
11	them?
12	MS. MCKNIGHT: Objection.
13	A. I'm not sure I understand.
14	Q. Let's say they were drawing a
15	congressional district. How did they go about it?
16	What were they doing when they were doing that
17	drawing?
18	A. I remember there was information on the
19	map screens and there were, for example, existing
20	district boundaries, and the congressional districts
21	were just were drawn, basically, in the
22	point-and-click methodology. And I don't remember
23	I remember I don't remember finishing a
24	congressional district down to zero population, which
25	would be required for a final plan.



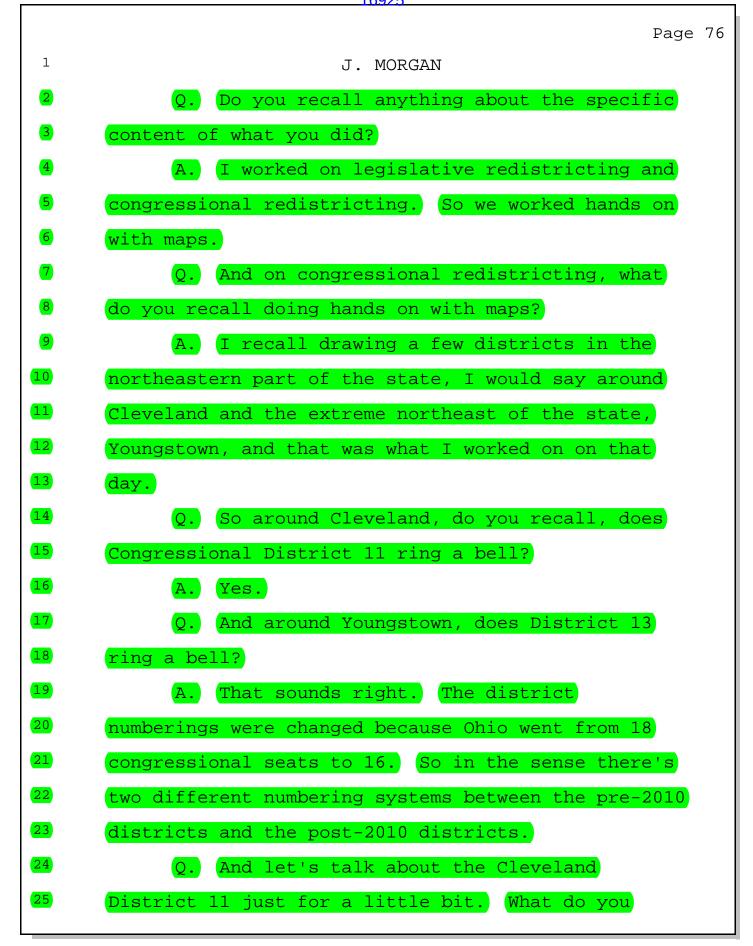


			Page	72
1		J. MORGAN		
2	A.	I don't recall.		
3	Q.	Did he attend the training?		
4	A.	I don't know for sure.		
5	Q.	Did Mr. Braden attend the training?		
6	A.	He was there at the July 7th-July 8th,		
7	during th	at session.		
8	Q.	For that session?		
9	A.	Yes.		
10	Q.	Did he already know how to use Maptitud	le	
11	before th	at session?		
12		MS. MCKNIGHT: Objection.		
13	Q.	If you know.		
14	Α.	I don't think he used it during that		
15	session.			
16	Q.	Do you know if he knew how?		
17	Α.	I don't know.		
18		MR. FRAM: What we'll have marked next	as	
19	Exhibit 4	is a document, Bates number Morgan_0000	02,	
20	five zero	s and a 2, if I'm counting right.		
21		(Exhibit 4 marked for		
22		identification: Invoice dated		
23		7/31/2011)		
24	Q.	Mr. Morgan, is this one of the invoices	3	
25	you looke	d at preparing for your deposition?		

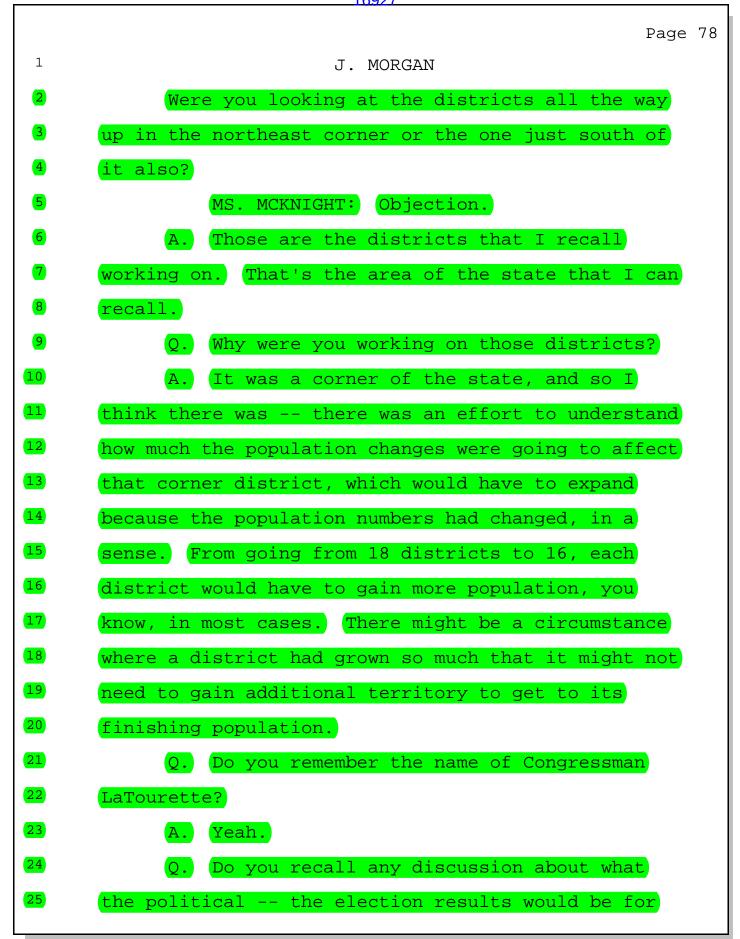
	Page 7	3
1	J. MORGAN	
2	A. Yes.	
3	Q. Okay. I just want to go through the	
4	different well, a couple things about it.	
5	This one, this invoice, is dated July 31,	
6	2011. Just stating that for the record. I'll also	
7	state for the record, though, that this invoice has a	
8	number, BH 2011-OH07. Do you see that?	
9	A. Yes.	
10	Q. Is it your understanding that would mean,	
11	using your invoicing system, that was the seventh	
12	invoice for your work in Ohio?	
13	A. No.	
14	Q. Was this your first one?	
15	A. Yes.	
16	Q. Okay. Do you have any idea why 07 was	
17	included in the invoice number?	
18	A. Yes.	
19	Q. Why?	
20	A. Because it's the seventh month, July.	
21	Q. I see. Okay. That helps. Now I have to	
22	ask your counsel for the previous six. Thank you.	
23	So I think we talked about what you did on the	
24	7th and 8th a little bit, going down the line items	
25	below, but there are entries for the 18th and 19th,	

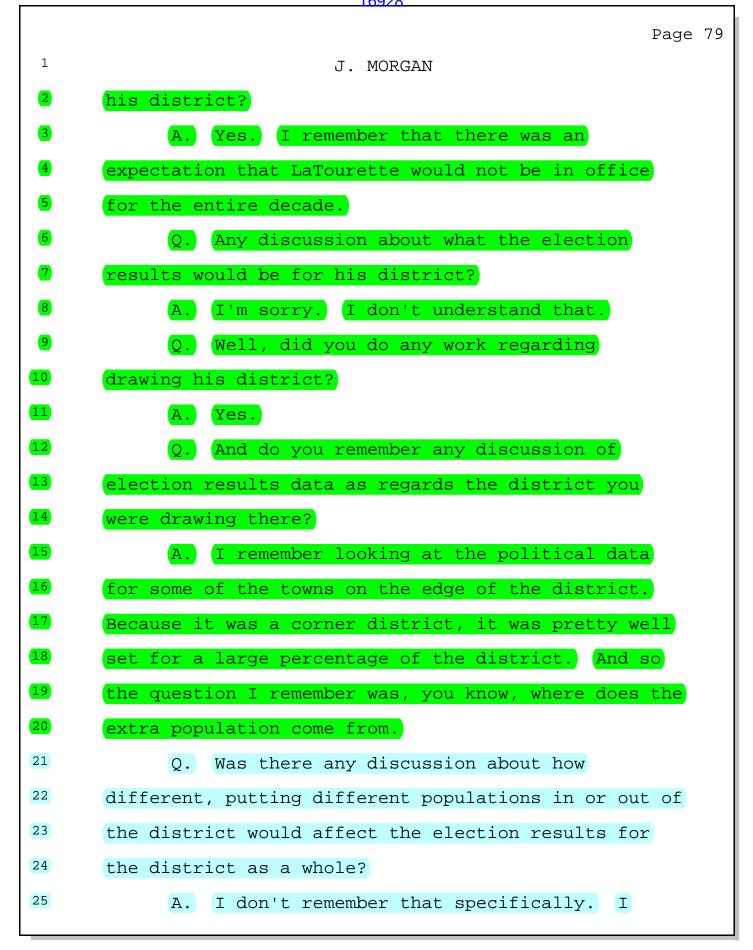
		Page	74
1	J. MORGAN		
2	20th and 24th of July. Do you see those?		
3	A. Yes.		
4	Q. And they all say "technical and map		
5	drawing." Do you see that?		
6	A. Yes.		
7	Q. Do you recall what you did when it came	to	
8	technical and map drawing work?		
9	A. Yes. During this time I was helping Cla	ark	
10	Benson work with the data that was used for the		
11	legislative drawing process. There was an issue w	with	
12	the boundaries of the Ohio cities and townships be	eing	
13	different from the Census boundaries, so it require	red	
14	the data being adjusted in some way. It was related	ted	
15	to what you mentioned about Cleveland State, that	I	
16	there was some data from there, and I was helping	I	
17	Clark Benson work on that.		
18	Q. Now was that only for the state		
19	legislative map or was any of that for the		
20	congressional map?		
21	A. That was for the state legislative maps.		
22	Q. So all those entries do any of those		
23	entries concern work regarding the congressional r	nap?	
24	A. Not that I recall.		
25	Q. And then there's this meeting back on the	ne	





	I	Page 77
1	J. MORGAN	
2	recall in terms of the map drawing as to that	
3	district?	
4	A. I remember that the district was the	
5	district was essentially parts of Cleveland and it	
6	extended down into Akron.	
7	Q. And was there any discussion as to how fa	ır
8	south it should go?	
9	A. No.	
10	Q. Do you recall whether or not it was takin	ıg
11	out pieces of district that was otherwise bordering	i)
12	on District 16?	
13	A. I don't recall the district numbers. I	
14	remember that the districts that I worked on during	i)
15	that time period were primarily in the northeastern	
16	corner, including the district that was what I reca	11
17	the Youngstown seat, the northeastern seat, and	
18	Cleveland.	
19	Q. Okay. Did you work on any borders of the	
20	districts above the Youngstown seat up in District	
21	14?	
22	A. Yeah, that's the one I think I was	
23	referring to.	
24	Q. Okay. There's the Youngstown I'm	
25	sorry. I apologize for interrupting you.	





		Page	80
1	J. MORGAN		
2	just remember that the expansion was necessary for	2	
3	that district.		
4	Q. And do you recall any discussion as to h	low	
5	that might affect I don't want to be you use	ed)	
6	the word specific, so I got to ask you this. Do y		
7	recall, generally, any general recollection as to		
8	the election results for that district were to sha	<mark>ike</mark>	
9	out?		
10	A. I remember that the incumbent for		
12	district that was the Youngstown seat was it can into play because the Youngstown seat, I think his	_	
13	residence or his political base, as I understood i		
14	was right in that Youngstown area. So District 14		
15	could only go so far south before it would get int		
16	the Youngstown seat.		
17	Q. And the Youngstown representative, is th	nat	
18	Representative Ryan?		
19	A. Yes, that's right.		
20	Q. So you've got LaTourette up north of Rya	<mark>an;</mark>	
21	is that right?		
22	A. Yes.		
23	Q. Okay. You were trying to figure out how	V	
24	far south you could bring LaTourette's district;	S	
25	that right?		

	Page 81
1	J. MORGAN
2	A. Yes. An issue in that area is that
3	Mahoning County has fairly large, populous townships.
4	So I think there was some question about how
5	whether or not to split a township, again, the large,
6	populated townships in Mahoning County, in that area,
7	so there was just I just remember there was some
8	question about the size of the townships making a
9	difference in where to draw.
10	Q. Now Representative Ryan's district, I'll
11	state for the record, 13, did you have an
12	understanding historically whether voted Democrat or
13	Republican?
14	A. Yes. It was a Democrat district.
15	Q. And the district to the north, District
16	14, LaTourette's district, had voted for Republicans
17	in the past; is that right?
18	A. For LaTourette, yes.
19	Q. For LaTourette?
20	A. Yes.
21	Q. Was there any consideration as to whether
22	or not, where you drew the boundary, whether that
23	would make that district more or less Republican or
24	Democrat, the 14th?
25	MS. MCKNIGHT: Objection.



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 83 of 163 PAGEID #: 16932	Case: 1:18
Page 83	
J. MORGAN	1
2 Q. Did you come up with that on your own or	2
3 did someone in Ohio suggest that you should look at	3 (
4 it?	4 j
5 A. I don't know.	5
6 Q. Okay. Did you do any looking at the	6
7 looking at District 11 for a minute. Did you look at	7
8 any question of how far south that should go?	8
9 A. I remember looking at Cleveland and Akron,	9
and that's about all I remember about how far south	10 6
it goes. So I remember going to Akron but not beyond	11 (
12 that. I don't know.	12 (t
Q. Do you recall any reason any discussion	13
about that?	14 a
A. No.	15
Q. Do you recall any discussion of any effect	16
that the boundaries of 11 might have on	17 t
Representative Renacci's district?	18 F
A. Which district is that?	19
Q. 16.	20
A. Is that adjacent to	21
Q. Yes, to 11.	22
A Cleveland	23
Q. To 11.	24
A. I don't remember where the boundaries of	25

	Page
1	J. MORGAN
2	that were at the time.
3	Q. Do you recall any discussion, though, of
4	what the impact on Representative Renacci's district
5	would have been by the manner you were drawing
6	District 11?
7	A. No.
8	MS. MCKNIGHT: Objection.
9	Q. Do you recall any discussion of the effect
10	of how you were drawing District 11 on Representative
11	Sutton?
12	MS. MCKNIGHT: Objection.
13	A. No, I don't remember that.
14	Q. Do you recall any discussion of
15	Representative Marcia Fudge during the discussions of
16	District 11?
17	A. She's the incumbent for District 11?
18	Q. Yes.
19	A. That I don't recall discussions about
20	that.
21	Q. Okay. Other than those three districts,
22	do you recall any discussion of any other districts
23	during your meetings on July 25 and 26?
24	A. Yes. I remember there being some
25	discussion about the possibility of combining

Page	85
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	Page
1	J. MORGAN
2	District 11 and District 9, which was I don't
3	remember I think District 11 or district I
4	think it was District 11 was Congressman Kucinich.
5	I'm not sure what the number was.
б	Q. Kucinich might have been 10.
7	A. I don't know.
8	Q. Nine was Representative Kaptur. Do you
9	recall that?
10	A. Yes.
11	Q. Do you recall any discussions about
12	that district has an interesting shape. Doesn't it
13	go along the lake?
14	MS. MCKNIGHT: Objection.
15	Q. Do you recall there being a district that
16	goes along the lake?
17	A. I'm not sure I understand.
18	Q. Do you recall there being a district in
19	northern Ohio along the lake?
20	A. There is one now, in the current enacted
21	congressional plan.
22	Q. Do you recall any discussion of that?
23	A. Only that that was a possibility, that
24	seats were going to have to be combined somewhere to
25	go from 18 to 16, and that's all I recall was that
1	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 86 of 163	PAGEID #:
16935	

	Page 86
1	J. MORGAN
2	that was one that was discussed as possibly
3	combining.
4	Q. Do you recall any discussion of the shape
5	of District 9?
6	A. No.
7	Q. Do you recall any discussion about any
8	other districts?
9	A. No.
10	Q. The district in the Columbus area, any
11	discussion of that?
12	A. No, not here.
13	Q. At any time?
14	A. I had a discussion with Mr. Braden about
15	it.
16	Q. Okay. Do you recall ever discussing
17	I'm not asking about legal opinion or advice, but
18	anything about the shape strike that any of the
19	contours of the district around Columbus?
20	MS. MCKNIGHT: Objection.
21	A. No, I have no recollection about that.
22	Q. By the way, the district around Columbus,
23	is District 3 something that you recall?
24	A. At the time there was no district number
25	associated with it. I now know that District 3 is

		Page
		J. MORGAN
the e	nacte	ed district number for the district that
encom	passe	es Columbus.
	Q.	Okay. Do you recall any discussion at any
time v	with	anyone about how the district around
Colum	bus v	would affect the two adjacent districts?
	Α.	No.
	Q.	Do you recall any discussion of the effect
of cre	eati	ng a district in Columbus would affect
Repres	senta	ative Stivers' district?
	Α.	No.
	Q.	Representative Tiberi's district?
	Α.	No.
	Q.	District 12 or District 15, do you recall
anyth	ing a	about that?
		MS. MCKNIGHT: Objection.
	A.	No.
	Q.	Do you recall any discussion at any point
about	the	shape of District 1 around Cincinnati?
	A.	No.
	Q.	What else did you talk about in your
meeti	ngs :	in Columbus on the 25th and 26th?
	Α.	As I said, I looked at congressional and
legis	lati	ve redistricting in that time period, and
the p	orti	on of the state in congressional was the

	Page 88
1	J. MORGAN
2	northeast that I described. That's the only portion
3	I worked on.
4	Q. Do you recall anything about any
5	discussion of any political indices that Mr. DiRossi
6	or Ms. Mann were using in their work?
7	A. No, not at that time.
8	Q. At any time?
9	A. No.
10	Q. Do you recall discussing what political
11	indices would be useful that involved congressional
12	redistricting in Ohio in 2011 with anyone at any
13	time?
14	A. No.
15	Q. Did you have discussions I don't want
16	to be too narrow about it. Did you have any
17	communications with anybody about what indices would
18	be useful in Ohio in 2011?
19	A. I didn't, no.
20	Q. Okay. Did the question of what indices
21	would be useful come up when you were meeting earlier
22	in July when you were visiting Ohio?
23	A. I don't recall that.
24	Q. Do you recall any reason why Mr. DiRossi
25	or Ms. Mann needed you to take a look at the

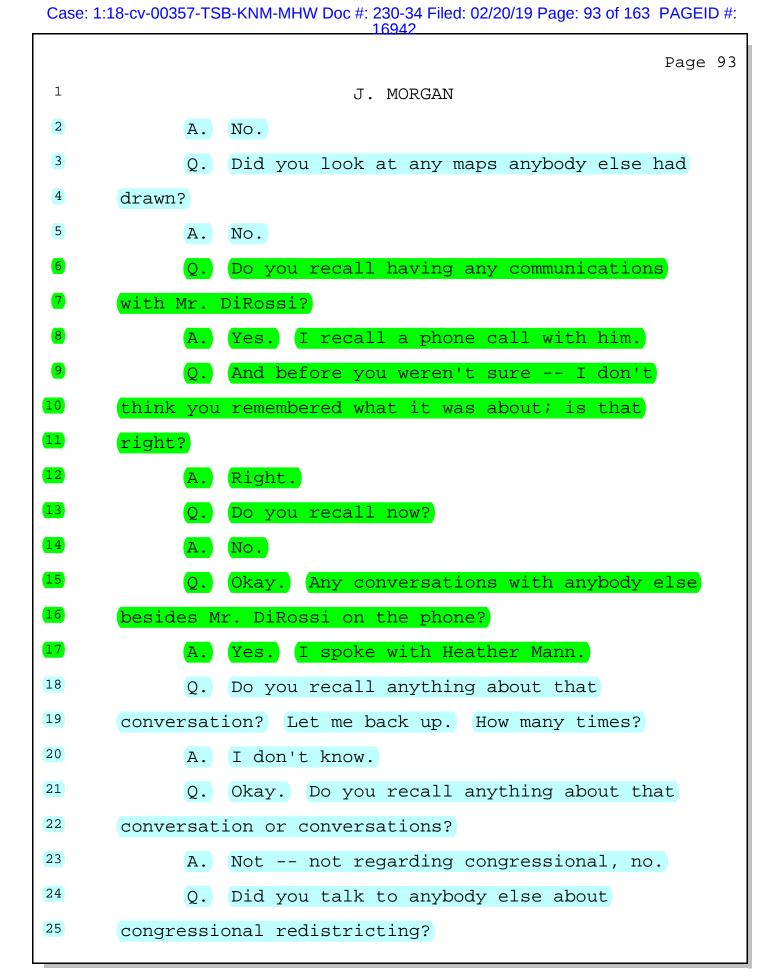
	Page 89
1	J. MORGAN
2	northeast corner of Ohio?
3	A. No, I don't recall a reason for that.
4	Q. Any reason did they say they were
5	having any technical difficulties?
6	A. I don't remember them having technical
7	difficulties, no.
8	Q. Do you recall it just happened to be the
9	thing they were working on that day?
10	A. Yes.
11	Q. Had you planned to go back to sort of have
12	a further hands-on training for them? Did that
13	happen to be the day you were going to be there?
14	A. That was the day that was requested, yes.
15	MR. FRAM: We'll have this marked as
16	number 5. It's Bates-numbered Morgan_0000 four
17	zeros 18. It's another invoice. This one is
18	dated August 31, 2011.
19	(Exhibit 5 marked for
20	identification: Invoice dated
21	8/31/2011)
22	Q. Is this another one of the invoices you
23	looked at the other day?
24	A. I didn't look at this invoice the other
25	day.

	<u>16939</u>
	Page 90
1	J. MORGAN
2	Q. Okay. Does this look like an invoice that
3	you submitted to the Baker firm around August 31,
4	2011?
5	A. Yes.
6	Q. Okay. Just so we're clear for the record,
7	the invoices for the work you did for Ohio
8	redistricting in 2011, they all were submitted to the
9	Baker firm; is that right?
10	A. Yes.
11	Q. Okay. And they're the ones who paid you?
12	A. Yes.
13	Q. Okay. You never submitted any invoices to
14	anybody else; is that right?
15	A. No.
16	Q. Now there's a couple of data entries here,
17	August 2 and August 28. Do you see that?
18	A. Yes.
19	Q. And they are both for technical and map
20	drawing?
21	A. Yes.
22	Q. Do you recall what that work was about?
23	A. I don't.
24	Q. Do you recall whether you were doing any
25	technical or map drawing work regarding congressional

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 91 of 163 PAGEID #:



	Page 92
1	J. MORGAN
2	the legislative and congressional, and, when I wasn't
3	in Ohio, most of the work that I did was focused on
4	helping Clark Benson with his data work.
5	Q. Let's break that apart a little bit.
б	A. Okay.
7	Q. So I think you said you were in Ohio on
8	July 25 and 26; is that right?
9	A. Yes.
10	Q. So these are dates that come after that;
11	is that right?
12	A. Yes.
13	Q. August 31 through were you in Ohio
14	during anytime between August 31 and September 23?
15	A. I don't think so.
16	Q. Okay. Did you ever go back to Ohio to do
17	any work on congressional redistricting at any time
18	after July 25, 2011?
19	A. I don't think so.
20	Q. Okay. What do you recall doing about work
21	on congressional redistricting? You say that was one
22	of the two things you were doing.
23	A. I really don't recall anything
24	specifically during this time period.
25	Q. Did you draw any maps?



	Page 94
1	J. MORGAN
2	A. No.
3	Q. You said you worked with Mr you said
4	you recall working with Mr. Benson at that time?
5	A. Yes.
6	Q. Was that in person or on the phone or by
7	email or some other way?
8	A. It would have been on the phone and
9	working with data that he sent me.
10	Q. Okay. And what do you recall about that
11	work?
12	A. The legislative reapportionment work was
13	all centered around getting the population numbers to
14	agree with the state university population numbers.
15	That was a difficult process.
16	Q. And what about the anything about the
17	congressional?
18	A. No.
19	Q. It was all about the state legislative?
20	A. With Clark Benson, yes.
21	Q. I should ask, what was difficult about the
22	process?
23	A. The population totals for the cities
24	differed from the population totals that the Census
25	had. So the local university official who produced

	Page
1	J. MORGAN
2	the data used some sort of system to allocate it that
3	was different from the system that was used in
4	Maptitude.
5	So there was a lot of effort trying to get
6	those to connect because the legislative
7	redistricting process is very specific about the
8	treatment of towns and cities, whereas the
9	congressional districts didn't have the same dataset
10	and it didn't have the same footprint of towns and
11	cities that the legislative did.
12	Q. Do you recall concerning the question of
13	how census blocks might be split by precincts in
14	Ohio?
15	MS. MCKNIGHT: Objection.
16	A. No.
17	Q. Do you recall any questions at all about
18	the Cleveland State University data as regards Ohio
19	in terms of splitting of census blocks?
20	A. No. I'm sorry. As it relates to the
21	legislative, that was my understanding is what I was
22	working on.
23	Q. Setting aside legislative or
24	congressional, just whether or not any questions at
25	all about being able to make the data provided by

	Page
1	J. MORGAN
2	Cleveland State University work with Maptitude?
3	A. Yes. That's what I was discussing.
4	Q. All right. And that was, you mentioned,
5	in terms of townships, I believe.
6	A. And cities and towns and townships.
7	Q. What about Census, making the Cleveland
8	State University data work with the census blocks for
9	Maptitude?
10	A. I think that's to be clear, I think
11	that's implied in what I'm discussing. It's the
12	municipal boundaries are what I'm talking about. So
13	those also include precinct boundaries, yes.
14	Q. Okay. And do you recall were you and
15	Mr. Benson trying to figure out ways to make the
16	Cleveland State University data work with Maptitude
17	in Ohio?
18	A. Yes.
19	Q. And were you still working on that in the
20	September 2011 time period?
21	A. I think so.
22	Q. Were you working on it earlier than that?
23	A. Yes.
24	Q. How early were you working on that
25	project?

	Page 97
1	J. MORGAN
2	A. I think it was in July and August, maybe a
3	little in August, but September.
4	Q. You started back in July?
5	A. I think so.
6	Q. And you were still working on it in
7	September?
8	A. There were different aspects of it. I
9	think there were two different vintages of data that
10	were released. And I think that some of the
11	difficulties were not known immediately, and so there
12	was different efforts to resolve that.
13	Q. Do you recall well, did it get
14	resolved?
15	A. I think so. I don't know.
16	Q. Do you recall about when?
17	A. I don't know.
18	Q. Do you recall was Mr. Benson primarily
19	involved in trying to resolve that or were you or was
20	it a joint effort?
21	A. I recall that he would do the data
22	resolution and then he would send me information on
23	that dataset. So I would have that data to use for
24	the legislative redistricting.
25	Q. And was the next step in the process you

	P	age	98
1	J. MORGAN		
2	then provided that to Ms. Mann and Mr. DiRossi?		
3	A. If Clark didn't provide it directly, then		
4	I would, yes.		
5	Q. Okay.		
6	A. But I was it was really my		
7	understanding that I think it was provided to th	em	
8	by Clark Benson.		
9	Q. Was he primarily it was primarily his		
10	task to provide the data they could use in Maptitud	e	
11	and you were providing an additional set of eyes?		
12	MS. MCKNIGHT: Objection.		
13	A. I would say that, yes, I think that Clark)	
14	was providing the data, and my role was to utilize		
15	the data.		
16	Q. Okay.		
17	A. Could we take a break?		
18	MR. FRAM: Of course.		
19	(Proceedings recessed at 11:20 a.m.)		
20	(In session at 11:40 a.m.)		
21	MR. FRAM: Why don't we mark next as 7,		
22	it's a document that is without a Bates number		
23	because it was produced as a screenshot, and so we		
24	added this thing at the bottom that says Morgan		
25	Document Production August 17, 2018 August 17,		

	Page 99
1	J. MORGAN
2	2018. And it has a series of what appear to be
3	folders, files or zip files, they all have .zip on
4	them, zip files on the document 68. I should say at
5	the top there's an identifier, which, again, came
6	from us, it says Document Production Third Party
7	Morgan, John, 2018, 08-17.
8	MS. MCKNIGHT: Pardon me, Mr. Fram. I
9	don't believe the witness has a copy.
10	MR. FRAM: I'm sorry.
11	(Exhibit 7 marked for
12	identification: Screenshot Morgan
13	Document Production_August 17, 2018)
14	Q. What it says at the top is identifier and
15	Document Production, Third Party, Morgan, John,
16	2018.08.17, and then 20180817_001.zip, and then
17	20180817_001.
18	Again, that's my understanding that's
19	information we added, just so we're clear, on the top
20	and the very bottom, but the rest of it is a
21	screenshot of what was produced to us.
22	And my question to you, Mr. Morgan, does this
23	look like a screenshot of zip files that were on your
24	computer when you looked at your computer to produce
25	documents in this case?



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 101 of 163 PAGEID #:





Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 103 of 163 PAGEID #: 16952

	Page 103	3
1	J. MORGAN	
2	Q. In Ohio are the VTDs the precincts?	
3	A. Not in every case, but mostly, yes.	
4	Q. Okay. When they were precincts, do you	
5	recall what they were in Ohio 2011?	
6	A. Well, the other one that's on there is a	
7	ward, which in some municipalities would be the	
8	equivalent of what you might call a precinct	
9	somewhere else.	
10	Q. I see. Now there's another there is a	
11	actual zip folder for wards. Do you see that?	
12	A. Yes.	
13	Q. And that was all the wards in Ohio?	
14	A. I don't know.	
15	Q. Okay. It's not a very big folder. Do you	
16	see there?	
17	A. Okay.	
18	Q. I just don't know if that helps you	
19	remember.	
20	A. I don't know. The wards could refer only	
21	to wards of a city or other municipal entities that	
22	have wards instead of precincts. Each state has	
23	different classifications.	
24	Q. Okay. And do you see the date modified,	
25	it's all July 12, 2018? Do you see that?	

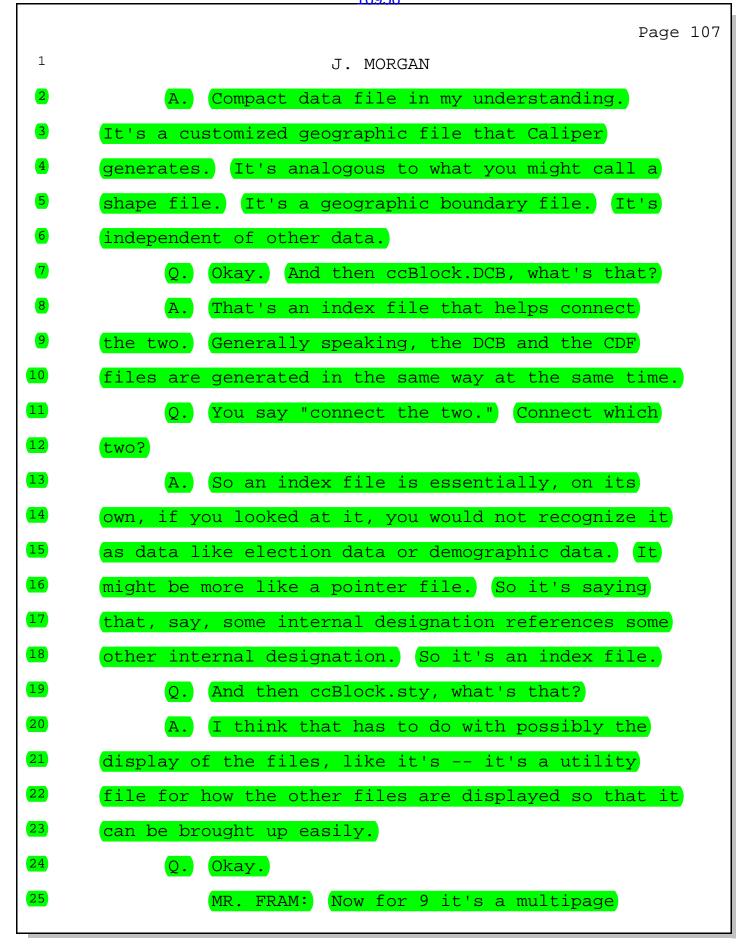
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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 105 of 163 PAGEID #:







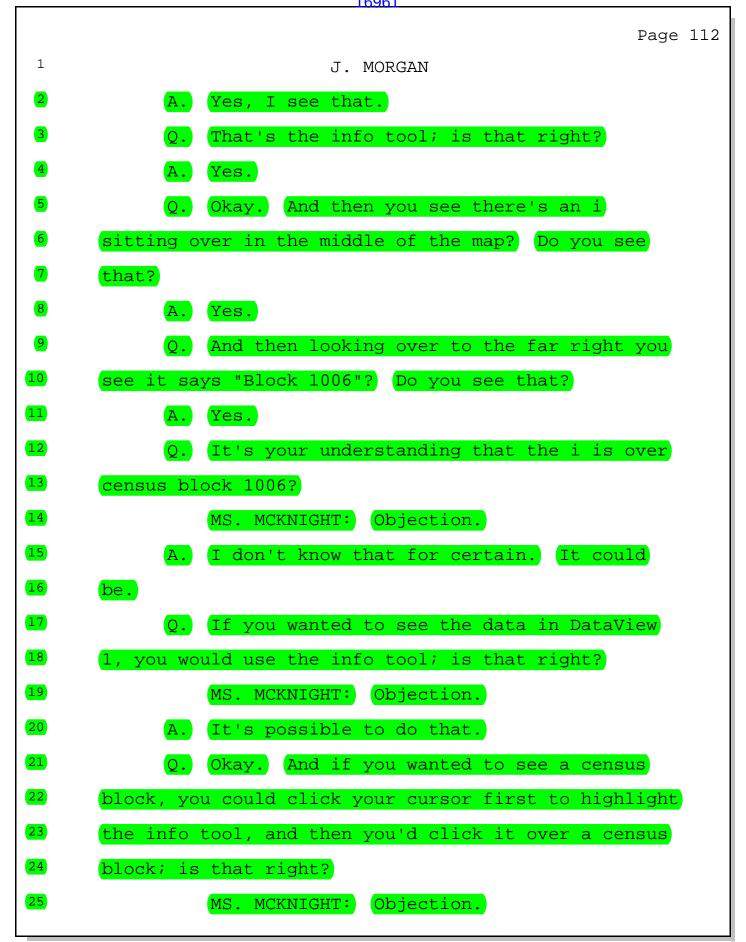


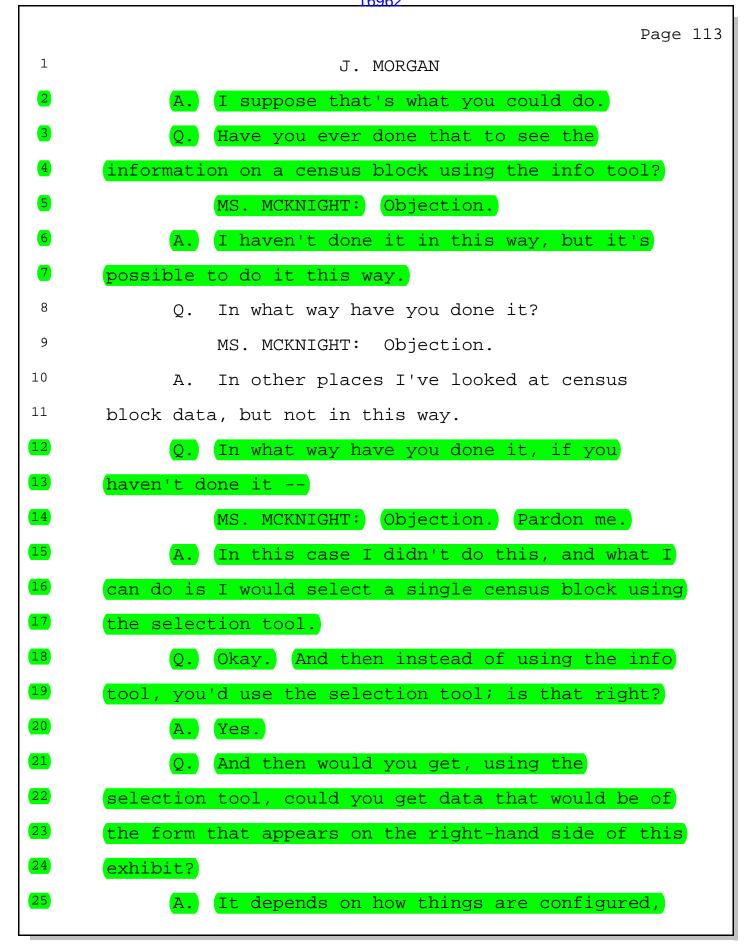


Page	110
rage	T T O

	Page
1	J. MORGAN
2	loaded into Maptitude, is that right, or generated by
3	Maptitude?
4	MS. MCKNIGHT: Objection.
5	Q. How does it work with Maptitude?
6	MS. MCKNIGHT: Objection.
7	A. I'm not sure what you're asking about.
8	Q. Well, is this something that, using
9	Maptitude, that you would be able to see?
10	A. Maptitude data, when it's distributed in,
11	my understanding is it includes census block
12	geography, which is what this is here.
13	Q. Right. And then you, going back before,
14	you said that some of the files you had that are
15	identified in Exhibit 8, one of them you think you
16	helped in terms of showing how the display worked; is
17	that right?
18	A. I'm sorry?
19	Q. Going back to Exhibit 8, I think you said
20	the STY file might have been a file that was used to
21	help make the display effective.
22	A. I don't know that for certain. It could
23	be a display file. It's a small file, so it's all
24	of these files collectively make up what's in the zip
25	file, and they they interrelate to each other so

	Page 111
1	J. MORGAN
2	that, if you open those series of files on Maptitude,
3	you will get this geographic file, which has
4	geographic information and data associated with it.
5	Q. Okay. So using those files, we could
6	then you would then generate this screenshot?
7	A. Yes.
8	Q. Okay. Great. Then turning down to
9	page on the second page, _2 of the document, a
10	couple things to look at here. Sorry. Stay with 1
11	for a minute.
12	Do you see the top where it says Map1 2010
13	Final Census Blocks (Ohio)? Do you see that?
14	A. I see that, yes.
15	Q. Is that your understanding what we see
16	here is the final census blocks that come out of the
17	2010 election; is that right?
18	MS. MCKNIGHT: Objection.
19	A. Yes, that's my understanding.
20	Q. All right. Now looking at page 2, turn to
21	the far left. Do you see there are a bunch of icons
22	down the left-hand column?
23	A. Okay.
24	Q. And you see how there's a little blue box
25	around the little i icon? Do you see that?





Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 114 of 163 PAGEID #: 16963

	Page 114
1	J. MORGAN
2	but it's possible to get data that's in the dataset.
3	So you could get all this information.
4	Q. Okay. And did you train folks in Ohio how
5	to use the selection tool to get election data?
б	MS. MCKNIGHT: Objection.
7	A. I don't I don't think I did that in the
8	way you're describing it, no.
9	Q. Did you train them in Ohio to use any tool
10	to get election data?
11	A. Yes. I would use the label tool or
12	it's possible the info tool as well but I didn't
13	do it on a census block in this way.
14	Q. Okay. So did you train them to use the
15	label tool for congressional districts?
16	A. For any district or township, MCD,
17	precinct, whatever they wanted to look at.
18	Q. Okay. But you don't recall doing it for
19	census blocks?
20	A. No, I don't.
21	Q. I understand. Using the let me move to
22	page 4 briefly. Just going down the middle of the
23	page, where it says G02G_DV, do you see that?
24	A. I do.
25	Q. Is that something is that an

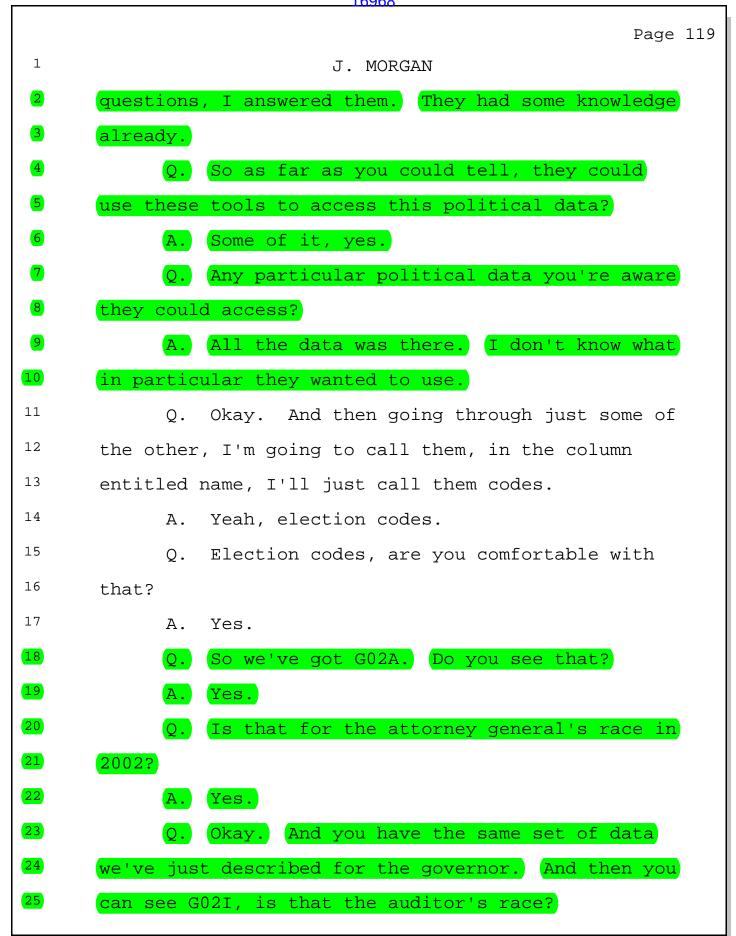




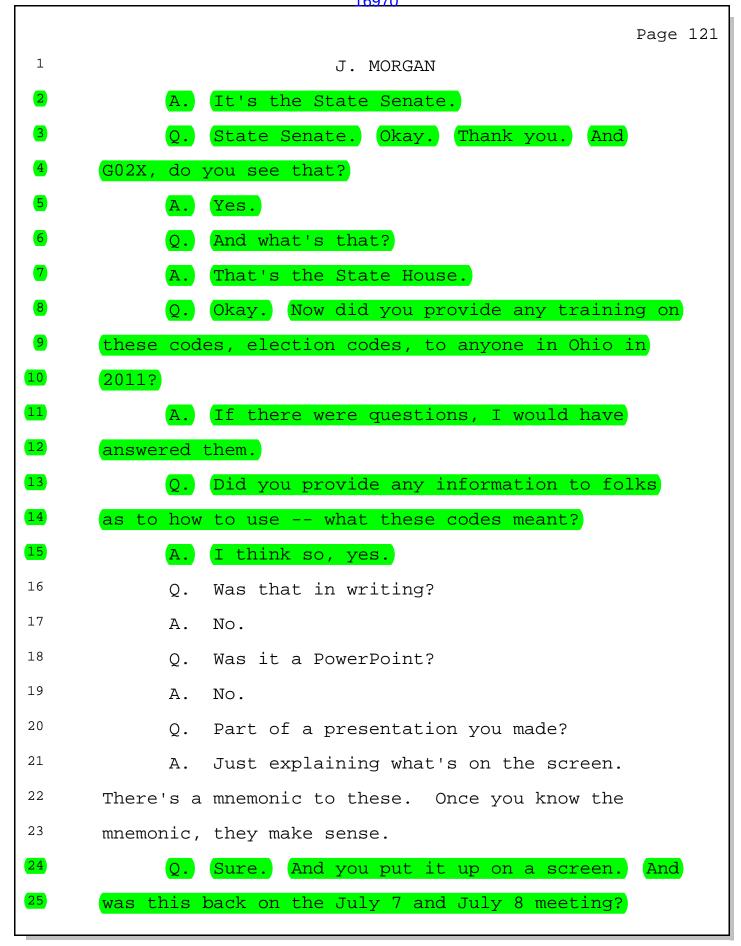




Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 119 of 163 PAGEID #: 16968







Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 122 of 163 PAGEID #: 16971

Page 122
1 J. MORGAN
2 A. Again, all the data was there and the
3 (letter designations for the election codes. Once you
4 understand the mnemonics, it's fairly easy to
5 remember them.
Q. Sure. I was just trying to put a date
⁷ around this. Do you recall at which meeting it
⁸ happened?
9 A. I don't know.
Q. Was it one of the earlier, when you were
¹¹ first introducing the Ohio folks to Maptitude?
A. I don't remember this being much of an
¹³ issue.
Q. By the time you got there on July 25 they
already understood this; is that right?
A. I think so.
Q. Okay. So like you say, there's a
18 mnemonic never can say that right and I'm not
19 going to drag you through every single code for every
20 election in this table, but I just want to go over at
a high level that the same data exists for the 2004
22 elections, is that right, for the president? Is that
23 right?
24 A. Yes.
25 Q. That's G04P; is that right?

	Page 123
1	J. MORGAN
2	A. Yes.
3	Q. Okay. And then there is a Senate, 2004,
4	the G04S. Do you see that?
5	A. Yes.
6	Q. Okay. And then the house, G04H?
7	A. Yes.
8 9	Q. We're back to G04Y again for State Senate?
10	A. Yes.
11	Q. Okay. And then G04X, the State House; is that right?
12	A. Yes.
13	Q. Okay. And that gets us to G06, and you've
14	got the there you've got information, I'll just
15	say, it appears to be for the Senate and the governor
16	and the attorney general and the auditor using the
17	same codes that we've already discussed; is that
18	right?
19	A. Yes.
20	Q. Okay. Should make a complete record and
21	say there's also apparently in 2006 information on
22	the treasurer, and going on to page 6 here, and,
23	let's see, the secretary of state, and the State
24	Senate and State House, correct?
25	A. For 2006, yes.



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 125 of 163 PAGEID #: 16974



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 126 of 163 PAGEID # 16975
Page 126
1 J. MORGAN
² A. I see that.
³ Q. Do you have any idea what those EAs refer
4 to?
5 A. No.
Q. Do you have anything to do with helping
7 put together what these EAs were?
8 A. No.
9 Q. Do you know do you have any idea of who
10 did?
A. I got this file from Mr. Benson. I don't
12 know if he created these or not.
Q. Do you have any understanding of what,
14 let's say, EA12_RP means? Do you see that towards
15 the bottom of page 7?
A. Yes. It's the Republican percentage for
17 that election average.
Q. Okay. And would that be for Census Block
¹⁹ 1006?
A. Yes.
Q. Okay. Everything in this exhibit concerns
22 Census Block 1006; is that right?
MS. MCKNIGHT: Objection.
A. As far as I can tell.
Q. Okay. Did you ever see any spreadsheets

	Page 1	.27
1	J. MORGAN	
2	regarding the let me restate that.	
3	Do you recall ever seeing any spreadsheets	
4	that provided political index scoring for proposed	
5	congressional districts in 2011 in Ohio?	
б	A. No.	
7	Q. Do you recall ever seeing any spreadsheets	
8	for any congressional districts in the map that was	
9	enacted in Ohio that had political index scorings on	
10	them?	
11	A. I don't recall looking at that. I may	
12	have received that information once the plan was	
13	enacted.	
14	Q. Okay. Do you recall, if you received it,	
15	do you recall who you would have received it from?	
16	A. From the Republican National Committee.	
17	Q. Okay. And would those scores have	
18	included let me back up.	
19	Are you familiar with something called the	
20	PVI?	
21	A. I've heard that term or those	
22	abbreviations.	
23	Q. And do you have an understanding what that	
24	means?	
25	A. Could you define it, please?	

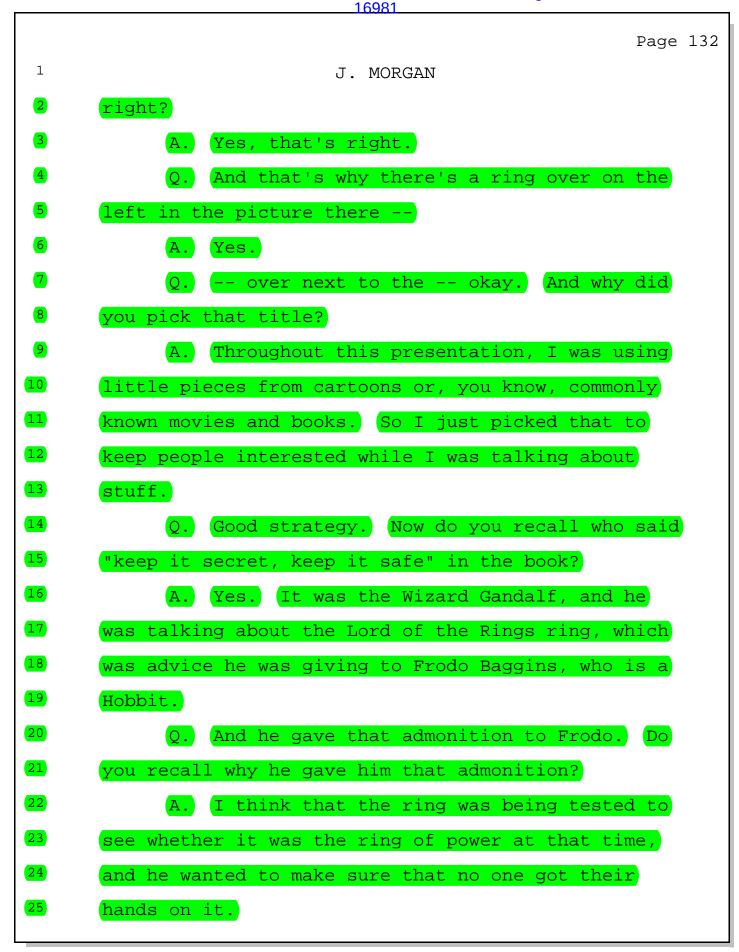
	Page 128
1	J. MORGAN
2	Q. Well, would the Cook Political Report
3	generate something called PVI numbers?
4	A. My understanding is that PVI could be an
5	abbreviation for partisan voting index. That's what
6	I understand it to mean.
7	Q. Does that compare the votes in a district
8	against national party strength?
9	A. I really don't know. It depends. That's
10	a term that could be used for any partisan voting
11	index.
12	Q. Have you ever used PVI in any of your
13	work?
14	A. As discussed in this context, yes.
15	Q. Okay. Did you use it in Ohio in 2011?
16	A. I did not.
17	Q. How have you used it?
18	A. In this term the partisan voting index can
19	be keyed to any number of averages to a state. It's
20	usually configurable for that state. And I've seen
21	it used and I've used it in New Mexico and in
22	New Jersey.
23	MR. FRAM: Off the record, please.
24	(Discussion was had off the record.)
25	(Proceedings recessed at 12:18 p.m.)

	Page 129
1	J. MORGAN
2	AFTERNOON SESSION
3	(In session at 1:02 p.m.)
4	BY MR. FRAM:
5	Q. You mentioned in preparing for your
6	deposition you looked at invoices. I took it from
7	your answer that you looked at more than one.
8	A. I think I just looked at the one.
9	Q. Just the one.
10	A. I think so.
11	Q. I wanted to make sure I hadn't made a
12	mistake and forgot to show you a bunch of invoices.
13	A. No, I saw the three that you produced
14	here.
15	Q. Okay. There's not a whole bunch more
16	invoices I forgot about. Okay. That's good.
17	MR. FRAM: We'll mark Exhibit 10. It's a
18	PowerPoint. The cover title page is Drawing the
19	Lines, and is Bates number LENZO_0002549 through 80.
20	And it says, on the title page, it also says John
21	Morgan, Applied Research Coordinates.
22	Q. Please take a look at it.
23	(Exhibit 10 marked for
24	identification: John Morgan Applied
25	Research Coordinates Drawing the

	Page 130
1	J. MORGAN
2	lines LENZO_0002549 - LENZO_0002580)
3	A. Okay.
4	Q. Mr. Morgan, have you seen this PowerPoint
5	before?
6	A. Yes.
7	Q. And is this a PowerPoint you created?
8	A. Yes.
9	Q. And a PowerPoint that you have used in
10	presentations?
11	A. Yes.
12	Q. And do you recall how many presentations
13	you've used this in?
14	A. Two or three.
15	Q. Could you please identify for me the
16	presentations where you've used this PowerPoint?
17	A. I believe this was used in 2010 at an NCSL
18	conference for Republican legislators.
19	Q. And what else, please?
20	A. I used a version of this in New Mexico in
21	2011, and I think I think that's probably it for
22	the time periods that we're talking about here.
23	Q. Did you ever use this PowerPoint in any
24	presentation in Ohio?
25	A. I don't think so.

	Page 131
1	J. MORGAN
2	Q. Okay. Did you ever do you recall
3	whether or not Mr. DiRossi was present for the NCSL
4	presentation in 2010?
5	A. I don't know.
6	Q. Do you know whether Mr. Lenzo was present
7	at that presentation?
8	A. I'm not sure.
9	Q. Do you recall whether anyone from Ohio was
10	present at that presentation?
11	A. I'm not sure. There were a lot of people
12	there. There were Republican elected officials and
13	staff members. And so I met a lot of people. I
14	don't know who is who.
15	Q. Why don't we just go through a bit.
16	A. Sure.
17	Q. After the title page, the page with
18	0002550, do you see the heading on the PowerPoint is
19	"keep it secret, keep it safe," quote/unquote. Do
20	you see that?
21	A. Yes.
22	Q. Now that's a quote, isn't it, from
23	Fellowship of the Ring, if I recall correctly?
24	A. Yes.
25	Q. The first book in the trilogy; is that

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 132 of 163 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 133 of 163 PAGEID #: 16982

	Page 133
1	J. MORGAN
2	Q. Because it was so powerful?
3	A. Yes, or it could be. I don't know if they
4	knew that at the time, but, yeah, it was it was an
5	item of magic, and it was it ended up being the
6	one ring of power.
7	Q. That's how I've always understood it too.
8	Thank you.
9	So the question, then, is, some of the ways to
10	keep it secret. Okay. Talks about a controlled
11	access to location, do you see that?
12	A. In the bullet points? Yes.
13	Q. The first bullet point, yeah. Now, in
14	fact, when you went to Ohio, to that hotel room, you
15	could only get in the room with a key card; isn't
16	that right?
17	A. I don't know. I assume so.
18	Q. Somebody let you in, right?
19	A. Yes.
20	Q. You didn't have a key card?
21	A. No.
22	Q. Do you recall who let you in?
23	A. It would be Ray or Heather, I think.
24	Q. Do you recall any other security they had
25	in place in that room at the time?

	Page 13	4
1	J. MORGAN	
2	A. I remember they had computers. I don't	
3	know if they had, like, screen passwords or something	
4	like that.	
5	Q. Okay. And do you recall discussing the	
6	idea of having a hotel room that was kept away from	
7	distractions when you were in Ohio for the July 7 and	
8	8 meetings?	
9	A. I'm sorry. Could you repeat the question?	
10	Q. You were in Ohio for July 7 and 8, 2011,	
11	right?	
12	A. Yes.	
13	Q. And you talked to Mr. Mann sorry; I'll	
14	repeat that Ms. Mann and Mr. DiRossi. Do you	
15	recall that?	
16	A. Yes.	
17	Q. Do you recall talking about that they	
18	should secure a room that was away from distractions?	
19	A. I didn't suggest that.	
20	Q. Was it discussed?	
21	A. I believe that there was an indication	
22	that they would have office space available.	
23	Q. What about space in the hotel, was that	
24	discussed?	
25	A. I don't remember that.	

		Page	135
1	J. MORGAN		
2	Q. Was there anything discussed about the		
3	need for keeping things secret and safe when you	were	
4	out there in July?		
5	A. Not in this context.		
6	Q. In any context?		
7	A. No.		
8	Q. Okay. Do you remember having that		
9	conversation with anyone in Ohio at any time?		
10	A. No.		
11	Q. Turning to LENZO_0002552, do you see th	1e	
12	quote, "Never Travel Without Counsel"? Do you se	ee	
13	that?		
14	A. Yes.		
15	Q. Do you recall saying stating this at		
16	the NCSL conference?		
17	A. Well, I put this slide on the screen ar	ıd	
18	discussing having counsel and attorneys involved	in	
19	the process, yes.		
20	Q. What do you recall saying about that?		
21	A. Just that it's important to have attorn	leys	
22	involved in the process from start to finish, and	l my	
23	experience has been that's what most people do in		
24	redistricting.		
25	Q. Now you see it says, quote, "be aware o	of	

136

	Page
1	J. MORGAN
2	the record that is building around your actions,"
3	closed quote. Do you see that?
4	A. Yes.
5	Q. Do you recall ever discussing that with
6	anyone in Ohio?
7	A. Not specifically about this, no.
8	Q. Do you recall anyone discussing in Ohio
9	the need to be careful about the record that was
10	building?
11	A. No.
12	Q. Go to 2557 where it says, quote, "don't
13	get painted into a corner." Do you see that?
14	A. Yes.
15	Q. What did you mean I take it you said,
16	quote, "start from endpoint and work towards a
17	checkpoint." Do you see that?
18	A. Yes.
19	Q. What did you mean by that?
20	A. In general terms, it's useful to have
21	defined regions so that, when you have multiple
22	people working on plans, you can put pieces of the
23	plans together and they you can knit them together
24	easily.
25	Q. So, for example, in Ohio, an example of a

	Page 137
1	J. MORGAN
2	region would have been those Northeast Ohio districts
3	we were discussing before?
4	A. In general, it could be something like
5	that. That wasn't a defined region that I was aware
6	of.
7	Q. Were there any defined regions in Ohio you
8	were aware of?
9	A. No.
10	Q. Any idea whether or not folks in Ohio, in
11	fact, worked with certain regions?
12	A. I don't know.
13	Q. Do you see the last bullet, it says,
14	quote, don't commit to a specific district unless
15	strike that "don't commit to a specific district
16	until you test out the impact"? Do you see that?
17	A. Yes.
18	Q. What did you mean by that?
19	A. In the sense that you would have
20	interested parties take a look at it, particularly in
21	this case I'm thinking mostly about incumbents.
22	Q. Okay. And how would you test the impact?
23	A. Well, in this process I work a lot of
24	times with legislators, and they have input on
25	districts. So, you know, knowing how districts work

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 138 of 163 PAGEID #: 16987



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 139 of 163 PAGEID #: 16988

Pag	e 139
J. MORGAN	
used?	
A. That's the statewide and presidential	
election results are available data, and it's just	
data you can use.	
Q. Is there any reason that's good data to	
use?	
A. I didn't say it was good or bad data. I	
just said it's data, and it's useful in the sense	
that it's at every part of the state for statewide	
and presidential as opposed to the next one, which	
are district-specific, legislative and congressional	
Q. Did you also recommend that that be used,	
legislative and congressional elections?	
MS. MCKNIGHT: Objection.	
A. It's on this slide. I don't know that I	
recommended it.	
Q. Okay. You say under there, the next	
bullet is, quote, "limited local elections as	
needed, " quote/unquote. Do you see that?	
A. Yes.	
Q. What did you mean by "limited local	
elections"?	
A. If some if someone were to determine	
that a mayor's race or some other race, a judge race	,

Paqe	140
Page	140

	rage It
1	J. MORGAN
2	or some other local election made sense to look at, a
3	supervisor, then you could look at that data too.
4	Q. The next bullet is, quote, racial bloc
5	data Democratic Democrat primaries let me
6	say that again. Quote, "Racial bloc data Democrat
7	primaries? Non-partisan?" Do you see that?
8	A. Yes.
9	Q. What did you mean by that bullet?
10	A. Just other data that could be used.
11	Sometimes partisan primaries are looked at,
12	nonpartisan elections, judges, and then sometimes
13	there will be a racial bloc voting analysis that
14	could be done with that data and other data.
15	Q. Okay. Now the next bullet says, quote,
16	"use averages with caution, " quote/unquote.
17	A. Yes.
18	Q. What did you mean by that?
19	A. In this sense, when I'm talking about
20	averages, using an average, it doesn't always take
21	into account the good years and bad years. So you
22	need to know what is being put into the average.
23	And, in addition to that, I mentioned before
24	there are regional variances with candidates. I
25	always want to make sure I'm aware of that. So in my

	Page 141
1	J. MORGAN
2	work I don't always use averages, but some clients
3	want to use averages.
4	Q. Just so we're clear, average would be
5	averages of different elections?
6	A. Generally, yes.
7	Q. Okay. Do you recall any discussion with
8	anyone in Ohio about whether they should be using
9	averages or not?
10	A. No.
11	Q. The next bullet, quote, "ACS will be
12	available, but it is not, quote, 'snapshot,' closed
13	quote, data." That's the end of the bullet, closed
14	quote. Do you see that?
15	A. Yes.
16	Q. What did that mean?
17	A. ACS is American Community Survey. It's a
18	survey data that the Census publishes. It's
19	available on a one-year, three-year and a five-year
20	cycle. And it's not snapshot data because,
21	essentially, that data, it's survey data, and it's
22	collected over a period of time.
23	So that, while you have more responses by
24	using a larger period of time, therefore, you have a
25	greater number of samples to choose from, it's not

	Fage
1	J. MORGAN
2	contemporaneous. It doesn't exist at one single
3	point in time.
4	Q. Okay. And the next bullet, quote, "voter
5	file data? Micro-targeting data?" Do you see that?
6	A. Yes.
7	Q. What how would voter file data be used?
8	A. There's many ways you could use voter file
9	data. At the basic level, you could learn the total
10	number of registered voters in a voting precinct. In
11	some states there's partisan voting data, so you can
12	know the number of registered voters of a particular
13	party. And also in some cases you have actual street
14	addresses of voters, so it would be, theoretically,
15	possible to look at individual voters on a map.
16	Q. And when you say "micro-targeting data,"
17	what does that mean?
18	A. That would be other data that might be
19	associated with an individual registered voter or a
20	person.
21	Q. Okay. And have you used that in any of
22	your work, micro-targeting data?
23	A. Yes.
24	Q. Did you do any of that in Ohio?
25	A. No.

	Page 143
1	J. MORGAN
2	Q. The next slide talks about, quote,
3	"Anticipate bottlenecks." Do you see that?
4	A. Yes.
5	Q. And there's a reference to, quote/unquote,
6	"VRA bottlenecks." Do you see that?
7	A. Yes.
8	Q. What's that mean?
9	A. Voting Rights Act is the abbreviation.
10	Q. What would a Voting Rights Act bottleneck
11	be?
12	A. If there are districts that are drawn for
13	purposes of satisfying the Voting Rights Act,
14	sometimes they create an area that becomes fixed in a
15	map. And so in some cases those districts would be
16	drawn and not changed.
17	Q. Did you in your practice I know you're
18	not a lawyer, so I'm not going to ask you what you
19	think the right view of the law is, just in your
20	practice do you have any criteria that you apply
21	to determine whether a district satisfies the Voting
22	Rights Act?
23	A. No. I rely on legal counsel to determine
24	that.
25	Q. Then the next thing is "Political

	Page
1	J. MORGAN
2	bottlenecks." Do you see that?
3	A. Yes.
4	Q. What did you mean by that?
5	A. There are circumstances, in general, where
6	you would have two incumbents that are who live
7	close by or, you know, you would have circumstances
8	where, you know, districts have lost population in a
9	single area and you have to deal with the fallout
10	from making changes in those areas.
11	Q. What about "Internal bottlenecks," what
12	did you mean by that?
13	A. Those might be factors that are not
14	apparent at first, but when you start drawing them
15	you come back to the same problems. And so sometimes
16	a change of how the map drawer views an area can
17	resolve those.
18	Q. Okay. On 2564, you see the title
19	"Bartlett v. Strickland"?
20	A. Yes.
21	Q. Did you draft this slide?
22	A. Yes.
23	Q. Do you see here that there's a discussion
24	in the second bullet of the majority-minority rule.
25	Do you see that?

Page	145
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	Page 1
1	J. MORGAN
2	A. Yes.
3	Q. Is it your understanding that in 2010 that
4	one needed to apply majority-minority rule to
5	determine if a district was VRA compliant?
6	A. I don't know. I took these quotes
7	directly from the opinion.
8	Q. Okay. This is what you presented, though?
9	A. Yes. In this slide I took these directly
10	from the opinion.
11	Q. Do you recall ever having any discussion
12	with anyone in Ohio about what was involved in terms
13	of being VRA compliant?
14	A. No. That was left to the attorneys.
15	Q. Let's see 2569, quote, "Plan to think
16	outside the box." Do you see that?
17	A. Yes.
18	Q. It says, quote, "Let others look at the
19	plans at the right time," quote/unquote. Do you
20	see that?
21	A. Yes.
22	Q. What do you mean by "at the right time"?
23	A. Generally, in this process there's a lot
24	of preliminary drawing and concepts that are looked
25	at, and, you know, you want to show people the

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Page 146 J. MORGAN results of the work that's being done when it's in a Sometimes things are just not presentable format. ready to be presented. It says down at the last bullet, quote, Ο. "Anticipate your opponents." Do you see that? Α. Yes. How can you do that? 0. Generally, you can see what people that Α. you consider opposing your viewpoint might say about something and just anticipate what they would say in the way that would you do for, you know, preparing for an argument or something. In the context of a congressional district Ο. map, how would you anticipate opponents of the map to challenge what you're doing? Α. I really don't know. That's very specific. Did you have any discussion with anyone in 0. Ohio about anticipating what opponents of the map might do? No. Α. Did that come up at the July meeting? 0. Α. No. Did that come up during your visit in Ο.

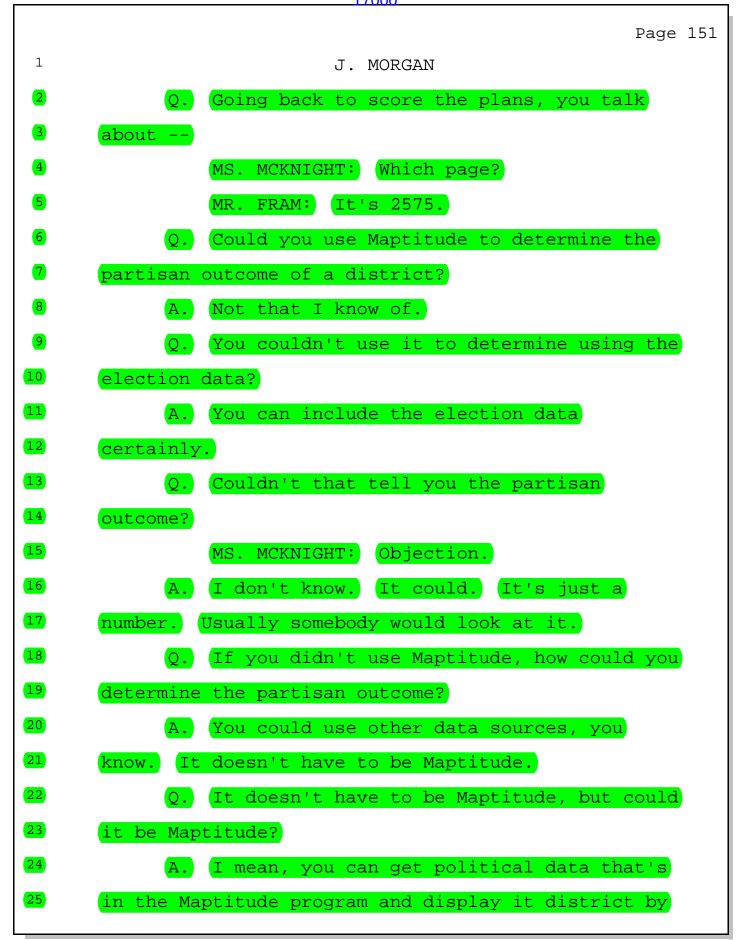
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	Page 147
1	J. MORGAN
2	July
3	A. No.
4	Q at the hotel room?
5	A. No.
6	Q. Any question about any objection one might
7	make to the map ever come up at all?
8	A. I really don't know. I didn't
9	Q. With you.
10	A. No.
11	Q. I'm sorry to interrupt.
12	On 2572 in the slide "Redistricting Math," it
13	says, quote, "Know when to collapse a district." Do
14	you see that?
15	A. Yes.
16	Q. Is there a certain point when it's
17	appropriate to collapse a district?
18	A. No, not not necessarily. It's just
19	being aware of what happens if you collapse a
20	district. In legislative redistricting especially,
21	there will be population shifts in the state, and it
22	would be possible to address these by continually
23	going and getting more and more population outside of
24	a region, or you could collapse a district, stabilize
25	a region, and move the seat to another part of the

	Page 148
1	J. MORGAN
2	state.
3	Q. When you were in Ohio in July 25-26, 2011,
4	do you recall there was a discussion about
5	Representative Kucinich's district? Do you recall
6	that?
7	A. Just a little bit, yes.
8	Q. About whether or not to collapse that
9	district?
10	A. I think that was something that was
11	considered.
12	Q. Do you recall anything about that
13	conversation?
14	A. No, just there needed to be two districts
15	combined and that that was a possibility.
16	Q. Do you recall talking about what the
17	consequences might be in doing that?
18	A. No.
19	Q. Go to the next slide, "Incumbent
20	pairings." Do you see that?
21	A. Yes.
22	Q. Do you recall a discussion in Ohio about
23	the pairing of Representative Turner and
24	Representative Austria?
25	A. No.

		16998		
			Page	149
1		J. MORGAN		
2	Q.	The pairing of Representative Johnson	and	
3	Represent	ative Gibbs?		
4	Α.	No.		
5	Q.	About any incumbent pairings?		
б	A.	Just the one I mentioned.		
7	Q.	Kucinich and Kaptur?		
8	A.	Yes.		
9	Q.	At 2575 under the slide entitled "Scon	<mark>ce</mark>	
10	the plans	, do you see that?		
11	A.	Yes.		
12	Q.	And you say, the first bullet is, quot	ce,	
<mark>13</mark>	"Determin	e what to include in a standard report,	, " do	
14	you see t	hat, quote/unquote? Do you see that?		
15	A.	Yes.		
16	Q.	And under that you say, quote, "deviat	ion,	1
17	racial da	ta, partisan data, other demographics,'	•	
18	quote/unq	uote. Do you see that?		
19	A.	Yes.		
20	Q.	So is it your recommendation that, amo	ong	
21	other thi	ngs, partisan data should be included	in a	
22	standard	report?		
23	A.	Those are factors that could be includ	led.	
24	This is a	very general presentation. Yes.		
25	Q.	Right, but that was your		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 149 of 163 PAGEID #:

	Page 150
1	J. MORGAN
2	A. That was included in the presentation,
3	yes.
4	Q. And then going down two more bullets it
5	says, quote, "What is the likely partisan outcome?"
6	Do you see that?
	A. Yes.
8	Q. And that was also included in the
9	presentation?
10	A. Yes.
11	Q. Okay. Do you recall any discussion with
12	anyone at any time in 2011 in Ohio regarding
13	congressional redistricting about consideration of
14	what the likely partisan outcome would be?
15	A. No.
16	Q. The last slide, quote/unquote, "Stay
17	cool." Do you see that?
18	A. Yes.
19	Q. The last bullet says, quote, "Play your
20	position," quote/unquote.
21	A. Yes.
22	Q. What do you mean by that?
23	A. Just what it says. If you have a job role
24	or a position in the process, stick to that position,
25	stay in your lane.



	rage
1	J. MORGAN
2	district certainly.
3	Q. Okay. What other data could you use to
4	determine the partisan outcome?
5	A. You can look at things that are not
6	included, like partisan registration, incumbency, you
7	know. A lot of times people will look at the
8	percentage of a district that's retained versus new
9	territory. There's a lot of other factors.
10	MR. FRAM: I'm going to mark next
11	testimony in the case Rima Ford Vesilind vs. Virginia
12	State Board of Elections. It's the trial proceedings
13	of March 14, 2017.
14	(Exhibit 11 marked for
15	identification: Rima Ford Vesilind
16	vs. Virginia State Board of
17	Elections Trial Proceedings
18	3/14/2017)
19	Q. Your testimony there's a lot of pages
20	here for completeness sake, but your testimony
21	actually starts around page, let's see
22	MS. MCKNIGHT: 516.
23	Q 516. I'm not going to ask you about
24	all your testimony, but I just want you to know where
25	to start. You're at the very bottom of 516.

	Page
1	J. MORGAN
2	I was going to ask you some questions about
3	your testimony concerning the subject of compactness,
4	which shows up around page 553 and going forward,
5	554, around there, but you should look at as much of
6	your testimony as you want to.
7	A. I'm sorry. What are you directing me to?
8	Q. I'm directing you to 553 and 554.
9	Actually you can even start earlier than that. You
10	can go back to 548 even and look at that. I think
11	you discuss compactness back there also. 548, 549,
12	and then you can keep going through, but then it
13	picks up again at 553 and 554.
14	MS. MCKNIGHT: Mr. Fram, do you want him
15	to review all those pages?
16	MR. FRAM: I'm going to ask him some
17	questions about it. He should review it for context.
18	It's up to him. I don't want to mislead him or not
19	give him a chance to look at the whole thing.
20	Roughly from 548 through 554.
21	A. Okay. I've looked at some of the
22	material.
23	MS. MCKNIGHT: Pardon me, Mr. Fram.
24	Because this is sworn testimony and you're
25	giving sworn testimony today, I just want to make

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8-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 154 of 163 PAGEID #: 17003			
Page 154			
J. MORGAN			
sure you've had a chance to review every single page			
that he identified.			
A. Okay.			
Q. Yes. Please take your time.			
A. Sure. Okay. I looked at the portions you			
assigned me to look at with the direct examination.			
Q. Okay.			
A. Do you need me to look past page 556?			
Q. No. That's all for now.			
A. Okay.			
Q. I have a question for you. So you			
testified about the subject of compactness in this			
in this redistricting, correct?			
A. Yes.			
Q. Just so we're on the same page, what does			
compactness mean to you?			
A. Well, compactness, as it relates to			
redistricting, usually refers to geographic tests			
that are run in software, so they are, generally			
speaking, about geographic compactness in that sense			
as far as shapes go.			
Someone can also speak of compactness as an			

Someone can also speak of compactness as an area that is, say, smaller than another area, might be considered more compact. So if a district has a

Page 155 1 J. MORGAN 2 smaller size area-wise, it could be considered more 3 compact in that context. That's a little different 4 than polygon tests. 5 A polygon test, does that include the Ο. 6 Reock score? 7 Yes, that's one of the tests. Α. 8 And Polsby-Popper, is that another one? 0. 9 Yes. Α. 10 Okay. So you're familiar with those two 0. 11 scores? 12 I am. Α. 13 And is there an optimum score for 0. Okay. 14 compactness in Polsby-Popper? 15 Not that I'm aware of. Α. 16 What about 1.0? Is that considered to be 0. 17 a test for compactness in Polsby-Popper? 18 I'm sorry. I don't --Α. 19 The score 1.0, does that have any meaning 0. 20 to you in Polsby-Popper? 21 In what context? Α. 22 In terms of optimum compactness for a Ο. 23 district. 24 I don't know that there is such a number. Α. 25 Okay. You talk about there being Q.

156

	Page 15
1	J. MORGAN
2	acceptable tolerances on page 554.
3	A. Okay.
4	Q. Do you see that?
5	A. Yes.
6	Q. What did you mean by that? In your view,
7	what's an acceptable tolerance for compactness?
8	A. Well, in the case of Virginia, there was a
9	score on those measures that were upheld in the court
10	case from 2001. So it seemed that that would be
11	appropriate as a as a score for the 2011 plan for
12	the House of Delegates of Virginia.
13	Q. And do you recall what that number was?
14	A. No.
15	Q. Was that on your Polsby-Popper test?
16	A. I don't know which one it was.
17	Q. In your practice, is there any do you
18	have any notion do you have any criteria of
19	acceptable tolerances for compactness?
20	A. No. It varies state by state and, you
21	know, time by time.
22	Q. So a score as low as 0.15 can be
23	acceptable?
24	A. 0.15 of what?
25	Q. Polsby-Popper.

Page 157 1 J. MORGAN 2 It could be. Α. 3 Or it could not be. 0. 4 I don't know. Α. 5 0. Okay. What about irregular shapes? Do 6 you ever look at that in terms of compactness, just 7 like at certain points, if the shape is too irregular 8 to satisfy compactness? 9 People look at those, yes. Α. 10 Q. Have you ever done so? 11 I mean, I can look at any shape, yes. Α. 12 Have you ever looked at it and thought the Ο. 13 shape was too irregular to satisfy compactness? 14 I don't know that that would be Α. 15 determinative of compactness. 16 What would be? Ο. 17 Α. Most people would look at compactness 18 scores or other information about districts. 19 And looking at scores, is there any, in 0. 20 your experience -- you've done a lot of redistricting 21 work -- is there any level at which something is 22 below acceptable tolerance for its compactness? 23 I think each case is different, and these Α. 24 compactness scores are comparative. You have to 25 compare those scores to other scores.

	17007
	Page 158
1	J. MORGAN
2	MR. FRAM: Why don't we take a little
3	break. I'll look at my notes, and I'll see where we
4	are.
5	MS. MCKNIGHT: Okay. Sure.
6	(Proceedings recessed at 1:43 p.m.)
7	(In session at 1:52 p.m.)
8	MR. FRAM: Subject to any follow-up, any
9	questions your counsel may have, I have no further
10	questions for you.
11	THE WITNESS: Okay. Thank you.
12	MS. MCKNIGHT: Thank you.
13	MR. FRAM: Thank you for your time.
14	MS. MCKNIGHT: We'll reserve our right to
15	read and sign.
16	
17	//
18	(The deposition of JOHN MORGAN concluded at
19	1:52 p.m.)
20	//
21	
22	
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24	
25	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 158 of 163 PAGEID #:

	Page	159
1	J. MORGAN	
2	ACKNOWLEDGMENT OF DEPONENT	
3	I, JOHN MORGAN, do hereby acknowledge that I	
4	have read and examined the foregoing testimony and	
5	that the same is a true, correct and complete	
б	transcription of the testimony given by me, with the	
7	exception of the noted corrections, if any, appearing	
8	on the attached errata page(s).	
9		
10		
11	DATE JOHN MORGAN	
12		
13	Subscribed and sworn to before me this day of	
14	, 2018.	
15	(Notary Public)	
16	My Commission expires:	
17		
18		
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J. MORGAN CERTIFICATE

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22

I, LINDA S. KINKADE, Registered Diplomate
Reporter, Certified Realtime Reporter, Registered
Merit Reporter, Certified Shorthand Reporter, and
Notary Public, do hereby certify that prior to the
commencement of examination the deponent herein was
duly sworn by me to testify truthfully under penalty
of perjury.

I FURTHER CERTIFY that the foregoing is a true
 and accurate transcript of the proceedings as
 reported by me stenographically to the best of my
 ability.

¹⁵ I FURTHER CERTIFY that I am neither counsel ¹⁶ for nor related to nor employed by any of the parties ¹⁷ to this case and have no interest, financial or ¹⁸ otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my
 hand and affixed my notarial seal this 3rd day of
 December 2018.

Stinkade

LINDA S. KINKADE
 My commission expires: July 31, 2022
 NOTARY PUBLIC IN AND FOR
 THE DISTRICT OF COLUMBIA

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 161 of 163 PAGEID #: 17010				
			Page 16	1
1		EXHIBITS		
2				
3	NO.	DESCRIPTION	PAGE	
4	Exhibit 1	Subpoena to Produce Documents,	8	
5		Information or Objects		
6	Exhibit 2	Re Proposal for services 2017	14	
7		(City of Placentia) with attached		
8		CV		
9	Exhibit 3	Redistricting Meetings Agenda	57	
10		LWVOH_00008706 - LWVOH_00008707		
11	Exhibit 4	Invoice dated 7/31/2011	72	
12	Exhibit 5	Invoice dated 8/31/2011	89	
13	Exhibit 6	Invoice dated 9/29/2011	91	
14	Exhibit 7	Screenshot Morgan Document	99	
15		Production_August 17, 2018		
16	Exhibit 8	Screenshot Morgan Document	104	
17		Production_File		
18		Types_ccBlock_oh_r07		
19	Exhibit 9	Series of screenshots with	108	
20		attached Morgan modifier cdf_1,		
21		etc.		
22	Exhibit 10	John Morgan Applied Research	129	
23		Coordinates Drawing the lines		
24		LENZO_0002549 - LENZO_0002580		
25				

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 162 of 163	PAGEID #:
17011	

				Page	162
1	Exhibit	11	Rima Ford Vesilind vs. Virginia	152	
2			State Board of Elections Trial		
3			Proceedings 3/14/2017		
4					
5					
б					
7					
8					
9					
10					
11					
12					
13					
14					
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16					
17					
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19					
20					
21					
22					
23					
24					
25					

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-34 Filed: 02/20/19 Page: 163 of 163 PAGEID #: 17012

		Page	163
1	NAME OF CASE:		
2	DATE OF DEPOSITION:		
3	NAME OF WITNESS:		
4	Reason Codes:		
5	1. To clarify the record.		
6	2. To conform to the facts.		
7	3. To correct transcription errors.		
8	Page Line Reason		
9	From to		
10	Page Line Reason		
11	From to		
12	Page Line Reason		
13	From to		
14	Page Line Reason		
15	From to		
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21	From to		
22	Page Line Reason		
23	From to		
24			
25			

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct

copy of the following documents to be served by email upon the counsel listed below:

- 1. Affidavit of Freda J. Levenson
- 2. Deposition Transcripts from APRI v. Smith , Appendix of Exhibits, Volume 1 of 4 (pages 1 163)
- 3. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 2 of 4 (pages 164 345)
- 4. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 3 of 4 (pages 346 644)
- 5. Deposition Transcripts from APRI v. Smith Appendix of Exhibits, Volume 4 of 4 (pages 645 694)

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/s/ Freda J. Levenson

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

Case No. 2021-1193

OHIO REDISTRICTING COMMISSION, *et al.*,

v.

Respondents.

OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS Volume 2 of 4 (pages 164-345)

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OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS

Volume 2 of 4 (pages 164-345)

Index of Documents

<u>ITEM</u>	DESCRIPTION	BATES RANGE
2	Deposition of Clark Bensen (December 7, 2018) - Ohio A. Phillip Randolph Institute, et al., v. Ryan Smith, Case No. 1:18-cv-00357-TSB (SD Ohio)	DEPO_SDOH_0164 - DEPO_SDOH_0345

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 1 of 182 PAGEID #: 121<u>51</u> Page 1 1 2 UNITED STATES DISTRICT COURT 3 FOR THE SOUTHERN DISTRICT OF OHIO 4 OHIO A. PHILLIP RANDOLPH) 5 INSTITUTE, et al.,) 6 Plaintiffs, 7 v. 8 RYAN SMITH, Speaker of the Ohio House of Representatives,) 9 et al.,)) 10 Defendants.) -----) 11 12 13 Friday, December 7, 2018 14 15 Deposition of CLARK BENSEN, taken at the offices of Covington & Burling, 850 Tenth Street N.W., 16 17 Washington, D.C., beginning at 9:01 a.m., before 18 Nancy J. Martin, a Registered Merit Reporter, 19 Certified Shorthand Reporter. 20 21 22 23 24 25 Job No. 151503

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		Page 2
1	CLARK BENSEN	
2	APPEARANCES:	
3		
4	COVINGTON & BURLING	
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5	PETER RECHTER, ESQ.	
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6	Washington, D.C. 20001	
	Representing Plaintiffs	
7		
8		
9		
10	BAKER & HOSTETLER	
	BY: KATHERINE MCKNIGHT, ESQ.	
11	1050 Connecticut Avenue, N.W.	
	Washington, D.C. 20036	
12	Representing the Deponent	
13		
14		
15		
	OGLETREE, DEAKINS, NASH, SMOAK & STEWART	
16	BY: ALYSSA RIGGINS, ESQ.	
	4208 Six Forks Road	
17	Raleigh, North Carolina 27609	
	Representing the Legislative Defendants	
18		
19		
20		
21		
22		
23		
24		
25		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 3 of 182 PAGEID #: 12153				
-			Page 3	
1				
2		I N D E X		
3			PAGE	
-	EXAMINATION BY MR.	FRAM	6	
4			0	
5		ΕΧΗΙΒΙΤS		
6	NUMBER	DESCRIPTION	MARKED	
7	Exhibit 1	Curriculum Vitae of	15	
		Hamilton Bensen, 16 pages		
8				
0	Exhibit 2	Power Point, Election Data	41	
9	- 1 1 1	for Redistricting, 7 pages	60	
10	Exhibit 3	Invoice No. KJ041, October	68	
11		4, 2011, Bensen_0000013, 1		
12	Exhibit 4	page Invoice No. LB161,	70	
		Bensen_000001415, 2	70	
13		pages		
14	Exhibit 5	E-mail string,	73	
		BRADEN000657, 1 page		
15				
	Exhibit 6	E-mail string, JUDY_0001692	77	
16		1696, 5 pages		
17	Exhibit 7	E-mail string,	82	
18		BRADEN000782, 1 page		
10	Exhibit 8	E moil string	86	
19	EXILIDIC 8	E-mail string, Bensen_0000033 - 38, 7	00	
		pages		
20		pagen		
	Exhibit 9	E-mail dated September 16,	89	
21		2011, Bensen_0000044, 1		
		page		
22				
	Exhibit 10	E-mail string, 1 page	91	
23	• • • • • • • •			
24	Exhibit 11	Example of Calculations for	95	
24		the Election Averages EA11		
25		to EA16, Bensen_000004 - -000006, 3 pages		
		- vuuuuu, s pages		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 4 of 182 PAGEID #: 12154					
				Page 4	
1					
2			ΕΧΗΙΒΙΤS		
3			(CONTINUED)		
4	NUMBER		DESCRIPTION	MARKED	
5	Exhibit	12	Meta Data, Bensen_000004,	96	
6			1 page		
0	Exhibit	10	Screen shot of zip file,	118	
7	EXILDIC	T 2	Bates No.	110	
			BLESSING0013211Polidata_201		
8			8.10.04, 1 page		
9	Exhibit	14	File Screen Shot, "11274 >	118	
			Document Production > Third	-	
10			Party > Mann,		
			Heather2018.10.04 >		
11			BLESSING0013211 > Polidata		
			> Clark07-24-11, 1 page		
12					
	Exhibit	15	Screenshot, BLESSING0013211	118	
13			Polidata_Clark		
			07-24-11_ccBlock.cdf,		
14			7 pages		
15	Exhibit	16	Spreadsheet,	131	
16			BENSEN_0000084, 5 pages		
TO	Db -i b -i+	1 7	Evennle of Colquilations for	120	
17	Exhibit	⊥ /	Example of Calculations for Election Averages EA11 to	139	
_ /			EA16, Bensen_000001 through		
18			-3, 3 pages		
19	Exhibit	18	Maps, BLESSING0013211	142	
			[Polidata > Clark $07-24-11$		
20			ccCounty. cdf], 7 pages		
21	Exhibit	19	September 14, 2011,	157	
			Bensen_0000042, 1 page		
22					
	Exhibit	20	E-mail string,	160	
23			LWVOH_00013802 - 19308,		
			8 pages		
24					
05	Exhibit	21	E-mail string,	161	
25			Bensen_000004748,		

				rage
1				
2			EXHIBITS	
3			(CONTINUED)	
4	NUMBER		DESCRIPTION	MARKED
5	Exhibit	22	E-mail dated November 9,	162
			2011, Bensen_0000063 - 64,	
6			2 pages	
7	Exhibit	23	Spreadsheet,	164
			BLESSING00012553, 2 pages	
8				
	Exhibit	24	Spreadsheet,	164
9			BLESSING0013212, 2 pages	
10	Exhibit	25	"december14 >	165
			DVW_aggset_ohcd_2011	
11			_revised-hb369-december14.xl	s.
12	Exhibit	26	Measures of Compactness,	168
			BENSEN_0000086, 1 page	
13				
	Exhibit	27	E-mail string,	170
14			Bensen_0000075 - 76,	
			2 pages	
15				
	Exhibit	28	al Shape Files Test 2_HB369	171
16			as Passed Test 2 shp],	
			BENSEN_0000086, 2 pages	
17				
	Exhibit	29	E-mail string, BRADEN000683	174
18			84, 2 pages	
19	Exhibit	30	E-mail dated December 15,	176
			2011, Bensen_0000077,	
20			1 page	
21	Exhibit	31	E-mail dated December 15,	176
			2011, Follow-up Completed,	
22			Bensen-000078., 1 page	
23				
24				
25				

Case	e: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 6 of 182 PAGEID #: 12156
	Page 6
1	CLARK BENSEN
2	WASHINGTON, D.C., FRIDAY, DECEMBER 7, 2018; 9:01 A.M.
3	
4	
5	CLARK BENSEN,
6	having been first duly sworn,
7	was examined and testified as follows:
8	
9	EXAMINATION
10	BY MR. FRAM:
11	Q. Would you please state your full name for the
12	record.
13	A. Clark Bensen, C-l-a-r-k, B-e-n-s-e-n.
14	Q. Do you have a middle initial?
15	A. H.
16	Q. It turns out to be relevant on some
17	documents. That's the only reason why I'm being picky
18	there.
19	My name is Robert Fram. My middle initial is
20	D, but I don't know if that matters. I represent the
21	plaintiffs.
22	MR. FRAM: And do the other folks want to say
23	who they are?
24	MS. McKNIGHT: Good morning. Kate McKnight
25	from Baker Hostetler on behalf of Mr. Bensen.

TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0169

	Page 7
1	CLARK BENSEN
2	MS. RIGGINS: Alyssa Riggins from Ogletree
3	Deakins on behalf of the legislative defendants.
4	MR. RECHTER: Peter Rechter, Covington &
5	Burling for plaintiffs.
6	
7	EXAMINATION
8	BY MR. FRAM:
9	Q. Mr. Bensen, have you been deposed before?
10	A. Yes.
11	Q. That will help move things along a little
12	bit. We won't have to go through some of the litany
13	of how depositions work with you. About how many
14	times?
15	A. A dozen either way.
16	Q. And any of them concern redistricting?
17	A. Yes.
18	Q. And any concern Congressional redistricting?
19	A. It's hard for me to say. It's kind of a mix
20	of legislative or Congressional.
21	Q. Fair enough.
22	Can you please tell us the depositions that
23	you gave regarding redistricting?
24	A. It would be much easier to read through my
25	CV, but they started in the '90's. So I must have

Page 8 1 CLARK BENSEN done three or four in the '90's and five or six in the 2 3 I think in the 2010 cycle I've only done two 2000s. 4 depositions. One was Congressional, and one was a 5 local election. б So I'm just going to focus on the 2010, 2011 0. 7 cycle. 8 Α. Yeah. 9 0. I'm sorry. Did one of those concern 10 Congressional? 11 Well, this. Α. 12 Just this one. Besides this one? 0. 13 I'm pretty sure -- it's been a long decade. Α. 14 I think the only deposition after 2010 was a local 15 legislative. 16 Have any of the other depositions concerned 0. 17 Ohio? 18 I was deposed in the 1990 cycle in Ohio, Α. 19 which was, I believe, legislative. And I think --20 yeah, I was deposed in 2000, which was Ohio, which I 21 believe was legislative also. I don't think I was in 22 2000. 23 Do you remember was -- do you remember 0. 24 anything about the claim in that case, whether it was 25 a Voting Rights Act or a racial discrimination case or

9

	Page
1	CLARK BENSEN
2	a parse gerrymander or anything about it?
3	A. Well, not through a partisan gerrymander.
4	The 2000 case was a racial case, Voter Rights Act, and
5	'90 cycle I think actually that was mostly a Voting
б	Rights Act too.
7	REPORTER MARTIN: A what?
8	THE WITNESS: Voting Rights Act, VRA, we'll
9	be saying that several times.
10	BY MR. FRAM:
11	Q. Sure. Any reason you can't give complete and
12	truthful testimony today, such as medication?
13	A. No.
14	Q. Now, I know well, let me back up. You
15	were served with a document subpoena in this case; is
16	that right?
17	A. Yes.
18	Q. What did you do to comply with it?
19	A. I looked at I have multiple computers.
20	Three basic computers that were running at the time.
21	I have only one that was around during the 2010 cycle.
22	So I looked through that for documents and E-mail on
23	that machine.
24	Q. Okay. What E-mail addresses did you look at,
25	please?

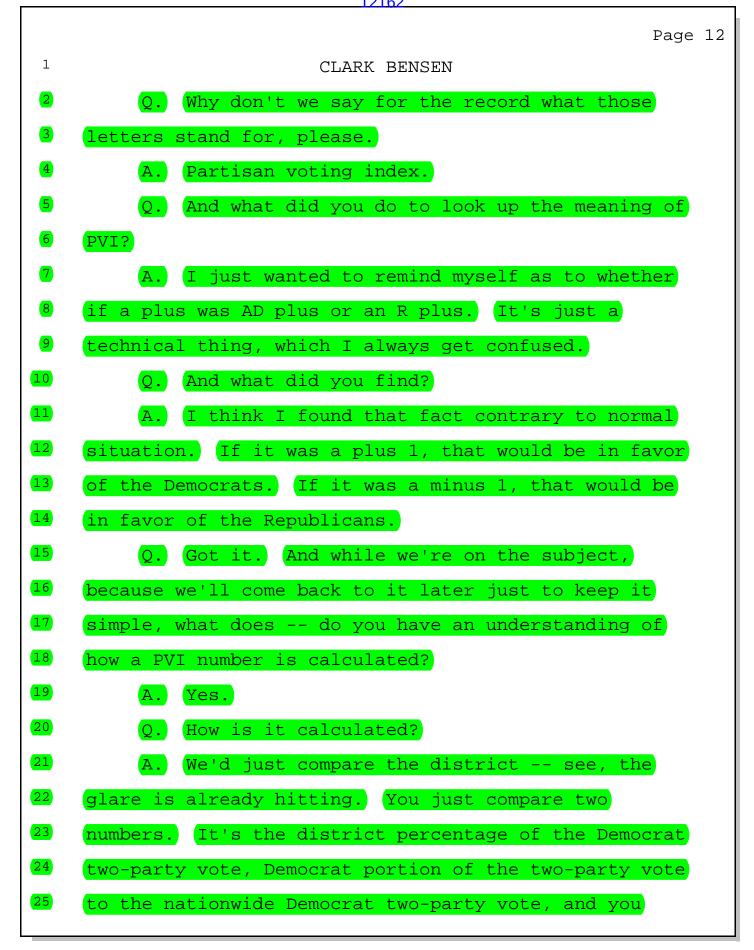
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 10 of 182 PAGEID #:



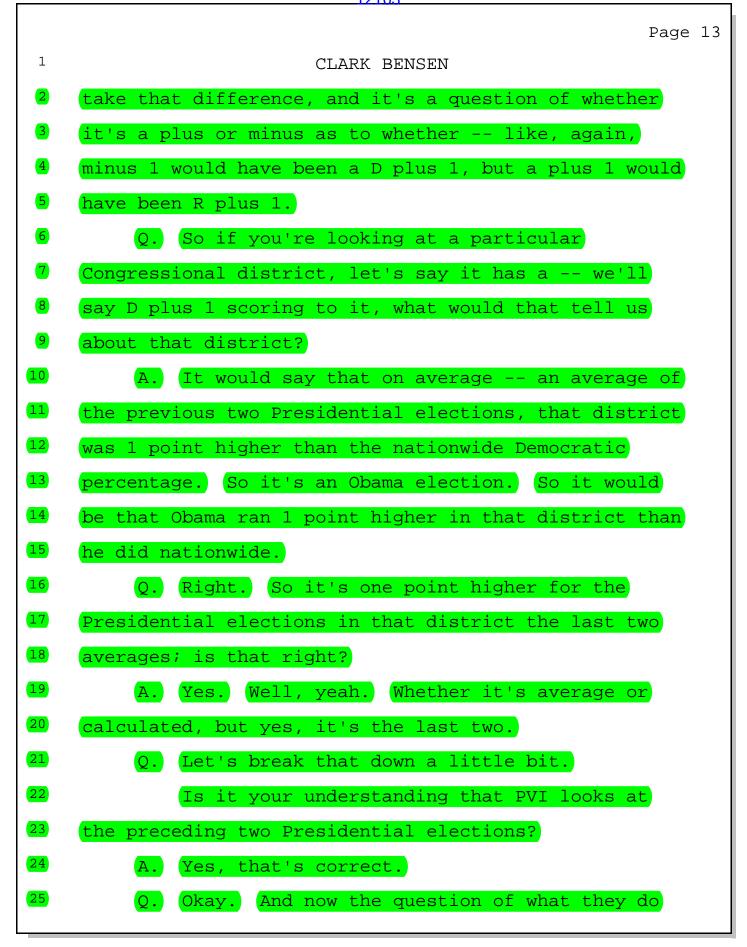
11

	Page
1	CLARK BENSEN
2	I can't I don't know whether the documents, were
3	they produced through counsel, or did you produce them
4	directly yourself?
5	A. The documents were I sent the documents
б	originally to the AG's office so they could figure out
7	what was privileged since they were the ultimate
8	client. So they're the ones that wrote up the
9	privilege log that we discussed.
10	Q. Got it. And the actual documents themselves,
11	did you ship them out on your own, or was that sent by
12	the AG's office?
13	A. No, I did that.
14	Q. Do you know if the AG's office withheld
15	documents on the basis of anything other than
16	privilege?
17	A. I don't know.
18	Q. What did you do, if anything, to prepare for
19	today's deposition?
20	A. I glanced at the subpoena.
21	Q. Anything else?
22	A. I looked up on the Internet who pays for
23	depositions in such cases, who was going to pay me.
24	And I oh, I gave a quick review to the calculation
25	of the PVI. That's P-V-I.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 12 of 182 PAGEID #: 12162



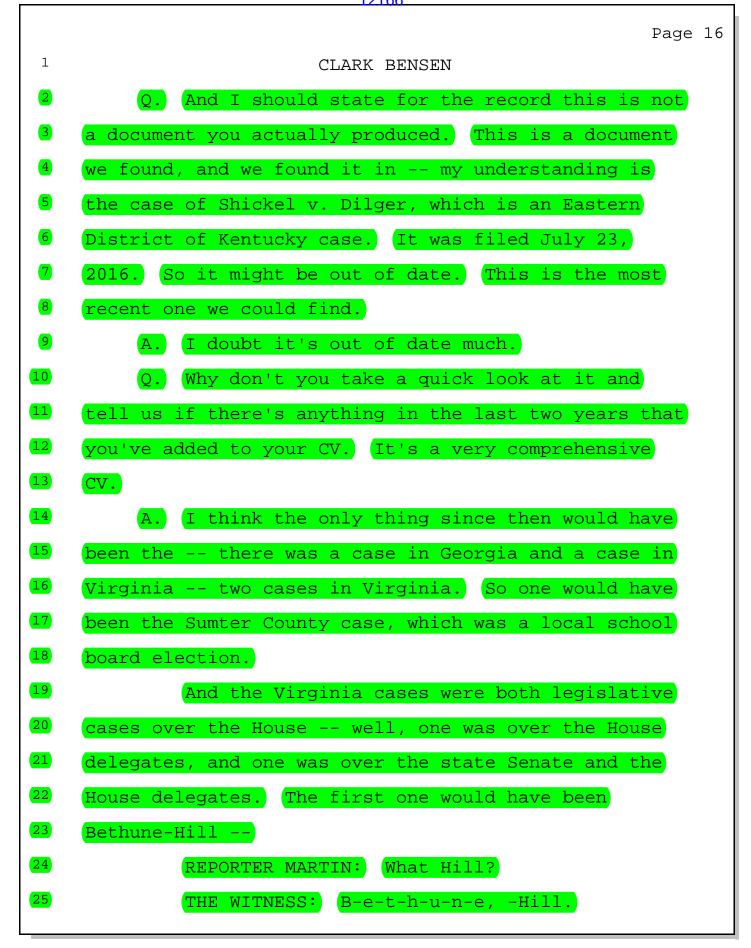
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 13 of 182 PAGEID #: 12163



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 14 of 182 PAGEID #: 12164

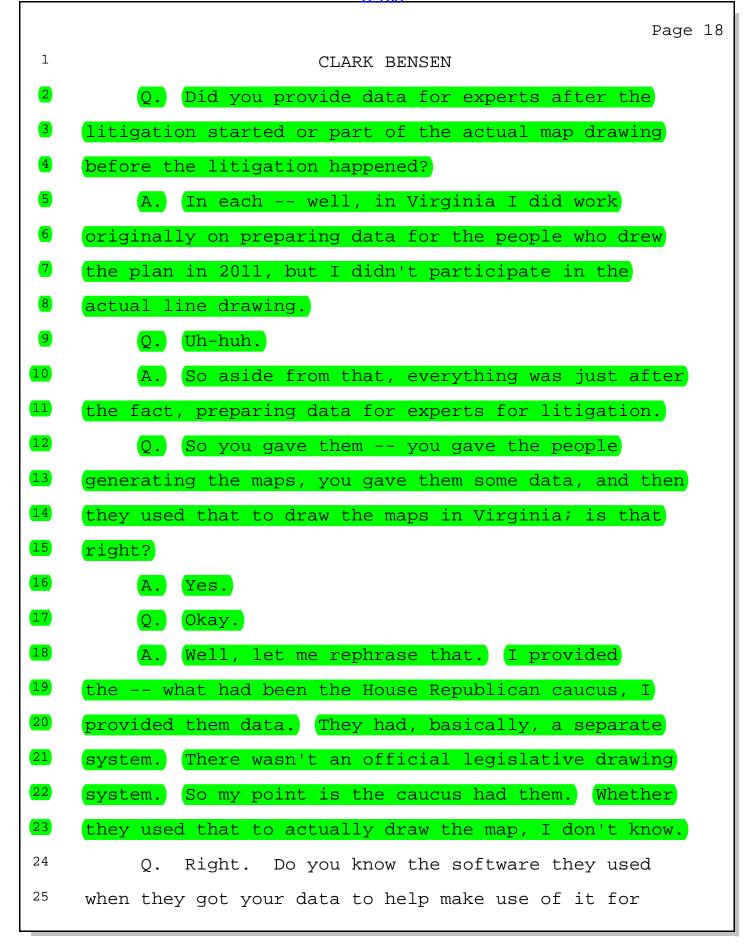
	Page 14
1	CLARK BENSEN
2	with those two. Do they average them or do they have
3	some other way of using those two election results?
4	A. There are several ways to calculate it, but
5	in essence, they're the same number. It's just a
6	question of concept. To some people it makes more
7	sense to say, "We averaged the two," but in some
8	places they just actually aggregate them all together
9	and then just do one division. It doesn't really
10	matter.
11	Q. In either event, it's a two-party is it a
12	two-party total only? Is that right?
13	A. Yes.
14	Q. So one thing they do, which however they do
15	the math, they filter out third-party vote; is that
16	right?
17	A. Yes. That's just not considered.
18	Q. Okay. By the way, did you meet with counsel
19	in preparation for your deposition?
20	A. Did I meet with counsel? Yes.
21	Q. I'm not going to ask you what you talked
22	about, but did you review any documents when you met?
23	A. No.
24	Q. Okay.
25	A. Well, I briefly reviewed the subpoena, but

	Page 15
1	CLARK BENSEN
2	yes.
3	Q. That aside, you
4	A. No.
5	Q. Okay. And have you looked at any documents
6	recently that helped you remember events back from
7	2011 that you'd forgotten?
8	A. Only when I was looking for documents.
9	Q. Do you recall which documents helped you
10	remember some things you'd forgotten?
11	A. Just in general sense, which is because I had
12	no recollection of what I actually done. So it kind
13	of helped refresh that I hadn't done much.
14	Q. When did you do that, looking for the
15	documents? Around what time this past few months?
16	A. When did I do it?
17	Q. Yeah.
18	A. I did it I don't know probably two
19	months ago.
20	MR. FRAM: Okay. Why don't we have marked as
21	our first exhibit the curriculum vitae of Clark
22	Hamilton Bensen.
23	(Deposition Exhibit 1 was marked for
24	identification.)
25	BY MR. FRAM:



Cas	e: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 17 of 182 PAGEID #: 12167
	Page 17
1	CLARK BENSEN
2	And the other was it will come to me.
3	Vesilind, V-e-s-i-l-i-n-d.
4	BY MR. FRAM:
5	Q. Now, were you an expert witness in any of
б	these cases?
7	A. Like I said, I believe in this time frame I
8	probably did I did at least one voter rights case
9	in California, which was city of San Jose. I can't
10	remember the title of the case. Possibly one more in
11	California, but it was local.
12	Q. Was that under state law?
13	A. Yes. Those are both state. California has
14	its own Voting Rights Act.
15	Q. So for any of these cases were you an expert
16	witness?
17	A. Well, this Kentucky case I was. No, none of
18	the others.
19	Q. Okay. And were you a fact what was the
20	subject of your fact witness testimony in
21	Bethune-Hill?
22	A. I didn't testify. I worked I provided
23	data for experts. In fact, in each of those cases, I
24	didn't testify. It was all working from the
25	standpoint of providing data for experts.

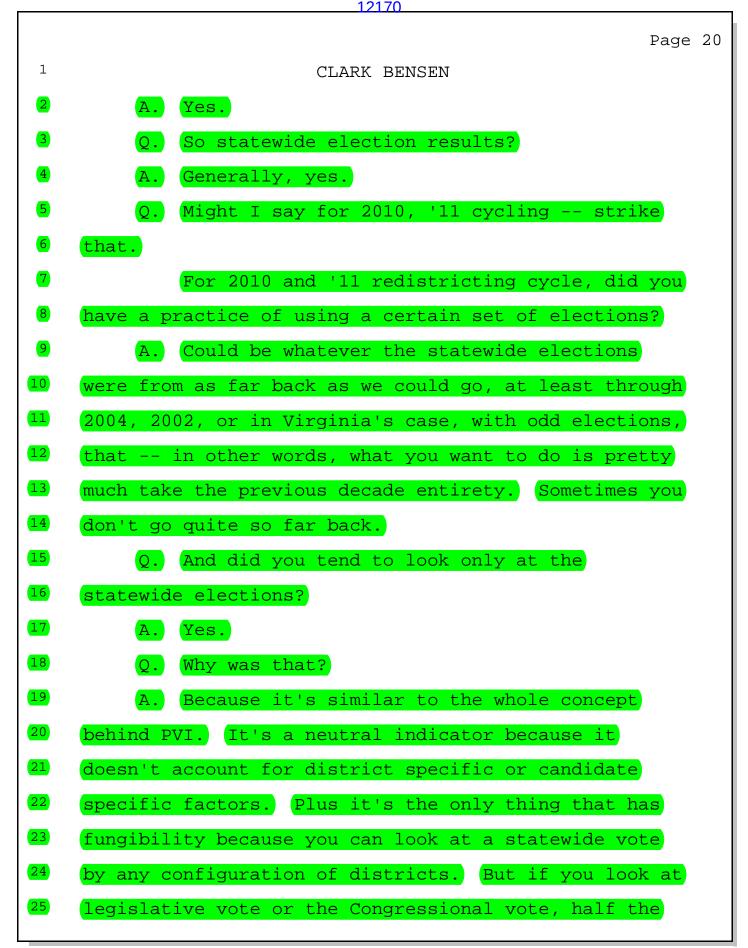
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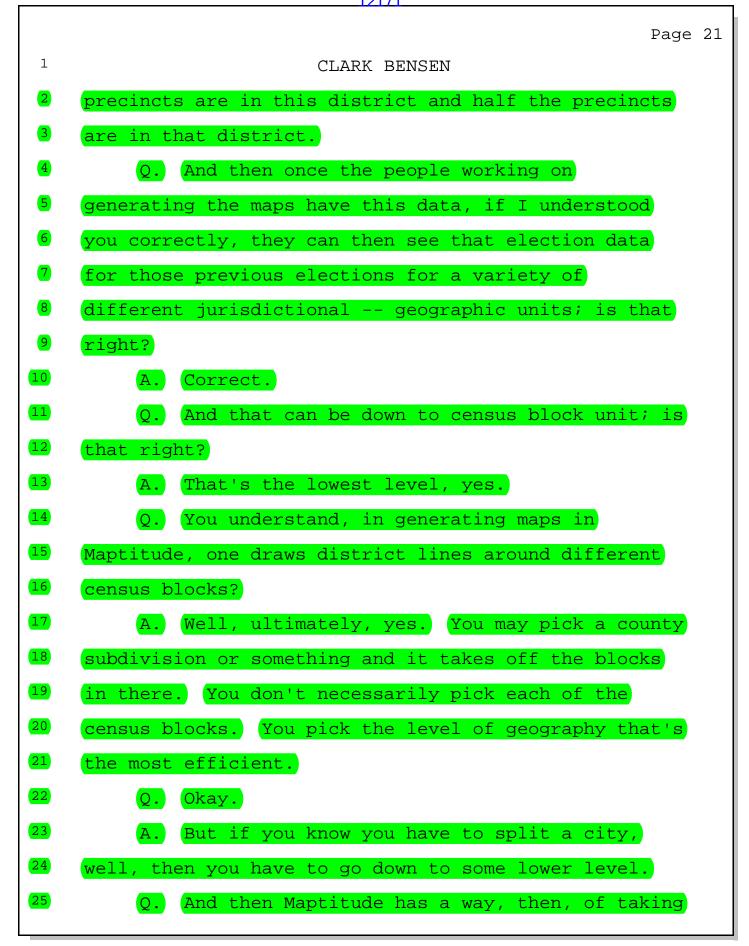
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 19 of 182	PAGEID #:
12169	

		Page	19
1	CLARK BENSEN		
2	generating maps?		
3	A. Well, someone used maps. I do know that		
4	much. The legislative thing did not.		
5	Q. You've done that in other cases, I take i	<mark>t,</mark>	
6	provided data that others have used in Maptitude;	is	
7	that right?		
8	A. Yes, frequently.		
9	Q. So we're on the same page as we talk abou	t it	
10	today, do you refer to that as a layer of data tha	t's	
11	used in Maptitude or a data set? I just want to m	ake	
12	sure I'm using words that are easy for you for	us	
13	to communicate.		
14	A. First, Maptitude is M-a-p-t-i-t-u-d-e. W	hat	
15	I do is I provide the data that the end user will		
16	into their Maptitude files. So layers are disting		
17	levels of geography, and in general, each of those		
18	layers will have the same information, the same		
19	columns in a sense in the spreadsheet. They would	be	
20	just different rows.		
21	Q. (I understand.) (I think I'm understanding		
22	you're saying. Let's see if I got it right. So y	ou	
23	provide some political data, and that might, say,		
24	concern past election results within that state; i	S	
25	that right?		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 20 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 21 of 182 PAGEID #: 12171

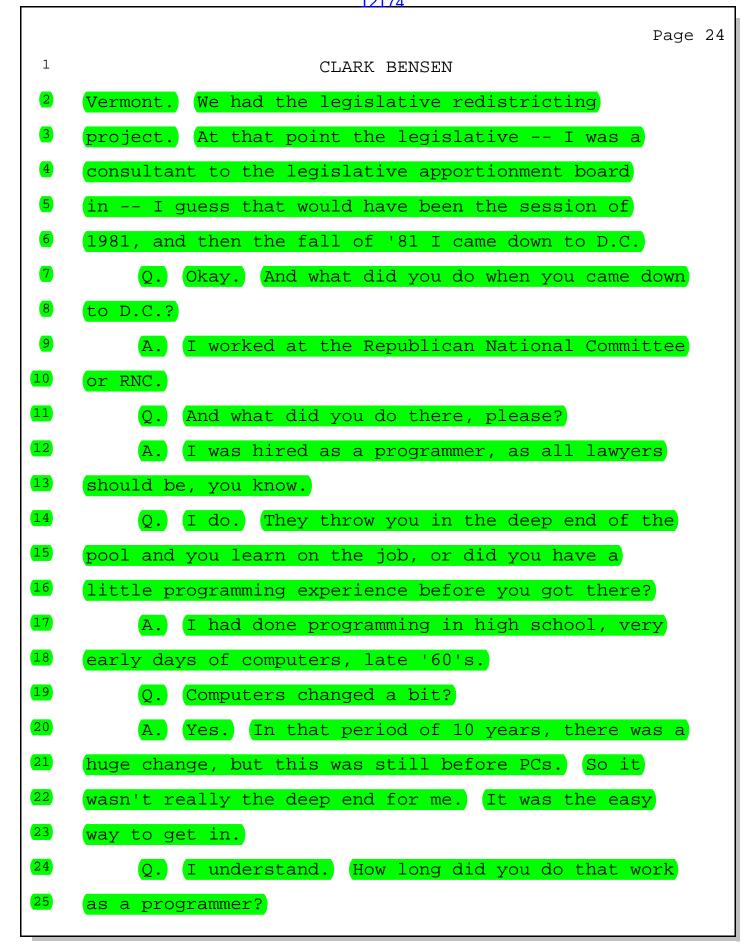


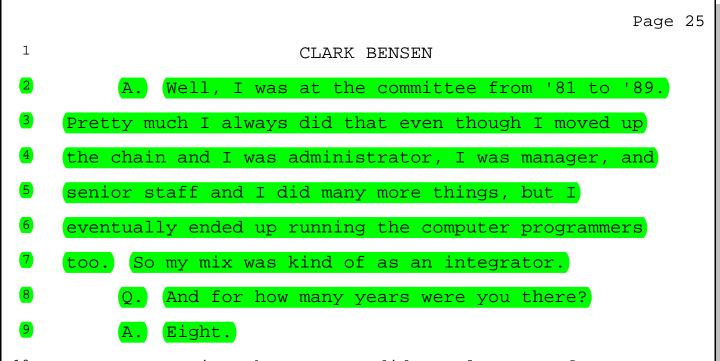
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 22 of 182 PAGEID #: 12172

	Page 22
1	CLARK BENSEN
2	the information and regarding the various
3	geographies encompassed in a district and then showing
4	you the election results data for the district that's
5	been proposed; is that right?
6	A. Yes. It's basically just a computerized
7	adding machine.
8	Q. Okay. Thank you very much. I hope that will
9	be helpful as we go forward so we're using the same
10	vocabulary.
11	Why don't we go back to your CV a little bit
12	and just talk about your background. So you I take
13	it you went to the University of Vermont?
14	A. Yes.
15	Q. And graduated in '74?
16	A. Yes.
17	Q. And then you went on to Vermont Law School?
18	A. Yes. I was in western New England for a
19	year, and I transferred into Vermont when it became
20	accredited. The new school didn't have ABA
21	accreditation the first year. So that's why I went
22	out of state.
23	Q. And you got your J.D. there in '78; is that
24	right?
25	A. Yes.

			Page 2	23
1		CLARK BENSEN		
2	Q.	And then what was your let me back up.		
3		Before you graduated law school, did you r	un	
4	for the	Vermont House of Representatives?		
5	Α.	Yes.		
6	Q.	And you were elected?		
7	Α.	Yes.		
8	Q.	And you were there for one term?		
9	Α.	Yes.		
10	Q.	Okay. And then what was your first job af	ter	
11	you grad	duated law school?		
12	A .	Well, I practiced quote/unquote "law" for)	
13	I did or	ne or two cases, and then I said, "Boy, I		
14		did want to do politics." So I actually ran		
15		rge Bush for president primary campaign in		
16	1979.	Well, strike that.		
17		I did have that was my second. (I actua		
18		e a research grant that I continued to work		
19		the data I worked on while in college to he		
20		ssor do a project by Congressional committee	s.	
21	Q.			
22		nt Bush, what did you do next?		
23		I'm not sure exactly what I did for a few	_	
24		there. (I did some sort of political analysi	_	
25	in Vermo	ont. A lot of my focus at that point was in		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 24 of 182 PAGEID #: 12174





Q. During those years did people use software draw districts for Congressional seats, or did they do it on magic markers on white boards?

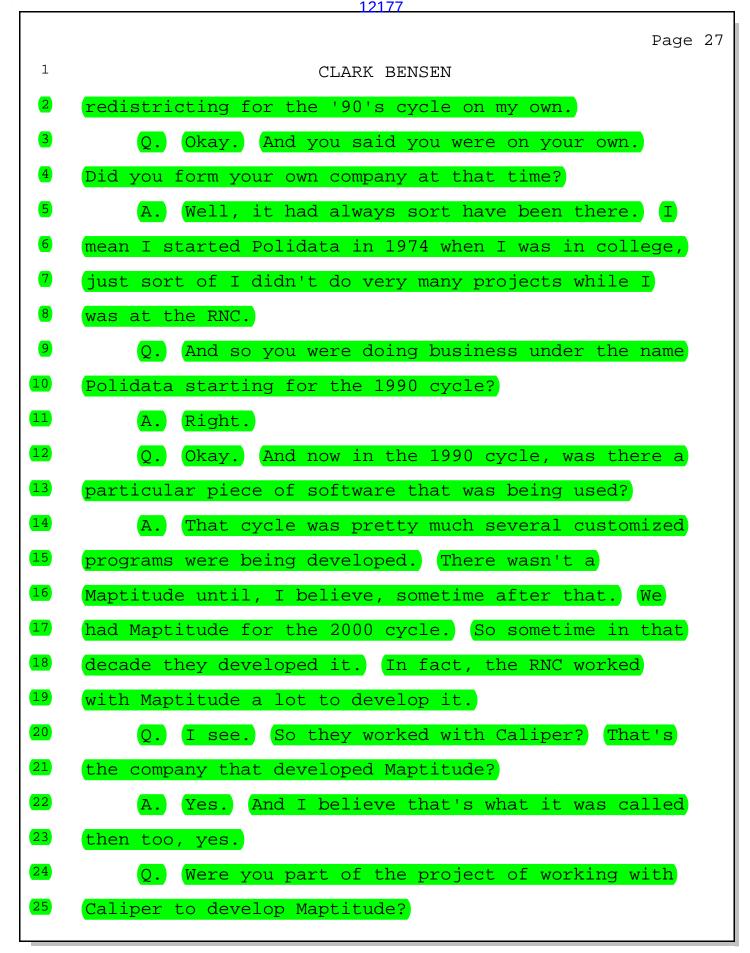
A. Mostly the latter. The degree to which computers in the 1980 cycle -- and, again, the only state I was involved in redistricting the eighth cycle on my own was in Vermont. And I wrote programs for that, but it was Vermont, not a large amount of data, but we still had to do the programming as if it were.

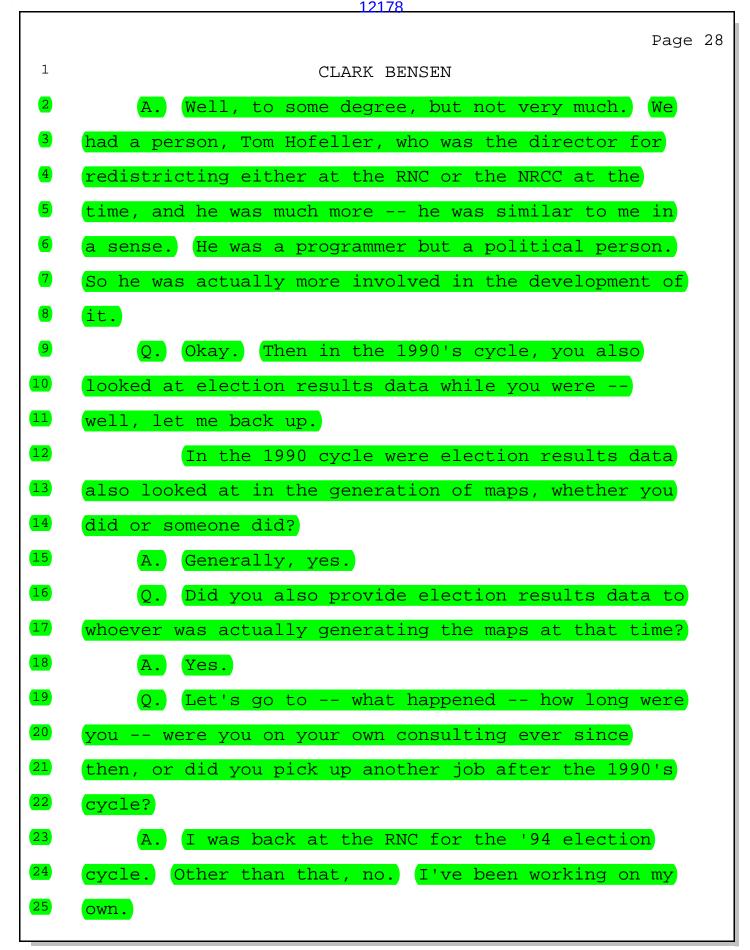
19 When I got to the RNC, the process that had 20 been used is -- again, I got there in '81. So the 21 redistricting cycle was half done. Basically then 22 computers were really just the adding machine. You'd 23 have to basically go through and tag every piece of 24 geography to a district, and that was tedious. And 25 plus we didn't have census blocks. So it was still

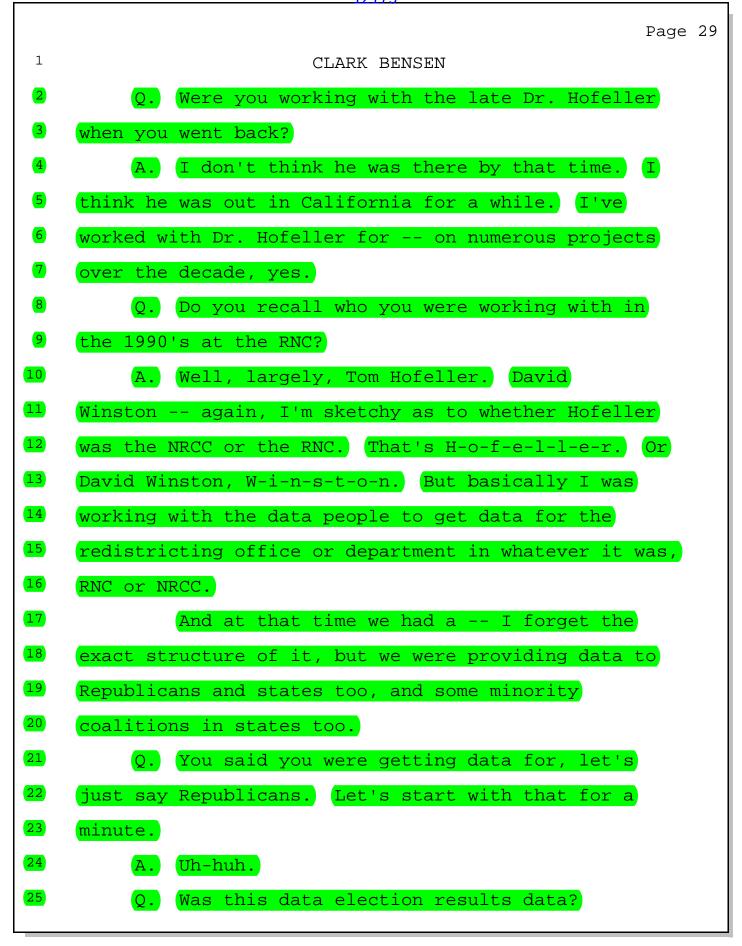
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	Page
1	CLARK BENSEN
2	much more inchoate as a process.
3	Q. What were the units of an election well,
4	did you have units for election results back then, you
5	didn't have census blocks?
6	A. Well, yeah, I think they were called
7	enumeration districts were the lowest level of which
8	we had data. I'm not totally sure on that. But I
9	think census blocks were really more en vogue in the
10	'90's cycle. So it was just not as refined. For
11	instance, you probably would have had political
12	information by precinct, but that's probably about all
13	you had.
14	Q. So what would you do if a district split a
15	precinct?
16	A. Well, you'd probably just make an estimate of
17	what it was, which depends on the state. Some states
18	were more organized and had better information. So
19	you could actually do something below the precinct.
20	But in the '80's cycle, it was hard to do.
21	Q. So you were doing this, you said, for about
22	<pre>seven or eight years, about '80's, late '80's?</pre>
23	A. I was there through '89.
24	Q. Then what happened?
25	A. Well, then I went to do consulting for

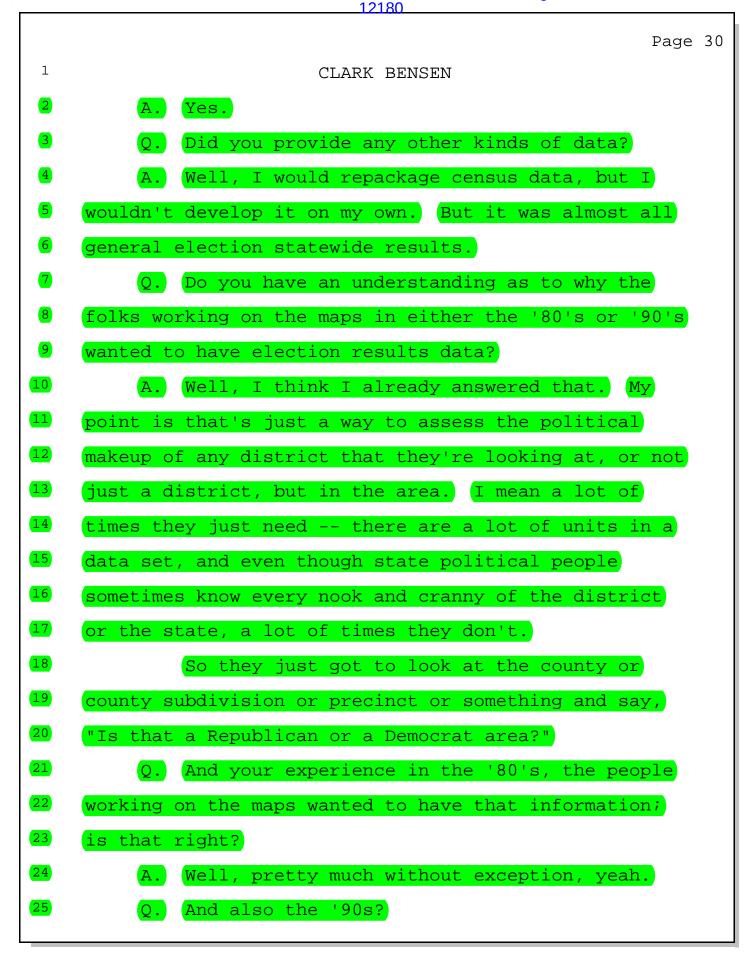
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 27 of 182 PAGEID #:







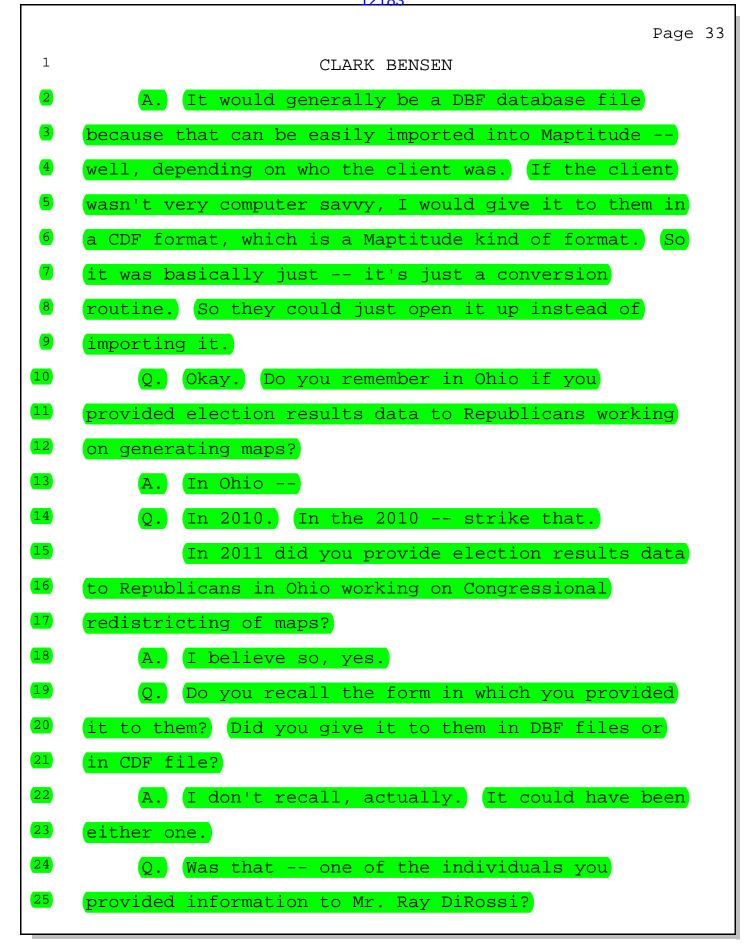
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 30 of 182 PAGEID #:



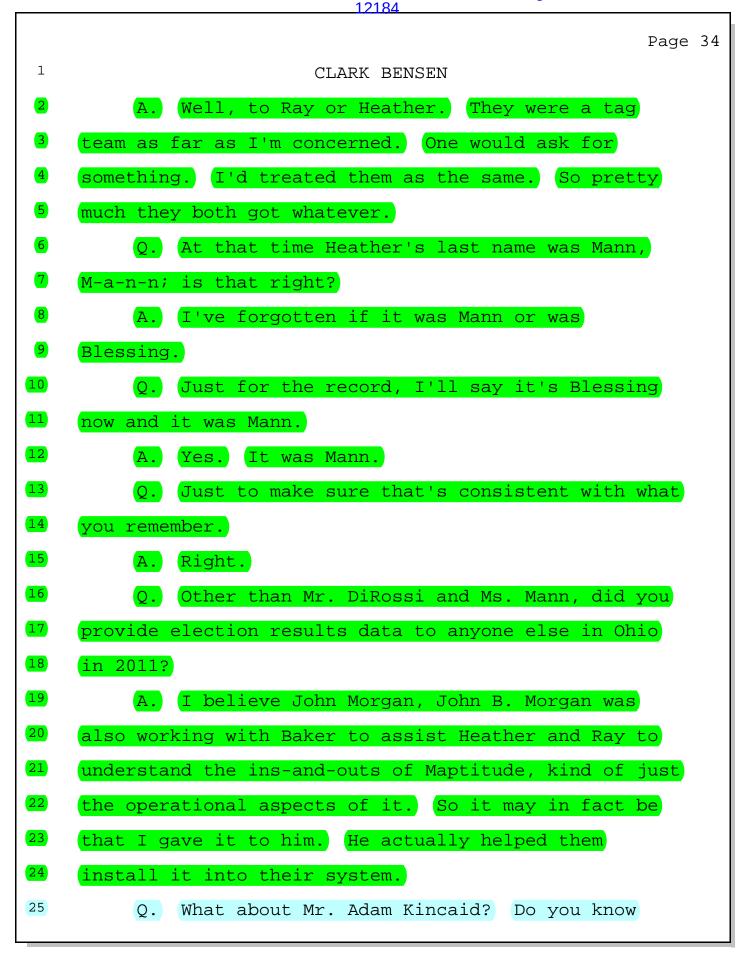
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 31 of 182 PAGEID #: 12181

	Page 31
1	CLARK BENSEN
2	A. Yes.
3	Q. And also the 2000s?
4	A. Yes.
5	Q. And also after the 2010 cycle?
6	A. Yes.
7	Q. And pretty much without exception, in your
8	experience?
9	A. I believe the only difference was Florida
10	because their state constitutional provision had a
11	provision about no partisan bias or political
12	favoritism or whatever. But, of course, my question
13	was how are you going to measure that if you don't
14	have the political data.
15	Q. So other than Florida, with that exception,
16	any of the folks working on generating maps that
17	you've worked with wanted to understand the political
18	makeup of the district; is that right?
19	A. In my experience, yes. Well, if the client
20	was a partisan client. If it was a voter rights case,
21	that's not necessarily the issue.
22	Q. Whenever the client was Republican, that was
23	the case?
24	A. In my experience, yes.
25	Q. Like you said, the census information was

	Page 32
1	CLARK BENSEN
2	already in the census. You might have repackaged it.
3	Over the years have you developed a methodology for
4	collecting election results data?
5	A. Methodology?
6	Q. How do you go about doing it?
7	A. That's a pretty cumbersome process. You have
8	to get you have to have a data system ready to
9	input data that you get from states or counties, and
10	you have to have all sorts of routines set up to input
11	it, proof it, compare it with different levels of
12	geography to make sure, in fact, it comports with what
13	the canvas said, and then you basically just have to
14	follow it all the way through, kind of like a chain of
15	evidence thing.
16	So you know this is what you got from the
17	secretary of state or the county board, and you just
18	go all the way through to the point where you can
19	finally play with it enough to get it into the
20	redistricting system.
21	Q. And what's the form let me strike.
22	Starting in 2010, looking at that time period
23	because I know software changes, what was the form in
24	which you would provide this election result data to
25	people working on maps?



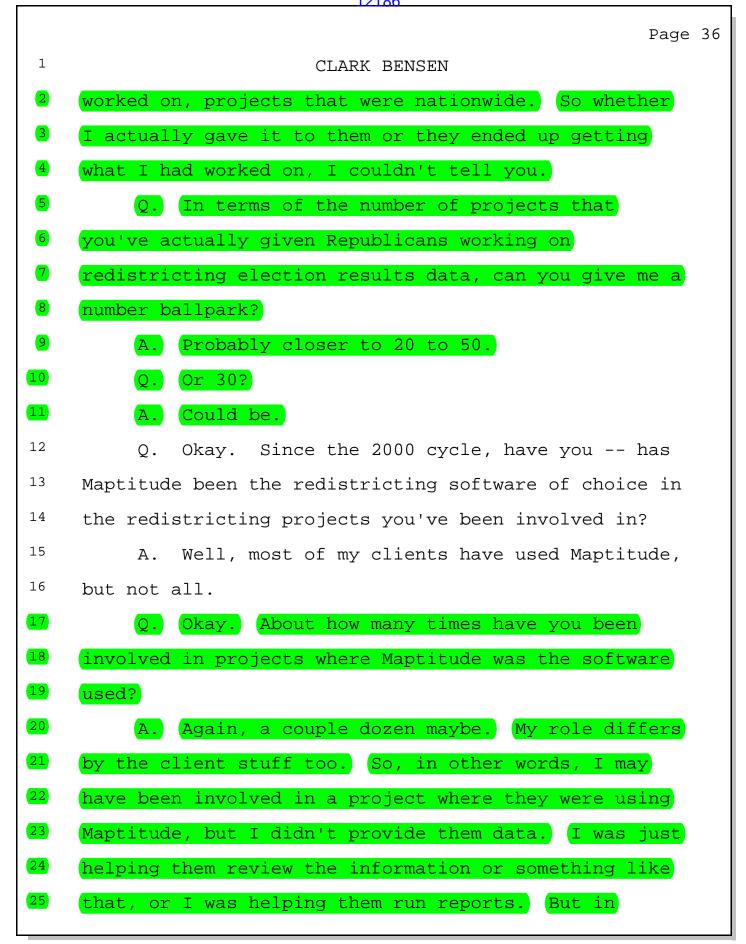
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 34 of 182 PAGEID #:



Page	35
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	Page .
1	CLARK BENSEN
2	him?
3	A. Yes.
4	Q. Did you do any work with him regarding Ohio
5	redistricting in 2011?
6	A. No.
7	Q. Okay. Do you recall ever providing him with
8	any Ohio election results data?
9	A. No. I recall never giving him any data
10	results.
11	Q. Okay. By the way, you said that, without
12	exception, when you worked for Republicans working on
13	maps, they'd want to have election results data. I
14	just want to get a sense of how many times we're
15	talking about. More than 20 times?
16	A. You mean clients to whom I've provided data
17	for redistricting?
18	Q. Yes. Election result data let me state
19	the question more clearly.
20	The number of times you provided election
21	results data to clients working on redistricting. I
22	want to limit that to Republicans.
23	A. Certainly more than 20, yes.
24	Q. More than 50?
25	A. It's hard to say. In several cycles I've

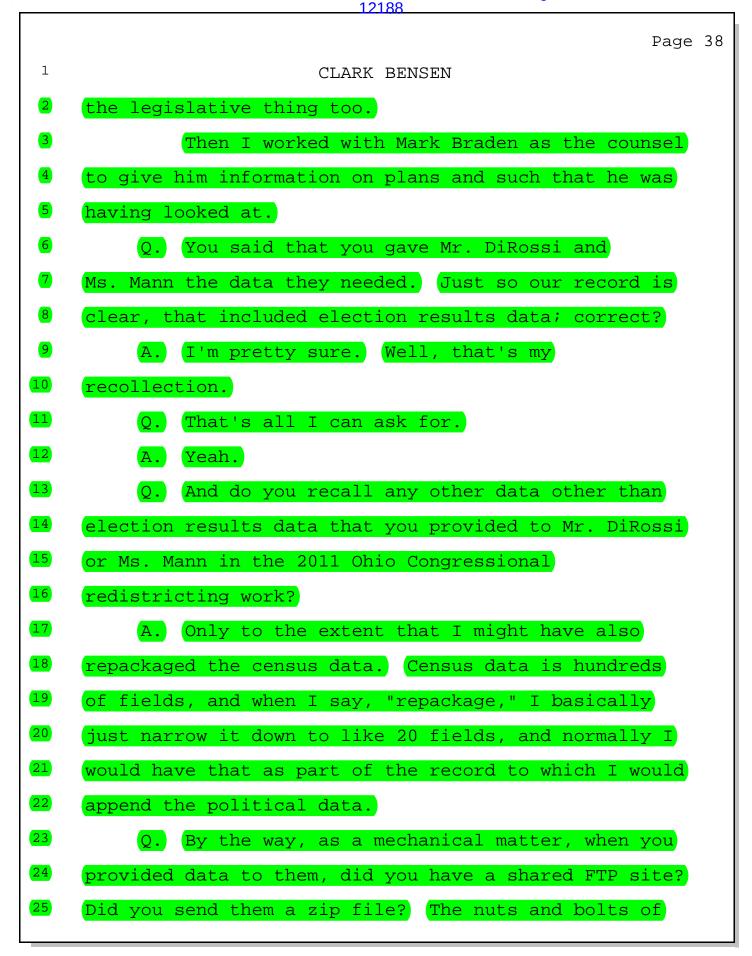
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 36 of 182 PAGEID #: 12186



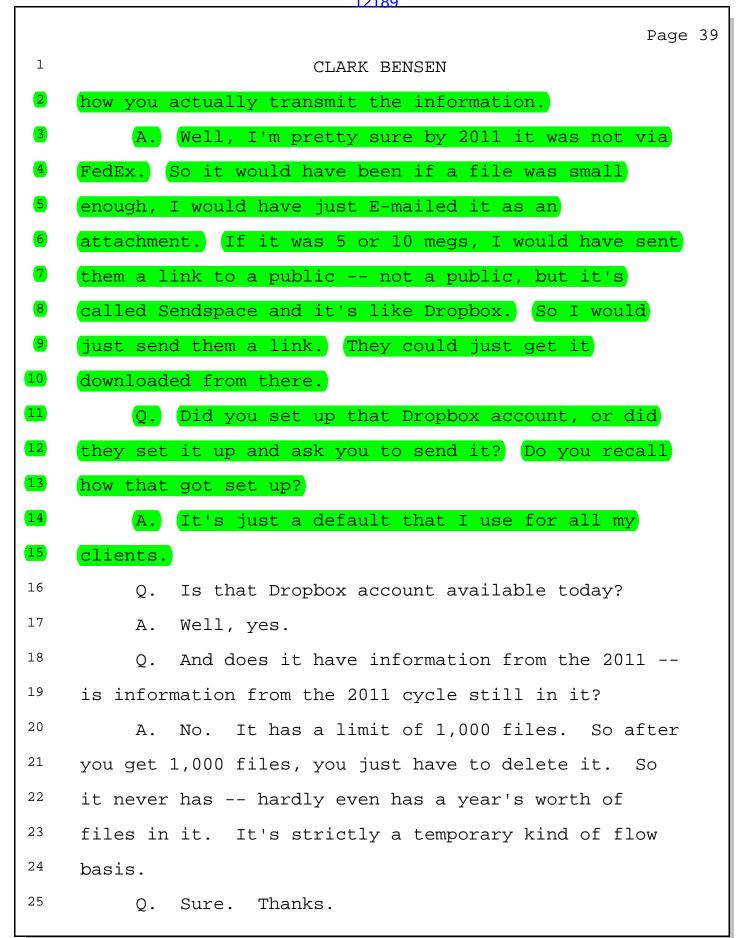
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 37 of 182 PAGEID #: 12187

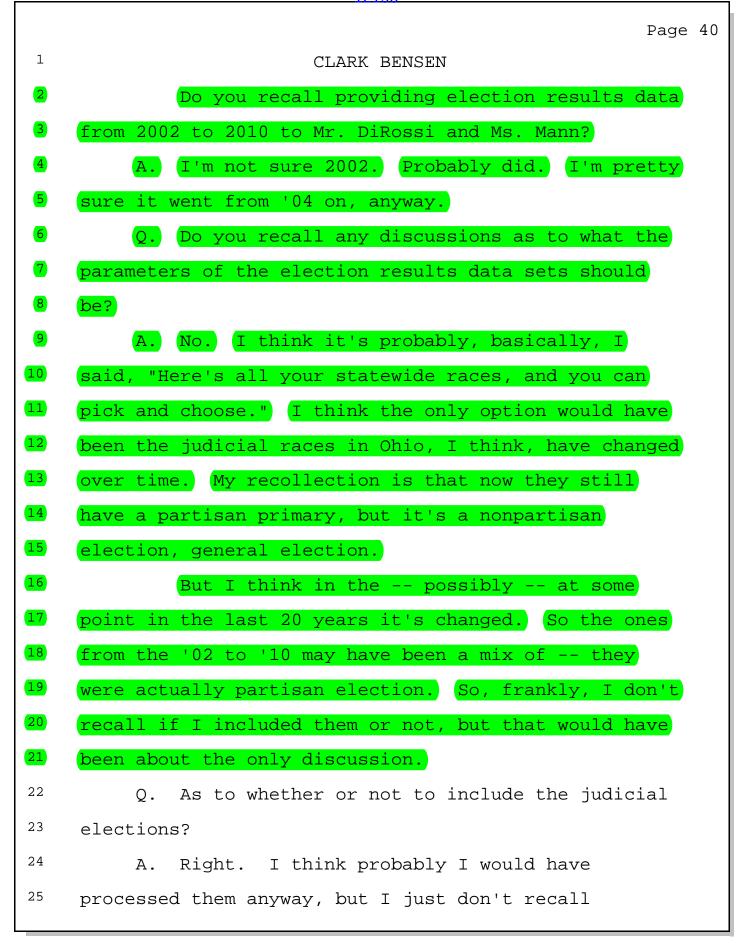
		Page	37
1	CLARK BENSEN		
2	general, it would have been most of my clients		
3	would have used Maptitude.		
4	Q. How would you describe your role in Ohio	in	
5	2011? I'm going to focus on Congressional		
6	redistricting.		
7	A. My recollection is I really did two thing	s.	
8	One was kind of a follow-up to what we had done fo	r	
9	what I had done for the legislative redistricting,		
10	which was to provide Ray and Heather with the basi	C	
11	information they needed so as we discussed politic	al	
12	data and such like that. And then I helped them o	n	
13	technical things because they were still the		
14	Congressional operational aspects in Ohio were muc	h	
15	easier than the operational aspects of the legisla	tive	
16	plans because through legislation we did an entire	ly	
17	separate data set because of geography.		
18	Congressional in Ohio was just like in an	y	
19	other state. So it was much easier. But there's		
20	still technical questions because they had done it	the	
21	legislative way, which was convoluted, and that wa	.s	
22	actually easier. So I helped them on some technic	al	
23	things there. Then that's pretty much all agai	n, I	
24	may have given some stuff to John Morgan, although	. I	
25	think my recollection was he was much more involve	<mark>d in</mark>	

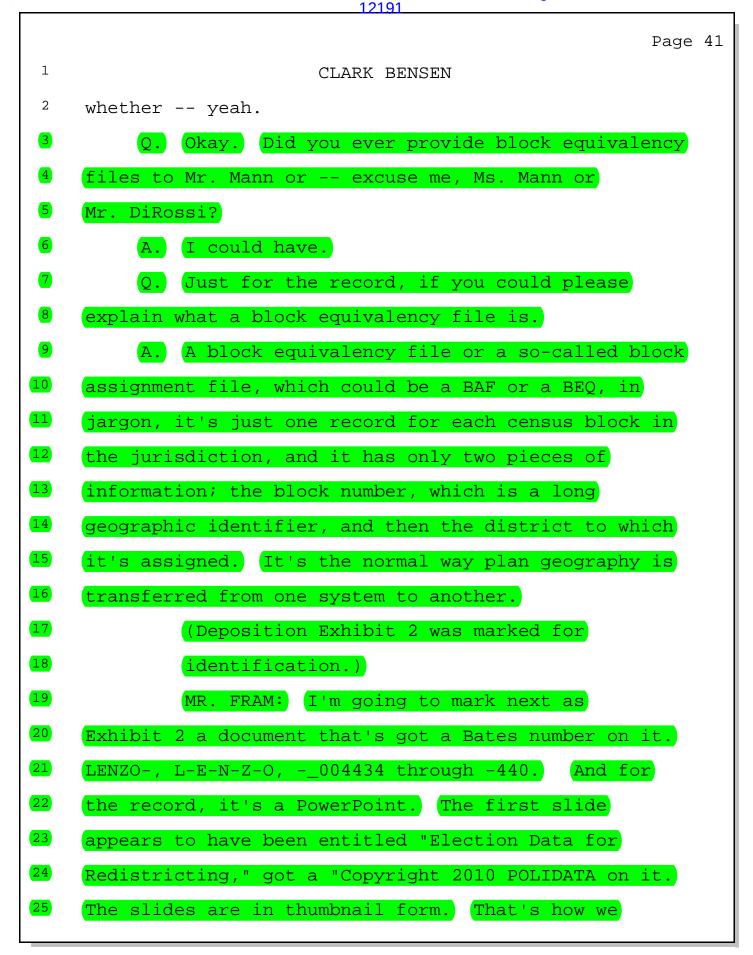
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 38 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 39 of 182 PAGEID #: 12189







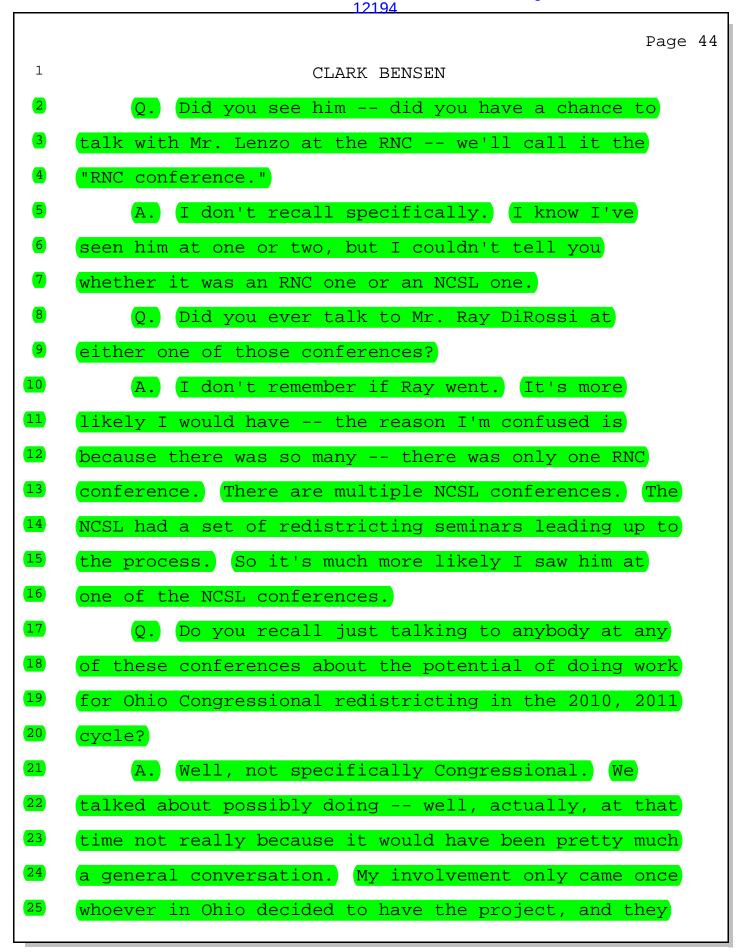
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 42 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 43 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 44 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 45 of 182 PAGEID #: 12195

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		Page	45
1	CLARK BENSEN		
2	contacted Mr. Braden, and then that's how I got		
3	involved in the case. So I don't remember any		
4	specific discussions about that part of it at a		
5	conference.		
6	Q. Do you recall the first time you were		
7	contacted regarding doing work for the Ohio		
8	Congressional redistricting?		
9	A. No, I really don't.		
10	Q. Was it in 2011?		
11	A. Could be. I really don't know.		
12	Q. Was it after the 2010 mid-terms or befor	e?	
13	I'm sorry. Yeah. 2010 mid-terms or before.		
14	A. I'm pretty sure it was afterward because	the	
15	problem is nothing is really happening in Ohio un	til	
16	the 2010 mid-terms because they couldn't decide w	' <mark>ho</mark>	
17	the actual board members were going to be.		
18	Q. Or who would be controlling the legislat	ure	
19	in the case of the Congressional redistricting; i	S	
20	that right?		
21	A. Well, that's true but well, that's a	good	
22	point. The apportionment board was really just f	or	
23	the legislature, but the problem was none of the		
24	infrastructure could get going until the 2010		
25	elections could decide who was on the apportionme	nt	
1			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 46 of 182 PAGEID #: 12196

	Page	46
1	CLARK BENSEN	
2	board, and then the Congressional was sort of tagging	
3	along to some degree.	
4	Q. Okay. Now, so our record is clear, I'm going	
5	to be asking I have been asking and will be asking	
б	about Ohio Congressional redistricting. I take it,	
7	did you do work also on the state legislative	
8	redistricting as well?	
9	A. Yes.	
10	Q. Okay. So I might be very specific and	
11	explicit about questions regarding the state	
12	legislative process, but if I'm not, when I'm just	
13	talking about redistricting, I'm asking questions	
14	about the Ohio Congressional redistricting. Do you	
15	understand that?	
16	A. Yes.	
17	Q. Okay. Would you change any of your answers	
18	that you can think of now in the testimony you've	
19	given so far based on that clarification?	
20	A. No.	
21	MS. McKNIGHT: Objection.	
22	You can answer.	
23	BY MR. FRAM:	
24	Q. If it comes to mind that oh, no, that was	
25	only about the state apportionment process, then	

	Page 47
1	CLARK BENSEN
2	please feel free to let me know.
3	A. Well, as I said, that's what's kind of
4	confused in my mind because at the time, it was very
5	discreet, but now it's, like years later, fuzzy.
б	Q. That's why I'm reinforcing the point. I want
7	to turn to the first substantive slide on -4434 right
8	after the title slide, the one under the heading
9	"Introduction." Do you see that?
10	A. Yes.
11	Q. Could you please take a look at that.
12	(The witness reviewed Exhibit 2.)
13	THE WITNESS: Yeah. Yes.
14	BY MR. FRAM
15	Q. If I understand correctly, this was the first
16	substantive slide of your slide set after the title
17	slide; is that right?
18	A. It appears so, yes.
19	Q. So the first thing that you presented was
20	to you said, "However, to estimate the election
21	impact, you will need election data." Do you see
22	that?
23	A. Yes.
24	Q. And you communicated that to the people at
25	the RNC conference; is that right?

	Page 4	18
1	CLARK BENSEN	
2	MS. McKNIGHT: Objection.	
3	You may answer.	
4	THE WITNESS: I'm not sure that I actually	
5	presented this or this was just part of a handout that	
б	they provided. I don't have a recollection as to	
7	what I know I spoke at the conference, but I'm not	
8	sure where I spoke. If I spoke, this would have been	
9	the first thing I said, yes.	
10	BY MR. FRAM:	
11	Q. Okay. And you were a person who could	
12	provide election result data that could be used to	
13	estimate the election impact of a district; is that	
14	right?	
15	A. Yes.	
16	Q. Turning to the next page of the PowerPoint	
17	of the exhibit, -4435 , and to the slide entitled	
18	"Analytical Goals." Do you see that?	
19	A. Yes.	
20	Q. And there are four that are listed. Do you	
21	see that?	
22	A. Yes.	
23	Q. Do you see the fourth one is entitled	
24	"Partisan Fairness"? Do you see that?	
25	A. Yes.	

49

	Page
1	CLARK BENSEN
2	Q. What's your understanding of what the term
3	"partisan fairness" means?
4	A. There are various metrics that analysts
5	mostly experts in litigation will use to assess the
6	degree to which the votes break out, and they
7	generally would look at it from a statewide
8	perspective.
9	Q. And did you do you remember talking about
10	partisan fairness in your presentation at the RNC?
11	A. Unless it's in here, I didn't really see it
12	unless I glanced over it. Again, I don't remember
13	what I talked about. I'm sure I had another thing on
14	just partisan fairness. You can add that too.
15	Q. Do you have an understanding of the term
16	"partisan fairness" as you used it, putting aside the
17	various experts who have their own views?
18	A. Well, yes. There are different metrics that
19	they use.
20	Q. Is there a metric that you prefer?
21	A. It depends on what the client is looking for.
22	Q. Do you recall working with the RNC, is there
23	a metric the client preferred?
24	A. Well, the RNC did really do it per se.
25	Q. Fair enough. Working with any Republican

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 50 of 182 PAGEID #: 12200

	Page 50
1	CLARK BENSEN
2	state legislatures or their staff, was there a metric
3	that they had preferred in terms of measuring partisan
4	fairness?
5	A. It would depend on the decade.
6	Q. After 2010.
7	A. It was probably still partisan symmetry at
8	the time as kind of the main focus because we hadn't
9	really had much in the way of litigation. So there
10	really hadn't been much change for the last 20 years.
11	Q. If you could explain for the record what you
12	understand the term "partisan symmetry" to mean,
13	please.
14	A. You basically you take the votes, say for
15	a president or something, statewide race, and you
16	reaggregate that from all the census blocks basically
17	in each district, and you'd come up with how many
18	districts were won by, say, Obama. And you'd say if
19	Obama got 55 percent of the statewide vote but he won
20	65 percent of the districts, that's A.
21	But then you look at the plan and say, "Well,
22	if, in fact, McCain had gotten 65, 55 percent of the
23	vote, would he have gotten 65 percent of the seats."
24	And it's a question of the differential between that.
25	Q. Do you ever recall a conversation about

51

	Page
1	CLARK BENSEN
2	partisan symmetry with anyone in Ohio in the 2010
3	cycle?
4	A. No.
5	Q. Turning to Page -4436. Do you see the slide
б	at the bottom of the page, "Keyline Dataset"?
7	A. Yes.
8	Q. Okay. Do you recall discussing that at the
9	RNC conference?
10	A. As I said before, I don't know if I actually
11	presented this or not, but I would have. If I would
12	have presented this, I would have gone through each
13	slide.
14	Q. Just so I understand, looking at this slide,
15	what was what's the "Universe of reported units" or
16	sub units refer to?
17	A. Basically, that would be precincts. Sub unit
18	would be a split precinct.
19	Q. And when you said down further, "Establishes
20	coding scheme," what does that refer to?
21	A. It just means taking it goes back to what
22	I said about developing election scheme, election
23	recording scheme. There's no standardization even
24	amongst counties in one state, but computers, as we
25	know, like zeros and ones. So you have to take

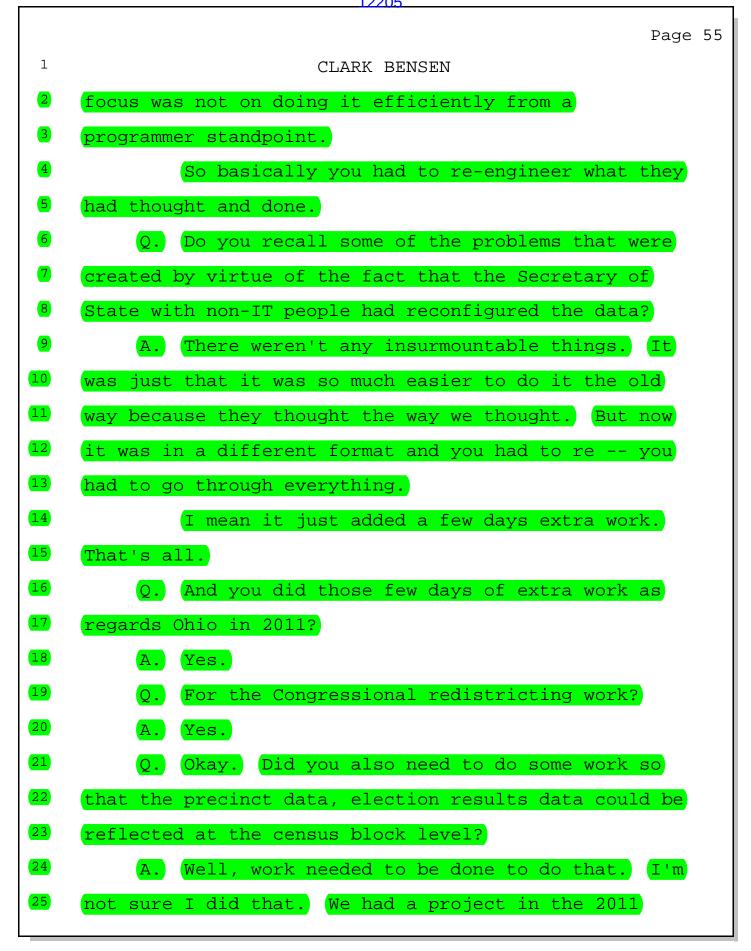
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 52 of 182 PAGEID #: 12202

	Page 52
1	CLARK BENSEN
2	whatever information they've given to you and come up
3	with some sort of nomenclature where you would give it
4	a code, which is basically just some series of numbers
5	or letters so that you could have Precinct 1, I'll
6	say, be identified as Precinct 1 each year even though
7	they may call it Adams School one year, and then the
8	next year they call it the Jefferson Firehouse or
9	something like that.
10	Q. And you also developed codes for different
11	elections?
12	A. I'm sorry?
13	Q. Did you also develop code did you ever
14	develop codes for different elections? So, for
15	example, GOAP, or the general election for 2008 for
16	President?
17	A. I wouldn't call that a code, but yeah, it's
18	the same kind of thing. You come up with a pneumonic,
19	basically, that is generally no more than 10
20	characters that just makes it easier to process
21	because there's still certainly in the early days,
22	there was a lot of hand work.
23	Q. Did you ever come up with any pneumonics for
24	elections?
25	A. Well, yeah. When I was at the RNC, we spent

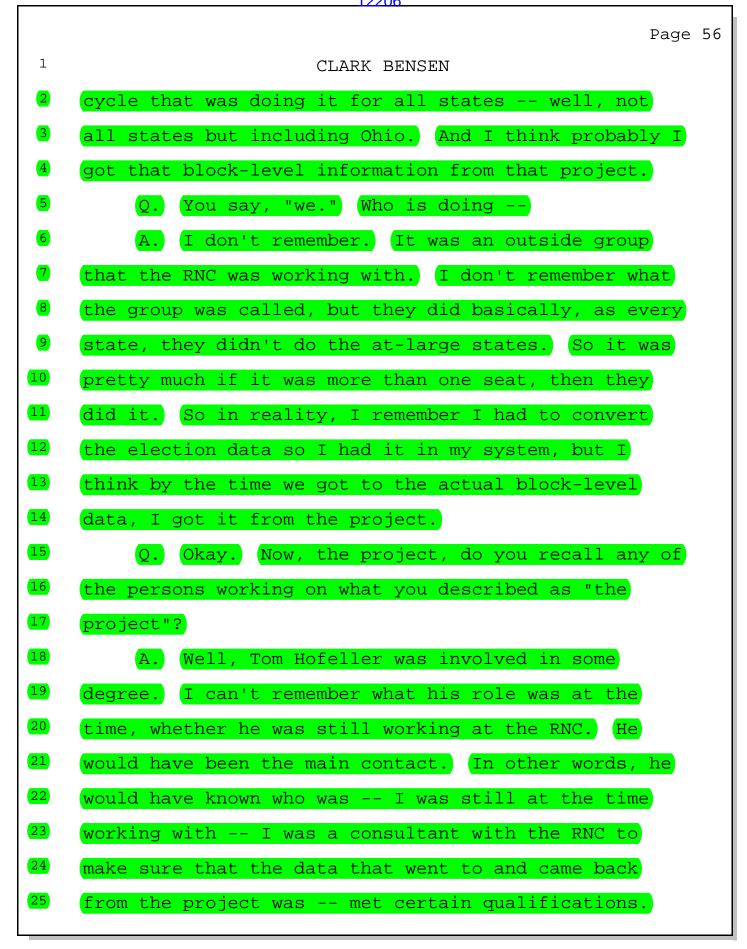
	Page 53
1	CLARK BENSEN
2	time when I got there they had a very basic system,
3	and I spent some time making it a little more
4	extensive because when I was there, they didn't have
5	to deal with redistricting before I got there. So we
6	had to come up with all sorts of codes and look-up
7	tables and nomenclature standards for the data that
8	eventually went into any election system which
9	eventually went into a redistricting system.
10	The redistricting system itself is very
11	simple. It's like Maptitude. But getting the
12	information so that you get it in there is much more
13	complicated because there's just a lot of steps.
14	Q. What were some of the steps?
15	A. Well, that depends on each county and each
16	state. When I say, "steps," the basic point is
17	sometimes a state, even back then in fact, Ohio
18	in I think in well, certainly '90 and 2000 I
19	can't recall 2010. They had for a long period of
20	time they had a very good data file for precinct level
21	data, and it was pretty straightforward.
22	But a lot of states, even at that time, were
23	not very organized, and even now when they're
24	organized, every state has a different way of looking
25	at it. So as part of the operational aspects, it's
1	

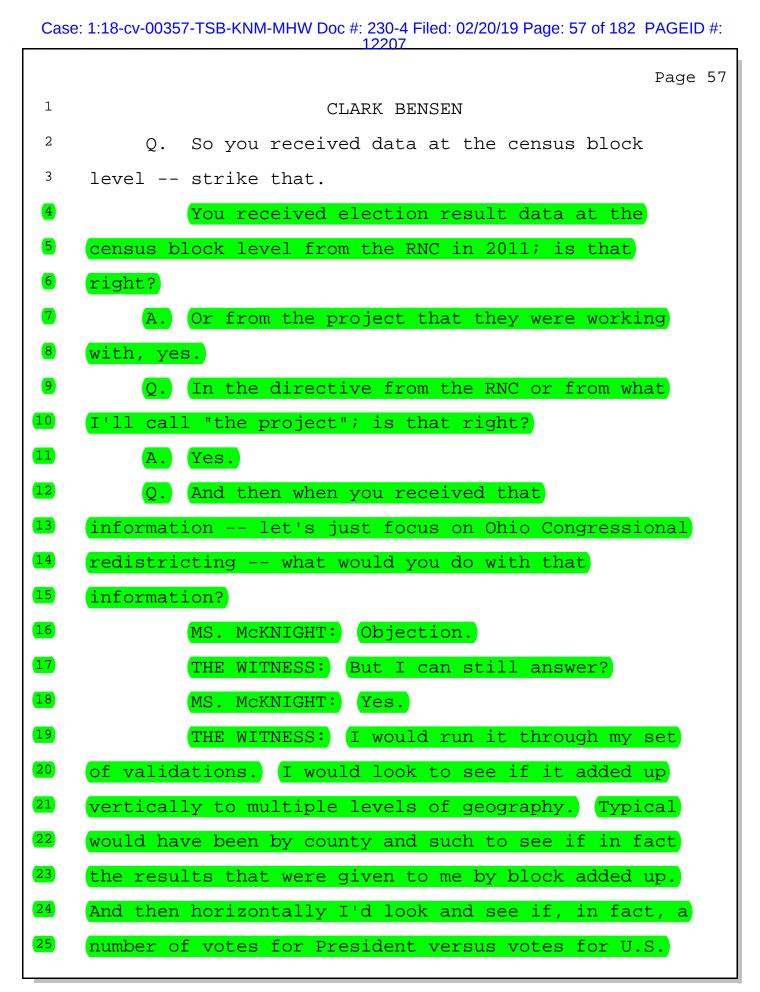
	Page 54
1	CLARK BENSEN
2	just sifting through all that to kind of come to the
3	lowest common denominator so that you could actually
4	process it efficiently in a computer system.
5	Q. So you say Ohio had a pretty good
6	precinct-level election result data set; is that
7	right?
8	A. Yes. For a long time. At least a decade or
9	SO.
10	Q. And is that also true in the 2011
11	redistricting?
12	A. Ironically, I don't think that was the case,
13	but then they had received a grant from the election
14	administration commission to clean up their precinct
15	data, which, in my mind, did nothing but kill off the
16	good format that they had.
17	Q. So some problems developed in the 2011 work?
18	A. Yeah. It was much more work than it used to
19	be for Ohio.
20	Q. What was some of the problems you recall?
21	A. Well, it wasn't done by data people. It was
22	done by political people who wanted to get something.
23	In other words, in the past it had been done by,
24	basically, IT professionals, but by this time it was
25	done by the Secretary of State's office, and their

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 55 of 182 PAGEID #: 12205

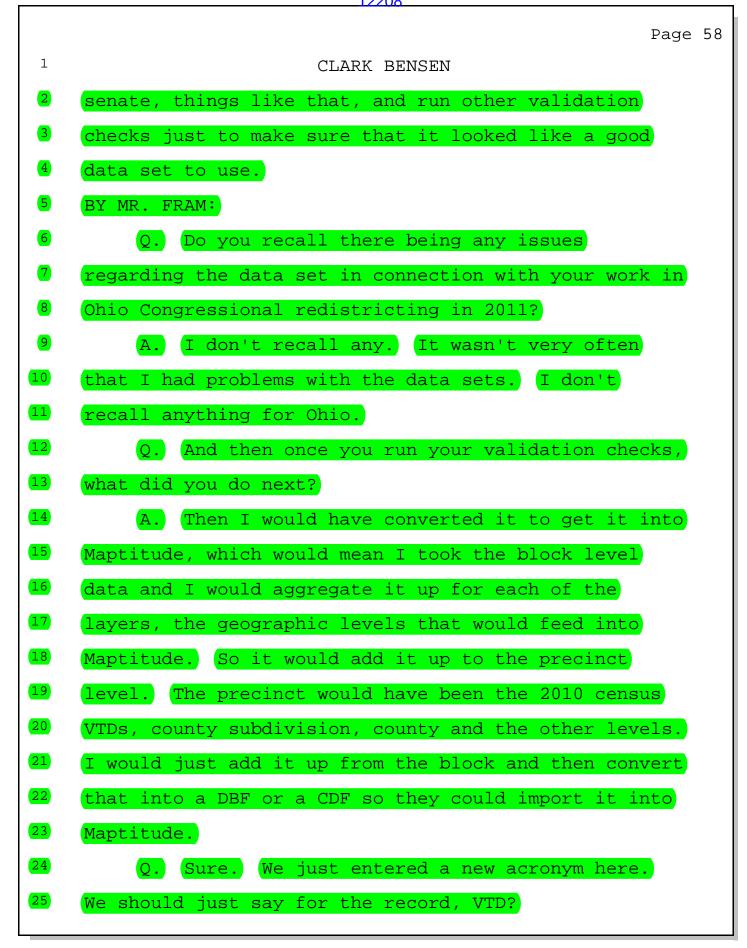


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 56 of 182 PAGEID #: 12206

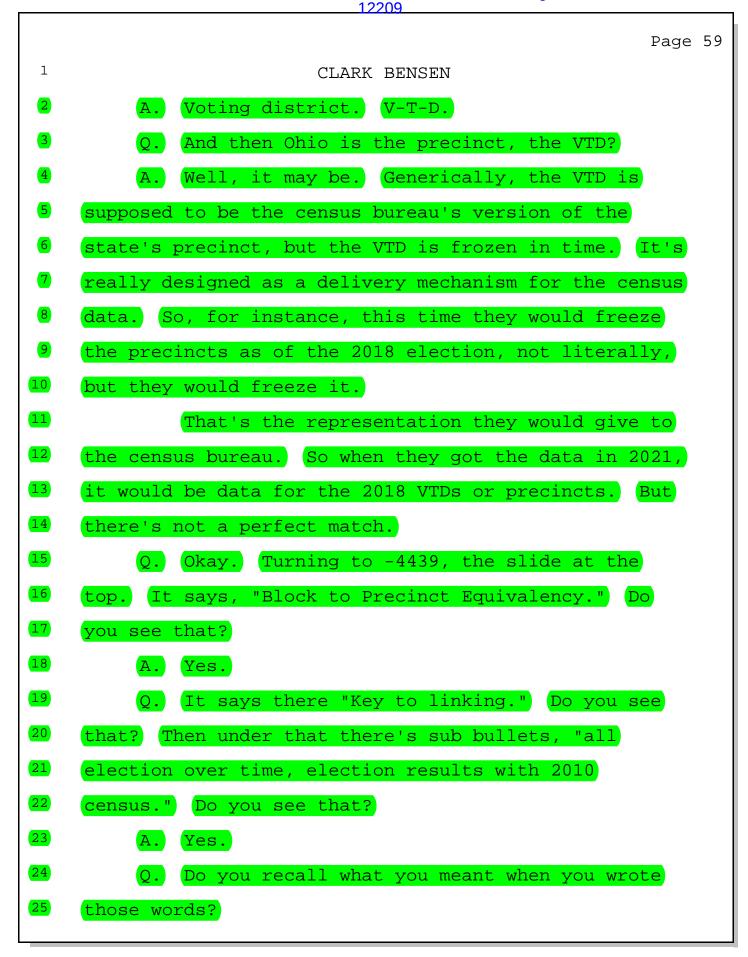




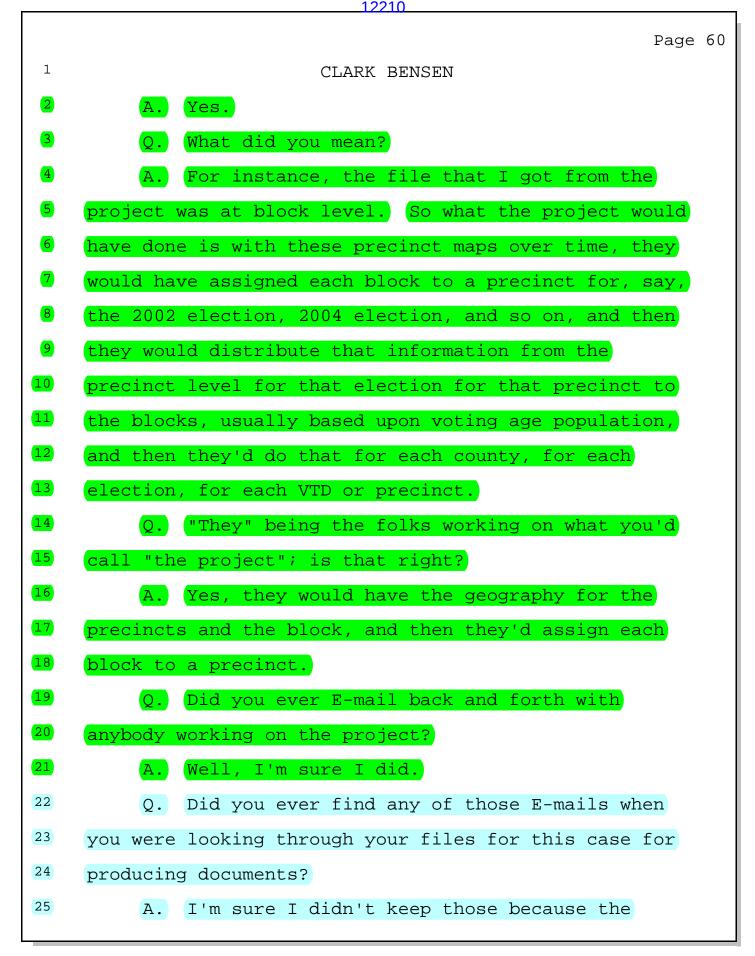
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 58 of 182 PAGEID #: 12208



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 59 of 182 PAGEID #:



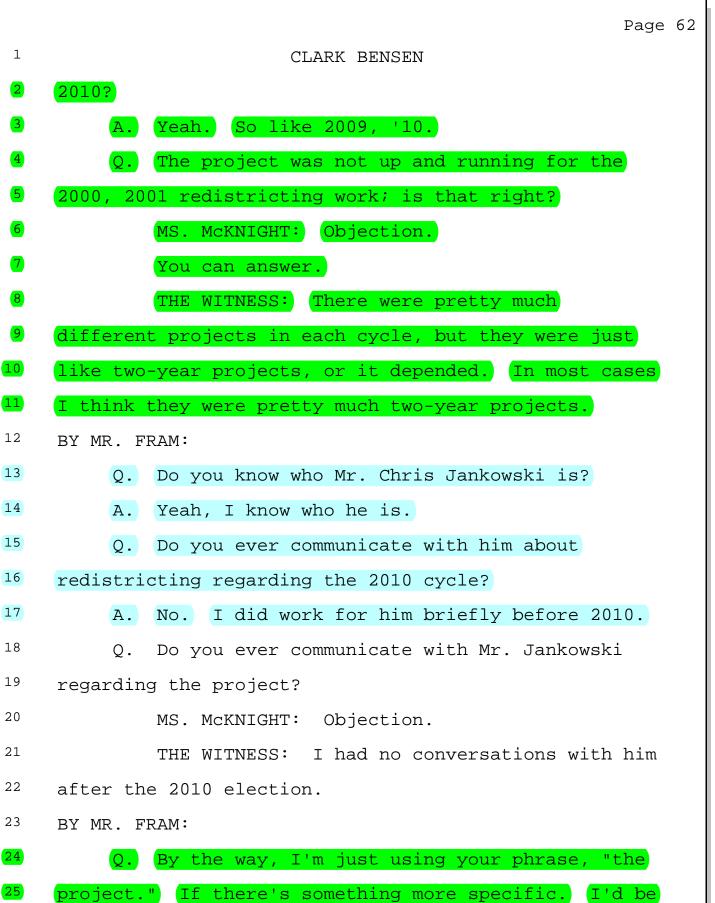
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 60 of 182 PAGEID #:



	Page 6	51
1	CLARK BENSEN	
2	only the only reason I had any of the E-mails from	
3	Ray and Heather were because I had to segregate them	
4	off as they were in a client folder. But there	
5	would have been too many E-mails in the other project	
6	to keep that. That was just in my in box, and it just	
7	disappeared over time. Because that was much more of	
8	a day-to-day type of thing.	
9	Q. Let me make sure I got the record right on	
10	this. Is there a record of when Dr. Hofeller was	
11	working on the project?	
12	MS. McKNIGHT: Objection.	
13	THE WITNESS: He was like a liaison. Again,	
14	I think he was at the RNC that cycle. I think that's	
15	right. So he would have been liaison between the	
16	people actually doing all the precinct matching and	
17	that kind of stuff, yes.	
18	BY MR. FRAM:	
19	Q. Do you recall when you first heard about the	
20	project?	
21	MS. McKNIGHT: Objection.	
22	THE WITNESS: 20 not really. Obviously,	
23	late in the decade.	
24	BY MR. FRAM:	
25	Q. Late in the decade, like between 2000 and	

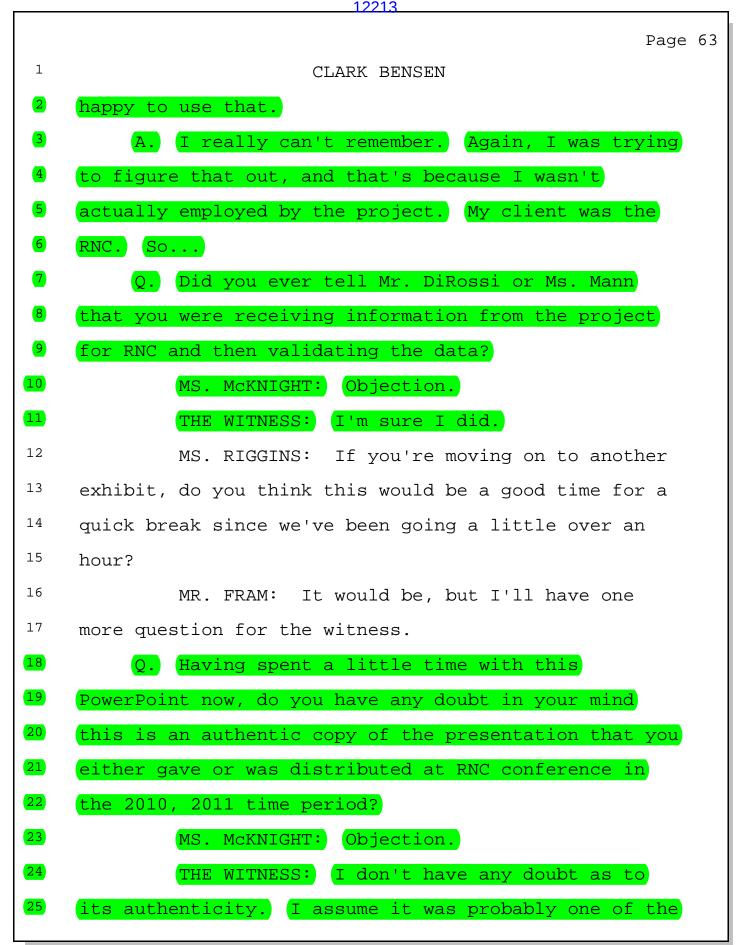
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 62 of 182 PAGEID #:





TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0225

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 63 of 182 PAGEID #:



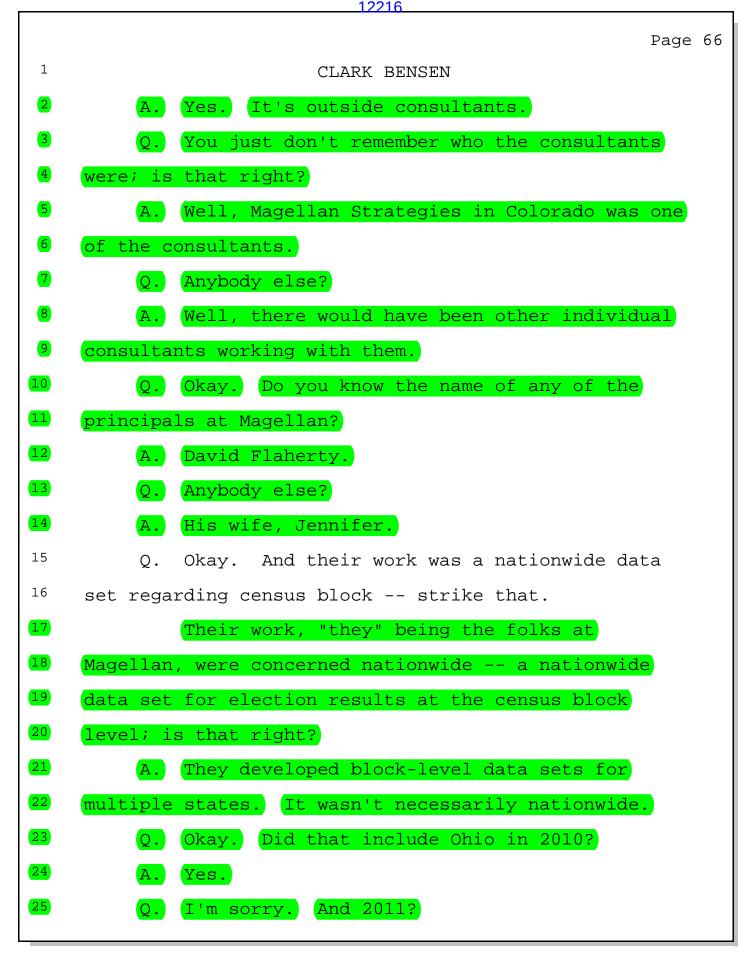
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 64 of 182 PAGEID #: 12214

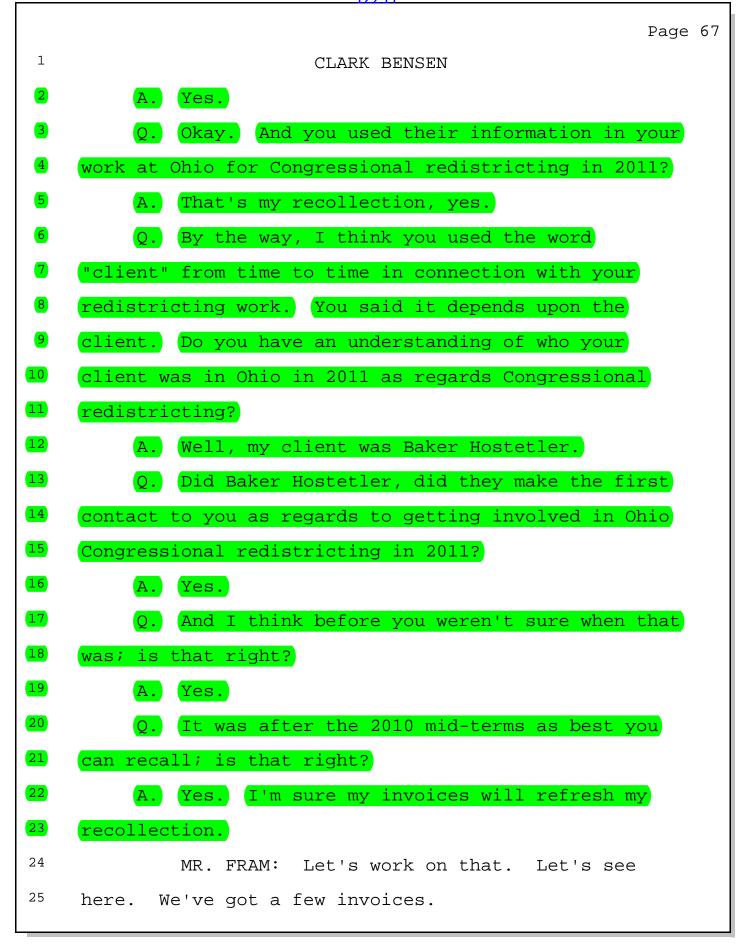
 CLARK BENSEN CLARK BENSEN Chings that was in the packet. I don't have any reason to believe it wasn't. BY MR. FRAM: Q. I'm sorry. The last A. I said I don't have any reason to believe it wasn't. Q. There were a couple negatives in there. I just wanted to make sure I got it. A. I'm sorry. D. That's okay. I do that 	
3 reason to believe it wasn't. 4 BY MR. FRAM: 5 Q. I'm sorry. The last 6 A. I said I don't have any reason to believe it 7 wasn't. 8 Q. There were a couple negatives in there. I 9 just wanted to make sure I got it. 10 A. I'm sorry.	
 BY MR. FRAM: Q. I'm sorry. The last A. I said I don't have any reason to believe it wasn't. Q. There were a couple negatives in there. I just wanted to make sure I got it. A. I'm sorry. 	
 Q. I'm sorry. The last A. I said I don't have any reason to believe it wasn't. Q. There were a couple negatives in there. I Just wanted to make sure I got it. A. I'm sorry. 	
 A. I said I don't have any reason to believe it wasn't. Q. There were a couple negatives in there. I just wanted to make sure I got it. A. I'm sorry. 	
⁷ wasn't. ⁸ Q. There were a couple negatives in there. I ⁹ just wanted to make sure I got it. ¹⁰ A. I'm sorry.	
Q. There were a couple negatives in there. I just wanted to make sure I got it. A. I'm sorry.	
 ⁹ just wanted to make sure I got it. ¹⁰ A. I'm sorry. 	
¹⁰ A. I'm sorry.	
11 O That is also to that	
Q. That's okay. I do that.	
¹² MR. FRAM: Why don't we take that break.	
13 (A recess was taken from 10:19 a.m.	
14 to 10:33 a.m.)	
¹⁵ BY MR. FRAM:	
Q. Just so we're talking about this term "the	
¹⁷ project" before the break, and just so I understand	
18 how the information actually came to you. Was it	
¹⁹ your did you receive information from the RNC or	
²⁰ from the separate entity or group called "the	
21 project"? You've been calling it "the project."	
A. I received the precinct-level data from the	
23 RNC, and I would receive the block-level data from the	
24 project.	
Q. Understood. Was the RNC copied on those	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 65 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 66 of 182 PAGEID #:





68

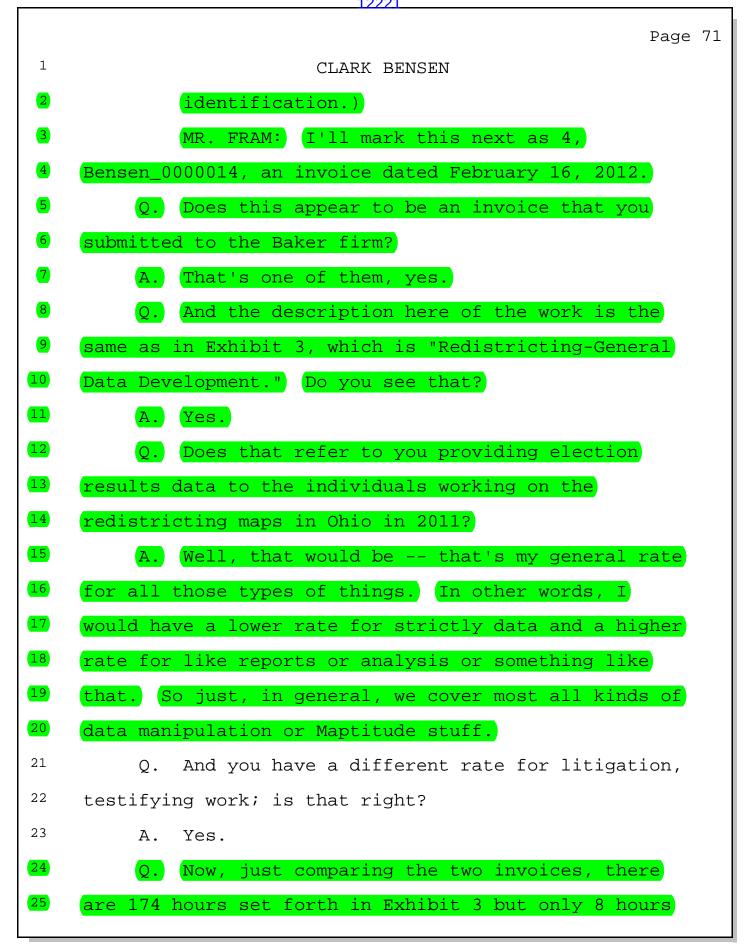
	Page
1	CLARK BENSEN
2	We'll start with this one as Exhibit 3. I
3	should be clear. We talk about identifier numbers.
4	In litigation they're called Bates numbers at the
5	bottom of the page. These were not produced to us
6	with numbers. I just want the record to be clear, we
7	added these identifier numbers. We just added those
8	Bensen numbers at the bottom of the page just so that
9	we can identify the document.
10	So I'll just state for the record this is
11	Bensen_0000 five zeros. So -0000013.
12	(Deposition Exhibit 3 was marked for
13	identification.)
14	BY MR. FRAM:
15	Q. For the record, this is an invoice from
16	Polidata, LLC, and the date in the upper right-hand
17	corner is 10-4-2011.
18	Mr. Bensen, is this an invoice you submitted
19	to the Baker firm in October 2011?
20	A. It appears to be, yes.
21	Q. Okay. It says here there's a period, I
22	see, where it says, "to September 30." Do you see
23	that?
24	A. Yes.
25	Q. During your practice, your invoices would

	Page 69
1	CLARK BENSEN
2	cover a month or more than that?
3	A. Just really depends on how busy I am at the
4	time. There's not I work by myself. So there's no
5	administrative person keeping me on tap. So I will
б	sometimes I would usually do it, A, whenever I find
7	the time to do it, or, B, when I've reached a plateau
8	or something. But it's really at this period of
9	time, it was just happenstance.
10	Q. Well, under you see Q-t-y. That means
11	quantity. Do you see that?
12	A. Yes.
13	Q. And then it says, "174"?
14	A. Yes.
15	Q. That would be 174 hours?
16	A. Yes.
17	Q. And your rate over there is \$200. Do you see
18	that over in the next column?
19	A. Yes.
20	Q. So the totals, if you multiply out the 174
21	times the 200; is that right?
22	A. Hopefully.
23	Q. Okay. But do you recall whether or not you
24	spent 174 hours on this project in September, or
25	whether that went back to an earlier period of time?

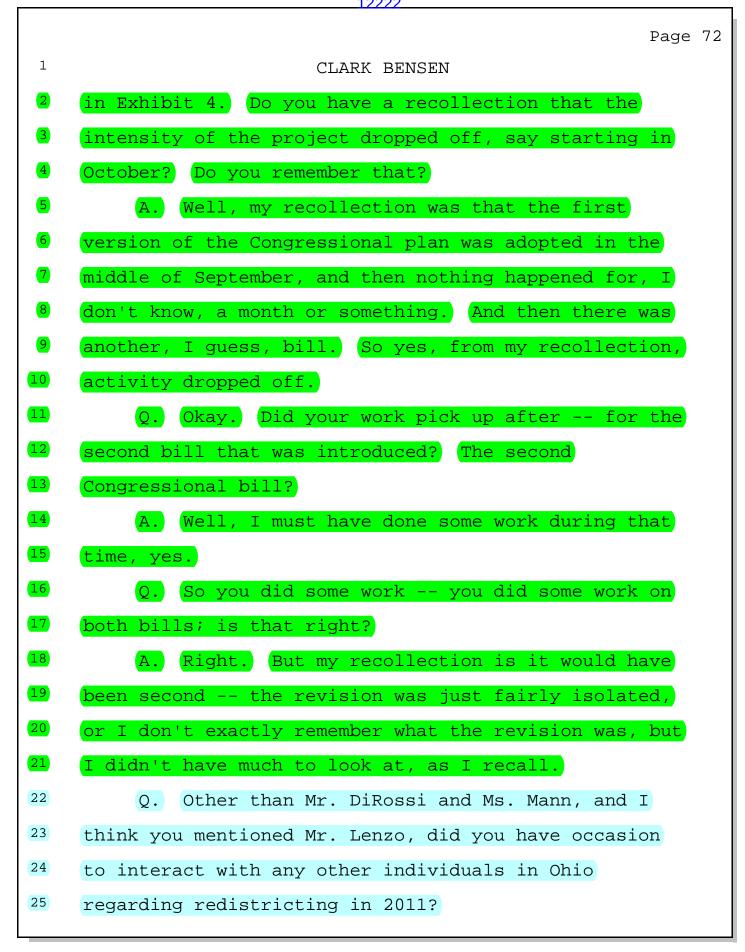
70

	Page
1	CLARK BENSEN
2	A. I don't know.
3	Q. Okay. Can you break apart that 174 hours for
4	us in any way in terms of how like much was involved
5	in which aspect of the redistricting work or which
6	was well, let me back up a minute.
7	Of the 174 hours in the summer of 2011, do
8	you have any sense of what percentage of your time was
9	spent on Congressional redistricting as opposed to
10	state?
11	A. For Ohio?
12	Q. Ohio.
13	A. Not from this one invoice, no.
14	Q. By the way, I'm assuming where it says,
15	"Project, 2011-OHLEG-Re," that that covers both the
16	Congressional and the state map work; is that right?
17	A. I can't tell from this invoice alone.
18	Q. Did you provide separate invoices for the
19	Congressional work and the state reapportion work?
20	A. My recollection is there were four invoices,
21	and the first two were mostly legislative, and the
22	second two are mostly Congressional, but I can't tell
23	from the invoice alone.
24	MR. FRAM: Okay.
25	(Deposition Exhibit 4 was marked for

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 71 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 72 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 73 of 182 PAGEID #:

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	Page 73
1	CLARK BENSEN
2	A. I don't recall anyone, no.
3	Q. Did you ever travel to Ohio in 2011 in
4	connection with any of the work you were doing on
5	redistricting?
6	A. I don't think I did. This was my very busy
7	period, and I rarely traveled because I had too much
8	work in other states.
9	(Deposition Exhibit 5 was marked for
10	identification.)
11	MR. FRAM: I'll mark next as Exhibit 5. It's
12	a document with Bates No. BRADEN000657. It's an
13	E-mail string earlier in time, seems to be Heather
14	Mann to Mark Braden, May 25, 2011, 1:45 p.m. There's
15	a subsequent E-mail from Mark Braden to you,
16	Mr. Bensen, dated June 1, 2011 at what appears to be,
17	I guess, 5:53 p.m.
18	Q. My first question is do you have any reason
19	to believe you did not receive this E-mail back around
20	June 1, 2011 from Mr. Braden?
21	A. All I have to go by is what's on the paper.
22	Q. Around June 1, 2011 do you recall whether you
23	were already working on Ohio redistricting or not?
24	A. I have no recollection.
25	Q. Okay. Do you recall submitting any budget

Page 74

1 CLARK BENSEN 2 estimates or expenses to Mr. Braden as part of your 3 work in the Ohio Congressional redistricting? 4 I'm going to object because MS. RIGGINS: 5 since Mr. Bensen was an expert consultant on the 6 project, we're going to consider a lot of his work and 7 conversations with Mr. Braden covered under both 8 attorney-client and work product privileges, but I'm 9 going to instruct the witness that he can answer the 10 specific question if he can do so without revealing 11 the substance of the conversation. 12 Just so we're clear for the MR. FRAM: 13 record, I had understood that, of course, Ms. McKnight 14 is counsel for Mr. Braden and has played a role in our 15 discovery issues regarding the contours of the 16 privilege. I have yet to have the pleasure of acting with the Ogletree firm on those issues. 17 So I didn't 18 know that you're representing Mr. Braden or had any 19 way, have any standing to assert the privilege on 20 these issues. 21 Of course, if there's new information I don't 22 have and you actually also are counsel for Mr. Braden 23 and are asserting a privilege on his behalf, then 24 please say so on the record so we're on the same page. 25 I'm asserting the privilege on MS. RIGGINS:

Page 75

1	CLARK BENSEN
2	behalf of the legislative defendants who Mr. Braden
3	represented, including Mr. DiRossi and Ms. Mann.
4	MR. FRAM: My understanding is that the
5	attorney general's office is representing Mr. Braden
6	for that part of the project, and they've asserted
7	privilege from time to time. And as is the Baker
8	firm, Ms. McKnight, I just hadn't known that your firm
9	is also now a third law firm representing Mr. Braden
10	standing on the privilege.
11	I just want to note for the record we don't
12	understand that. We're glad to work with a couple law
13	firms we're already talking to about the privilege,
14	but we didn't realize that you were also asserting the
15	privilege for Mr. Braden.
16	MS. RIGGINS: Yes, on behalf of our client,
17	the legislative defendants, who were his clients.
18	MS. McKNIGHT: And for the record, Baker
19	Hostetler is representing Mr. Braden insofar as there
20	are any issues arising outside of his representation
21	and work for Ohio in 2011. So just to be clear in how
22	you were describing our role.
23	MR. FRAM: I don't think this will
24	necessarily come to anything, but if it ever does, I
25	just want to say that we don't agree that the Ogletree

76

	Page
1	CLARK BENSEN
2	firm has standing to assert any privilege whatsoever
3	on this issue. Just we'll just see where it goes.
4	I just don't want not say anything to be taken to mean
5	anything.
6	THE WITNESS: Can I have a moment with my
7	attorneys here?
8	MR. FRAM: You want to talk to your
9	attorneys?
10	THE WITNESS: Yeah.
11	MR. FRAM: Oh, sure. Talk to your attorneys.
12	THE WITNESS: It will be brief.
13	(A recess was taken from 10:52 a.m.
14	to 10:55 a.m.)
15	MR. FRAM: After your legal conversations,
16	anybody want to say anything?
17	MS. RIGGINS: Just for the record, to clear
18	it up, Ogletree Deakins is special counsel to the
19	attorney general's office as we represent the
20	legislative defendants. So Mr. Fram was focusing on
21	the representation of Mark Braden, and I want to make
22	it very clear that Ogletree is here and I am here as
23	special counsel to the attorney general's office
24	representing our clients, the legislative defendants.
25	The privilege is theirs to assert as they were the

	Page	77
1	CLARK BENSEN	
2	clients of Mr. Braden.	
3	MR. FRAM: Okay. Well, I didn't see him	
4	showing up here today to assert it. So we'll keep	
5	going forward. Like I said, I don't know if this will	
5	come up or not.	
	Why don't we mark next as Exhibit 6 an	
)	E-mail, JUDY_0001692 through -1696.	
	(Deposition Exhibit 6 was marked for	
	<pre>identification.)</pre>	
	MR. FRAM: It's an E-mail string, the first	
	page of which is an E-mail from Clark Bensen dated	
	August 10, 2011, 1:50 p.m., to Heather Mann, Mike	
	Lenzo, Miranda Thomas, with a "cc" to Mark Braden,	
	Troy Judy and John Barron.	
	Mr. Bensen, please take a quick look at this	
	one.	
	(The witness reviewed Exhibit 6.)	
	THE WITNESS: Okay.	
	BY MR. FRAM:	
	Q. Now, the Outlook E-mail string is in reverse	
	chronological order. The very first page is not the	
	earliest one that starts the string. So I just want	
	to point that out and then say we're going to have to	
	look at how this all gets started, but I guess I'd	

Page 78

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1	CLARK BENSEN
2	start with a question for you about the E-mail that
3	you sent on August 10, 2011, 10:13 a.m.
4	A. What page is that?
5	Q. It's JUDY_000163 excuse me0001694
б	to -95. You'll see there's some other numbers on this
7	based on how long the string was when it was printed
8	out or the document was printed out, but this is an
9	E-mail, one coherent E-mail string, as far as we can
10	best tell. This document was part of a large
11	collection of E-mails, multiple strings, some quite
12	unrelated to each other. That's why you have two
13	different kinds of numbers on it.
14	A. Yes.
15	Q. So in any event, you see that E-mail from you
16	to Heather Mann, Miranda Thomas, Mike Lenzo, copy to
17	Mr. Braden, and then also it looks like another copy
18	to Ms. Mann dated August 10, 2011, time start
19	10:13 a.m.
20	A. 10:13 a.m.?
21	Q. Down at the bottom of the page, -0001694
22	A. Yes.
23	Q and it carries over to the top of the next
24	page, -1695. Do you see that?
25	A. Yes.

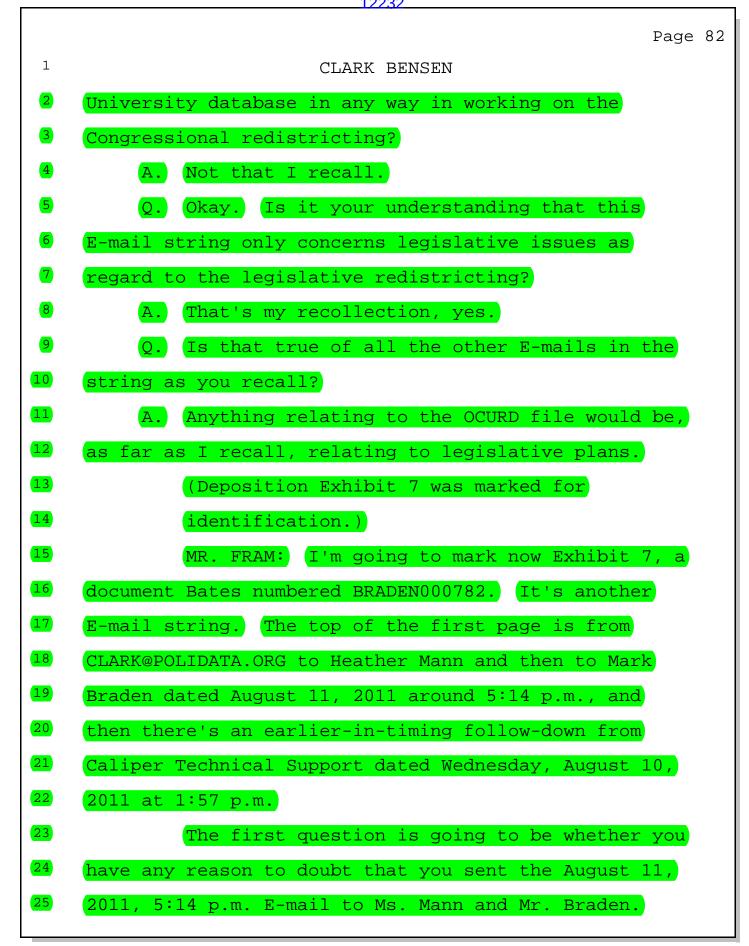
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 79 of 182 PAGEID #: 12229

	Page 79
1	CLARK BENSEN
2	Q. Okay. Do you have any reason to doubt that
3	you sent this E-mail to Ms. Mann and others on
4	August 10, 2011?
5	A. No.
6	Q. Okay. Do you see there's a reference in the
7	top of Page -1695 to you being in Cincinnati?
8	A. Yes.
9	Q. Is it your recollection you traveled to
10	Cincinnati in the summer of 2011?
11	A. No, because I could have been at an NCSL
12	conference or something else. This doesn't help me
13	figure out that
14	Q. I'm not asking whether you made a special
15	trip just for the Ohio redistricting work. Just
16	whether or not you were in Cincinnati that summer.
17	A. Well, it appears I would be, yeah.
18	Q. Do you recall any conversations with anybody
19	in Cincinnati in the summer of 2011 regarding Ohio
20	redistricting?
21	A. I believe this is actually to attend an RNLA
22	conference in Cincinnati.
23	Q. What's RNLA?
24	A. Republican National Lawyers Association.
25	Q. Did you attend such a conference in

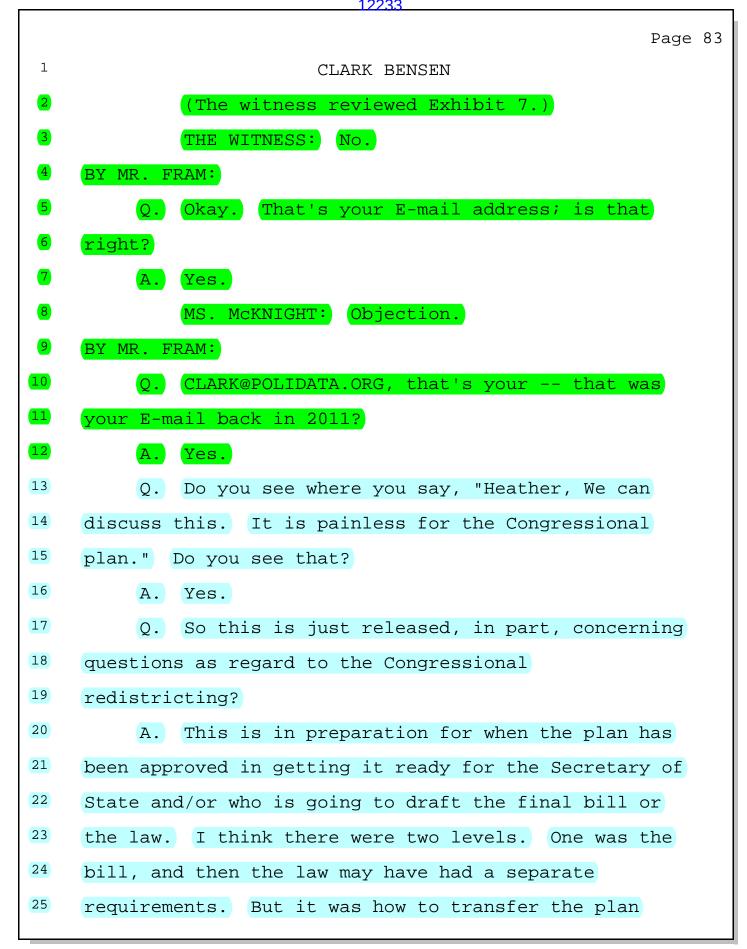
	I	Page	80
1	CLARK BENSEN		
2	Cincinnati?		
3	A. Yes.		
4	Q. Okay. Did you give a presentation at the		
5	conference?		
6	A. I don't recall it. I think I did, yes.		
7	Q. Okay. Do you recall the contents of the		
8	presentation?		
9	A. I'm sure it had nothing to do with Ohio.		
10	Q. Do you recall, while you were in Cincinnat:	i,	
11	talking to anybody about any issue related to		
12	redistricting in Ohio?		
13	A. No, because I was really, the RNLA		
14	conference is just a day of seminars, and my		
15	recollection is it was like a two-day seminar or two	C	
16	days of it was the annual meeting. So it was lib	ke	
17	probably Friday and Saturday. I remember I was real	lly	
18	only there for like half a day. I think I came in t	the	
19	first night and spoke in the morning and flew out		
20	early afternoon.		
21	Q. Okay. Do you recall whether Mr well,		
22	were only lawyers in attendance?		
23	A. Yes.		
24	Q. Now, Ms. Mann is a lawyer. Are you aware o	of	
25	that?		

	Page 81
1	CLARK BENSEN
2	A. I wasn't.
3	Q. Do you recall if she was there?
4	A. No.
5	Q. Looking beyond just the issue of what was
6	going on in Cincinnati, you'll see there's a reference
7	to let me back up a minute.
8	Do you see there's an E-mail from Mr. Lenzo
9	to you dated August 10, 2011 at 10:22 in the morning?
10	Do you see that?
11	A. 10:22, yes.
12	Q. Do you have any reason to doubt you received
13	this E-mail?
14	A. No.
15	Q. And he says, "To date no one has instructed
16	how to proceed with respect to 'Version 3', so it has
17	not been requested." Do you see that?
18	A. Yes.
19	Q. Is he referring to Version 3 of a database
20	being developed by folks at Cleveland State
21	University?
22	A. That's my understanding, which I believe is
23	all legislative and not Congressional.
24	Q. Okay. But there was your understanding,
25	there was a database. Did you use the Cleveland State

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 82 of 182 PAGEID #:



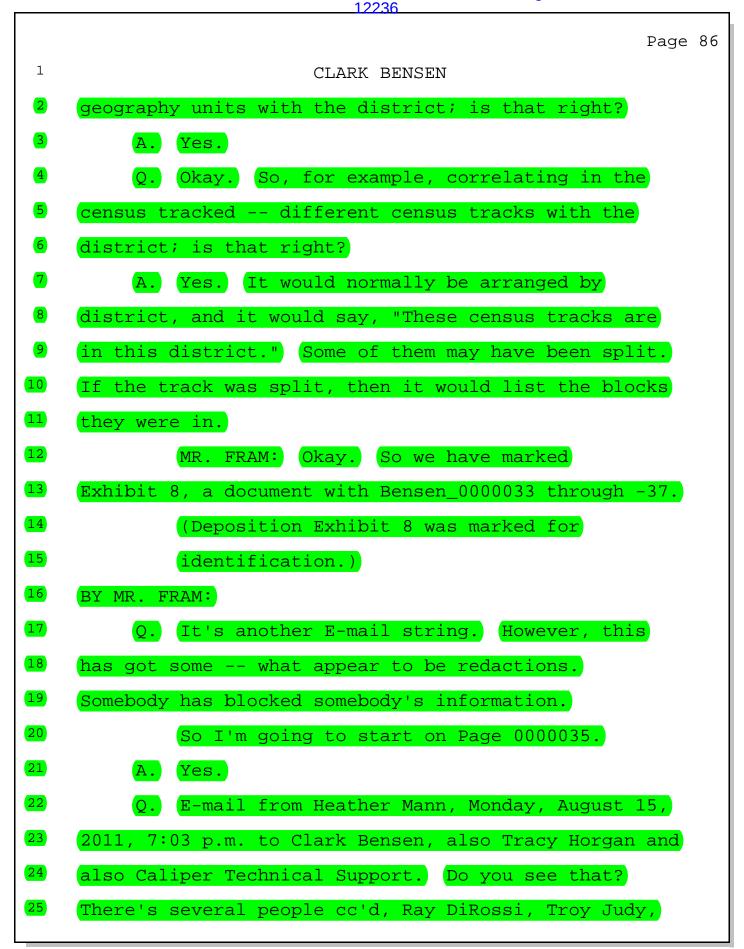
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 83 of 182 PAGEID #:



	Page	84
1	CLARK BENSEN	
2	geography when the plan was done into whatever	
3	requirements the whatever legal requirements were	
4	required for describing the geography.	
5	Q. And the block equivalency files needed to be	
6	presented in a form that could be used to put the plan	
7	into a bill?	
8	A. Well, that would be the starting point, yes.	
9	The question was whether they could just reference a	
10	block assignment file on file at the Secretary of	
11	State's office or if they had to have a listing of	
12	different geography within it.	
13	Q. What do you recall about that?	
14	A. Only what it says here, which is she's got	
15	it has to be by census track. So a block equivalency	
16	file per se would not do it. They would have to have	
17	it broken down by different levels of geography.	
18	Q. So it would have to be broken down by census	
19	track as well, not just census block; is that right?	
20	A. Well, something along those lines. So in	
21	other words, some programming would have to be done to	
22	get it to the point where the bill drafters could	
23	incorporate it into the bill structure.	
24	Q. Okay. Is it your understanding that the bill	
25	drafters needed to work with data at the census track	

	Page 85
1	CLARK BENSEN
2	level?
3	A. Only based upon what it says here.
4	Q. Do you have any recollection about that issue
5	as you sit here?
6	A. No.
7	Q. Did you do anything to make the election
8	result data usable at a census tracked level?
9	A. Can you rephrase the question?
10	Q. Did you do anything you said this is for
11	the Congressional plan. You say that. Did you do any
12	painless thing?
13	A. Well, obviously, once I got this, it wasn't
14	painless. It was easy. Painless would be if you just
15	exported a block assignment file. For the
16	legislative, it was much more difficult. So I was
17	just telling her this is not a difficult thing for the
18	Congressional plan. I don't know if I did anything.
19	I assume I probably wrote some program to allow the
20	export of it into the fashion that the bill drafters
21	needed.
22	Q. Okay. And just so I understand correctly,
23	that would have included election result data?
24	A. No, just geography.
25	Q. So it would be correlating particular

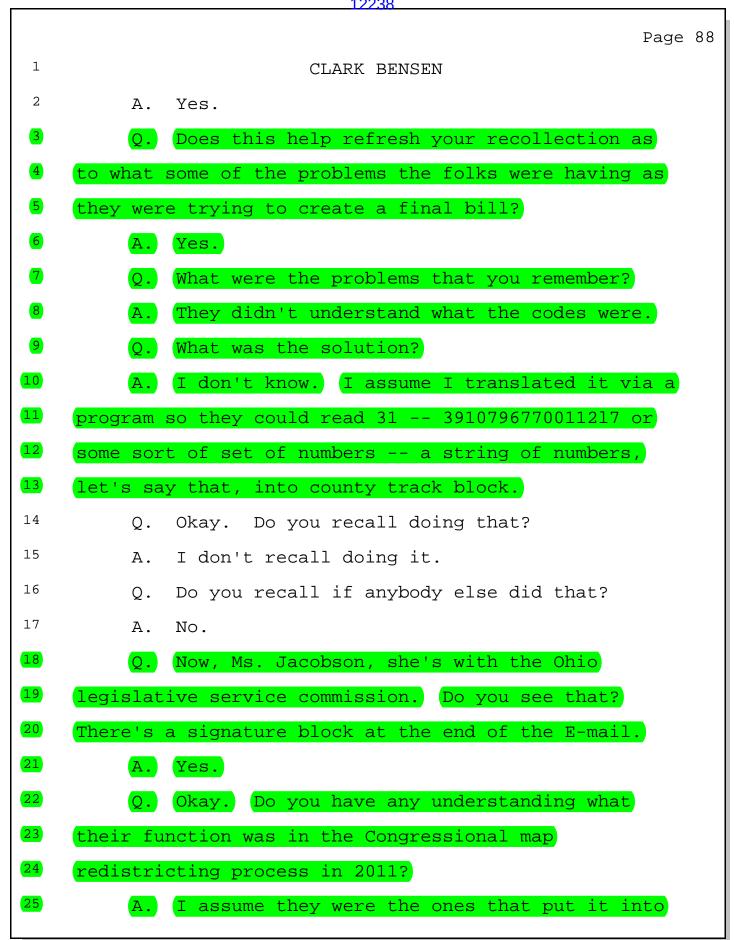
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 86 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 87 of 182 PAGEID #: 12237

	Page 87
1	CLARK BENSEN
2	Mark Braden, Lynda Jacobsen, and Mark Lenzo. Do you
3	see that?
4	A. Yes.
5	Q. Any reason to doubt you received this E-mail
6	on or about August 15, 2011?
7	A. No.
8	Q. Okay. Now, this comes a few days after the
9	previous E-mail we saw where you were saying it would
10	be, your word, painless, to respond to the need to get
11	the geography files at the track level for the
12	Congressional plan. Is this dealing with the same
13	issue or different issues, this E-mail in Exhibit 8?
14	MS. McKNIGHT: Objection.
15	THE WITNESS: It appears to be the same
16	issue.
17	BY MR. FRAM:
18	Q. Okay. If you go back to the E-mail from
19	Lynda Jacobsen back on August 15, 2011 at 9:38 a.m.
20	at Bensen_0000036, carrying over to the next page,
21	-37. Do you see that E-mail?
22	A. Yes.
23	Q. See where she describes some of the issues
24	that folks are running into because they're preparing
25	a bill. Do you see that?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 88 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 89 of 182 PAGEID #: 12239

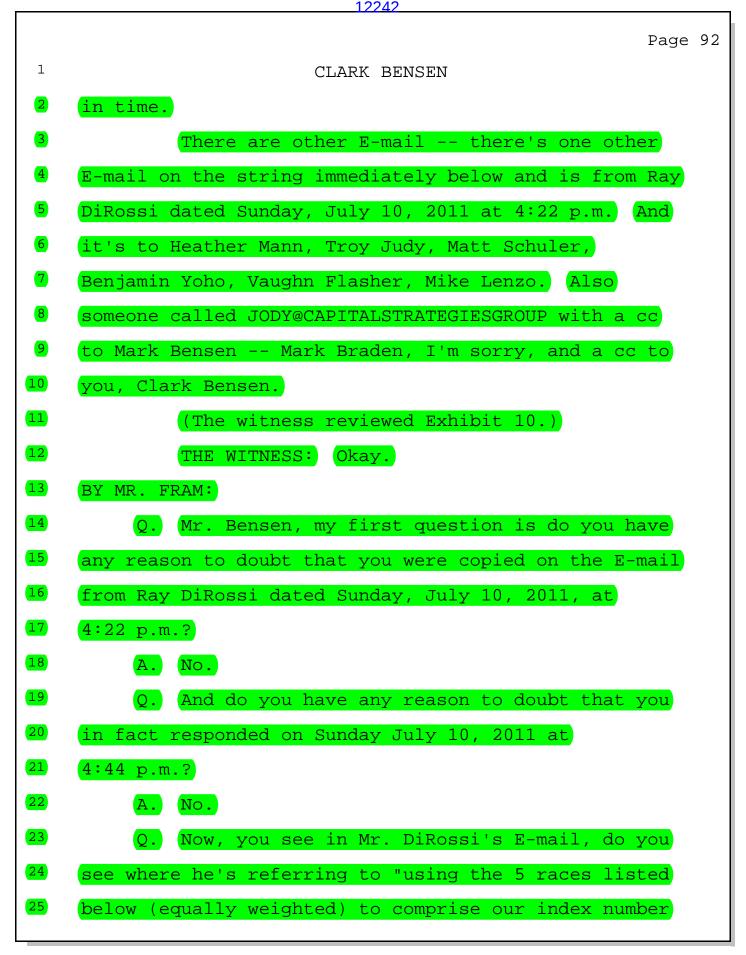
	Page 89
1	CLARK BENSEN
2	bill format. I have no reason to believe I didn't
3	provide them the translation of this into the format
4	for them to do that. I have no recollection of
5	specifically doing it.
6	MR. FRAM: Okay.
7	(Deposition Exhibit 9 was marked for
8	identification.)
9	MR. FRAM: Exhibit 9 is a document with Bates
10	No. Bensen_0000044. It's an E-mail from Heather Mann
11	to Clark Bensen, cc Ray DiRossi dated September 16,
12	2011 at 10:48 p.m.
13	Q. Mr. Bensen, do you have any doubt that you
14	received this E-mail on or about September 16, 2011?
15	A. No.
16	Q. Do you see there's a reference to importing
17	"old maps/plans as SHPE files." Do you see that?
18	A. Yes.
19	Q. Do you recall providing that information to
20	Ms. Mann in September 2011 in connection with
21	Congressional redistricting?
22	A. I'm not sure that's what this infers. She's
23	talking about importing maps that she has somehow that
24	are SHPE files.
25	REPORTER MARTIN: What files?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 90 of 182	PAGEID #:
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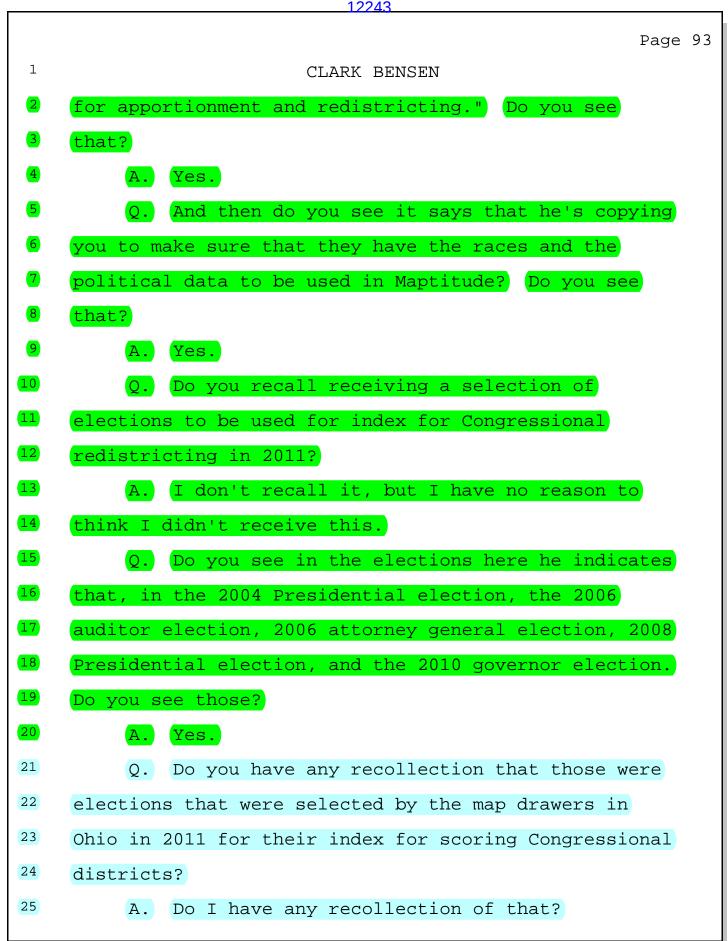
	Page 90
1	CLARK BENSEN
2	THE WITNESS: SHPE files, just S-H-P-E,
3	files.
4	BY MR. FRAM:
5	Q. Why don't we say for the record what a SHPE
6	file is, please.
7	A. It's just a computer file that has a
8	representation of the outline of any piece of
9	geography. One record, one file per shape.
10	Q. Did you have on your crew SHPE files for the
11	Ohio Congressional district?
12	A. Not that I recall. Almost everything I
13	may have if they sent it to me as a SHPE file, but the
14	normal way would be that we were transferred geography
15	via a block assignment file. They may have had a SHPE
16	file that they got somewhere else. I think the
17	question here was they were trying to deal with the
18	Secretary of State in how to provide the information
19	whenever the plans were done on Secretary of State's
20	website. So they wanted to have both the block
21	equivalency file and a SHPE file.
22	So this appears to be they were trying to
23	play with both of them because importing them in
24	Maptitude is different.
25	Q. I'm sorry.

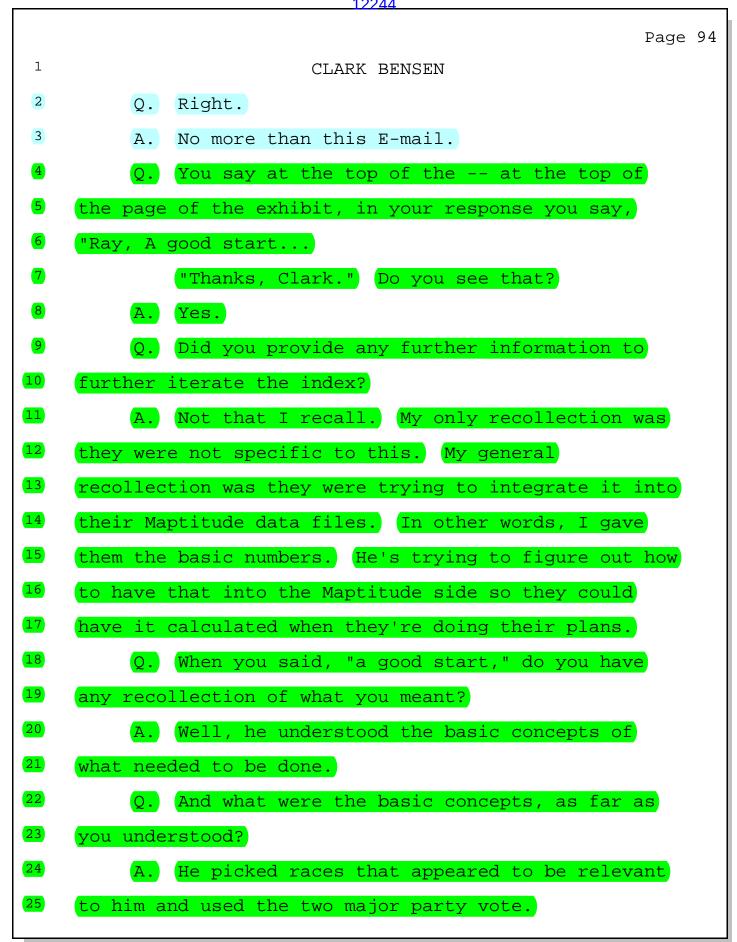


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 92 of 182 PAGEID #:









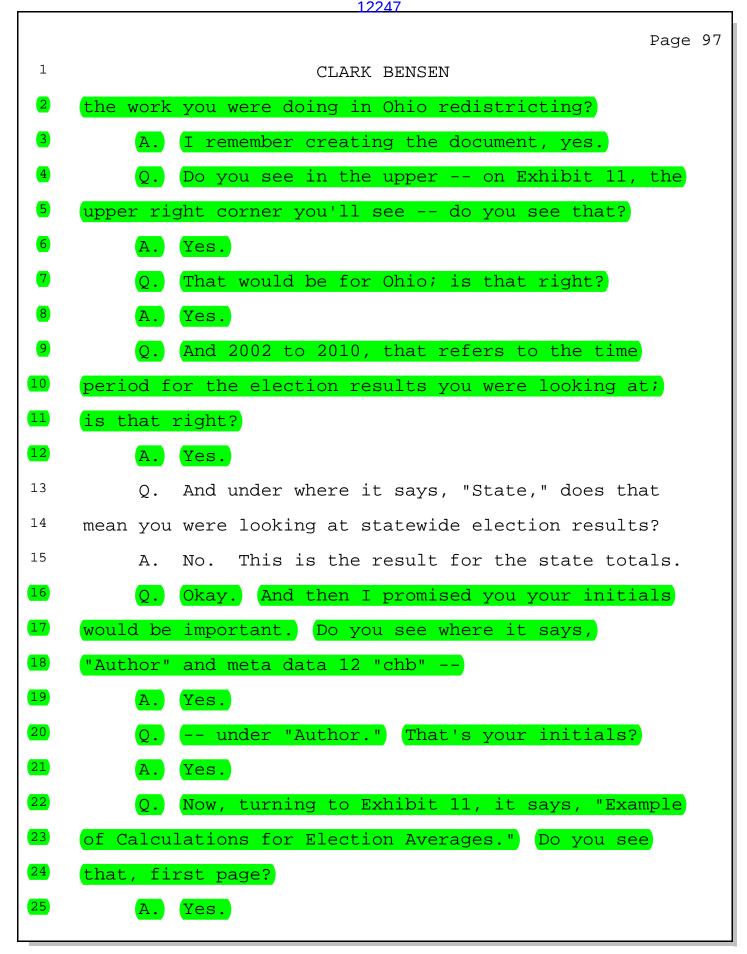
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	Page
1	CLARK BENSEN
2	Q. Okay. Did you have any understanding as to
3	whether or not the races he chose understated or
4	overstated likely Republican strength?
5	A. What was the first part of the question?
6	Q. I'll say it again because I'm obviously not
7	getting there.
8	Did you have any understanding as to whether
9	the races he chose overstated or understated likely
10	Republican strength in Ohio?
11	A. I didn't have any understanding. That isn't
12	what I was asked.
13	(Deposition Exhibit 11 was marked for
14	identification.)
15	MR. FRAM: Okay. Why don't we have marked
16	next as Exhibit 11 to this deposition a document
17	titled Bensen_000000 six zeros -4, and it
18	goes through No. 6.
19	(The witness reviewed Exhibit 11.)
20	BY MR. FRAM:
21	Q. I'll represent that we added the identifier
22	number, but these came from your document production
23	in this case.
24	A. Yes.
25	Q. Do you recall seeing this document that you

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 96 of 182 PAGEID #: 12246



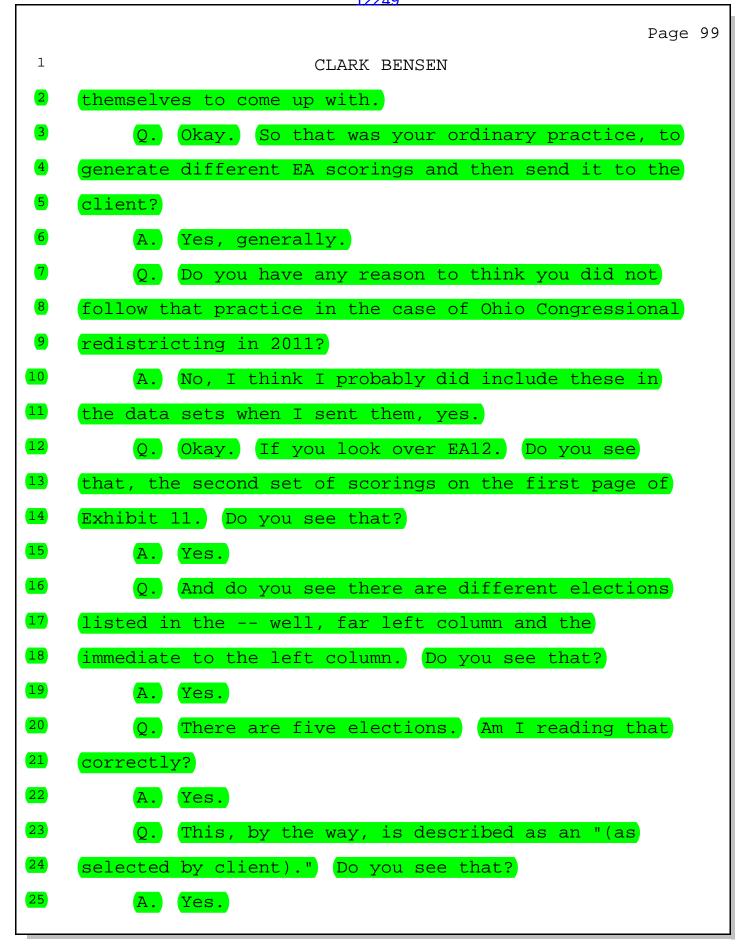
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 97 of 182 PAGEID #:



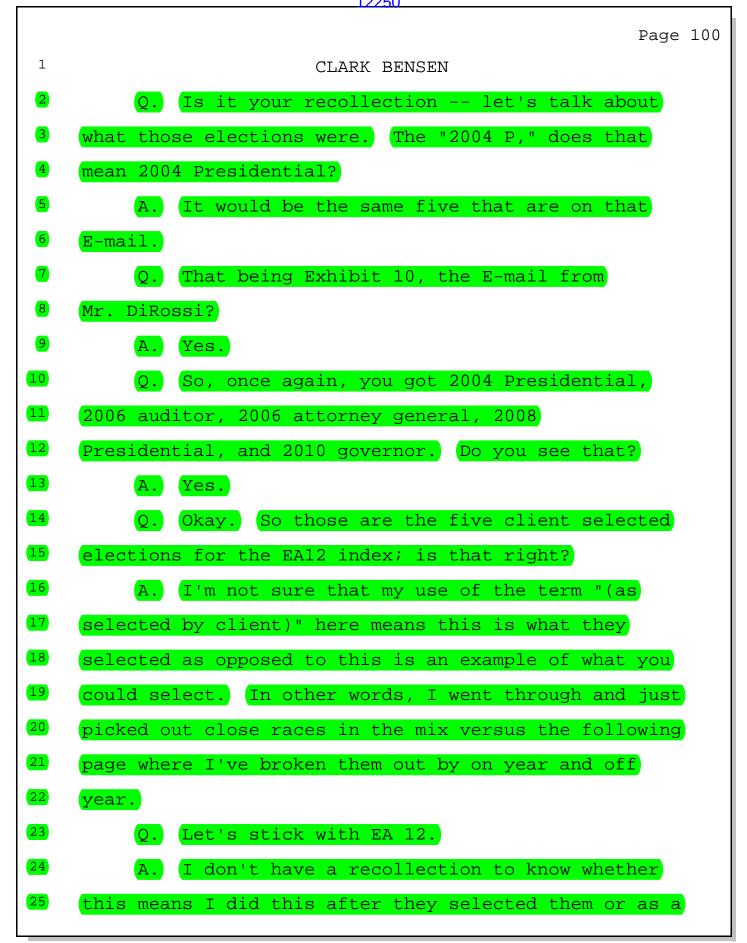
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 98 of 182 PAGEID #:



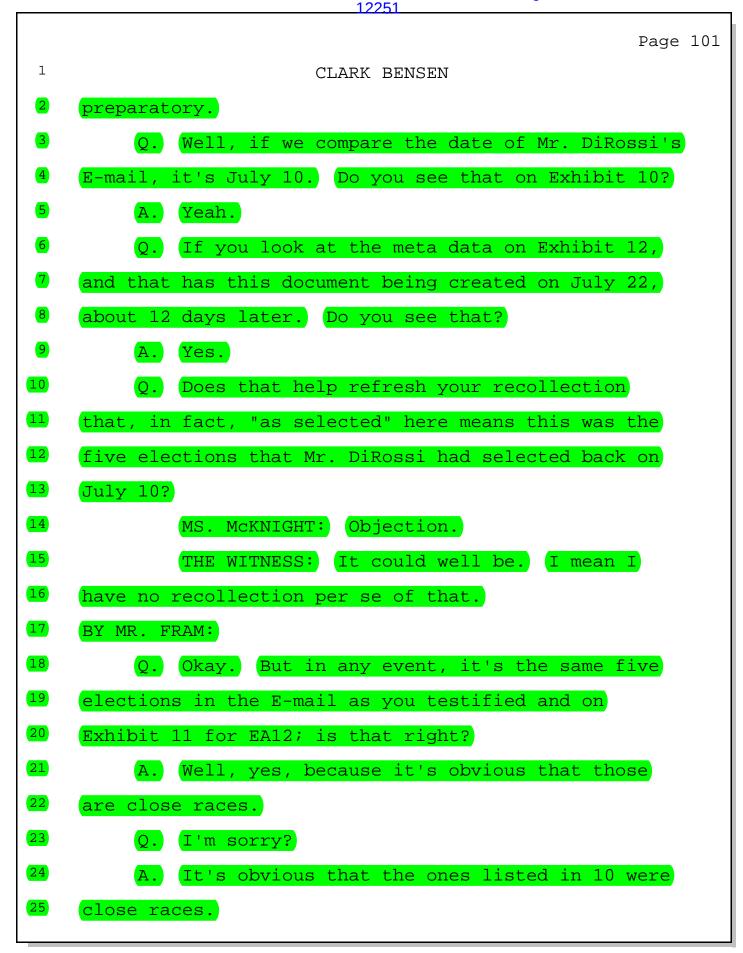
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 99 of 182 PAGEID #: 12249



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 100 of 182 PAGEID #: 12250



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 101 of 182 PAGEID #:



	Page 102
1	CLARK BENSEN
2	Q. Okay. Why don't we go across some of the
3	columns on these because they seem to be the same
4	across the different let me back up a minute.
5	They are EA scorings for five different
6	averages; is that right? Excuse me. Six averages.
7	Six different averages, EA11 through EA16; is that
8	right?
9	A. Yes.
10	Q. And the columns appear to be the same in each
11	of those tables; is that right?
12	A. Yes.
13	Q. Why don't we go through what the meanings are
14	for each of the columns if we could. Just do it once
15	for all. So for the far left is the "Year." That's
16	the year of the election; is that right?
17	A. Yes.
18	Q. Okay. And then under the year, individual
19	years there's a "Sum," S-u-m. Does that stand for
20	adding up all the election results for all those
21	years; is that right?
22	A. It's a total of the records above it, yes.
23	Q. And "Avg," what's that mean?
24	A. The average.
25	Q. And EA is election that stands for, you

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 103 of 182 PAGEID #: 12253



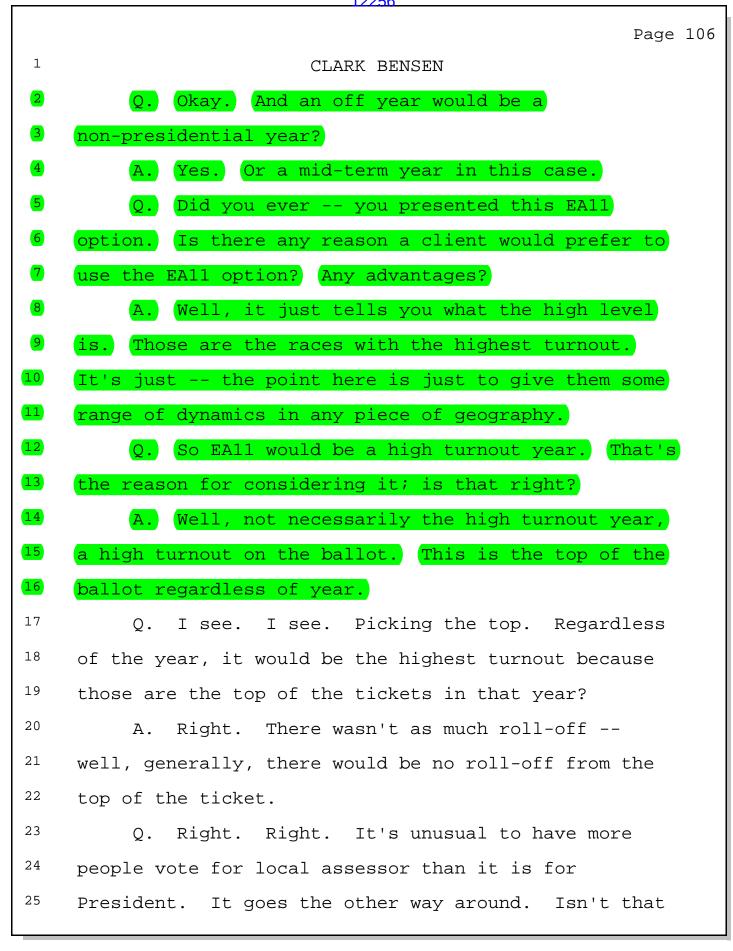
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 104 of 182 PAGEID #: 12254



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 105 of 182 PAGEID #:



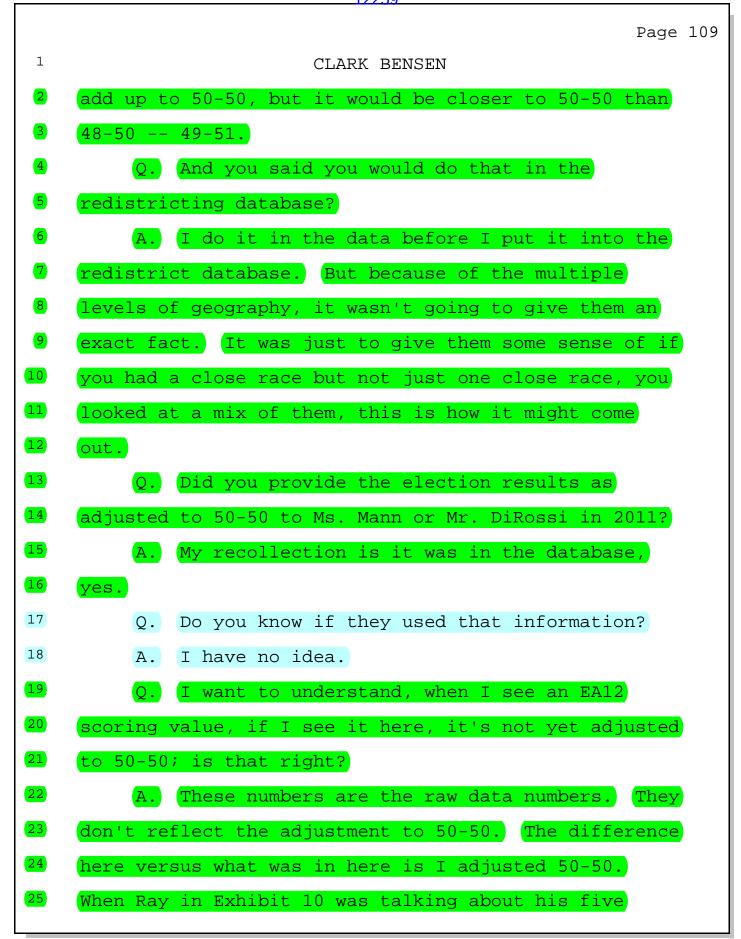
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 106 of 182 PAGEID #: 12256



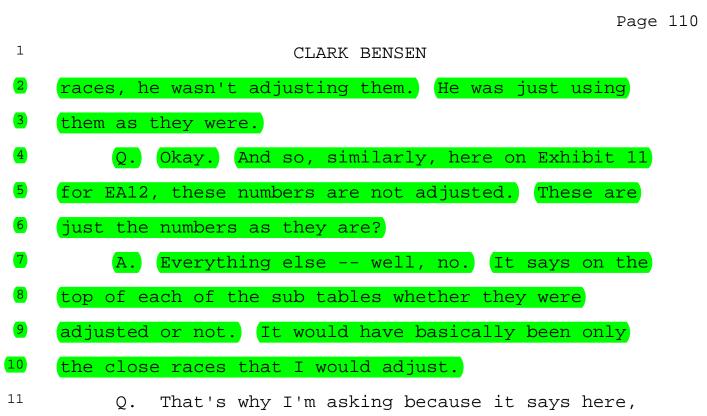
Case	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 107 of 182 PAGEID #: 12257
	Page 107
1	CLARK BENSEN
2	right?
3	A. Well, there are far fewer people voting for
4	assessor than there are President, yes.
5	Q. I understand. Like I said, for EA12, it's
6	your understanding that, as you say, close races were
7	chosen; is that right?
8	A. Yes.
9	Q. And where it says quota "adjusted to 50/50,
10	does that mean well, what does that mean, "adjusted
11	to 50/50"?
12	A. What I would do in some cases like this is
13	these are close races, but they're not actually 50-50.
14	So I would adjust them down a little bit one way or
15	the other so that they were closer to actually 50-50.
16	So, in other words, there was a 51 percent Democratic
17	race. I would basically take a percent off so as to
18	try to conflate them all into being even closer to
19	50 percent each.
20	
	Q. Was there a certain amount by which you would
21	bring them closer to 50-50, a certain number of
22	percentage points?
23	A. It just depends on how far away from 50 they
24	were.
25	Q. Would you try to make them all as close to

	Page 108
1	CLARK BENSEN
2	50-50 as you could?
3	A. Yes. That was the theory here.
4	Q. But if you had a situation well, let's
5	just take the top line. 2004 Presidential. Do you
б	see that? Go over to the DMP percent and the RMP
7	percent columns. Do you see that?
8	A. Yes.
9	Q. And the DMP is 48.63. Do you see that?
10	A. Yes.
11	Q. And the RMP percent is 51.37. Do you see
12	that?
13	A. Yes.
14	Q. Does that reflect the numbers before or after
15	you adjusted them to make them closer to 50-50?
16	A. Before.
17	Q. So the 50-50 it's just simply 50-50. There's
18	nothing or is there some number between these
19	values and 50-50 you would generate?
20	A. No. It would really just be basically, for
21	instance, in that race, 2004 Presidential from a
22	Democratic percentage, it was under 50. So I would
23	raise it up like a point and a half. When you look at
24	the actual numbers, it's not necessarily going to add
25	up in the redistricting database. It may not actually

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 109 of 182 PAGEID #: 12259

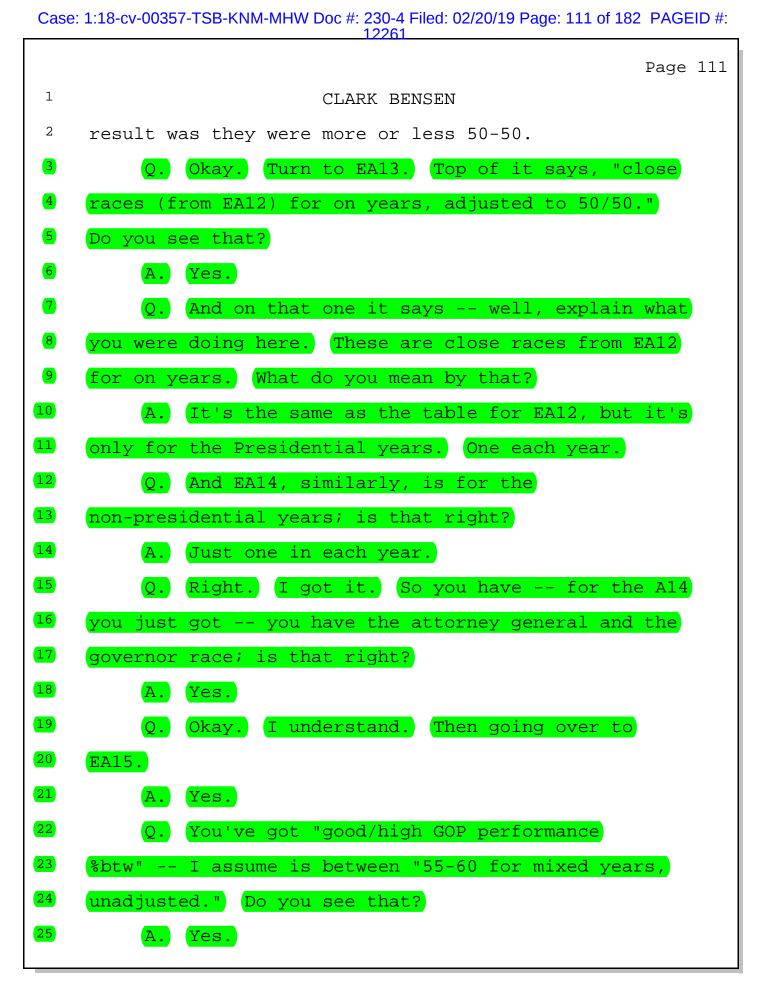


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 110 of 182 PAGEID #: 12260

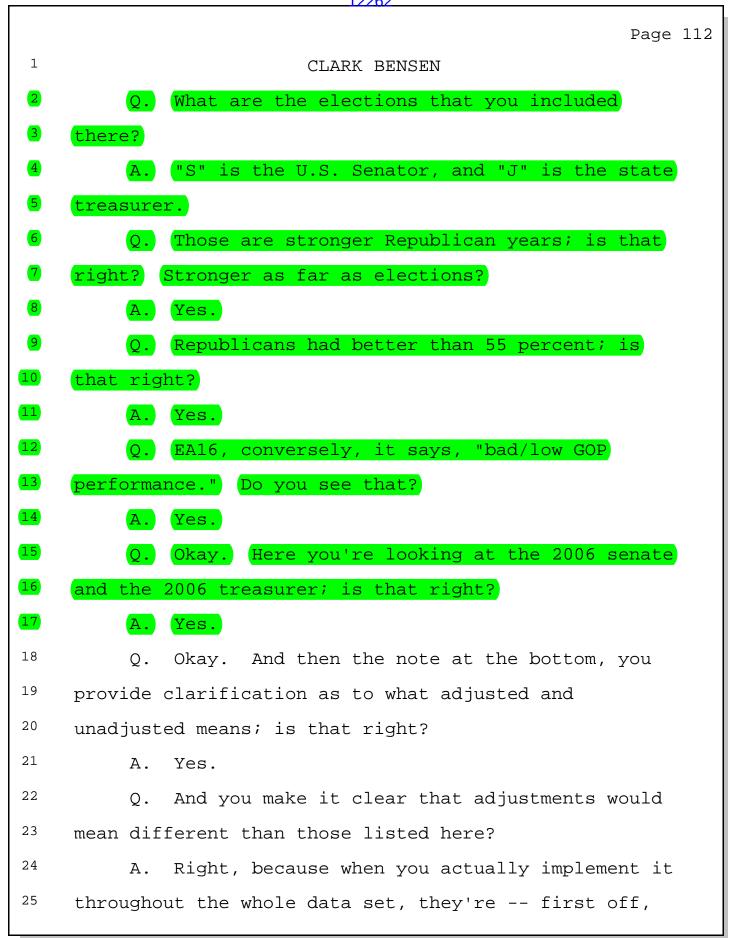


¹² "adjusted to 50-50" for this table on the first page ¹³ of Exhibit 11, and then we're looking over here at the ¹⁴ Democrat and Republican percentages, before I believe ¹⁵ you had said they had not been adjusted. So I'm ¹⁶ trying to understand whether they were or they weren't ¹⁷ just to know I'm reading the document correctly.

18 These are the raw numbers. I was trying to Α. 19 illustrate the difference between what the adjustment 20 was, which was basically all 50-50 versus what I had 21 to start before I did the adjustment. In other words, 22 if one was 65 percent they would know that would be a 23 huge adjustment. So what's the point of having it in 24 So this is really just to say, "These are the there. 25 races that were chosen to put into this." The end







Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 113 of 182	PAGEID #:
10000	

1CLARK BENSEN2they're going to be adjusted, and they're still not going to add up.3going to add up.4Q. Do you know if Ms. Mann or Mr. DiRossi used the adjusted numbers in the generation of maps for Ohio in 2011?6Ohio in 2011?7A. I don't. It would appear from this, Exhibit 10, that they probably just used the basic raw data.9data.10Q. Okay, Did you ever have a conversation with them as to whether they should be using a high GOP12performance index?13MS. RIGGINS: Objection. Mr. Bensen's conversation and the substance of those conversations with Ms. Mann and Mr. DiRossi are covered under the attorney-client privilege. Mr. Bensen may answer the precise question asked but not revealing any18MR. FRAM: Just for the record, we've had19lots of testimony about their communications and we've also had plenty of documents. If that's your20position, our position is that privilege is utterly		Page 113
 a going to going to do daylabeta, and they for sorre not going to add up. Q. Do you know if Ms. Mann or Mr. DiRossi used the adjusted numbers in the generation of maps for Ohio in 2011? A. I don't. It would appear from this, Exhibit 10, that they probably just used the basic raw data. Q. Okay. Did you ever have a conversation with them as to whether they should be using a high GOP performance index? MS. RIGGINS: Objection. Mr. Bensen's conversation and the substance of those conversations with Ms. Mann and Mr. DiRossi are covered under the attorney-client privilege. Mr. Bensen may answer the precise question asked but not revealing any MR. FRAM: Just for the record, we've had lots of testimony about their communications and we've also had plenty of documents. If that's your 	1	CLARK BENSEN
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 6 Ohio in 2011? 7 A. I don't. It would appear from this, 8 Exhibit 10, that they probably just used the basic raw 9 data. 10 Q. Okay. Did you ever have a conversation with 11 them as to whether they should be using a high GOP 12 performance index? 13 MS. RIGGINS: Objection. Mr. Bensen's 14 conversation and the substance of those conversations 15 with Ms. Mann and Mr. DiRossi are covered under the 16 attorney-client privilege. Mr. Bensen may answer the 17 precise question asked but not revealing any 18 MR. FRAM: Just for the record, we've had 19 lots of testimony about their communications and we've 20 also had plenty of documents. If that's your 	4	Q. Do you know if Ms. Mann or Mr. DiRossi used
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precise question asked but not revealing any MR. FRAM: Just for the record, we've had lots of testimony about their communications and we've also had plenty of documents. If that's your	15	with Ms. Mann and Mr. DiRossi are covered under the
¹⁸ MR. FRAM: Just for the record, we've had ¹⁹ lots of testimony about their communications and we've ²⁰ also had plenty of documents. If that's your	16	attorney-client privilege. Mr. Bensen may answer the
¹⁹ lots of testimony about their communications and we've ²⁰ also had plenty of documents. If that's your	17	precise question asked but not revealing any
²⁰ also had plenty of documents. If that's your	18	MR. FRAM: Just for the record, we've had
arbo had prene, or documentes. It chae s your	19	lots of testimony about their communications and we've
²¹ position, our position is that privilege is utterly	20	also had plenty of documents. If that's your
	21	position, our position is that privilege is utterly
²² and completely waived.	22	and completely waived.
23 Q. You may answer the question.	23	Q. You may answer the question.
A. Would you restate the question.	24	A. Would you restate the question.
Q. Yeah. Did you talk to them at all about	25	Q. Yeah. Did you talk to them at all about

4

	Page 11
1	CLARK BENSEN
2	whether they should use a high GOP performance index?
3	MS. McKNIGHT: Just remember to answer the
4	precise question.
5	THE WITNESS: Did I have a conversation
6	one more time.
7	BY MR. FRAM:
8	Q. Did you have any communications in any way
9	about whether to use a high performance a high GOP
10	performance index or not?
11	A. I had conversation with him about whether to
12	use one. I merely explained what was there.
13	Q. What do you recall about that conversation?
14	MS. RIGGINS: Objection. Covered under the
15	attorney-client privilege. This is substance of the
16	conversation, and it's not just technical advice.
17	You're asking about the substance of why one would do
18	something over the other.
19	MR. FRAM: I'm just asking about facts.
20	Q. What do you recall about the conversation?
21	MS. RIGGINS: Objection. Covered under the
22	attorney-client privilege.
23	MR. FRAM: I'm not sure you're Mr. Bensen's
24	attorney. So are you instructing Mr. Bensen not to
25	answer the question?

Page 115

1	CLARK BENSEN
2	MS. RIGGINS: Yes.
3	MR. FRAM: Okay.
4	Q. Are you following the lawyer from
5	Ogletree's who's representing you here today?
6	A. That's a good question. She's representing
7	the as far as I understand, the privileges of the
8	actual client, being the legislature or the state or
9	whomever, and Ms. McKnight more or less representing
10	me.
11	Q. Are you following the instruction not to
12	answer the question?
13	A. Well, generally, I will do that. My
14	conversations here were totally technical. So that's
15	all I can say. There's nothing, from what I recall
16	about it, being privileged. In her defense, she's
17	saying it could be privileged. My recollection is it
18	wasn't a conversation that got to that level.
19	Q. So given that testimony, what can you tell me
20	about the conversation since you don't recall anything
21	about it being privileged?
22	A. It was pretty much the same as our colloquy
23	about what was in it.
24	Q. I'm sorry. If you could state for the
25	record we've covered a lot of territory. So I'm

Case	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 116 of 182 PAGEID #: 12266
	Page 116
1	CLARK BENSEN
2	trying to focus on what we'd actually discussed with
3	them.
4	A. Just what was in the averages.
5	Q. So you explained the averages to them. Is
6	that what you recall?
7	A. Right.
8	Q. Okay. And was this on a telephone call or in
9	person? Do you recall?
10	A. I hardly ever saw them in person. So I guess
11	it was a telephone call.
12	Q. Okay. And do you recall any questions they
13	asked you about different averages?
14	A. No.
15	Q. Do you recall any from a substantive,
16	technical matter, the pros-and-cons of different
17	averages with them?
18	A. I'm sure I did. Just, again, to the extent
19	these were a range of offerings they could use. If
20	they wanted to get a sense of the dynamics of any
21	piece of geography without calculating it themselves,
22	this gave us something to start with.
23	Q. Do you recall them saying they preferred to
24	go the A12?
25	A. No. And my recollection is they were using

Page 117

	Fage
1	CLARK BENSEN
2	their own version of it regardless of what I gave
3	them, but that's all I can
4	Q. But the one version they were talking about,
5	would that reflect the elections the data set forth
6	in Mr. DiRossi's E-mail that's been marked as
7	Exhibit 10?
8	A. I have no recollection of it aside from that
9	E-mail. My only recollection was I helped them to
10	calculate something themselves, to calculate what it
11	was. It could have been this. It could have been
12	some other E-mails we haven't seen.
13	Q. Then did you give them EA data so that they
14	could use in Maptitude?
15	A. Excuse me?
16	Q. Did you give them EA data that they could
17	then use in Maptitude?
18	A. My recollection is it was included in the
19	data set I sent them, yes.
20	Q. So the data set you sent them included
21	various EA information; is that right?
22	A. That's my best recollection.
23	Q. And that could not be used to provide an
24	index value for different Congressional districts as
25	each district was drawn; is that right?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 118 of 182 PAGEID #: 12268



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 119 of 182 PAGEID #: 12269



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 120 of 182 PAGEID #: 12270

	Page 120
1	CLARK BENSEN
2	the Ohio redistricting?
3	A. I don't recall, but it seems within the time
4	frame, yes.
5	Q. Let's turn to Exhibit 14, which I'll
6	represent is what you see if you click on the
7	Clark 24-11 folder that we see in Exhibit 13. Do you
8	see there's a whole lot of files listed?
9	A. Yes.
10	Q. Do you have any understanding of what those
11	files are? It's a long list.
12	A. Those are the files that you need for
13	Maptitude.
14	Q. Do you recall generating those files?
15	A. These would have been ones I would have
16	created. I don't know specifically if I did these,
17	but yes.
18	Q. All right. And then if you go to Exhibit 15,
19	which is what happens if you click on the cc block,
20	that CDF file that's on Exhibit 14.
21	A. If you click on the what now?
22	Q. The third file down. "ccBlock.cdf." Do you
23	see that? I'm just on Exhibit 14.
24	A. Yes.
25	Q. Do you understand what CcBlock.cdf stands



	Page 122
1	CLARK BENSEN
2	MR. FRAM: I'm sorry. Is census block 4015
3	attorney-client privilege?
4	MS. McKNIGHT: To be clear, my objection is
5	to form. He may answer.
6	MR. FRAM: Okay.
7	Q. Does census block 4015 refer to census block?
8	Does block 4015 refer to a census block?
9	A. It refers to a block in a census track.
10	Q. Right. But is that a census block?
11	A. Yes.
12	Q. Thank you. And so, in fact, did you generate
13	a file for each census block that has the information
14	set forth on Exhibit 15?
15	A. No, I generated a record for each.
16	Q. You generated a record for each census block
17	that has the information set forth on Exhibit 15 for
18	block 4015?
19	A. Well, actually, I didn't generate a record.
20 21	I appended information to the records that Maptitude had already created.
22	Q. And you did that for every census block?
23	A. I did it for every census block and
24	apparently other layers too.
25	Q. Now, you've used Maptitude a lot. Do you

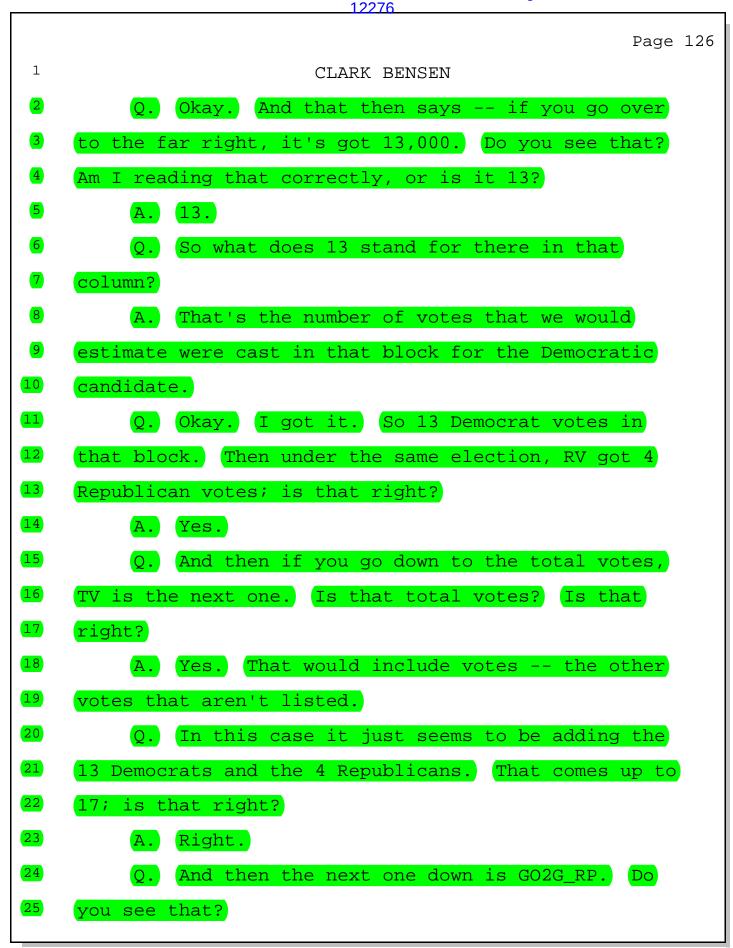
	Page 123
1	CLARK BENSEN
2	know how to generate the I don't know if you'd call
3	the stuff on the right a window or a table. Whatever
4	you're comfortable with in terms of how you'd describe
5	it.
6	A. Table.
7	Q. Data?
8	A. No. "Table" is fine.
9	Q. Table?
10	A. Yeah.
11	Q. Do you know how you would view this table in
12	Maptitude?
13	A. Actually, in this format, no, but the data
14	view option, it says at the top at the very top of
15	that, those two columns it says, "Data view, Census
16	Block info."
17	Q. Uh-huh.
18	A. The data view option is a way to actually
19	look at what the data are behind the screen, so to
20	speak. Getting in this actual format, I'm not sure
21	how they did that, but it's normally you look at it
22	across the page. You would have one record and you
23	would have cell after cell after cell, just like an
24	Excel file. They just have somehow managed to do it
25	this way.

		Page 124
1		CLARK BENSEN
2	Q.	This happens to be vertical, but you've seen
3	it horiz	ontal. Is that what you're saying?
4	Α.	I've just never seen it in this format.
5	Q.	Look at the far left of the document. Do you
6	see ther	e's icons that go down the page. Do you see
7	that?	
8	Α.	Yes.
9	Q.	Do you see there's a little "i"?
10	Α.	Yes.
11	Q.	Do you see it's highlighted with blue around
12	it?	
13	A.	Yes.
14	Q.	Do you see in the middle of the map there's
15	an "i"?	
16	Α.	Yes.
17	Q.	So you're saying that if you click on that
18	"i" icon	and then you hover over the particular census
19	block an	d you click on that and you get your data view
20	table?	
21	A .	Well, good point. That's probably why this
22	is like	this because normally when I would do that, I
23	would on	ly have a few variables showing up. So the
24	table wo	uld be like 10 lines long. This is apparently
25	just doi	ng the entire thing and going through the

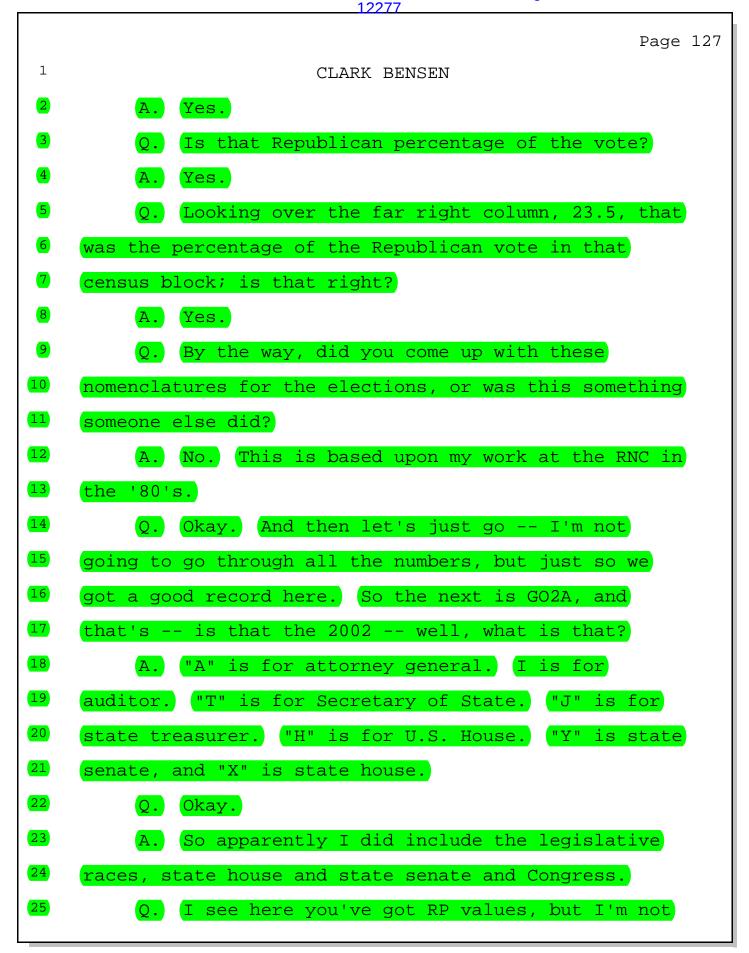
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 125 of 182 PAGEID #: 12275







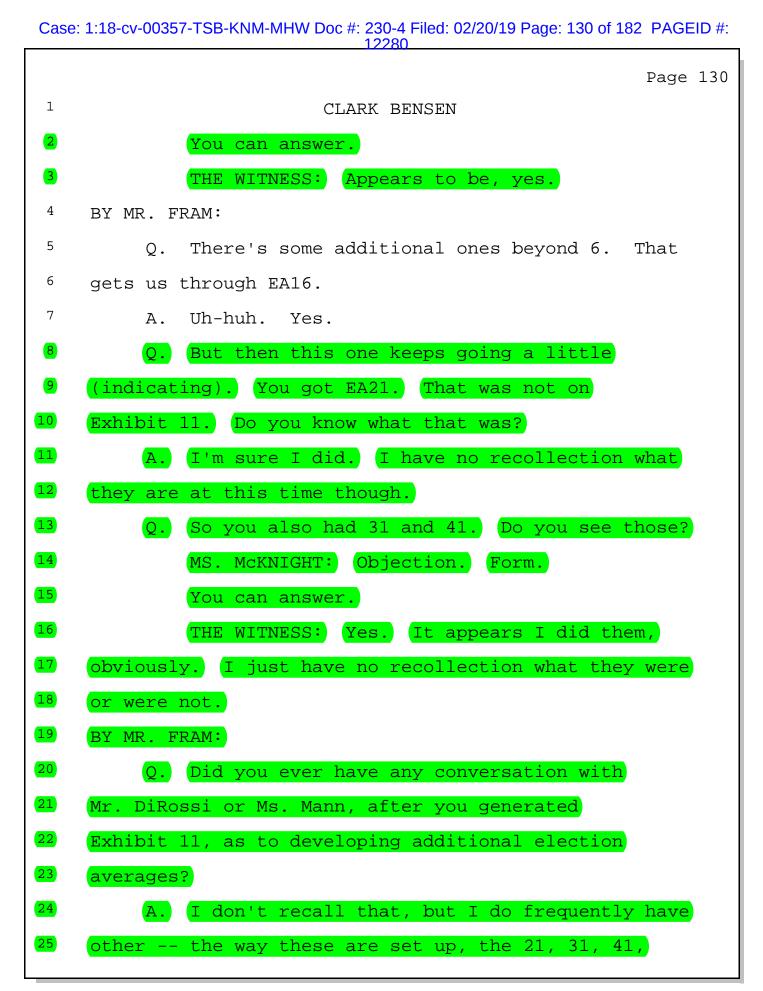
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 127 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 128 of 182 PAGEID #: 12278

	Page 128
1	CLARK BENSEN
2	seeing DP values. You just gave the Republican
3	percentage; is that right?
4	A. Well, yes, but that's because the record, the
5	longer the record is, it's just it isn't a problem
6	anymore. It's just easier to have fewer fields. So,
7	for instance, the reason the other votes aren't
8	included but the TV is is you can calculate the other
9	vote from that if you need it.
10	Q. Uh-huh.
11	A. So, likewise, you can calculate the Democrat
12	percentage if you need it, but it just saves fields.
13	Q. Does the RP percentage share the two-party
14	percent, or is it the percentage of everything
15	including the third party?
16	A. I think this is based upon the actual
17	total votes. Once again, you can calculate the
18	percentage of the major party vote from the
19	information given here.
20	Q. All right. I think you testified before that
21	if you knew which census blocks you were including in
22	the district, then Maptitude can aggregate up, let's
23	say, the Republican percentage for the entire district
24	based on all those census blocks; is that right?
25	A. It would add up the raw numbers and calculate



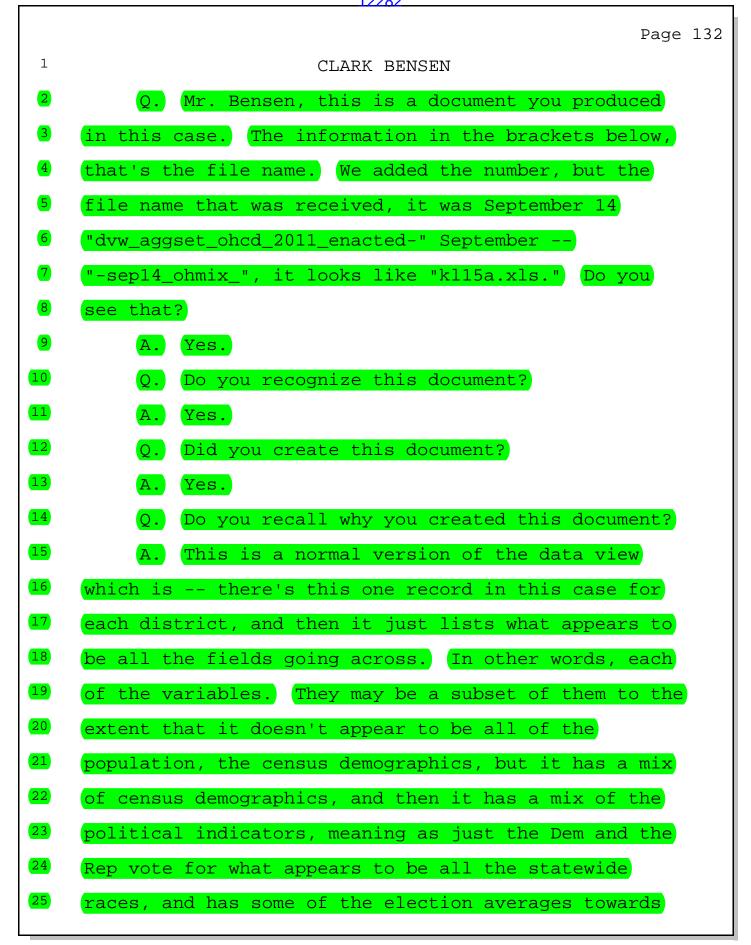


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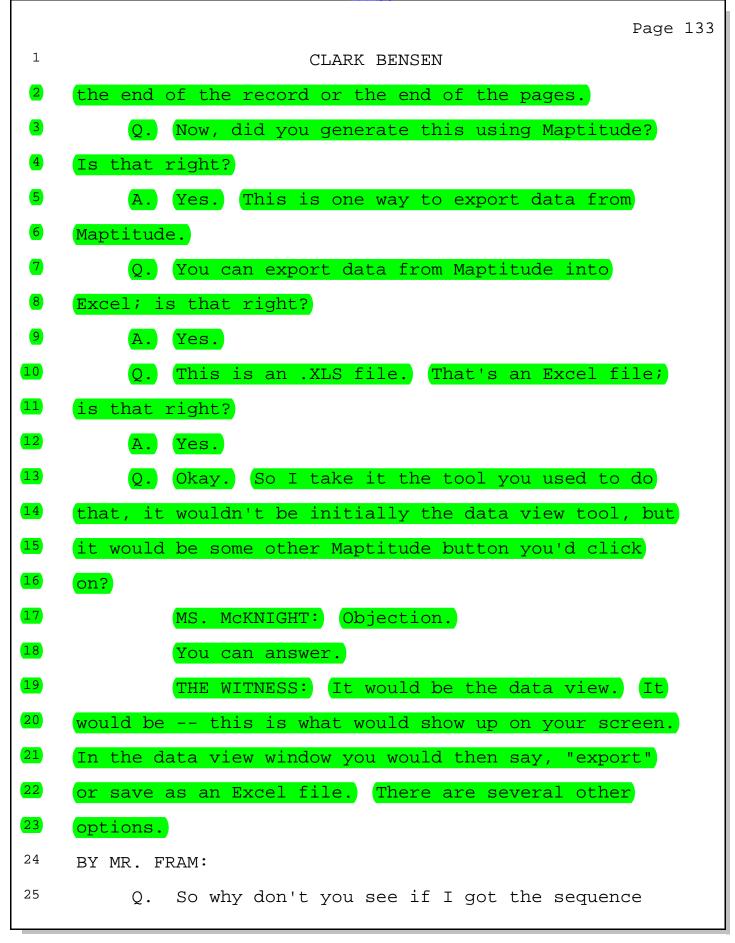
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 131 of 182 PAGEID #: 12281

	Page 131
1	CLARK BENSEN
2	those were the standardized things that I would do. I
3	just don't remember what they were.
4	Q. Okay. In any event, in Maptitude they had
5	the election data beyond just the five elections that
6	were contained for EA12. Isn't that right?
7	MS. McKNIGHT: Objection.
8	THE WITNESS: Yes.
9	BY MR. FRAM:
10	Q. Okay. And if they wanted to they could have
11	looked at the election results for Congressional
12	district based on a broader set of elections than
13	those contained in the EA12; correct?
14	MS. McKNIGHT: Objection.
15	THE WITNESS: They had the capability of
16	doing that, yes.
17	MR. FRAM: Okay.
18	(Deposition Exhibit 16 was marked for
19	identification.)
20	MR. FRAM: We're going to have marked as
21	Exhibit 16 a document BENSEN_0000084 through
22	actually, it's the only number we have on it. It's a
23	five-page spreadsheet. So that's Exhibit 16.
24	(The witness reviewed Exhibit 16.)
25	BY MR. FRAM:

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 132 of 182 PAGEID #: 12282

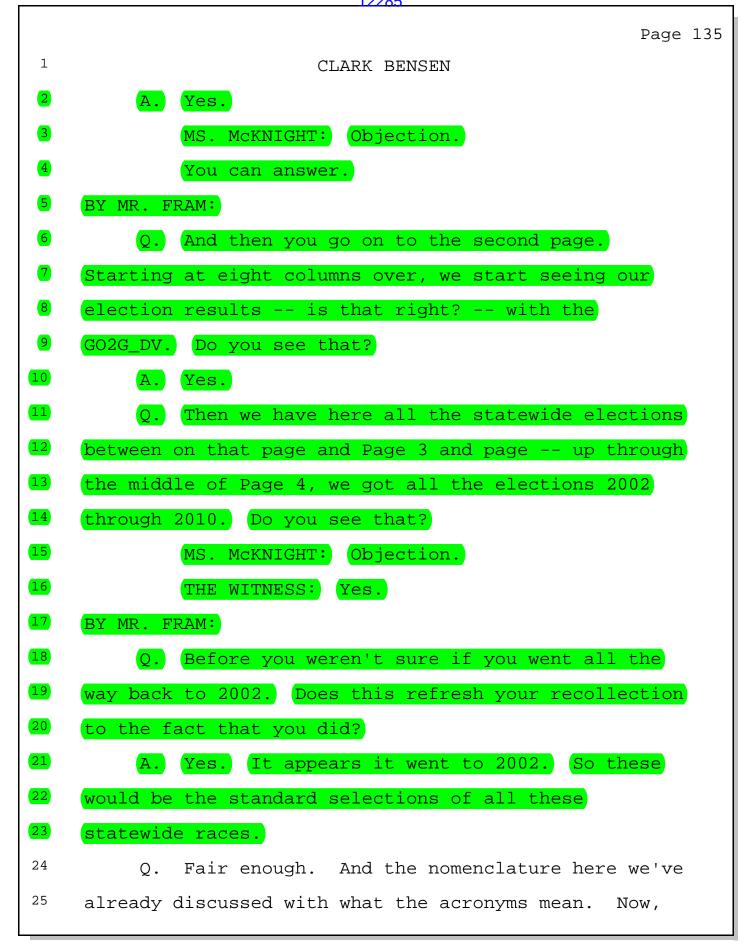


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 133 of 182 PAGEID #: 12283



Case: 1:18-cv-00357-TSB-KNM-MHW	Doc #: 230-4 Filed: 02/20/19	Page: 134 of 182	PAGEID #:
	12201	•	

	Page 134
1	CLARK BENSEN
2	right. You used the info tool to create the data
3	view; is that right?
4	A. No. You don't need the info tool here. The
5	info tool is just a way to look at a particular area.
6	This is as you were normally drawing, the data view
7	shows up at the top of your page well, that's the
8	way I would do it. You can then just, when you're
9	done with the map or if it's just the map you're
10	looking, it shows you the number so you can just
11	export that out so you could do something else with
12	it.
13	Q. So first you see it, but then you export it
14	to Excel. Is that how that works?
15	A. Right. So you can manipulate it or print it
16	out more easily. It's very hard to print stuff out in
17	Maptitude.
18	Q. Understood. And so, like you say, if you
19	look at Exhibit 16, you look starting on the second
20	page, you start seeing all those let me back up.
21	On the far left it's got district, and it's
22	got 1 through 16. Do you see that?
23	A. Yes.
24	Q. Those are the 16 districts for which maps are
25	being drawn in 2011; is that right?

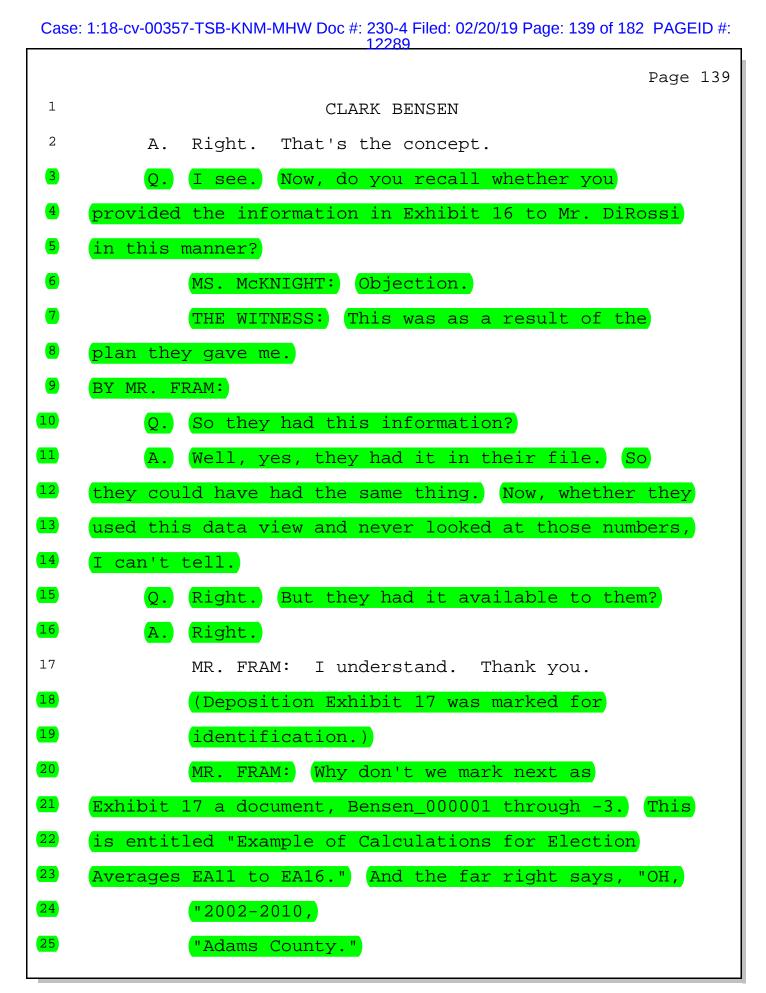


	Page 136
	CLARK BENSEN
	you don't call them codes. Do you have a name for
	these things like G02 that you developed at the RNC?
	MS. McKNIGHT: Objection. Form.
	You may answer.
	THE WITNESS: An acronym is fine. I call
t	them race codes or office code or whatever.
I	BY MR. FRAM:
	Q. I'll use what you use. These are the race
	codes that you use, and - you developed those race
	codes when you worked at the RNC in the '90's; is that
	<pre>every byte on a computer was valuable. You didn't use much. This is back when your file names were 8.3. So you had to be concise as such. Q. And it still shows up in Maptitude today? A. Well, it does for me because I'm too old to retrain.</pre>
(Q. But it showed up in 2011 in Ohio?
	Q. But it showed up in 2011 in Ohio? A. Oh, and it will show up in 2021 in the states
	A. Oh, and it will show up in 2021 in the states
	A. Oh, and it will show up in 2021 in the states I work in, yeah.
	 A. Oh, and it will show up in 2021 in the states I work in, yeah. Q. And then we get to the we get to Page 4,

137

	Page
1	CLARK BENSEN
2	A. Yes.
3	Q. And here, once again, it's got not just EA
4	going to the next page, but let's see Page 4 and 5.
5	EA11 through EA16, but also, again, through you
6	also have EAs 21, -31, and -41. Do you see that?
7	A. Yes.
8	Q. Does looking at this help you remember what
9	those were?
10	A. No. Again, I'm sure I did them because I
11	have multiple sets of them. I just at this point have
12	no recollection because I didn't look at this closely
13	enough to remind me that I should figure out what they
14	were.
15	Q. Okay. This shows the those EA indices,
16	the number of votes. Let me back up. It shows the
17	votes for the election selected for each EA for each
18	Congressional district; is that right?
19	A. Yes.
20	Q. So if I look at just a quick one example and
21	I pick District 1 and I go over to EA12_RV, and it
22	says 173298. Do you see that? It's on Page 4. Does
23	that mean there were 173,298 Republican votes in the
24	five elections that were part of EA12?
25	A. Well, in the adjusted version of EA12.

	Page 138
1	CLARK BENSEN
2	Q. So there you have that's not the actual
3	let me go back. That's not the actual average for the
4	five elections?
5	A. No. It's the adjusted version.
б	Q. So let's see if I understand correctly. If I
7	look at the Democrat vote, okay, it's 131,240; right?
8	A. Yes.
9	Q. So they're not the same. They've been
10	adjusted to pure 50-50. If it's 50-50, wouldn't it be
11	the same?
12	A. No. You're missing a point.
13	Q. I am missing the point.
14	A. It's not to create 50-50 districts. It's
15	using as if you had a 50-50 statewide race. In other
16	words, since most states don't have races that are
17	50-50, they have some that are close, some that are
18	not. So I take the ones that are close and adjust
19	them down to 50-50. So if you look at this and say,
20	"Well, if you had a statewide race that was 50-50,
21	this is how this district would perform.
22	Q. I see. So even if the statewide was 50-50,
23	the Republicans would do better here. Under the
24	Democrats they would do 173,298, and the Democrats
25	would only do 131,240.



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 140 of 182 PAGEID #:





Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 142 of 182 PAGEID #: 12292



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 143 of 182 PAGEID #: 12293

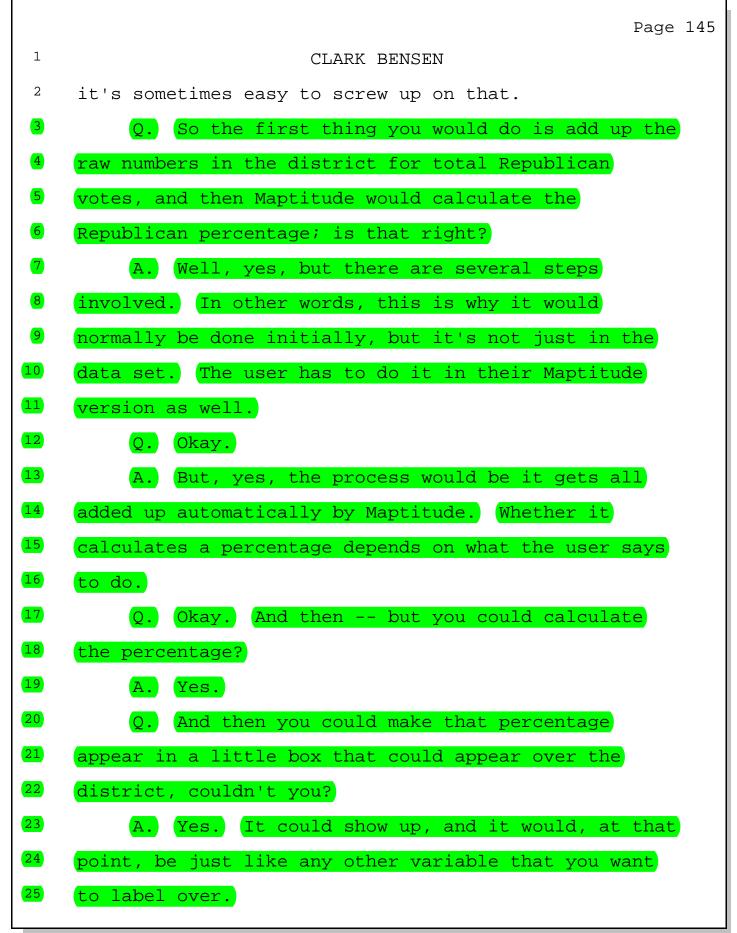


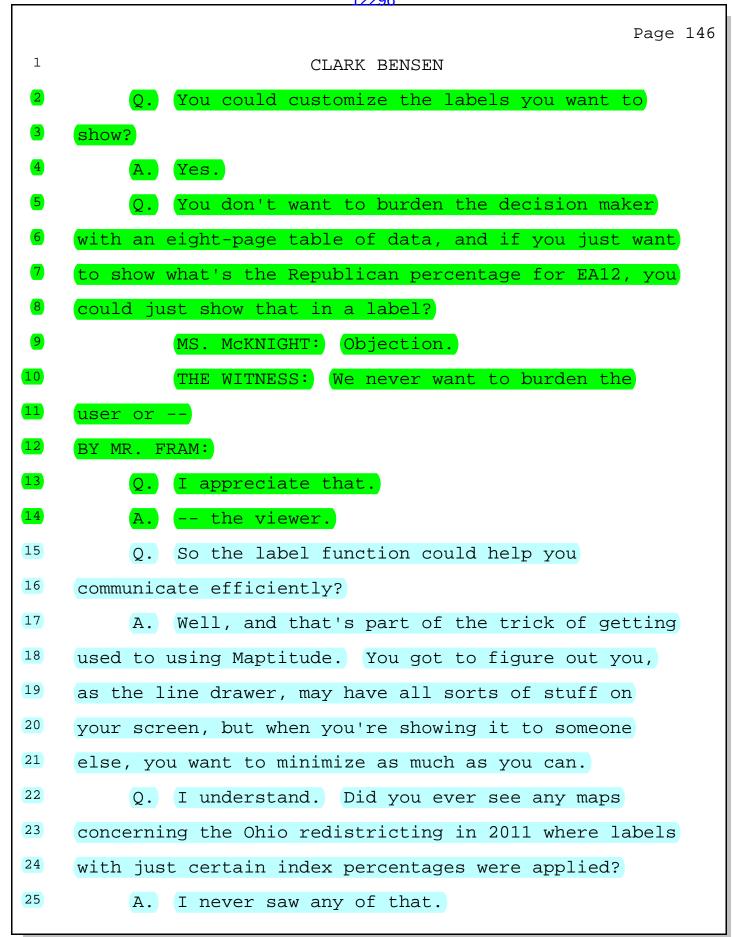


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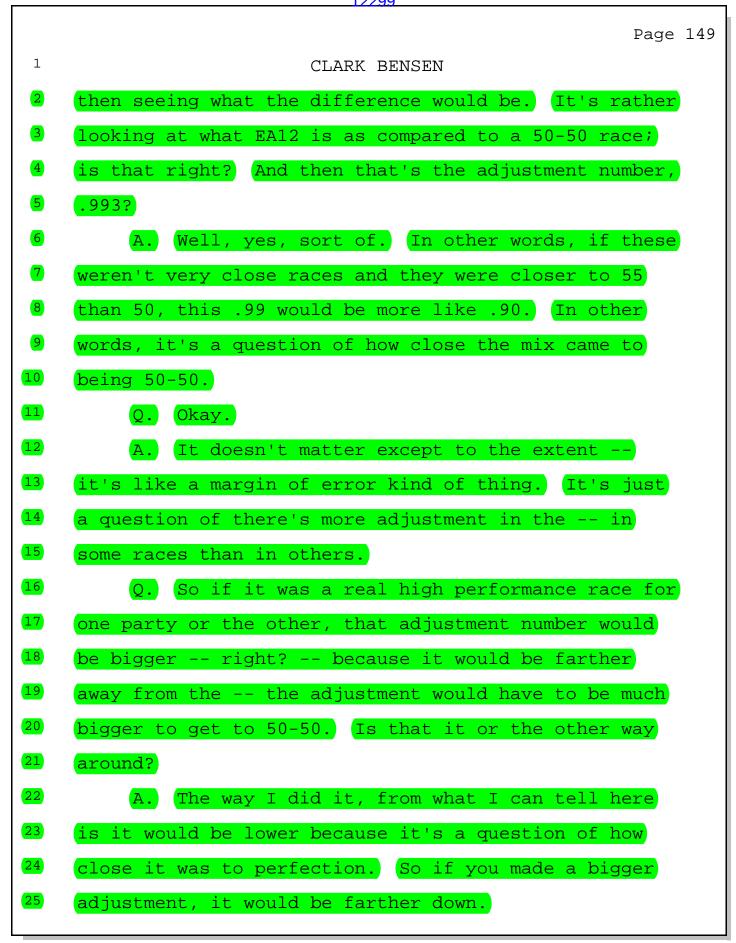


Case:	: 1:18-CV-00357-TSB-KINM-MHVV DOC #: 230-4 Flied: 02/20/19 Page: 147 of 182 F 12297	PAGE	ID #:
	Pa	age	147
1	CLARK BENSEN		
2	MR. FRAM: This might be an okay time to ta	ake	
3	a short lunch now.		
4	(A recess was taken from 12:38 p.m.		
5	to 1:05 p.m.)		
6	BY MR. FRAM:		
7	Q. Going back to Exhibit 11, first page, the		
8	EA12 table. Do you see that?		
9	A. Yes.		
10	Q. Bottom row with "Adj," do you see that?		
11	A. Yes.		
12	Q. Does that refer to your adjustment?		
13	A. Yes.		
14	Q. Okay. There's only one value in the		
15	adjustment row, and that's under DMP percentage.	0	
16	you see that?		
17	A. Yes.	_	
18	Q. So that's the Democratic percentage for the	e	
19	major party vote; is that right? That column, DMP		
20	percentage.		
21	A. That is, yes.		
22	Q. Right. And then going down to the bottom,)	
23	the adjustment is 0.993. Do you see that?		
24	A. Yes.		
25	Q. It's italicized, that number.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 148 of 182 PAGEID #: 12298

	Page 148
1	CLARK BENSEN
2	A. Yes.
3	Q. Why is that number italicized?
4	A. That's just an indication of the degree to
5	which I had to adjust the races that are listed. So,
6	for instance, if you look on the next page, it's like
7	.990. and .984. It's just a question of the degree to
8	which the races were close to 50 or not.
9	Q. I was asking well, thank you. I was
10	trying to decipher a little bit.
11	Is the adjustment, the .993, is that a
12	subtraction or an addition? The .993.
13	A. I think that's just the end result of the
14	degree to which all of these five races were adjusted.
15	Q. Okay. So it shows you that we had a .993
16	adjustment. Let's see if I understand the basis of
17	the adjustment. That's if you add into the mix a
18	50-50 race; is that right? Added that to the EA12, or
19	is that something else, or the degree to which the EA
20	deviated from a 50-50?
21	A. It's more of the latter. It's just really
22	just a way for me to kind of scope out the degree to
23	which there's an adjustment in the numbers.
24	Q. Right. So the mechanics is not that you're
25	adding a sixth election to EA12, a 50-50 race, and

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 149 of 182 PAGEID #: 12299



Page	150
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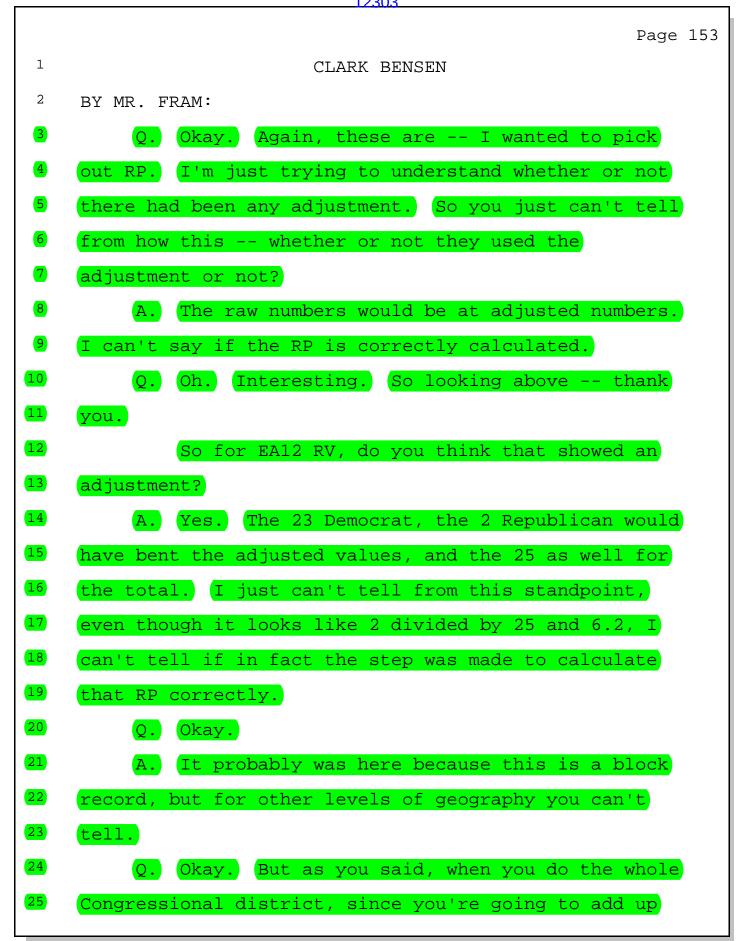
1	CLARK BENSEN
2	Q. I see. So this is saying that we are .993
3	away from a 50-50 is what this is telling us. Is that
4	what
5	A. Well, as I said, for the third time, sort of.
6	It's just a quality control thing that I use to kind
7	of scope out the degree to which there's error. So
8	it's only useful to the extent you compare it with the
9	other adjustments that are on the other page.
10	Q. It tells you how far away this index is from
11	50-50. Is that what it tells you?
12	A. No. It tells you how far away the races that
13	were in the selection were away.
14	Q. Right. Therefore, the but what one is
15	doing, I take it, is comparing all the in the case
16	of EA12, all five of the selection against the 50-50.
17	What the five elections in the EA12 would be compared
18	to a 50-50.
19	A. I think this has been asked and answered.
20	That is sort of what it is, but it's not what you're
21	saying it is. It is just a quality control check for
22	me to see the degree to which the adjustments needed
23	to be made as opposed to others in the on year versus
24	the off year.
25	Q. Okay. Needed to be made if one wanted to get

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 151 of 182 PAGEID #: 12301

	Page 151
1	CLARK BENSEN
2	to 50-50? Needed to be made to what purpose?
3	A. The point here was to have a hypothetical set
4	of a statewide race that was 50-50.
5	Q. Uh-huh.
6	A. They aren't all 50-50. If they're all 50-50,
7	the adjustment would be 1.00.
8	Q. Uh-huh. Uh-huh.
9	A. But because they're plus or minus, it's less
10	than the 1.00.
11	Q. Got it. Got it. Okay. So what this is
12	saying is that I see. And that makes sense if I
13	look at this particular example. The Democratic
14	two-party vote, major-party percentages 48.63 let's
15	see. If I go down to, actually, the average, it's
16	50.38; is that right?
17	A. Right.
18	Q. Okay. All right. Okay. And if it was
19	exactly 50, then the adjustment would be 1.00?
20	A. Right.
21	Q. Okay. So even though I think I understand
22	where I was falling off the tracks because the
23	Democratic vote's a little higher than 50-50 here, but
24	the adjustments is under 1.0?
25	A. Right. So the reason it's in italics is just

	Page
1	CLARK BENSEN
2	because it's really for my purposes and not for the
3	user's purposes.
4	Q. I see. Let me ask you a question for the
5	user's purpose.
6	If you look over to Exhibit 15. And let's go
7	over to EA15, which was the census block for 41
8	census block 4-1-5; right?
9	A. Yes.
10	Q. And let's go to the just pick up the EA12
11	RP_RP. Do you see that?
12	A. Yes.
13	Q. Is that with an adjustment or is that without
14	the adjustment, that RP, that Republican percentage?
15	A. I think I've answered this already, which is
16	it may be it would be the unadjusted, but I don't
17	know from this listing whether that's actually
18	calculated correctly. It appears to be from 2 versus
19	25, but I don't know.
20	REPORTER MARTIN: I'm sorry?
21	THE WITNESS: I'm sorry. 2 Democrat and 25
22	Republican. Well, no. Well, whatever the numbers
23	are. Don't worry about that. The extra step I said
24	that needed to be calculated, I can't tell from this
25	listing whether the extra step was made or not.

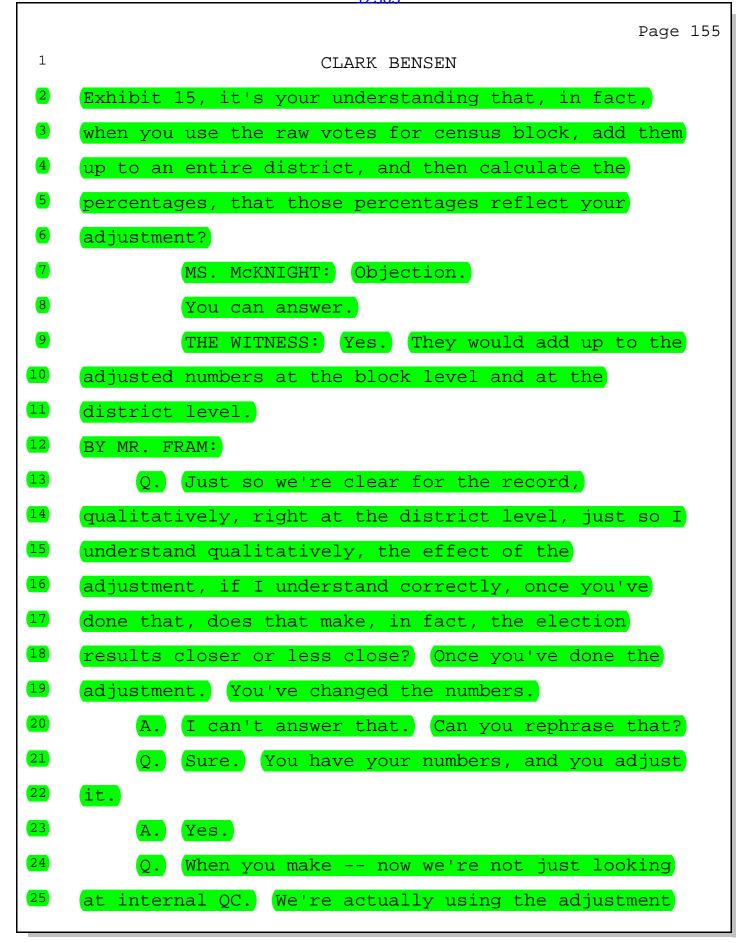
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 153 of 182 PAGEID #: 12303



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 154 of 182 PAGEID #: 12304

	Page 154
1	CLARK BENSEN
2	all the raw votes from, let's say, a census block and
3	then you'll calculate your percentages?
4	A. Yes.
5	Q. You're adding up adjusted numbers?
6	A. Yes.
7	Q. So your final Congressional district
8	percentage would be reflect the adjusted numbers.
9	A. Yes. The caveat there that you'll note
10	that the EAs are raw numbers without any decimal
11	points, whereas all the votes are sometimes may
12	have decimal points.
13	Q. Okay.
14	A. So, in other words, there's going to be some
15	slippage in the sense that you're not adding up
16	partial votes.
17	Q. Well, subject is it a matter of rounding
18	the decimal points? Does that have the decimal point
19	that gets
20	A. It's really just a question of when you
21	assign votes to a block, you usually have decimal
22	points because you will round it up at some point.
23	You may not round it up. It's kind of personal
24	preference as to how it's done.
25	Q. Looking at this document, this document being

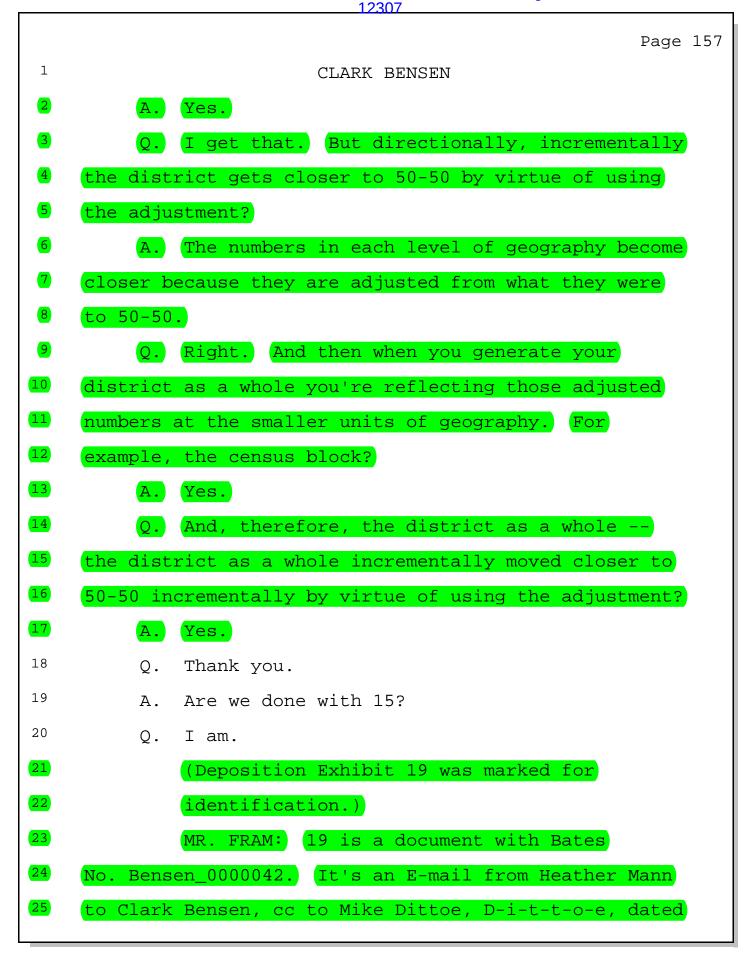
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 155 of 182 PAGEID #: 12305



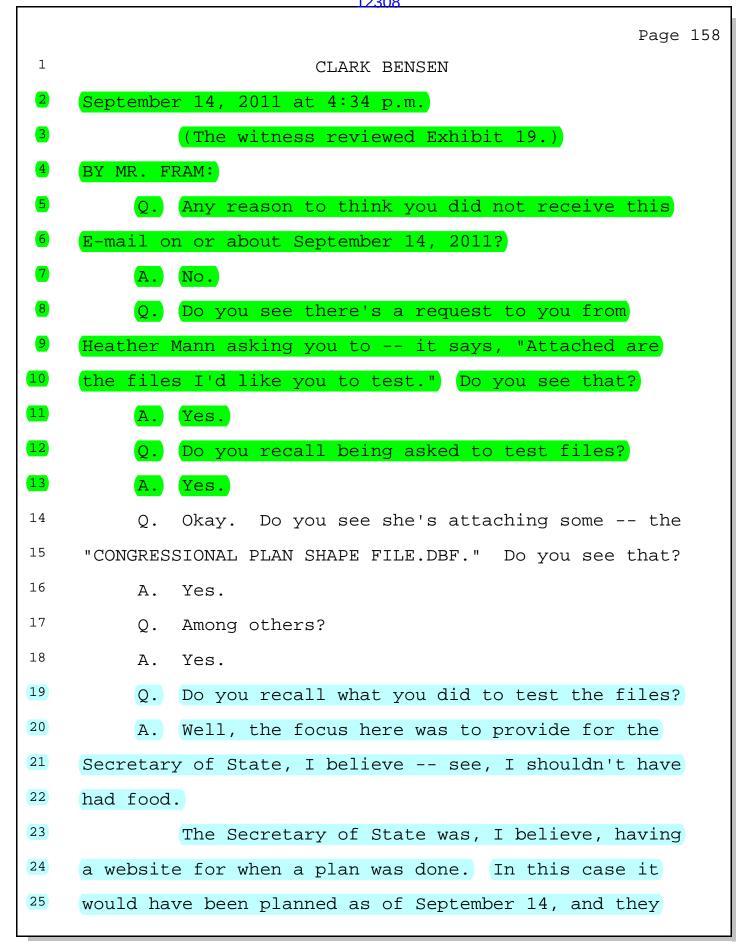
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 156 of 182 PAGEID #: 12306

	Page 156
1	CLARK BENSEN
2	when we're scoring a district. So we're beyond your
3	own QC. You actually use your adjustment to change
4	the numbers; is that right?
5	A. Yes.
6	MS. McKNIGHT: Objection.
7	You may answer.
8	BY MR. FRAM:
9	Q. Okay. I'm just trying to say directionally
10	when you do that, is the net effect to make whatever
11	collection you're doing for your EA, make the
12	elections closer, the scores closer between the
13	Republicans and Democrats or farther apart?
14	MS. McKNIGHT: Objection you can answer.
15	THE WITNESS: It would really depend on what
16	you have in the selection of races you've used. It
17	would bring them all each of those closer to 50-50.
18	That doesn't mean that each district is necessarily
19	closer to 50-50.
20	BY MR. FRAM:
21	Q. No, I do understand that.
22	A. Yeah.
23	Q. Incrementally, of course, the district itself
24	will not become 50-50 by virtue of using your
25	adjustment. That's right?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 157 of 182 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 158 of 182 PAGEID #: 12308

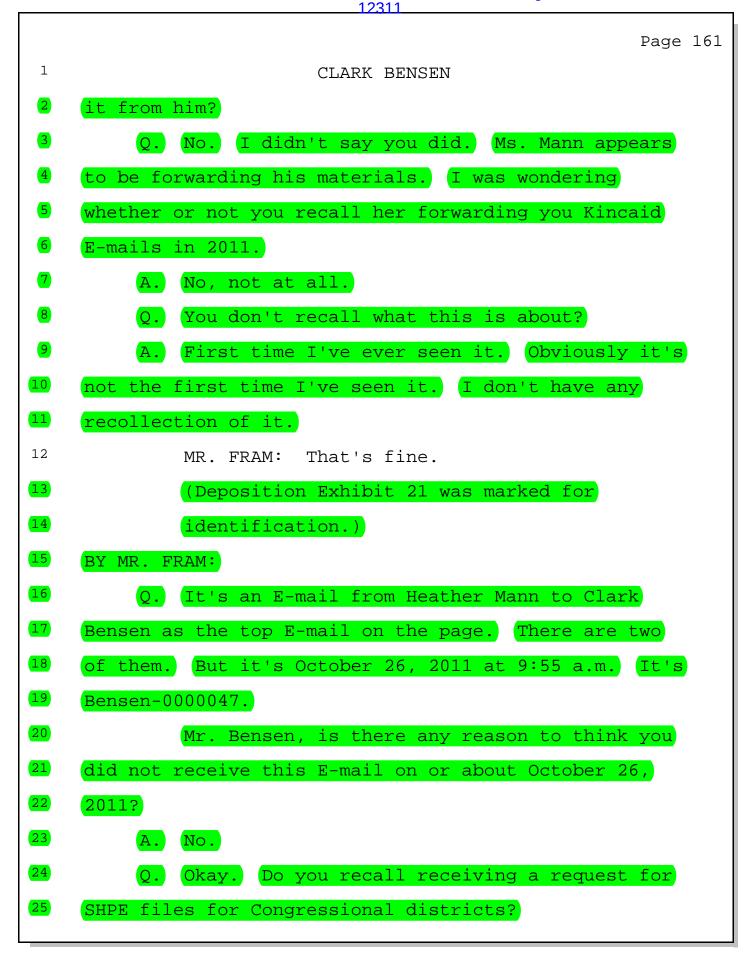


1	CLARK BENSEN
2	were providing it in two different formats, a block
3	assignment file and a SHPE file. And a block
4	assignment file, as we discussed well, we didn't.
5	It's a fairly easy export Maptitude, and it's one
6	button and it's done.
7	The SHPE file is likewise easy to do, but
8	whereas the block style file only has two pieces of
9	information, the block code and the district
10	assignment, the SHPE file may contain anything that
11	was in the data view at the time or all that
12	information. So the point here was to provide a SHPE
13	file that had no information except the district
14	number.
15	So the trick is it's tricky in Maptitude to
16	get that so, in fact, it's a clean SHPE file. So
17	they're sending it to me so I can make sure that, in
18	fact, it was a clean SHPE file and had nothing but the
19	bare information.
20	Q. And what did the bare information consist of?
21	A. The barest would be just the district number.
22	It may have had like total population.
23	Q. What information should it not include?
24	A. Well, you don't want it to include the
25	substantive data because that's not the purpose of the

Page	160
) -	

	Page 160
1	CLARK BENSEN
2	SHPE file. If you're going to present data, you
3	present it in another format, which is why you would
4	export the data view to Excel or something and do a
5	table that people could read. You don't just put it
6	into the SHPE file.
7	MR. FRAM: Okay.
8	(Deposition Exhibit 20 was marked for
9	identification.)
10	BY MR. FRAM:
11	Q. Exhibit 20 is an E-mail, LWVOH_00018302.
12	I just want to draw your attention to on the
13	last part of the document there's an E-mail string.
14	It's in Gmail format. So we get the earliest in time
15	on September 2, 2011, 6:41 p.m. from Adam Kincaid to
16	Mr. DiRossi, Ms. Mann, Mr. Tom Whatman. And then we
17	have later in time, I'd like to ask you to look at
18	Page 7 of the document from Heather Mann to Clark
19	Bensen and Mark Braden on September 3, 2011 at
20	8:15 a.m., forwarding some of the other E-mails.
21	Before, I believe you indicated you didn't
22	recall communications with Mr. Kincaid back in 2011.
23	I wonder if you recall receiving any of this E-mail
24	forwarding some of his E-mails back in 2011.
25	A. I don't have a recollection. Where did I get
1	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 161 of 182 PAGEID #:



	1 CLARK BENSEN
	A. No. It wouldn't seem that unusual.
	³ Q. By this point, HB319, the first map had
	4 already been enacted. Do you recall what, if
	⁵ anything, you were doing on any redraft?
	MS. McKNIGHT: Objection.
	7 THE WITNESS: I don't recall. This appears
	8 to be simply the fact that what we discussed before
	⁹ about the SHPE file that the Secretary of State was
1	0 going to have on their website. Warren Glimpse is
1	¹ saying he couldn't find it.
1	2 REPORTER MARTIN: I'm sorry. Who?
1	3 THE WITNESS: The E-mail the sender of the
1.	⁴ E-mail is Warren Glimpse, G-l-i-m-p-s-e, and he was
1	⁵ indicating he couldn't find it on the Secretary of
1	⁶ States site. So he's asking Heather Mann for a copy.
1	⁷ She just asked me to send it to him. I guess
1	⁸ that's she asked me to send it to her so
1	⁹ presumably, she could respond to this request.
2	(Deposition Exhibit 22 was marked for
2	1 identification.)
2	MR. FRAM: 22 is an E-mail from Heather Mann
2	to Clark Bensen, cc to Troy Judy. Bensen-0000063.
2	(The witness reviewed Exhibit 22.)
2	5 BY MR. FRAM:
1	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 163 of 182 PAGEID #: 12313

	Page 163
1	CLARK BENSEN
2	Q. Is there any reason to think you did not
3	receive this E-mail on or about November 9, 2011?
4	A. No.
5	Q. Do you recall receiving a request from
б	Ms. Mann to generate EA12 and McCain 08 index scorings
7	for proposed Congressional districts?
8	MS. McKNIGHT: Objection.
9	You can answer.
10	THE WITNESS: Not without this E-mail. I
11	have no recollection.
12	BY MR. FRAM:
13	Q. Okay. "EA12," do you see that there at the
14	bottom in the text of the E-mail?
15	A. Yes.
16	Q. In the table you see something called
17	"Unified Index"?
18	A. Yes.
19	Q. Do you recall what you called the phrase
20	"Unified Index"?
21	A. That's not my term.
22	Q. Do you recall anybody else using it, though,
23	in 2011?
24	A. I don't, no.
25	Q. But "EA12" is one of your terms?

	Page 164
1	CLARK BENSEN
2	A. EA12 is my term, yes.
3	Q. Do you recall in November let me ask the
4	question.
5	How would you how would loading a DBF file
6	help one calculate an EA12 index scoring for a
7	district?
8	A. Well, I can't tell from this. They sent an
9	attachment called November Modified DBF. I suspect
10	that was a block assignment file. So it was to load
11	it up as a plan and see what the numbers were.
12	Q. Right. So if I understand. So if the DBF
13	files were the block assignment files and you have the
14	EA12 numbers for each census block, then you could
15	figure out which census blocks were in a particular
16	district; correct?
17	A. Right.
18	Q. And then you could use that information to
19	calculate the EA12 scoring for the district; correct?
20	A. Right.
21	Q. I understand.
22	(Deposition Exhibit 23 and 24 were marked
23	for identification.)
24	MR. FRAM: We'll do two exhibits next, one
25	after the other here. So we're up to Exhibit 23. So

Case	e: 1:18-cv-0035	57-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 165 of 182 12315	PAGE	ID #:
		I	Page	165
1		CLARK BENSEN	-	
2	Exhibit	23, BLESSING00012553 and, 24, BLESSING00132	212.	
3		(The witness reviewed Exhibits 23 and 24.))	
4	BY MR. F	'RAM:		
5	Q.	Have you ever seen either Exhibits 23 or 2	24	
б	before?			
7	А.	No.		
8		(Deposition Exhibit 25 was marked for		
9		identification.)		
10	BY MR. F			
11	Q.	We'll mark next as Exhibit 25, BENSEN_0000	1086	
12		e file name "december14 > DVW_aggset_ohcd_20		
13		l-hb369-december14.xls."		
14		(The witness reviewed Exhibit 25.)		
15	BY MR. F			
16	Q.	Mr. Bensen, did you create this document?		
17				
18	A.			
	Q.			
19		sional redistricting in Ohio in 2011?		
20	A.	Yes.		
21	Q.		vith	
22		ossi and Ms. Mann?		
23	A.			
24	Q.		2	
25	A .	Possibly.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 166 of 182 PAGEID #: 12316

	Page 166
1	CLARK BENSEN
2	Q. Do you have any idea why you created this
3	document?
4	A. Well, I created it I would have thought I
5	created it for my own purposes so I could run my
6	customized reports. It's similar to the one we had
7	before, which is just a basic listing of the data.
8	This is for the December plan.
9	Q. (HB369?)
10	A. Yes.
11	Q. So do you understand this would have been for
12	HB369 as enacted; is that right?
13	A. Or as revised, yes. The second round.
14	Q. I'm sorry. You said you created it for your
15	test report?
16	A. No, so I could run my own reports after. As
17	I said before, raw numbers are useful. If you want to
18	count the percentages or something, you would do it
19	from this set.
20	Q. Now, this has the numbers for each district
21	for all the EA scorings from EA11 through -41; is that
22	right?
23	A. Yes.
24	Q. And what why would you be running I'm
25	sorry. Why would you be running test were you

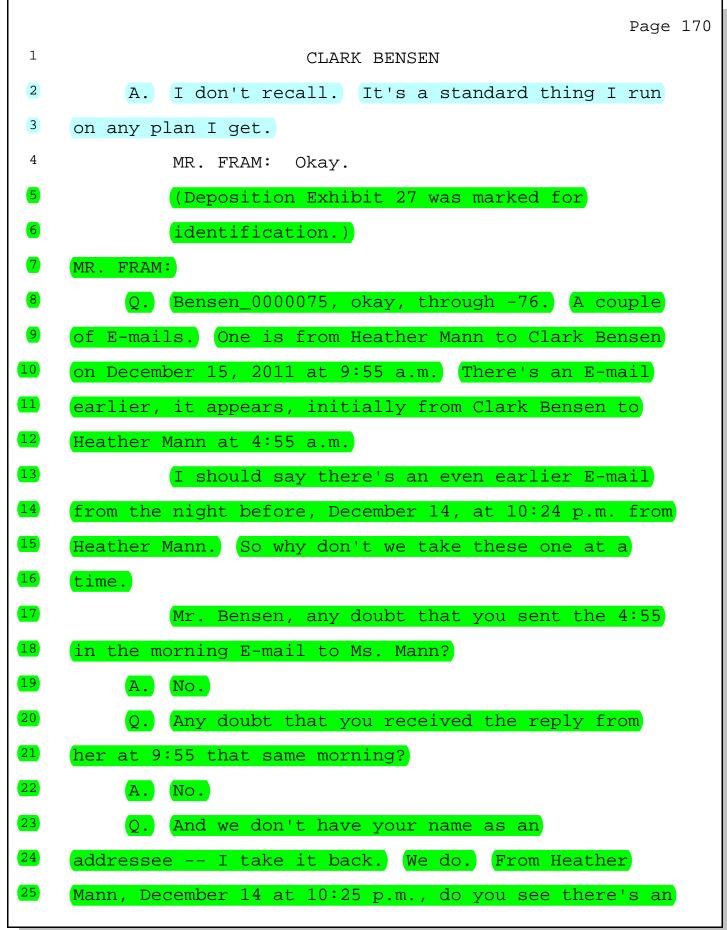
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Page	167

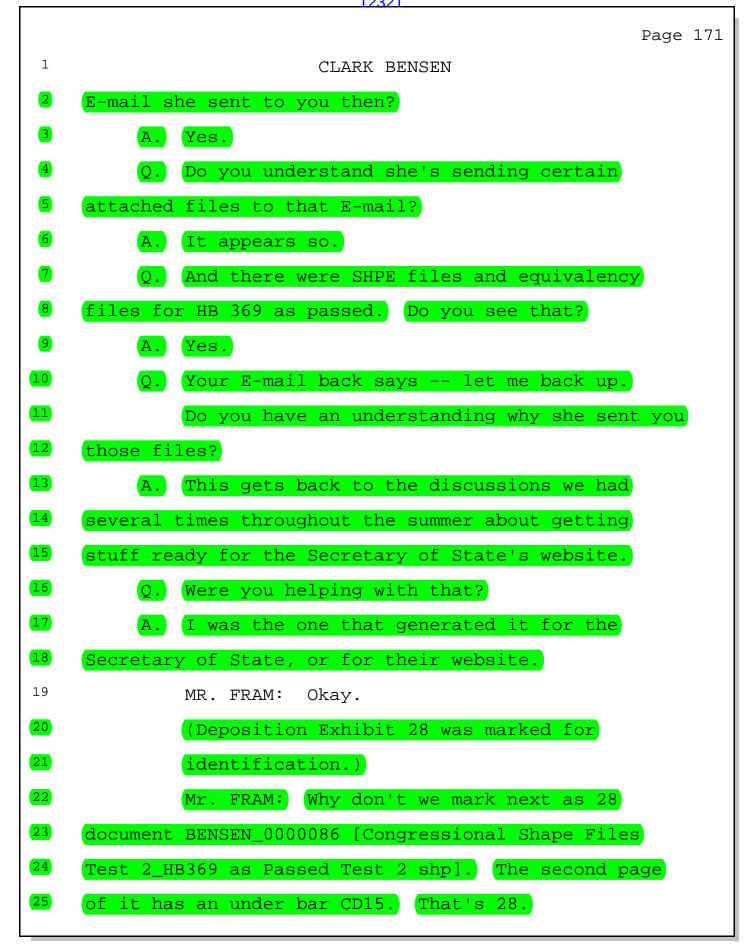
	Page 1
1	CLARK BENSEN
2	running test scores off of those EA numbers?
3	A. I didn't say anything about a test.
4	Q. Were you running reports off of those
5	numbers?
6	A. I would take this information and put it into
7	my data system where I would keep track of all the
8	plans I was looking at so we could go through and say,
9	"Okay. What was the pop in District 1 in Plan 319."
10	I'd have it in a database. That's all this was for.
11	Q. So just for your internal purposes for this
12	one?
13	A. Well, in case I had to run some sort of
14	report on it, but basically, for my own internal stuff
15	so I could keep track of it.
16	Q. Do you recall providing any internal reports
17	to anyone in Ohio?
18	A. In Ohio? I don't recall it, no.
19	Q. Why were you keeping track in your own
20	system, your own reports?
21	A. I'm a redistricting consultant. That's what
22	I do. I have a data system where I keep track of
23	everything in a logical fashion so when I need it, I
24	can find it. I don't have to go into Maptitude and
25	regenerate it.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 168 of 182 PAGEID #: 12318

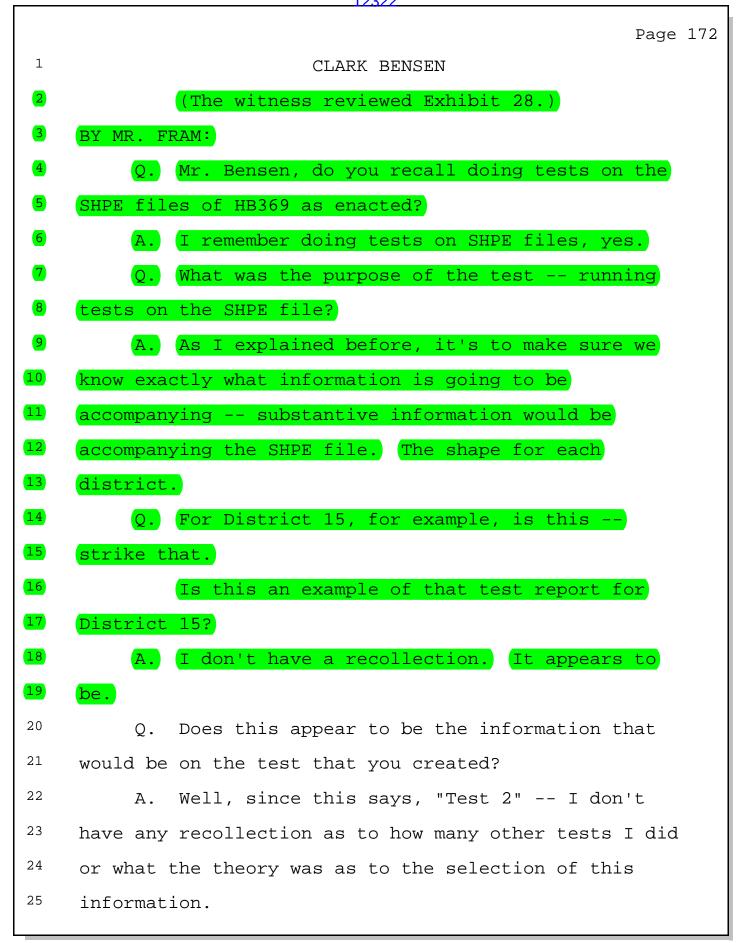
	Page 169
1	CLARK BENSEN
2	said earlier Covington added the numbers at the bottom
3	of the documents rather than create a separate slip
4	sheet that indicates the Bates numbers and says
5	"Produced in Native." Okay.
6	Q. So, Mr. Bensen, you produced this document?
7	A. I don't have it yet.
8	(The witness reviewed Exhibit 26.)
9	THE WITNESS: Yes.
10	BY MR. FRAM:
11	Q. Maybe you can explain. Do you have an
12	understanding what the file name is at the top?
13	A. It's just my nomenclature for how I keep
14	track of files.
15	Q. And did you create this on or about
16	December 15, 2011?
17	A. Yes. That's generated from Maptitude
18	software.
19	Q. So the Maptitude software can create
20	compactness scores for redistricting; is that correct?
21	A. Yes.
22	Q. Okay. Did anyone ask you to do this?
23	A. Not specifically.
24	Q. Do you remember communicating this to
25	anybody?



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 171 of 182 PAGEID #: 12321



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 172 of 182 PAGEID #:



Page	173

	Page 1
1	CLARK BENSEN
2	Q. Fair enough. But for Test 2, does this
3	appear to be the information you created?
4	A. It appears that way. Again, I just have no
5	recollection to discuss that.
6	Q. Okay. Again, I'm calling it a test. Do you
7	call it a test or report? What would your preferred
8	wording be?
9	A. We were trying to test here because we were
10	trying to test to make sure that, in fact, the SHPE
11	file had what we wanted in it.
12	Q. And the information is included here. It
13	includes various election result data correct?
14	for CD15?
15	A. It has several, yes.
16	Q. And that includes well, going down on the
17	CD15, do you see there are various rows that begin
18	with F_? Do you see that?
19	A. Yes.
20	Q. Going to F_EA12_RV. Do you see that?
21	A. Yes.
22	Q. What does the "F" stand for?
23	A. It's an aptitude conversion for percentage.
24	When a Maptitude field is exported, it shows up as an
25	"F." I can see from this file name, though, that I

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 174 of 182 PAGEID #: 12324

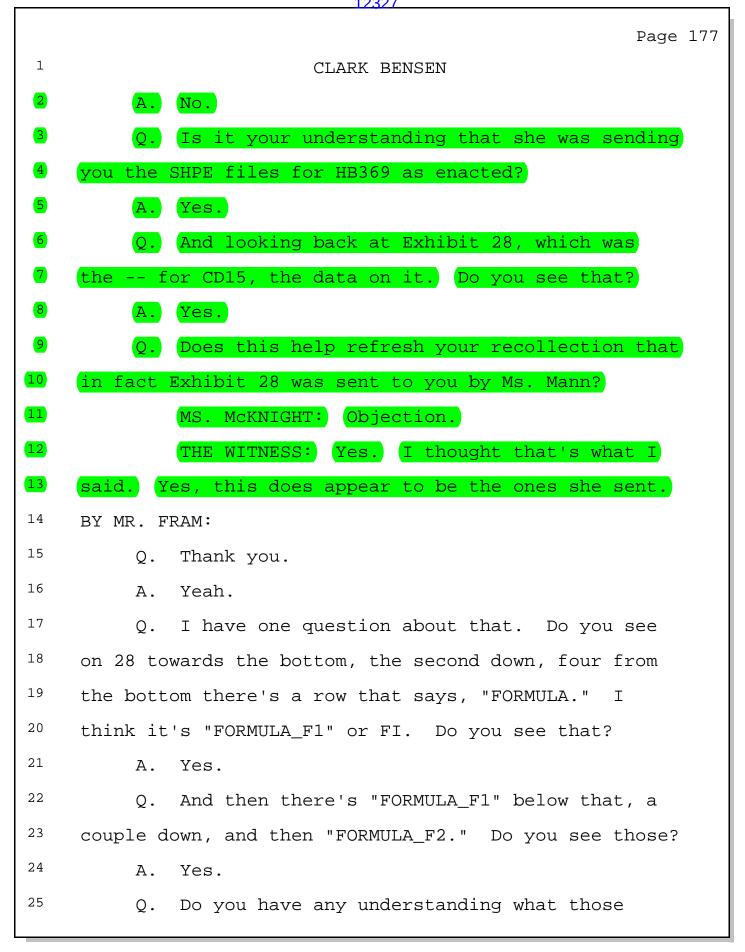
	Page 174
1	CLARK BENSEN
2	didn't create this. This must have been something
3	that she sent to Heather or Ray sent to me.
4	Q. So she either Mr. DiRossi or Ms. Mann, to
5	the best of your understanding, created this; is that
6	right?
7	A. Right.
8	Q. Okay. If you look at this okay. Never
9	mind.
10	So if I look at, again, the F_EA12_RV, and
11	that's .5493. Do you see that?
12	A. Yes.
13	Q. Does that mean that the Republican scoring
14	for CD15 would have been 54.93 percent?
15	MS. McKNIGHT: Objection.
16	But you may answer.
17	THE WITNESS: Yes.
18	(Deposition Exhibit 29 was marked for
19	identification.)
20	BY MR. FRAM:
21	Q. The document with Bates No. BRADEN000683
22	through -84, it's an E-mail string, the top of the
23	first page is to Mark Braden to Mark Salling, Heather
24	Mann, Clark Bensen, Michael Lenzo, Ray DiRossi, with a
25	cc to Ellen Cyran. And going down the page there's an

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	1036 1
1	CLARK BENSEN
2	E-mail from Mark Salling to let's just back up.
3	The date of this E-mail is July 15, 2011, and
4	the next E-mail is an E-mail from Mark Salling to
5	Heather Mann, Mark Braden, Clark Bensen, Michael
б	Lenzo, Ray DiRossi, cc to Ellen Cyran, and that's
7	July 15 at 4:50 p.m. Do you recall receiving any of
8	these E-mails back and forth involving Mark Salling?
9	A. I have no recollection of it.
10	Q. Okay. So you have no recollection at all of
11	receiving any information from Mark Salling in 2011?
12	A. No. I have a recollection of receiving
13	information from Ohio State. I just don't have any
14	recollection of this (indicating).
15	Q. Okay. Do you have any recollection of any
16	use of the Ohio do you recall Ohio State traded
17	database for the election results?
18	A. Yes.
19	Q. In which they tried to estimate election
20	results for different census blocks. Do you recall
21	that?
22	A. Yes.
23	Q. Okay. Do you recall any use of that for
24	Congressional redistricting in 2011?
25	A. No. My recollection is we didn't use it at

	Page 176
1	CLARK BENSEN
2	all.
3	MR. FRAM: If we can take just a quick break.
4	MS. McKNIGHT: Okay.
5	(A recess was taken from 1:56 p.m.
б	to 2:03 p.m.)
7	MR. FRAM: I'm going to mark next exhibits,
8	29 and 30. Two distinct E-mails. They're both dated
9	December 15, 2011. Exhibit 29 is 30.
10	(Deposition Exhibits 30, and 31 were
11	marked for identification.)
12	MR. FRAM: So 30 is Bensen-0000077.
13	And 31 is Bensen-000078. They're E-mails.
14	They're both from Heather Mann. They're both dated
15	December 15, 2011. They're both to Clark Bensen.
16	Difference is Exhibit 30 is a 2:29 p.m., and
17	Exhibit 31 is a 2:36 p.m. They both have attachments
18	of "Congressional Shape Files Test 2.zip."
19	(The witness reviewed the documents.)
20	BY MR. FRAM:
21	Q. Mr. Bensen, you produced these documents in
22	this case?
23	A. Apparently, yes.
24	Q. Do you have any reason to think you didn't
25	get these E-mails from Ms. Mann on December 15, 2011?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 177 of 182 PAGEID #:



	Page 178
1	CLARK BENSEN
2	formulas refer to?
3	A. No. I know I helped them calculate I
4	showed them how to calculate things over the course of
5	when they need to. But they're not mine. So
6	MR. FRAM: Okay. Well, thank you.
7	Well, we have no further questions for you
8	subject to follow up if opposing counsel should have
9	questions for you.
10	MS. McKNIGHT: None for me. Thanks.
11	MS. RIGGINS: None for me.
12	MR. FRAM: I hope it makes for an easier
13	drive for you.
14	MS. McKNIGHT: For the record, I'd just like
15	to note we'd like to read and sign. Thank you.
16	(Witness excused.)
17	(Deposition concluded at 2:08 p.m.)
18	
19	
20	
21	
22	
23	
24	
25	

1

2

CERTIFICATE

3	I do hereby certify that the aforesaid testimony
4	was taken before me, pursuant to notice, at the time
5	and place indicated; that said deponent was by me duly
6	sworn to tell the truth, the whole truth, and nothing
7	but the truth; that the testimony of said deponent was
8	correctly recorded in machine shorthand by me and
9	thereafter transcribed under my supervision with
10	computer-aided transcription; that the deposition is a
11	true and correct record of the testimony given by the
12	witness; and that I am neither of counsel nor kin to
13	any party in said action, nor interested in the
14	outcome thereof.
15	Dated: December 17, 2018
16	
17	\sim
18	The second secon
19	088
20	Nancy J. Martin, RMR, CSR
21	
22	
23	
24	
25	

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully
and make any necessary corrections. You should state
the reason in the appropriate space on the errata
sheet for any corrections that are made.

1

2

3

17

18

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20

21

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8 After doing so, please sign the errata sheet 9 and date it. You are signing same subject to the 10 changes you have noted on the errata sheet, which will 11 be attached to your deposition. It is imperative that 12 you return the original errata sheet to the deposing 13 attorney within thirty (30) days of receipt of the 14 deposition transcript by you. If you fail to do so, 15 the deposition transcript may be deemed to be accurate 16 and may be used in court.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-4 Filed: 02/20/19 Page: 181 of 182	PAGEID #:
10001	

		Page	181
1	ERRATA SHEET		
2	Case Name:		
3	Deposition Date:		
4	Deponent:		
5	Pg. No. Now Reads Should Read Reason		
б			
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20			
21	Signature of Depone	nt	
22	SUBSCRIBED AND SWORN BEFORE ME		
23	THIS DAY OF, 2018.		
24			
25	(Notary Public) MY COMMISSION EXPIRES:		

Page 182
CLARK BENSEN
ACKNOWLEDGMENT OF DEPONENT
I, CLARK BENSEN, do hereby certify that I
have read the foregoing pages, to,
and that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or changes in
form or substance, if any, noted in the attached
Errata Sheet.
DATE SIGNATURE
Subscribed and sworn to before me this day
of, 20
My commission expires:
Notary Public

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct

copy of the following documents to be served by email upon the counsel listed below:

- 1. Affidavit of Freda J. Levenson
- 2. Deposition Transcripts from APRI v. Smith , Appendix of Exhibits, Volume 1 of 4 (pages 1 163)
- 3. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 2 of 4 (pages 164 345)
- 4. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 3 of 4 (pages 346 644)
- 5. Deposition Transcripts from APRI v. Smith Appendix of Exhibits, Volume 4 of 4 (pages 645 694)

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Counsel for Respondent Ohio Redistricting Commission

/s/ Freda J. Levenson

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

Case No. 2021-1193

OHIO REDISTRICTING COMMISSION, *et al.*,

v.

Respondents.

OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS Volume 3 of 4 (pages 346-644)

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OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS

Volume 3 of 4 (pages 346-644)

Index of Documents

<u>ITEM</u>	DESCRIPTION	BATES RANGE
3	Deposition of Raymond DiRossi (October 22, 2018) - Ohio A. Phillip Randolph Institute, et al., v. Ryan Smith, Case No. 1:18-cv-00357-TSB (SD Ohio)	DEPO_SDOH_0346 - DEPO_SDOH_0644

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 1 of 349 PAGEID #: 13363

		Page 1
1	UNITED STATES DISTRICT COURT	
2	FOR THE SOUTHERN DISTRICT OF OHIO	
3	* * *	
4	OHIO A. PHILIP RANDOLPH	
5	INSTITUTE, et al.,	
6	Plaintiffs, CASE NO.	
7	vs. 1:18-cv-00357-TSB-KNM-MHW	
8	RYAN SMITH, Speaker of	
9	the Ohio House of	
10	Representatives, et al.,	
11	Defendants.	
12	* * *	
13	Deposition of RAYMOND E. DiROSSI,	
14	Witness herein, called by the Plaintiffs for	
15	cross-examination pursuant to the Rules of Civil	
16	Procedure, taken before me, Christine Gallagher,	
17	a Notary Public in and for the State of Ohio,	
18	at the offices of the Ohio Attorney General,	
19	30 East Broad Street, 14th Floor, Columbus,	
20	Ohio, on Monday, the 22nd day of October, 2018,	
21	at 9:20 a.m.	
22	* * *	
23		
24		
25	Job No. 149781	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 1	2 of 349	PAGEID #:

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			Page 2
1	EXAMINATION CONDUCTED	PAGE	
2	BY MS. THOMAS-LUNDBORG	17	
3			
4	EXHIBITS MARKED		
5	(Thereupon, Plaintiffs' Exhibit	20	
6	Number 1, Subpoena to Testify at a		
7	Deposition in a Civil Action, was		
8	marked for purposes of identification.)		
9	(Thereupon, Plaintiffs' Exhibit	35	
10	Number 2, Subpoena to Produce		
11	Documents, Information, of Objects or		
12	to Permit Inspection of Premises in a		
13	Civil Action, was marked for purposes		
14	of identification.)		
15	(Thereupon, Plaintiffs' Exhibit	40	
16	Number 3, Documents Bates Stamped		
17	LWVOH_00004033-4034, was marked for		
18	purposes of identification.)		
19	(Thereupon, Plaintiffs' Exhibit	59	
20	Number 4, Document Bates Stamped		
21	LWVOH_00009711, was marked for		
22	purposes of identification.)		
23			
24			
25			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 3 of 349 PAGEID #: 13365

			Page 3
1	(Thereupon, Plaintiffs' Exhibit	59	
2	Number 5, Document Bates Stamped		
3	DIROSSI_0000017, was marked for		
4	purposes of identification.)		
5	(Thereupon, Plaintiffs' Exhibit	63	
6	Number 6, Document Bates Stamped		
7	DIROSSI_0000018, was marked for		
8	purposes of identification.)		
9	(Thereupon, Plaintiffs' Exhibit	67	
10	Number 7, Document Bates Stamped		
11	DIROSSI_0000019, was marked for		
12	purposes of identification.)		
13	(Thereupon, Plaintiffs' Exhibit	71	
14	Number 8, Document Bates Stamped		
15	LWVOH_00010555, was marked for		
16	purposes of identification.)		
17	(Thereupon, Plaintiffs' Exhibit	74	
18	Number 9, Documents Bates Stamped		
19	LWVOH_00005475-5477, was marked for		
20	purposes of identification.)		
21	(Thereupon, Plaintiffs' Exhibit	90	
22	Number 10, Document Bates Stamped		
23	DIROSSI_0000527, was marked for		
24	purposes of identification.)		
25			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 4 of 349 PAGEID #: 13366

			Page 4
1	(Thereupon, Plaintiffs' Exhibit	99	
2	Number 11, Document Bates Stamped		
3	DIROSSI_0000020, was marked for		
4	purposes of identification.)		
5	(Thereupon, Plaintiffs' Exhibit		
6	Number 12, Document Bates Stamped	100	
7	DIROSSI_0000021, was marked for		
8	purposes of identification.)		
9	(Thereupon, Plaintiffs' Exhibit		
10	Number 13, Document Bates Stamped	101	
11	LWVOH_00009706, was marked for		
12	purposes of identification.)		
13	(Thereupon, Plaintiffs' Exhibit	117	
14	Number 14, Document Entitled Keep it		
15	Secret - Keep it Safe, was marked for		
16	purposes of identification.)		
17	(Thereupon, Plaintiffs' Exhibit	121	
18	Number 15, Document Bates Stamped		
19	DIROSSI_0000038, was marked for		
20	purposes of identification.)		
21	(Thereupon, Plaintiffs' Exhibit	145	
22	Number 16, Document Bates Stamped		
23	LWVOH_00018254, was marked for		
24	purposes of identification.)		
25			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 5 of 349 PAGEID #: 13367

			Page 5
1	(Thereupon, Plaintiffs' Exhibit	149	
2	Number 17, Document Bates Stamped		
3	DIROSSI_0000051, was marked for		
4	purposes of identification.)		
5	(Thereupon, Plaintiffs' Exhibit	151	
6	Number 18, Document Bates Stamped		
7	DIROSSI_0000051, was marked for		
8	purposes of identification.)		
9	(Thereupon, Plaintiffs' Exhibit	169	
10	Number 19, Documents Bates Stamped		
11	DIROSSI_0000139-0000141, was marked		
12	for purposes of identification.)		
13	(Thereupon, Plaintiffs' Exhibit	200	
14	Number 20, File Produced in Native		
15	Format Bates Stamped DIROSSI_0000526,		
16	was marked for purposes of		
17	identification.)		
18	(Thereupon, Plaintiffs' Exhibit	219	
19	Number 21, Documents Bates Stamped		
20	DIROSSI_0000470-472, was marked for		
21	purposes of identification.)		
22	(Thereupon, Plaintiffs' Exhibit	232	
23	Number 22, Document Bates Stamped		
24	DIROSSI_0000010, was marked for		
25	purposes of identification.)		

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			Page 6
1			
2	(Thereupon, Plaintiffs' Exhibit	244	
3	Number 23, Document Bates Stamped		
4	DIROSSI_0000142, was marked for		
5	purposes of identification.)		
б	(Thereupon, Plaintiffs' Exhibit	248	
7	Number 24, Documents Bates Stamped		
8	GOVPR_008278-8280, was marked for		
9	purposes of identification.)		
10	(Thereupon, Plaintiffs' Exhibit	250	
11	Number 25, Document Bates Stamped		
12	DIROSSI_0000039, was marked for		
13	purposes of identification.)		
14	(Thereupon, Plaintiffs' Exhibit	253	
15	Number 26, Documents Bates Stamped		
16	LWVOH_00018302-18308, was marked for		
17	purposes of identification.)		
18	(Thereupon, Plaintiffs' Exhibit	258	
19	Number 27, Document Bates Stamped		
20	DIROSSI_0000040, was marked for		
21	purposes of identification.)		
22	(Thereupon, Plaintiffs' Exhibit	259	
23	Number 28, Document Bates Stamped		
24	DIROSSI_0000043, was marked for		
25	purposes of identification.)		

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			Page 7
1			
2	(Thereupon, Plaintiffs' Exhibit	260	
3	Number 29, Document Bates Stamped		
4	DIROSSI_0000044, was marked for		
5	purposes of identification.)		
6	(Thereupon, Plaintiffs' Exhibit	261	
7	Number 30, Document Bates Stamped		
8	DIROSSI_0000045, was marked for		
9	purposes of identification.)		
10	(Thereupon, Plaintiffs' Exhibit	263	
11	Number 31, Document Bates Stamped		
12	LWVOH_00018310, was marked for		
13	purposes of identification.)		
14	(Thereupon, Plaintiffs' Exhibit	268	
15	Number 32, Document Bates Stamped		
16	LWVOH_00018297, was marked for		
17	purposes of identification.)		
18	(Thereupon, Plaintiffs' Exhibit	274	
19	Number 33, Documents Bates Stamped		
20	LVWOH_00018298-18301, was marked for		
21	purposes of identification.)		
22	(Thereupon, Plaintiffs' Exhibit	280	
23	Number 34, Document Bates Stamped		
24	LWVOH_00018320, was marked for		
25	purposes of identification.)		

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			Page	8
1				
2	(Thereupon, Plaintiffs' Exhibit	288		
3	Number 35, Documents Bates Stamped			
4	LWVOH_00018322-18325, was marked for			
5	purposes of identification.)			
6	(Thereupon, Plaintiffs' Exhibit	296		
7	Number 36, Document Bates Stamped			
8	DIROSSI_0000046, was marked for			
9	purposes of identification.)			
10	(Thereupon, Plaintiffs' Exhibit	298		
11	Number 37, Document Bates Stamped			
12	LWVOH_00018321, was marked for			
13	purposes of identification.)			
14	(Thereupon, Plaintiffs' Exhibit	310		
15	Number 38, Documents Bates Stamped			
16	SOS_001010-1011, was marked for			
17	purposes of identification.)			
18	(Thereupon, Plaintiffs' Exhibit	312		
19	Number 39, Document Bates Stamped			
20	DIROSSI_0000061, was marked for			
21	purposes of identification.)			
22	(Thereupon, Plaintiffs' Exhibit	314		
23	Number 40, Document Bates Stamped			
24	DIROSSI_0000499, was marked for			
25	purposes of identification.)			

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			Page 9
1			
2	(Thereupon, Plaintiffs' Exhibit	316	
3	Number 41, File Produced in Native		
4	Format Bates Stamped DIROSSI_0000525,		
5	was marked for purposes of		
6	identification.)		
7	(Thereupon, Plaintiffs' Exhibit	323	
8	Number 42, File Produced in Native		
9	Format Bates Stamped DIROSSI_0000518,		
10	was marked for purposes of		
11	identification.)		
12			
13			
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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 10 of 349 PAGEID #:

3372

Page 10

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1
     APPEARANCES:
 2
        On behalf of the Plaintiffs:
3
             American Civil Liberties Union
             Foundation
 4
        By:
             T. Alora Thomas-Lundborg
5
             Attorney at Law
             125 Broad Street
6
             New York, New York 10004
7
8
        By: Freda Levenson
             Attorney at Law
9
             4506 Chester Avenue
             Cleveland, Ohio 44103
10
11
             Covington & Burling
12
        By:
             Robert Fram
             Attorney at Law
13
             One Front Street
             San Francisco, CA 94111
14
15
        On behalf of the Defendants:
16
             Ogletree, Deakins, Nash, Smoak &
17
             Stewart
             Phillip Strach
18
        By:
             Attorney at Law
19
             4208 Six Forks Road
             Raleigh, North Carolina 27609
20
21
22
23
24
25
```

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 11 of 349 PAGEID #: 13373

Page 11

1		Ohio Attorney General
2	By:	Steven Voigt
		Principal Assistant Attorney General
3		30 East Broad Street
		Columbus, Ohio 43215
4		
5		
		The Ohio Senate
6		
	Bv:	Frank Strigari
7	27	Chief Legal Counsel
		Statehouse - Room 205
8		Columbus, Ohio 43215
9		
10	On he	ehalf of the Intervenors:
11		Baker & Hostetler
12	By:	Robert Tucker
	Dy.	Attorney at Law
13		200 Civic Center Drive
		Columbus, Ohio 43215
14		
15		
	AT.CO	PRESENT:
16	OGLA	EIGPUI.
_ •		Robert L. Miller, Videographer
17		Robert H. Miller, Videographer
- '		* * *
18		
19		
20		
20		
22		
22		
23 24		
24 25		
40		

Page 12

1 THE VIDEOGRAPHER: We're on the 2 record. 3 My name is MS. THOMAS-LUNDBORG: 4 Alora Thomas, I'm from ACLU National, representing 5 the plaintiffs. 6 MR. FRAM: Robert Fram, Covington & 7 Burling, representing the plaintiffs. 8 MS. LEVENSON: Freda Levenson, ACLU of Ohio, plaintiffs. 9 10 Phil Strach, Ogletree MR. STRACH: 11 Deakins, representing the legislative defendants. 12 Steve Voigt, the Ohio MR. VOIGT: 13 Attorney General's office, representing the 14 defendants. 15 Rob Tucker, Baker MR. TUCKER: 16 Hostetler, representing the intervenors. 17 Frank Strigari, legal MR. STRIGARI: 18 counsel for the Senate, on behalf of the 19 legislative defendants. 20 MR. VOIGT: Okay. And before we 21 begin, counsel had -- we had some discussions 22 about some logistical aspects, and I'm just going 23 to articulate what I think we agreed to, and then 24 Mr. Fram and Ms. Thomas can correct me or let me 25 know if their understanding is different.

<u>13375</u>

Page 13

1 So for this deposition and all 2 depositions going forward, the only objections 3 that are waived at the deposition are -- well, 4 actually, it would be different. Let's say for 5 discovery depositions. We might have a different 6 set of rules for a trial deposition. But the only 7 -- actually, maybe for that, too, I don't know. 8 For discovery depositions, let's just 9 focus on that, discovery depositions, the only 10 objection that would be waived, if not made here, 11 would be an objection to form, and so an example 12 of that would be objection, compound question. 13 Now, it is also acceptable under the rules of 14 civil procedure to simply say objection, form, and 15 then if the counsel asking questions wants further 16 specification they're certainly welcome to ask for 17 it. 18 Now, objections that are preserved 19 and do not need to be made are objections to 20 So, for example, objection, relevance, substance. 21 we do not need to make relevance objections today. 22 Those are preserved until trial. 23 What was the other point we were 24 going to talk about? 25 Time. MR. STRACH:

13376

Page 14

1 MR. VOIGT: Oh, timing, okay, yes. 2 And we've also agreed that objections do not count 3 toward each side's allotted time, so each side in 4 this case has been allotted a certain amount of 5 time. If Mr. Strach makes an objection today, and 6 let's say there's some discussion about that that 7 lasts five minutes, that five-minute time does not 8 count toward the plaintiffs' overall time. Same 9 thing the other way around, when -- if we are on 10 Cross-Examination and the plaintiffs' attorneys 11 are making an objection, that objection does not 12 count toward the defendants' allotted time. 13 Does that accurately --14 MS. THOMAS-LUNDBORG: Yes, it does. 15 MR. FRAM: As far as there are two 16 additions, though, that I wanted to throw in. 17 So Redirect by a party representing 18 the witness or by an intervenor would not count 19 against the party taking the deposition's time and 20 be charged against the other side's time. That's 21 the first thing. 22 And, second, I would ask that the 23 rule on preserving objections apply to all 24 depositions so that we don't disrupt the 25 depositions. Even if someone is calling something 13377

Page 15

1 a trial deposition, I think we should just agree 2 that there will be a time to submit relevance and 3 hearsay objections after the fact. They're not 4 particularly curable at the deposition anyway. 5 They are what they are. 6 And that way, say, if Phil is asking 7 a question of a witness, I don't have to sit there 8 and object all day on relevance or hearsay. We 9 can just put that on paper to the court down the 10 road at a given time. 11 MR. VOIGT: Let's cross that bridge 12 when we get --13 MR. FRAM: Okay. It's coming up soon, though, because if I'm going to do it for 14 15 next week's deposition of Ms. Blessing, it would 16 be good to know in advance. My preference is not 17 to be -- not to be objecting all the time like 18 that. 19 MR. VOIGT: I understand, but Phil 20 and I -- I would like to talk about that 21 beforehand, but right now we have a discovery 22 deposition. 23 MR. FRAM: I would appreciate it if 24 you could let me know on Wednesday at the 25 conclusion of the Blessing deposition so we can

Page 16

¹ plan in advance for Day 2.

MR. VOIGT: Understood, understood.
 And everything else that you said is accurate from
 my perspective.

5 All right. MR. STRACH: Let me make 6 So this is Phil Strach. The only other one more. 7 thing I wanted to put on the record is we have 8 sent an email to the plaintiffs asking for their 9 consent to amend the protective order to protect 10 the videotape that's taken in these depositions 11 from being used outside the case. The plaintiffs 12 have not had a chance yet to get back to us on 13 that, and so to err on the side of caution, we're 14 designating this deposition as confidential under 15 the protective order and we will do the same for 16 Wednesday's deposition depending on the status of that discussion. 17

¹⁸ MS. THOMAS-LUNDBORG: I think we're
 ¹⁹ ready to swear in the witness.

Can you please state your name for
 the -- just swear in the witness.

THE NOTARY: If you'll raise your
 right hand, please.
 RAYMOND E. DiROSSI

²⁵ of lawful age, Witness herein, having been first

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 17 of 349 PAGEID #: 13379

		Page 17
1	RAYMOND E. DIROSSI	
2	duly cautioned and sworn, as hereinafter	
3	certified, was examined and said as follows:	
4	CROSS-EXAMINATION	
5	BY MS. THOMAS-LUNDBORG:	
6	Q. Good morning.	
7	A. Good morning.	
8	Q. Please state your name for the	
9	record.	
10	A. Raymond Edward DiRossi.	
11	Q. And what is your address?	
12	A. 5732 Springburn Drive, Dublin,	
13	Ohio, 43017.	
14	Q. And do you understand that you're	
15	under oath today?	
16	A. I do.	
17	Q. And you understand that's the same	
18	oath that you would take at a trial?	
19	A. I do.	
20	Q. Okay. We've already introduced	
21	ourselves for the record, so we'll skip over	
22	that part.	
23	Have you been deposed before?	
24	A. Yes.	
25	Q. And when was that?	

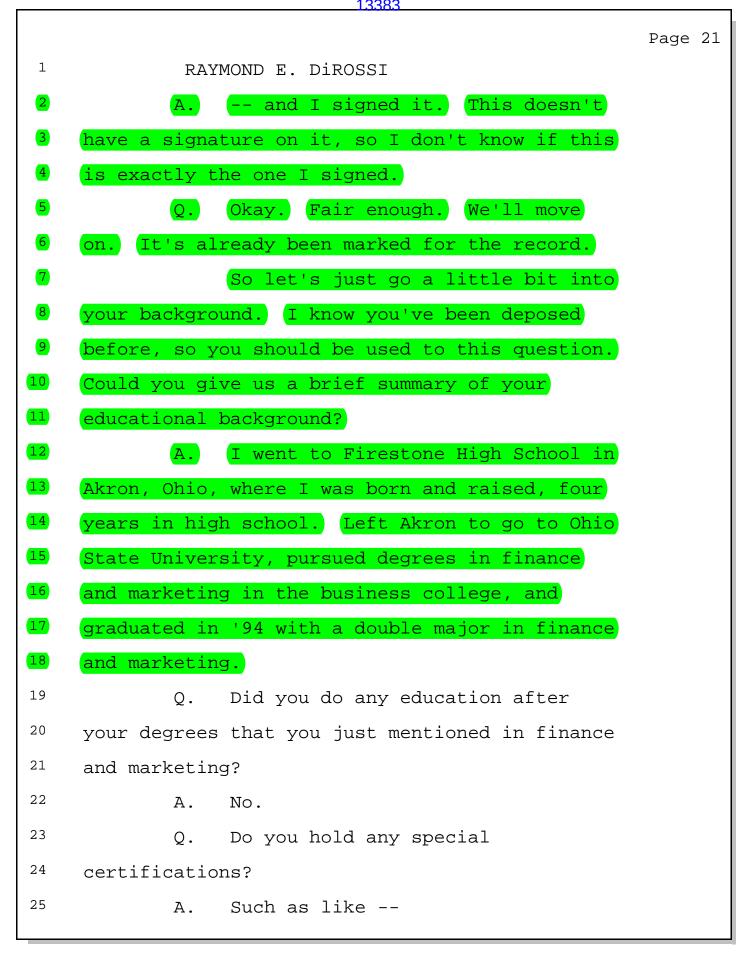
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 18 of 349 PAGEID #: 13380

		Page 18
1	RAYMOND E. DiROSSI	
2	A. <mark>2012.</mark>	
3	Q. And what case was that in?	
4	A. I believe I'm not an attorney,	
5	but I believe it was Wilson v. Kasich.	
6	Q. Okay. So let's go through	
7	you're probably aware of the rules of	
8	deposition from your prior deposition, but	
9	let's just go through some of the ground rules	
10	very quickly.	
11	I need a verbal response from you	
12	for any question. Do you understand that?	
13	A. Yes.	
14	Q. Also, so the record is clear,	
15	let's not talk over one another. And if you	
16	don't understand a question of mine, just ask	
17	me to repeat it and I will repeat or rephrase	
18	the question.	
19	A. Okay. Thank you.	
20	Q. If you need to take a break, just	
21	tell me, and there may be certain questions	
22	that your counsel instructs you not to answer	
23	today. You should answer my question, if you	
24	can, unless it's a question of privilege.	
25	A. Okay.	

Case:	1:18-cv-00357-TSB	KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 19 of 349	PAGEID)#:
			Page	19
1	RAY	MOND E. DiROSSI		
2	Q.	Okay. Throughout the deposition		
3				
4		All right. Is there any reason		
5	why you can'	t testify today, anything that is		
6	hindering yo	ur ability to testify truthfully?		
7	A .	No.		
8	Q.	Are you on any medications, any		
9	medications	that would affect your ability to		
10	testify?			
11	Α.	No.		
12	Q.	Throughout the deposition I'll be		
13	referring to	the Ohio redistricting. Unless I		
14	specify othe	rwise, I'm referring to the		
15	redistrictin	g that happened in 2011. Do you		
16	understand t	hat?		
17	Α.	You're talking about congressional		
18	redistrictin	g, not		
19	Q.	Congressional redistricting, yes.		
20	Α.	legislative, okay.		
21	Q.	Did you meet with your lawyers to		
22	prepare toda	Х;		
23	Α.	Yes.		
24	Q.	Did you do anything else to		
25	prepare?			

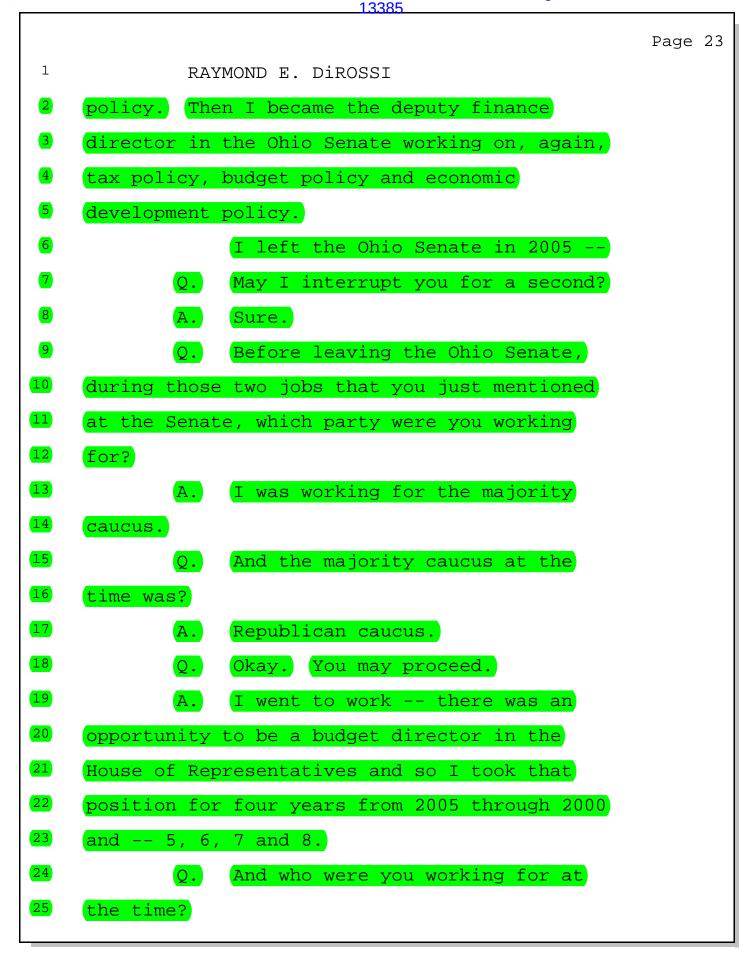
		Page	20
1	RAYMOND E. DiROSSI		
2	A. I produced documents at the		
3	request of either you or the court. I reviewed		
4	some of those documents. I met with attorneys.		
5	Q. Okay. Great. Do you understand		
6	that you're here pursuant to a subpoena?		
7	A. Yes.		
8	(Thereupon, Plaintiffs' Exhibit		
9	Number 1, Subpoena to Testify at a Deposition in	a	
10	Civil Action, was marked for purposes of		
11	<pre>identification.)</pre>		
12	BY MS. THOMAS-LUNDBORG:		
13	Q. If we could turn to Number 1 in		
14	your exhibit book. I'm having this document		
15	marked as Exhibit 1. It is the subpoena for		
16	the testimony of Raymond DiRossi. If you take		
17	a quick moment to review, is this subpoena the		
18	one that you understand that you're here for?		
19	A. Is this the one that I signed?		
20	MR. STRACH: No, this is different.		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. This is just a subpoena for your		
23	testimony. Did you see it before today?		
24	A. I mean, I was delivered one		
25	Q. Okay.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 21 of 349 PAGEID #:



	1.0.104	
		Page 22
1	RAYMOND E. DiROSSI	
2	Q. Such as an accounting	
3	certification, a certification for like a CPA,	
4	anything that would be a special designation.	
5	A. Do not.	
6	Q. What jobs have you held since	
7	graduating from Ohio State?	
8	A. Well, at the time of graduating	
9	and during school I was employed in the	
10	legislature in a number of capacities, so	
11	following graduation I was employed as a	
12	legislative aide in the Ohio Senate for a	
13	senator from the Dayton area, Montgomery	
14	County.	
15	Q. And who was that senator?	
16	A. Senator Charles Horn.	
17	Q. And which party is Charles Horn	
18	from?	
19	A. He is a he was a member of the	
20	Republican party.	
21	Q. Okay. And after working for	
22	Senator Horn, what did you do next?	
23	A. I was promoted, I guess you would	
24	say, and moved to the caucus staff where I	
25	worked on tax policy and economic development	
•		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 23 of 349 PAGEID #:



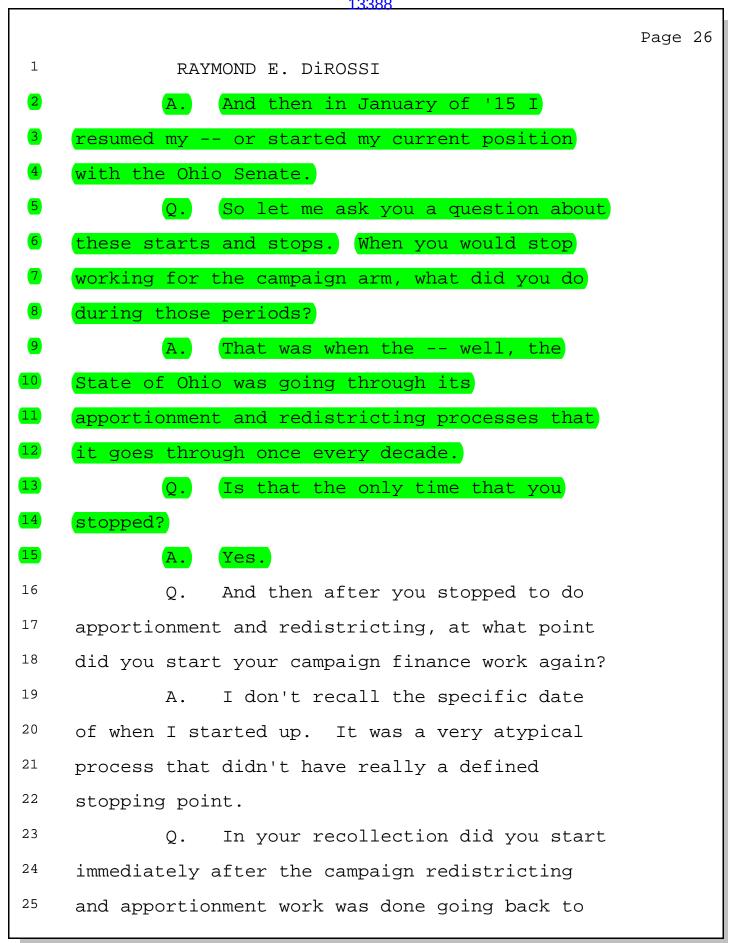
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 24 of 349 PAGEID #: 13386



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 25 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 26 of 349 PAGEID #:



TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0371

Case: 1:18-cv-00357-TSB-KNM-MHW	Doc #: 230-12 Filed:	02/20/19 Page: 27 of 349	PAGEID #:
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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 28 of 349 PAGEID #: 13390

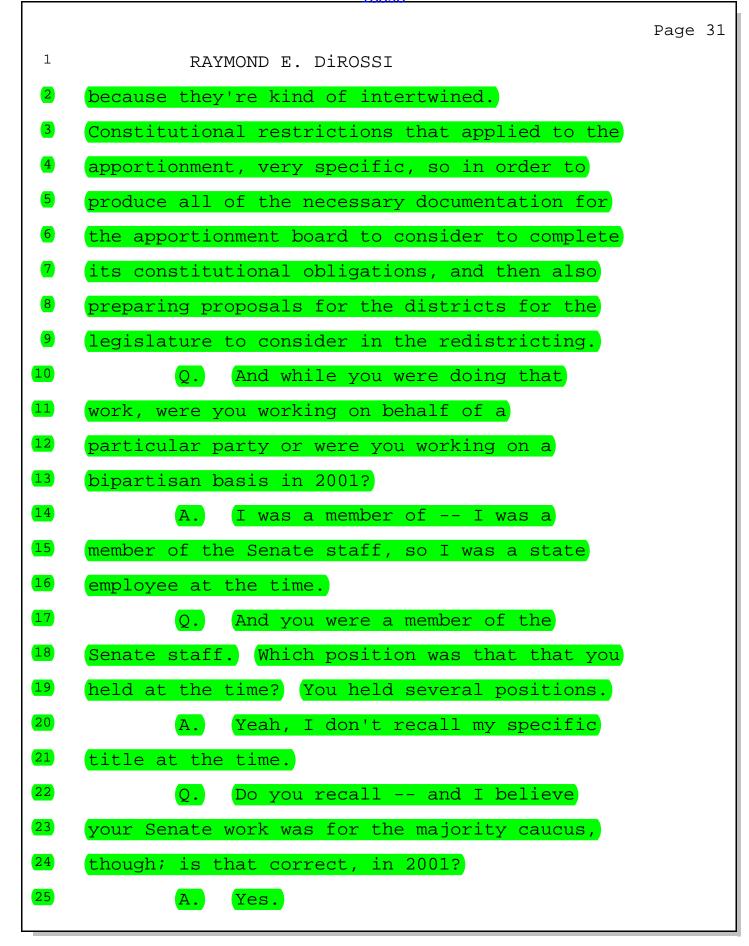
		Page	28
1	RAYMOND E. DiROSSI		
2	Q. Who is the Senate majority caucus		
3	currently that you're working for?		
4	A. The president is Larry Obhof.		
5	Q. Larry Obhof. And which party is		
6	that?		
7	A. I believe he's he's a		
8	Republican.		
9	Q. Thank you.		
10	Have you ever worked for a		
11	Democrat?		
12	A. Yeah, so I at one point when I		
13	was between everything we just talked about, I		
14	was appointed to work for the as a board and		
15	commission member for the Department of		
16	Transportation.		
17	Q. And when was that?		
18	A. Sitting here, I don't recall the		
19	specific dates. It was over four years and the		
20	director was Director Janet Molitoris, who was		
21	appointed by the by Governor Strickland, a		
22	Democrat.		
23	Q. And so you said you had that		
24	position for four years?		
25	A. More or less. Not specifically		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 29 of 349 PAGEID #: 13391

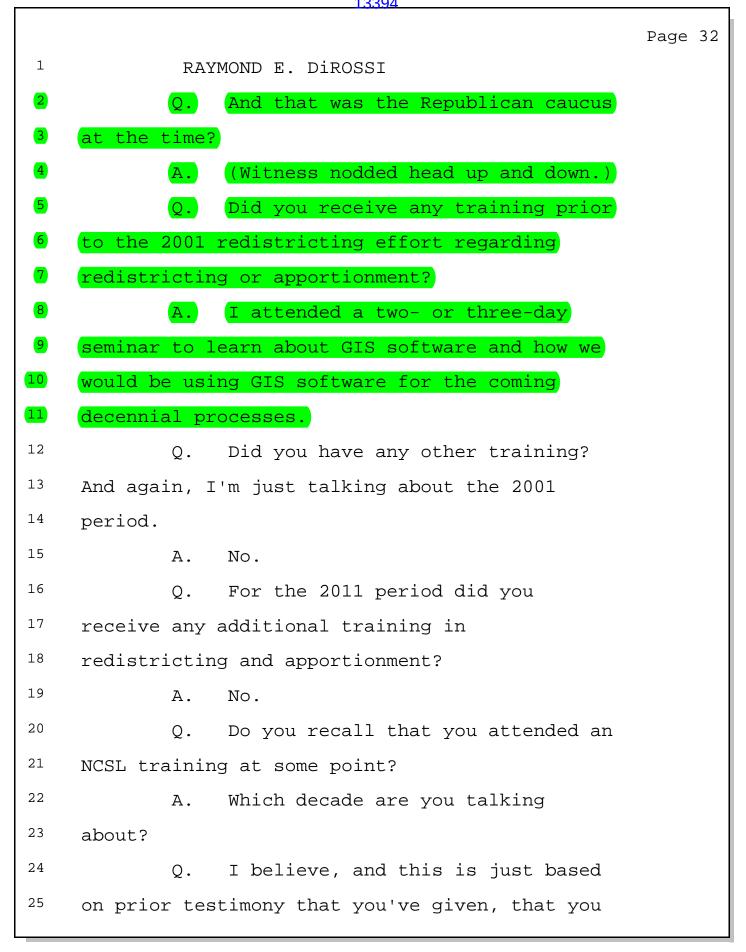
		Page	29
1	RAYMOND E. DiROSSI		
2	four years, but more or less four years.		
3	Q. Was that before or after you did		
4	apportionment and redistricting?		
5	A. I think technically it was before,		
6	during and after.		
7	Q. Before, during and after?		
8	A. Yes.		
9	Q. Okay. And were you appointed to		
10	this position or did you apply and then were		
11	gained the position that way?		
12	A. I was appointed.		
13	Q. And who were you appointed by?		
14	A. The Senate president.		
15	Q. And who was the Senate president		
16	at the time?		
17	A. President Bill Harris.		
18	Q. And which party is Bill Harris		
19	from?		
20	A. He was a member of the Republican		
21	party, now deceased.		
22	Q. Thank you.		
23	So we've talked a little bit about		
24	the jobs that you had and we've talked about		
25	the break that you took from consulting.		

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		Page 30
1	RAYMOND E. DIROSSI	
2	Actually, strike that.	
3	Going back to this Department of	
4	Transportation position that you had, did you	
5	work on consulting while you were in that	
6	position or did you take a break from	
7	consulting during it?	
8	A. While.	
9	Q. You were consulting while you were	
10	in that position, okay.	
11	So we've talked about the break	
12	that you took from consulting when you were	
13	working on redistricting and apportionment in	
14	2011. Did you work on redistricting and	
15	apportionment at any other period?	
16	A. In the previous decade I worked on	
17	both.	
18	Q. Okay. And so is that the 2001	
19	redistricting effort?	
20	A. Yes.	
21	Q. And can you describe some of the	
22	work that you did as part of that effort?	
23	A. Sure. I mean, very, very similar	
24	effort against I'm trying not to mix, as you	
25	said, the apportionment and the redistricting	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 31 of 349 PAGEID #: 13393



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 32 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 33 of 349 PAGEID #: 13395

		Page	33
1	RAYMOND E. DiROSSI		
2	attended a training in 1998. Is that the		
3	training, the two- or three-day training?		
4	A. 1998, I believe, was when I was		
5	trained on the GIS software.		
6	Q. Okay.		
7	A. That was not NCSL.		
8	Q. That was not NCSL. Who gave that		
9	training?		
10	A. I don't recall. Boy, that's a		
11	long time ago, 20 years ago.		
12	Q. Did you ever attend an NCSL		
13	training?		
14	A. Yeah. Well, I've attended NCSL		
15	conferences, but I guess I wouldn't call them		
16	training.		
17	Q. And have any of those conferences		
18	been on redistricting and apportionment?		
19	A. Yes.		
20	Q. Do you recall which ones?		
21	A. I remember attending going to		
22	Vermont during the '01 process for seminars and		
23	speeches and presentations, and that's the only		
24	specific one I remember the location of.		
25	Q. But there are others that you're		

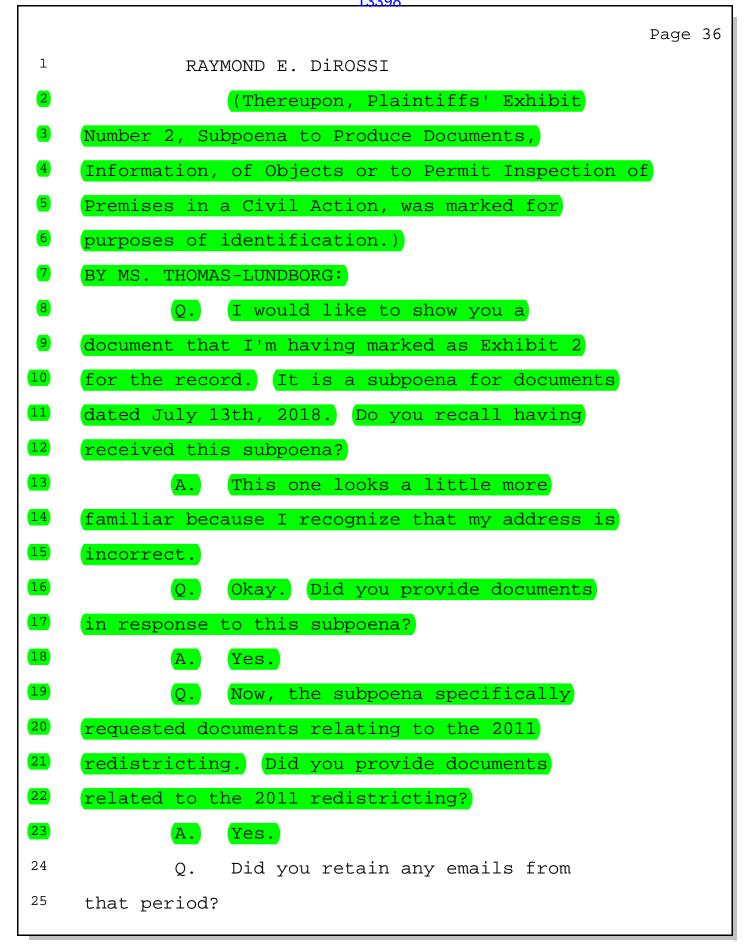
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 34 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 35 of 349 PAGEID #: 13397

		Page 35
1	RAYMOND E. DiROSSI	
2	on how various states were getting ready for	
3	the census, if there were any changes that were	
4	happening at the federal level on how census	
5	data was being collected or disseminated to the	
6	states. Endless presentations on what the	
7	current legal cases might be that would affect	
8	the various states, whether it was their	
9	apportionment or redistricting processes.	
10	Q. Okay. Were there any other	
11	conferences or trainings that you attended	
12	where you learned about apportionment or	
13	redistricting?	
14	A. None that I recall.	
15	Q. At any of these trainings did you	
16	discuss Ohio constitutional issues or were they	
17	only federal in nature?	
18	A. I mean, I can't I can't recall	
19	specifically if any of the presentations were	
20	specific mentioned Ohio.	
21	Q. Okay.	
22	A. I don't recall.	
23	Q. At any of these trainings did you	
24	discuss gerrymandering that you recall?	
25	A. No.	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 36 of 349 PAGEID #: 13398



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		Page	37
1	RAYMOND E. DIROSSI		
2	A. Any that I had in the various		
3	electronic and hard copy resources that I		
4	searched to be responsive, I turned over.		
5	Q. And what email addresses did you		
6	search?		
7	A. The only one that I would have had		
8	at the time, which would be my Gmail, my		
9	personal Gmail account.		
10	Q. And can you state what that		
11	address is for the record, please?		
12	A. Sure. RayDiRossi@Gmail.com.		
13	Q. As you sit here today do you		
14	recall having retained any emails from that		
15	period?		
16	A. So you're talking from, seven,		
17	eight years ago?		
18	Q. That's correct.		
19	A. That decade?		
20	Q. Everyone has different email		
21	policies. I just want to know what yours are.		
22	A. Yeah, and I searched and any		
23	documents that I had I turned over, but		
24	Q. So my question was, do you recall		
25	having had any emails from that period?		

		Page	38	
1	RAYMOND E. DIROSSI			
2	A. When I was complying with the			
3	subpoena?			
4	Q. Yes, that's correct.			
5	A. I don't believe so, no.			
6	Q. Okay. Did you retain any notes			
7	from that period?			
8	A. I don't know what you mean by			
9	notes.			
10	Q. However you would define notes.			
11	A. Anything that I had			
12	Q. Collections of your thoughts.			
13	A. Anything that I had from the			
14	various sources that I reviewed, I turned over.			
15	Q. My question is, do you recall			
16	having in your possession notes from that			
17	period?			
18	MR. STRACH: Objection to form.			
19	Go ahead.			
20	THE WITNESS: What I think of as			
21	notes is like handwritten notes. I didn't have			
22	anything like that.			
23	BY MS. THOMAS-LUNDBORG:			
24	Q. Did you have any notes on your			
25	computer from that period?			

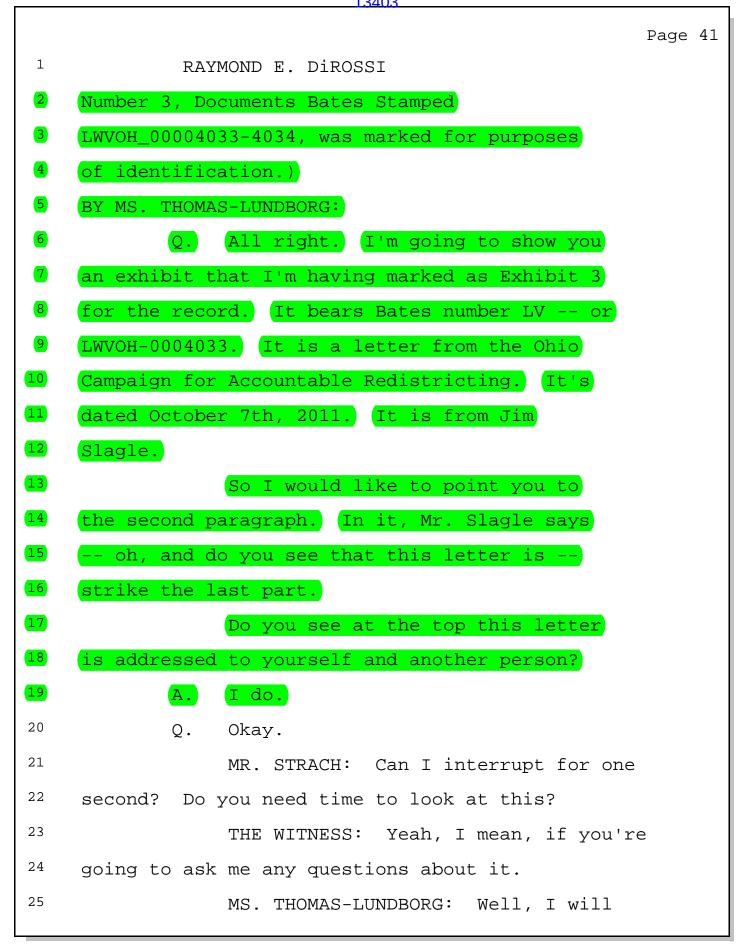
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 39 of 349 13401	PAGEI)#:
	Page	39

1	RAYMOND E. DiROSSI			
2	MR. STRACH: Objection. Form.			
3	THE WITNESS: I mean, if I had it, I			
4	turned it over.			
5	BY MS. THOMAS-LUNDBORG:			
6	Q. Again, do you recall having notes			
7	on your computer?			
8	MR. STRACH: Objection to form.			
9	THE WITNESS: Yeah, I mean, what I			
10	think of notes, I did not have notes on my			
11	computer.			
12	BY MS. THOMAS-LUNDBORG:			
13	Q. Okay. Did you retain any draft			
14	maps from that period?			
15	A. Yes.			
16	Q. Do you recall how many draft maps			
17	you had?			
18	A. I don't recall the number. They			
19	were turned over.			
20	Q. Did you retain any political			
21	indices from that period?			
22	A. Any documents that I had that			
23	related to redistricting, if they included any			
24	aspect of redistricting, including any			
25	historical election data that I had, I turned			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 40 of 349	PAGEID #:
13402	

		Page	40
1	RAYMOND E. DIROSSI		
2	over.		
3	Q. So my question is, do you recall		
4 5	having in your possession when you received the		
6	Subpoena indices?A.I believe so, yes.		
7	Q. Did you retain any other		
8			
	documentation related to redistricting, and if		
9	you did, can you describe it?		
10	MR. STRACH: Objection to form.		
11	THE WITNESS: Can you restate your		
12	question? I'm sorry.		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. So did you have any other		
15	documentation that I haven't already listed		
16	related to redistricting in your possession		
17	when you received the subpoena?		
18	A. I mean, I had some calendars,		
19	calendar items which were produced, I had a		
20	number of copies of historical maps and current		
21	maps that were produced. Some spreadsheets and		
22	Word documents that I had created that I used		
23	to help me understand and retain information,		
24	those were produced.		
25	(Thereupon, Plaintiffs' Exhibit		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 41 of 349 PAGEID #: 13403

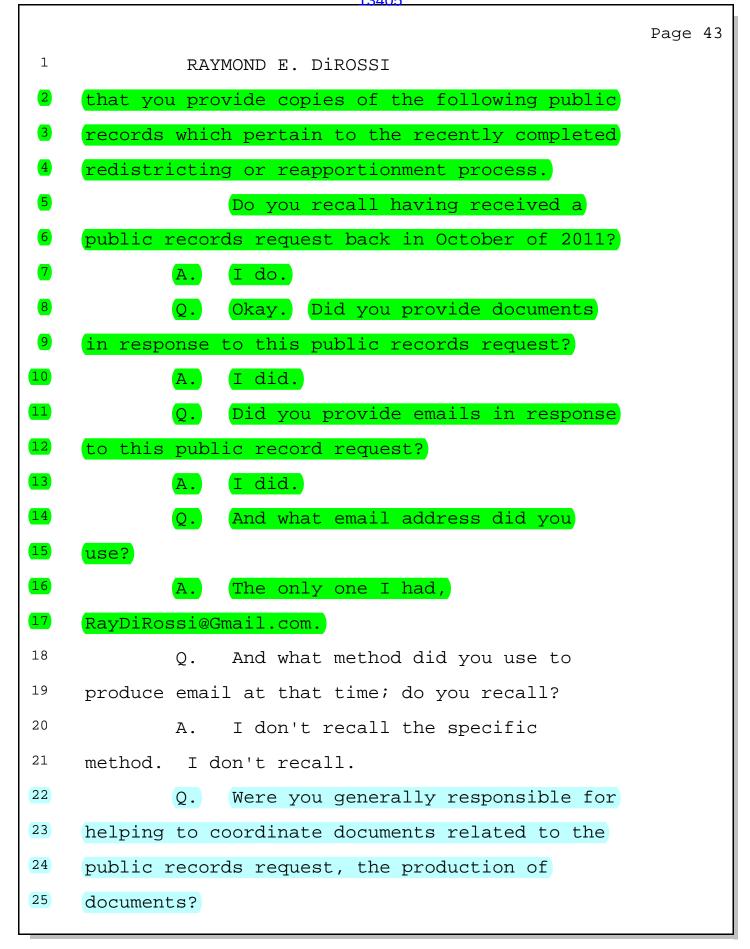


TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0386

Page 42

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1	RAYMOND E. DiROSSI
2	direct him to any portion that I'm going to ask.
3	If you would like to quickly just flip to see that
4	this is a document that is addressed to you and is
5	signed at the back.
6	MR. STRACH: Yeah, I would like him
7	if he needs it, I would like him to have a
8	chance to review the exhibit before he answers
9	questions about it, if he needs it.
10	MS. THOMAS-LUNDBORG: Okay. Again, I
11	think anything that I'm going to have him answer
12	to he'll be directed to specifically.
13	MR. STRACH: And that's fine, so long
14	as he's had a chance to review it, and then you
15	can direct him wherever you like.
16	Let her know when you're ready.
17	THE WITNESS: Okay. Depending on
18	your question I might need a little more time, but
19	I'm generally familiar with it now.
20	BY MS. THOMAS-LUNDBORG:
21	Q. Okay. You have all the time that
22	you need.
23	So I would like to direct you to
24	the second paragraph. In it, Mr. Slagle says,
25	in preparation for this report I'm requesting
1	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 43 of 349 PAGEID #: 13405



Page 44

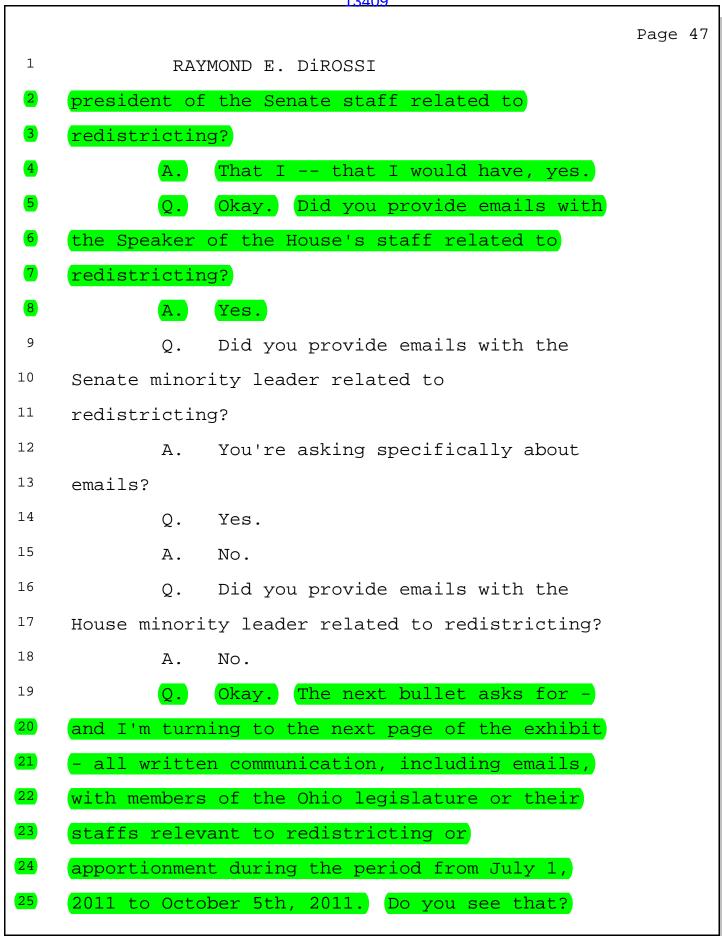
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1	RAYMOND E. DiROSSI
2	MR. STRACH: Objection to form.
3	You can answer if you can.
4	THE WITNESS: Yeah, I don't know what
5	you mean. I mean, I was asked to provide them so
6	I obviously searched my records to be responsive,
7	but I I don't know. I wasn't the coordinator.
8	BY MS. THOMAS-LUNDBORG:
9	Q. Okay. Who was the coordinator?
10	A. I think the staff of the the
11	staff of the Ohio House was serving as the
12	coordinator for public records requests.
13	Q. Okay. So let's go over just the
14	documents that were requested at the time. If
15	you look at the second bullet - I'm just going
16	to skip over the ones that deal with
17	apportionment - it requests all written
18	communication, including emails, with members
19	of the apportionment board or their staffs
20	relevant to redistricting or apportionment
21	during the period from July 1st, 2011 to
22	October 5th, 2011. Do you see that?
23	A. I do.
24	Q. Did you give documents responsive
25	to this request? Just this bullet that we were

Page 45

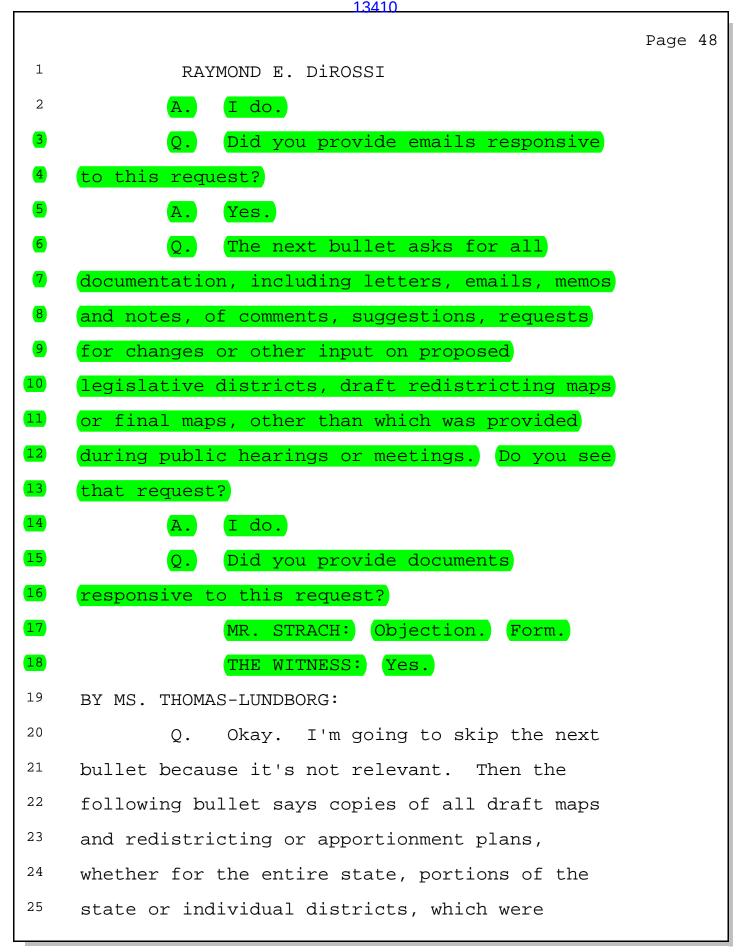
1	RAYMOND E. DiROSSI
2	talking about.
3	A. Yeah, again, I don't I provided
4	emails. I don't know if they were specifically
5	because of this bullet or some of any of the
6	other bullets on here.
7	Q. Well, did you provide emails with
8	the apportionment board or their staff that
9	related to redistricting?
10	A. So you're using the apportionment
11	board or the redistricting, which I'm confused
12	as to
13	Q. I'm just going with the bullet
14	because the bullet asks for communications with
15	members of the apportionment board or their
16	staffs, but related to redistricting and
17	apportionment.
18	A. Okay. You're just tripping me up
19	because you said you wanted to ignore the
20	apportionment stuff.
21	Q. This particular bullet asked for
22	documents relating to redistricting and
23	apportionment, but it does mention the
24	apportionment board. So did you provide emails
25	that you had with any members of the

		Page	46
1	RAYMOND E. DIROSSI		
2	apportionment board related to redistricting?		
3	A. I'm sorry. You're mixing the two.		
4	I do not believe the way you're asking the		
5	question I would have had any emails		
6	specifically to your question.		
7	Q. Okay. I'm just asking the		
8	question just in the bullet.		
9	A. I know there's a lot of common		
10	terms and they're used interchangeably, but		
11	they mean certain things obviously.		
12	Q. Okay. Did you provide emails to		
13	the members of the governor's staff related to		
14	redistricting?		
15	A. Can you ask that question again,		
16	state that again?		
17	Q. Did you provide emails with the		
18	governor's staff related to redistricting?		
19	A. I can't recall.		
20	Q. Okay. Did you provide emails with		
21	the Secretary of State staff related to		
22	redistricting?		
23	A. I can't recall. It was a long		
24	time ago.		
25	Q. Did you provide emails with the		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 47 of 349 PAGEID #: 13409



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 48 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 49 of 349 PAGEID #:

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		Page	49
1	RAYMOND E. DIROSSI		
2	prepared by you or others. Do you see that?		
3	A. I do.		
4	Q. Did you provide documents in		
5	response to this request?		
6	A. Again, documents could mean many,		
7	many things.		
8	Q. Just as it's defined in the		
9	bullet.		
10	A. Well, that's not exactly precise.		
11	I did provide redistricting maps.		
12	Q. Okay. The last bullet asks for		
13	all documentation pertaining to the		
14	dissemination of draft maps or plans and all		
15	documentation regarding any response to draft		
16	maps or plans. Do you see that?		
17	A. I do.		
18	Q. Did you provide documents in		
19	response to that request?		
20	A. Again, at the time in 2011,		
21	anything that would have been responsive to any		
22	of these bullet points, the ones you mentioned		
23	or the ones you skipped, I turned over. I		
24	don't recall if I specifically turned anything		
25	over with regard to this last bullet.		

		Pa
1	RAYMOND E. DiROSSI	
2	Q. Okay. At the time in 2011 did you	
3	retain more documents related to redistricting	
4	than you have now?	
5	A. Can you say that again, please?	
6	Q. Yes. When you received this	
7	request, did you have more documents in your	
8	possession related to redistricting than you do	
9	now?	
10	A. Yes.	
11	Q. Going back to the first page, the	
12	letter says the Ohio Campaign for Accountable	
13	Redistricting will be preparing a transparency	
14	report regarding the recently completed	
15	congressional and state legislative	
16	redistricting process.	
17	At the time that you received this	
18	request did you understand that the documents	
19	you were providing might make it into a report?	
20	A. I didn't even think about it. It	
21	was a public records request and so I provided	
22	whatever was responsive.	
23	Q. Did you read the letter before	
24	providing the documents?	
25	A. Yes.	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 51 of	349 PAC	SEID #:
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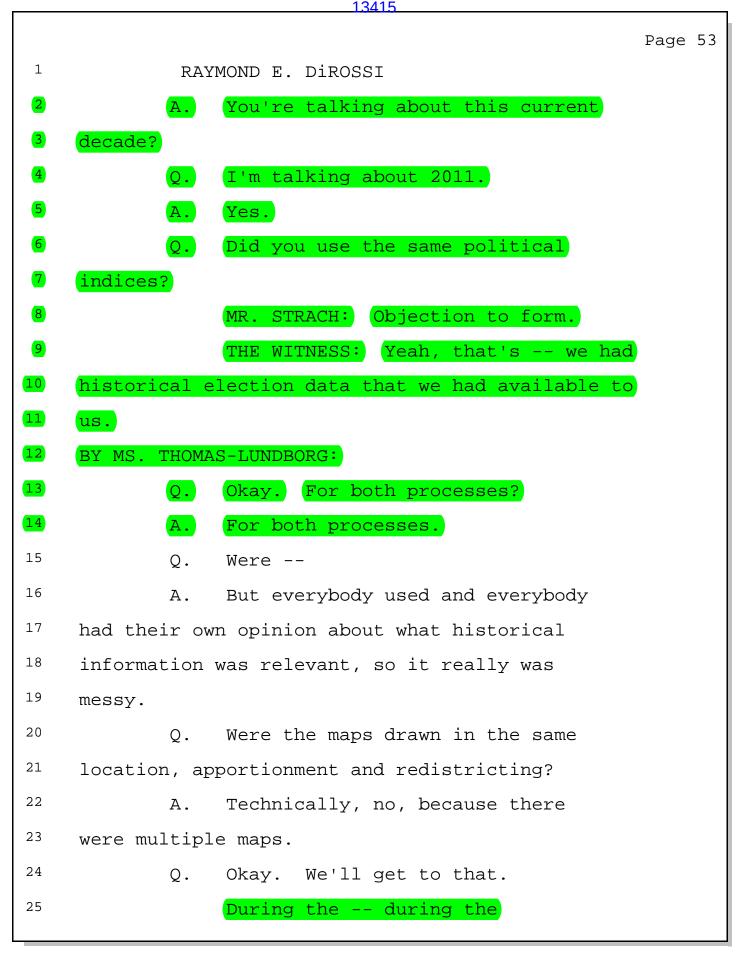
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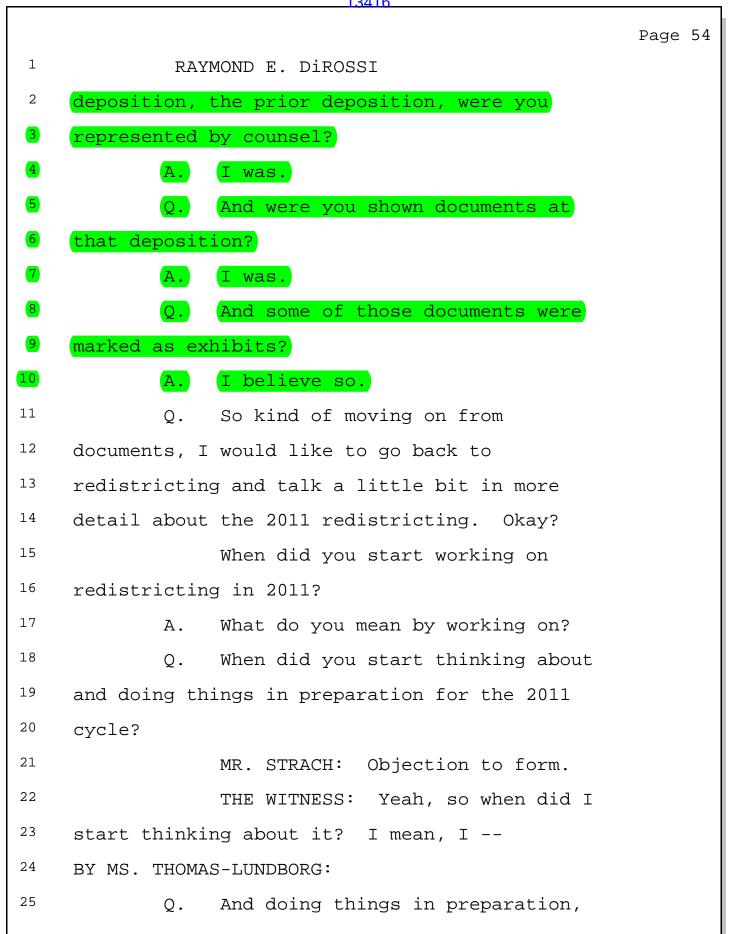
		Page
1	RAYMOND E. DiROSSI	
2	Q. And the letter states that the	
3	documents are for a transparency report,	
4	correct?	
5	A. Yeah. I don't know what that	
6	means. At the time I didn't know what that	
7	meant.	
8	Q. Okay. But you did read the	
9	letter?	
10	A. Uh-huh.	
11	Q. If you could turn the page,	
12	please, to the last page. The letter copies a	
13	Michael Lenzo. Do you know Michael Lenzo?	
14	A. I do.	
15	Q. Who is Michael Lenzo?	
16	A. The majority legal counsel in the	
17	House.	
18	Q. And what was Michael Lenzo's role	
19	in the redistricting process?	
20	(A.) (He was the majority legal counsel)	
21	in the House.	
22	Q. Okay. Did he have any specific	
23	job duties during the redistricting process?	
24	A. Not that I could speak to that I	
25	would know.	

		Page	52
1	RAYMOND E. DiROSSI		
2	Q. Okay. You mentioned that you were		
3	deposed in the past and that that deposition		
4	was Wilson v. Kasich; is that right?		
5	A. Yes.		
6	Q. And did that deposition regard		
7	apportionment or redistricting?		
8	A. It was apportionment.		
9	Q. And were there any overlaps		
10	between apportionment and redistricting at the		
11	time?		
12	A. Please clarify in which way		
13	overlaps.		
14	Q. Did you use any of the same		
15	processes as part of apportionment and		
16	redistricting as far as drawing the map, for		
17	example?		
18	MR. STRACH: Objection to form.		
19	Go ahead.		
20	THE WITNESS: Yeah, you have to		
21	clarify a little more. Like I used the same		
22	computers.		
23	BY MS. THOMAS-LUNDBORG:		
24	Q. You used the same computers. Did		
25	you use the same software?		
1			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 53 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 54 of 349 PAGEID #:

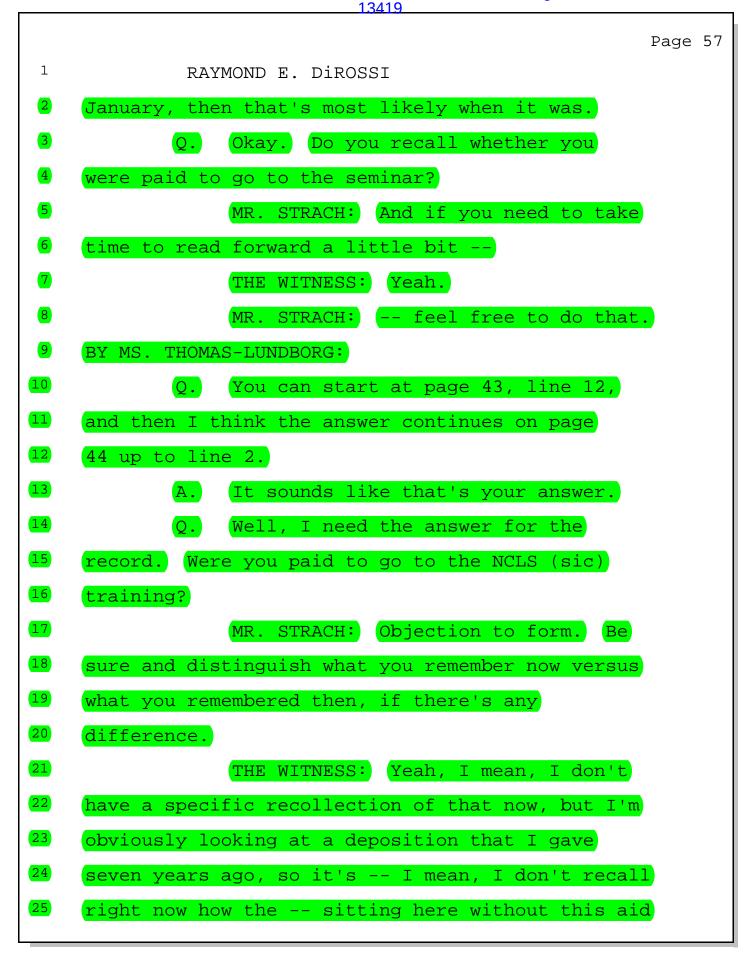


		Page	55
1	RAYMOND E. DIROSSI		
2	so not just thinking in the abstract, but		
3	actually putting some of your thoughts into		
4	action.		
5	MR. STRACH: Objection to form.		
6	THE WITNESS: Yeah, there was a lot		
7	of logistical thought that went into the processes		
8	for both apportionment and redistricting that		
9	would be forthcoming that would have happened in		
10	2011.		
11	BY MS. THOMAS-LUNDBORG:		
12	Q. And when did those start?		
13	A. I don't recall specific dates,		
14	months, timelines.		
15	Q. Okay. Do you recall whether it		
16	started in early 2011, let's say January and		
17	February of 2011?		
18	MR. STRACH: Objection to form.		
19	THE WITNESS: I couldn't be that		
20	specific.		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. Okay. Do you recall having		
23	attended an NCSL seminar in 2011?		
24	A. I attended an NCSL, but I do not		
25	recall if it was in 2011 or earlier.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 56 of 349 PAGEID #:

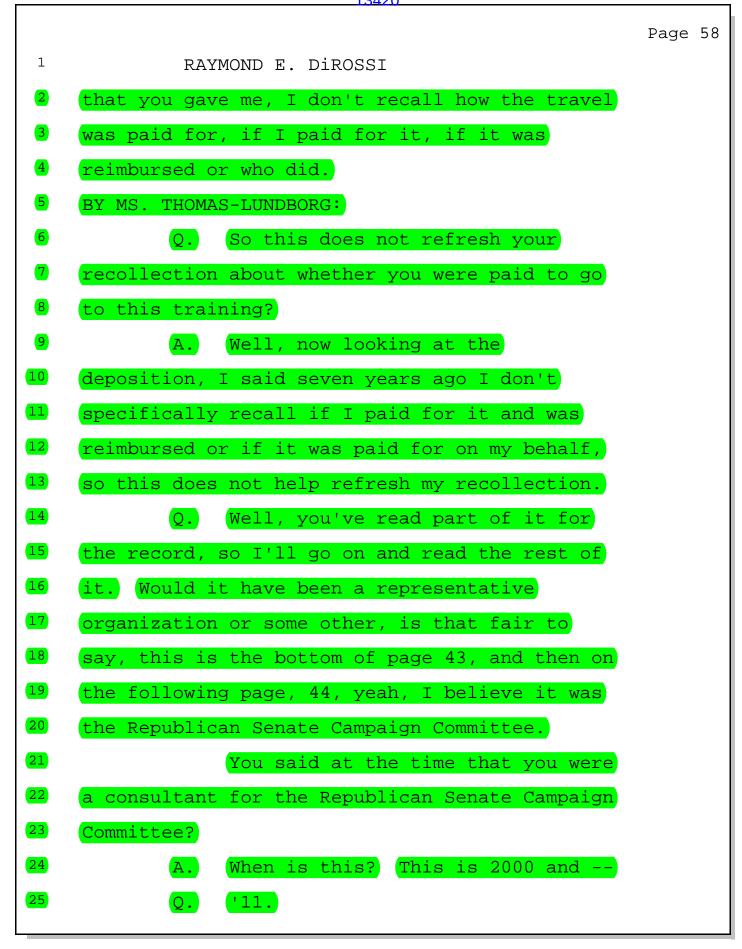


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 57 of 349 PAGEID #:

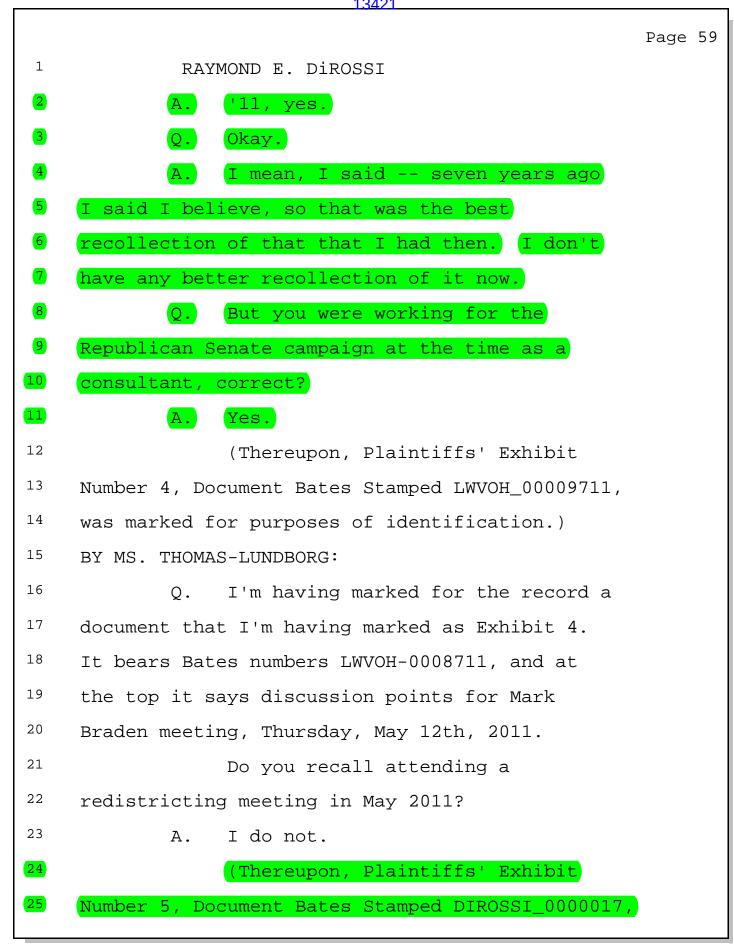


TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0402

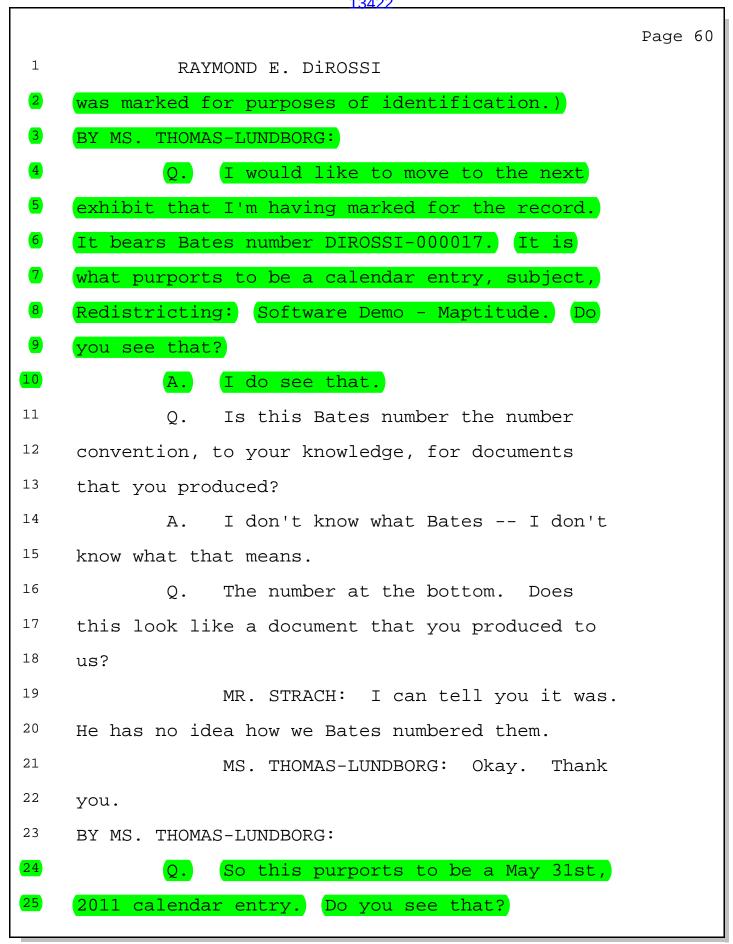
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 58 of 349 PAGEID #: 13420



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 59 of 349 PAGEID #:

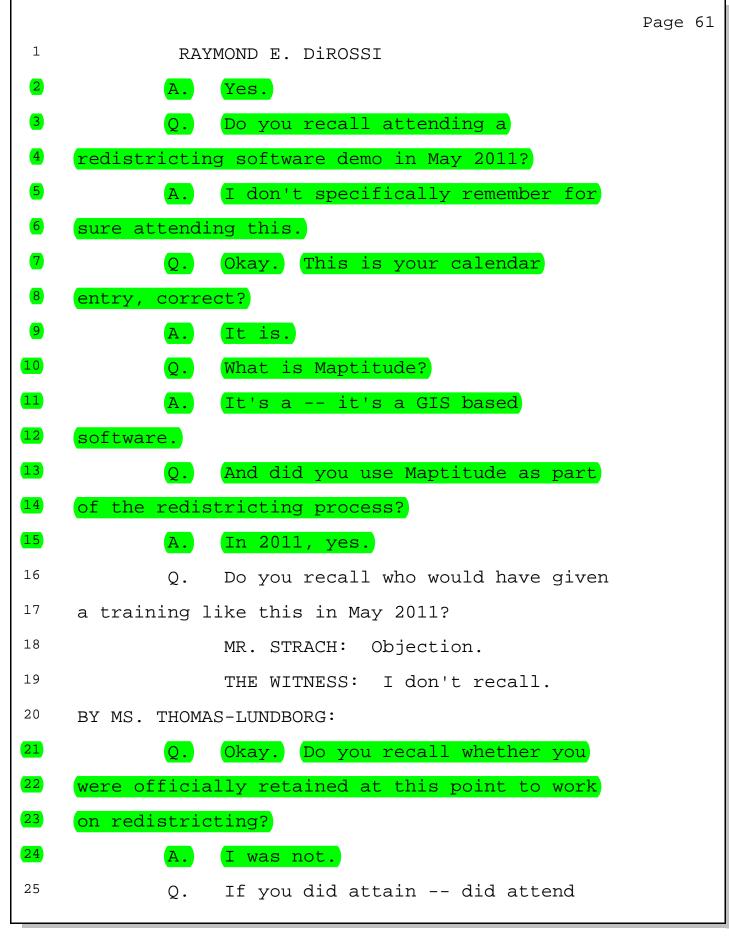


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 60 of 349 PAGEID #:



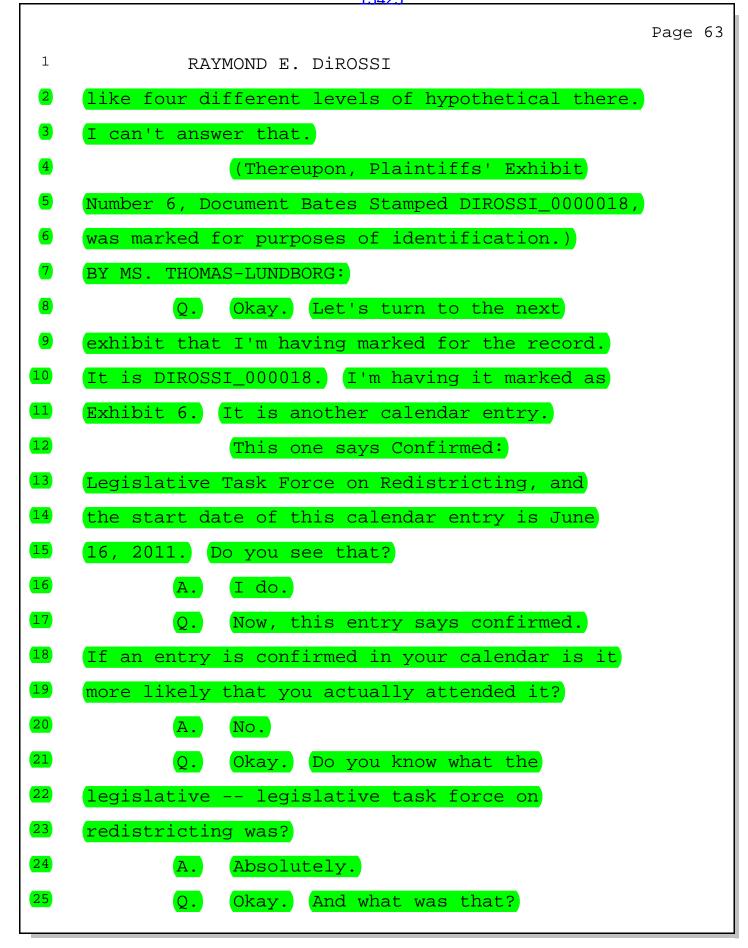
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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 61 of 349 PAGEID #: 13423

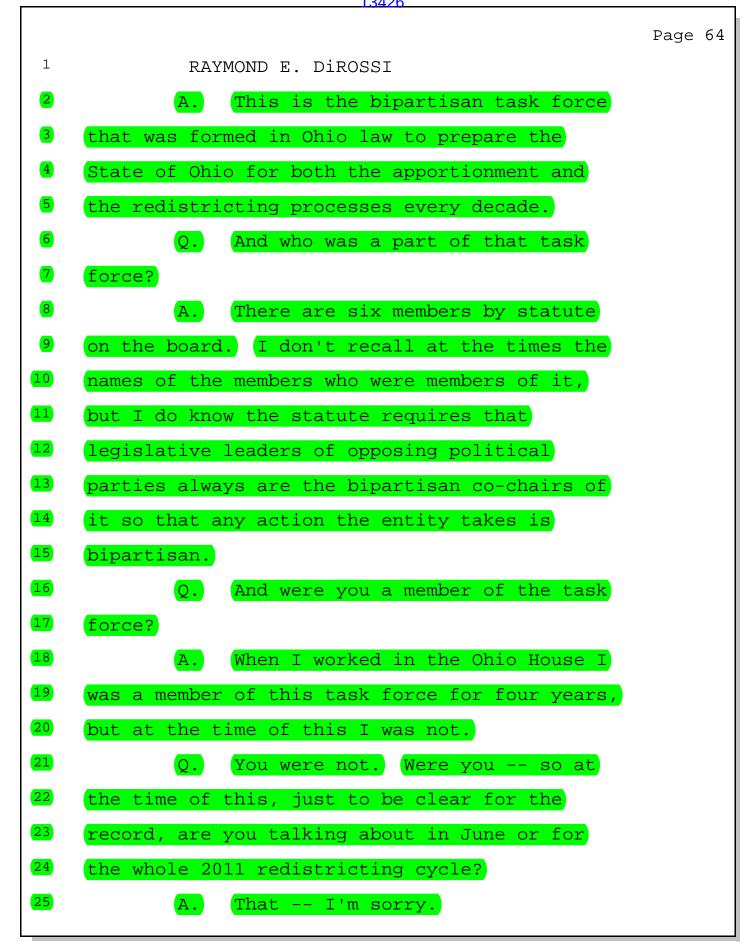


		Page	62
1	RAYMOND E. DiROSSI		
2	the training, was that something that you would		
3	have been paid for?		
4	MR. STRACH: Objection.		
5	THE WITNESS: You're asking me		
6	hypothetically if I had been retained? I don't		
7	understand your question.		
8	BY MS. THOMAS-LUNDBORG:		
9	Q. No, I'm asking you we have a		
10	calendar entry here from your calendar that		
11	says there was a training. If you attended the		
12	training as your calendar says, would you have		
13	been paid to attend that?		
14	MR. STRACH: Objection.		
15	THE WITNESS: Yeah, I mean, first of		
16	all, just because it was on my calendar doesn't		
17	mean it happened. There's plenty of things on my		
18	calendar that didn't happen.		
19	BY MS. THOMAS-LUNDBORG:		
20	Q. Right. And so my question is, if		
21	you attended a training, which you may or may		
22	not remember, would you have been paid to do		
23	it?		
24	MR. STRACH: Objection.		
25	THE WITNESS: Yeah, I mean, there's		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 63 of 349 PAGEID #: 13425



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 64 of 349 PAGEID #: 13426



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 65 of 349 PAGEID #: 13427

		Page	65
1	RAYMOND E. DIROSSI		
2	Q. I just want to clarify. You said		
3	you were not a member of the task force. Are		
4	you talking about in June of 2011, which is the		
5	calendar entry, or for the whole 2011 cycle?		
6	A. I was not a member during the		
7	whole 2011 cycle.		
8	Q. Did you attend any meetings of the		
9	task force during the 2011 cycle?		
10	A. Not that I recall.		
11	Q. I'm not going to mark this yet for		
12	the record.		
13	MR. STRACH: What exhibit number is		
14	this?		
15	MS. THOMAS-LUNDBORG: It's not an		
16	exhibit. It's currently just a document to		
17	refresh his recollection.		
18	MR. STRACH: Okay.		
19	BY MS. THOMAS-LUNDBORG:		
20	Q. Have you had a chance to review		
21	the document?		
22	A. I am continuing to review it, but		
23	I still don't know what it is.		
24	Q. So if you look at the block code,		
25	it says legislature task force on redistricting		

Page 66

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RAYMOND E. DiROSSI

and then there are a number of names here, including your name. And my question to you is, does this document refresh your recollection about whether you attended any legislative task force and redistricting meetings?

8 Α. So thank you for giving me this 9 document. I think it's -- it's a little 10 clearer, but I think you're confused. The 11 legislative task force on redistricting is a 12 public body made up of elected officials. It 13 is the mechanism by which the state prepares 14 for the process. It has money appropriated to 15 it by the General Assembly.

16 One of the things that this is, is as people attended public hearings throughout 17 18 the state on apportionment and redistricting, 19 they were reimbursed for mileage. So if the 20 apportionment board or a redistricting 21 committee of the legislature had a regional 22 hearing or a hearing outside of the Statehouse, 23 those were meetings not of the task force, but 24 they were reimbursed for mileage from the task 25 force.

Page 67 1 RAYMOND E. DiROSSI 2 0. Okay. 3 So I think you're confusing the Α. 4 two. 5 0. So you're saying that this 6 document is just about reimbursement and not 7 about --8 Based on my review of the Α. 9 documents you've provided, that's -- that's my 10 understanding. 11 (Thereupon, Plaintiffs' Exhibit 12 Number 7, Document Bates Stamped DIROSSI_0000019, 13 was marked for purposes of identification.) 14 BY MS. THOMAS-LUNDBORG: 15 I would like to move to 0. Okay. 16 what I'm having marked as Exhibit 7. This 17 document, for the record, has Bates number 18 DIROSSI_000019, and the subject matter is 19 Confirmed: President Niehaus call with 20 Congressman LaTourette, and the date is July 21 7th, 2011. Do you see that? 22 MR. STRACH: Just one correction, 23 it's July 5th. 24 MS. THOMAS-LUNDBORG: Oh, I'm sorry, 25 July 5th. Thank you.

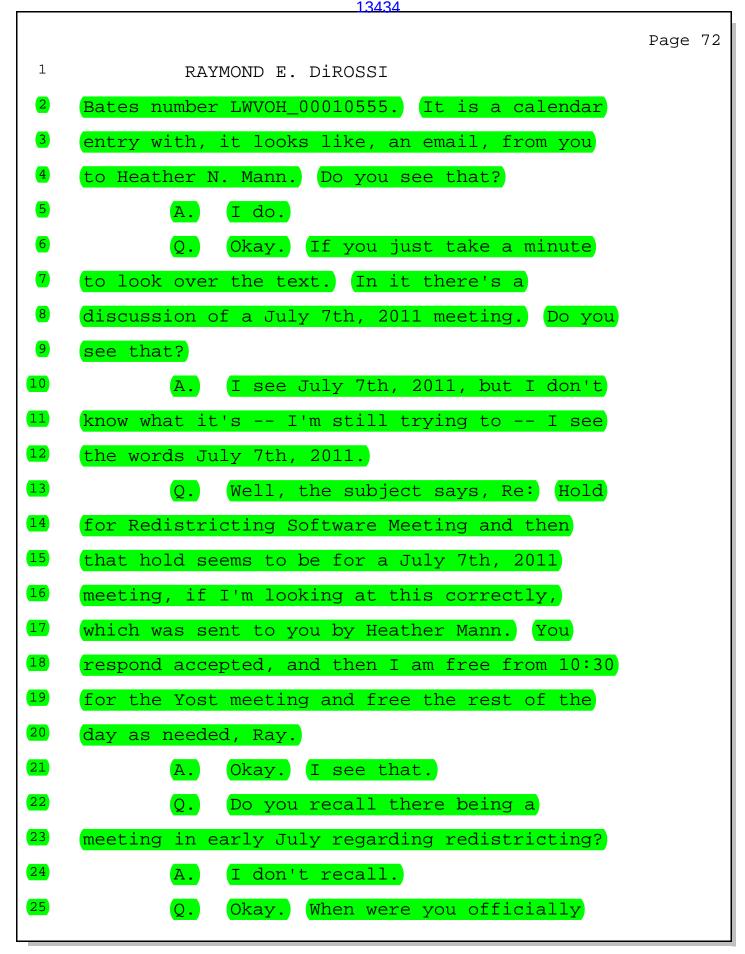
Case:	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 68 of 349 1.3430	PAGEI	D #:
		Page	68
1	RAYMOND E. DiROSSI		
2	THE WITNESS: I do see the document.		
3	BY MS. THOMAS-LUNDBORG:		
4	Q. Do you recall having calls with		
5	President Niehaus at this time in July, early		
6	July 2011?		
7	A. That I had phone calls with him?		
8	Q. Yes. Did you have phone calls		
9	with President Niehaus in July of 2011?		
10	A. I mean, I spoke to him. I don't		
11	know if they were by phone or I mean, I		
12	can't recall a specific phone call.		
13	Q. But did you have phone calls in		
14	general with the president at this time? Just		
15	in general in early July did you talk to the		
16	president on the phone?		
17	MR. STRACH: Objection.		
18	THE WITNESS: I don't I don't		
19	recall a specific thing, and if I did, it may not		
20	have had anything to do with redistricting.		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. Okay. Do you know who Congressman		
23	LaTourette is?		
24	A. I do. He's now deceased.		
25	Q. And who was Congressman		

		Page	69
1	RAYMOND E. DiROSSI		
2	LaTourette?		
3	A. He was a congressman from Ohio.		
4	Q. Did you have any conversations at		
5	any point with Congressman LaTourette about		
б	redistricting?		
7	A. None that I can recall.		
8	Q. Is it possible that you had any		
9	phone calls with him you're not remembering?		
10	MR. STRACH: Objection.		
11	THE WITNESS: I don't recall any		
12	specific ones.		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. Do you recall if in early July		
15	there were there was a draft map for the		
16	Ohio's congressional districts?		
17	A. I don't recall.		
18	Q. At the time in early July of 2011		
19	did you have phone calls with any sitting		
20	congresspeople that you recall?		
21	A. I don't recall. I don't recall		
22	any specific ones in July.		
23	Q. Is it possible that you had calls		
24	with sitting congresspeople at that time?		
25	MR. STRACH: Objection.		

		Page	70
1	RAYMOND E. DIROSSI		
2	THE WITNESS: I don't recall any		
3	specific phone calls.		
4	BY MS. THOMAS-LUNDBORG:		
5	Q. Not any in particular, just in		
6	general, do you recall having any conversations		
7	with sitting congresspeople?		
8	A. What time what time frame? I'm		
9	sorry.		
10	Q. Early July.		
11	A. I don't.		
12	Q. At any point later in the		
13	redistricting cycle do you recall?		
14	A. There were a few a few		
15	instances that I remember can remember that		
16	far back where I would have had phone calls		
17	with sitting congressmen.		
18	Q. And what were those instances?		
19	A. In House Bill 369, which was the		
20	congressional map that was adopted, I remember		
21	having a number of calls with Congressman Steve		
22	Austria telling him that the legislative		
23	leaders had decided that the request by the		
24	Democratic members of the legislature to have		
25	an amendment to the redistricting plan to unify		

		Page 71
1	RAYMOND E. DiROSSI	
2	Montgomery County was happening. And I had a	
3	number of conversations with him about that,	
4	that the leaders had decided to go with what	
5	the Democrats and the legislature had asked	
6	for.	
7	Q. Do you recall any other	
3	conversations?	
	A. With	
	Q. Sitting congresspeople.	
	A. By congresspeople, you're saying	
	the congressmen and women?	
	Q. Yes, I am.	
	A. Everybody is looking at me. None	
	that I none that I recall.	
	Q. You're the witness.	
	A. I understand. None more that I	
	can recall sitting here at this moment, no.	
	Q. Okay. Let's	
)	(Thereupon, Plaintiffs' Exhibit	
	Number 8, Document Bates Stamped LWVOH_00010555,	
2	was marked for purposes of identification.)	
3	BY MS. THOMAS-LUNDBORG:	
4	Q. For completeness, let's look at	
5	what I'm having marked as Exhibit 8. It bears	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 72 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 73 of 349 PAGEID #: 13435

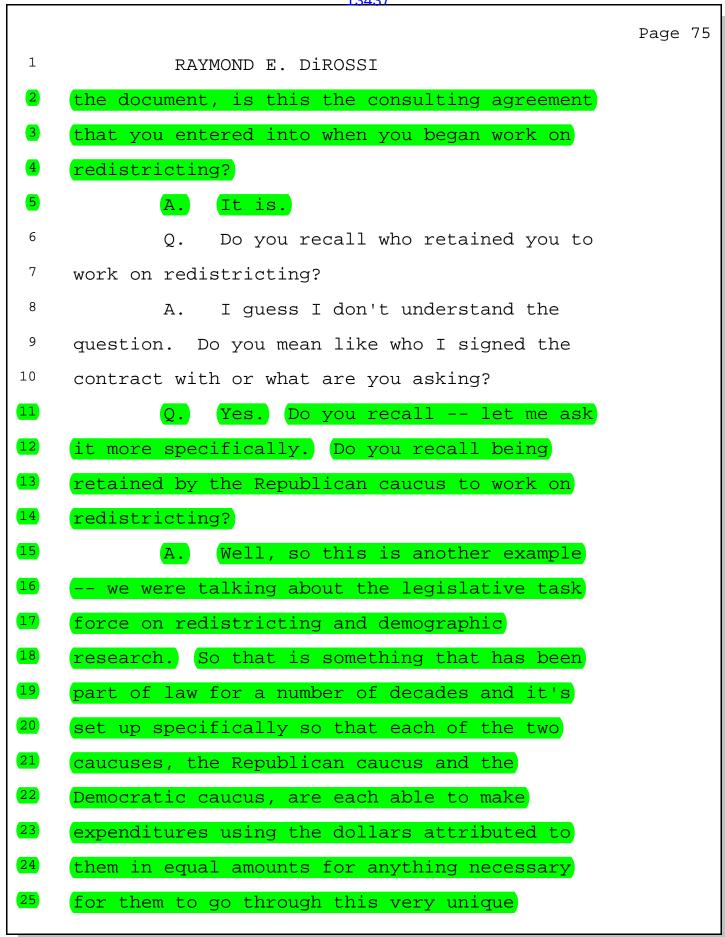
1	DAVMOND E D'DOCCI	Page 73
2	RAYMOND E. DIROSSI	
3	(retained?)	
	(A.) I believe my contract was signed	
<mark>4</mark> 5	the first few days of August.	
	MR. STRACH: Can we take a quick	
6	break? We've been going about an hour.	
7	MS. THOMAS-LUNDBORG: Sure.	
8	THE VIDEOGRAPHER: We're off the	
9	record.	
10	(Recess taken.)	
11	THE VIDEOGRAPHER: We're on the	
12	record.	
13	MR. TUCKER: Before we get started	
14	again, I just want to memorialize the parties'	
15	agreement that an objection made by one attorney	
16	on one side is good for all parties on that side.	
17	So, example, if the intervenors object to a	
18	question, that objection is good for defendants,	
19	and vice-versa.	
20	BY MS. THOMAS-LUNDBORG:	
21	Q. All right. Mr. DiRossi, I would	
22	like to go back to something we talked about in	
23	the very beginning. You said you reviewed	
24	documents in preparation for the deposition.	
25	Which documents did you review?	

Case: 1:18-cv-00357-TSB-I	KNM-MHW Doc #: 230- :	12 Filed: 02/20/19 P	age: 74 of 349	PAGEID #:
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13436

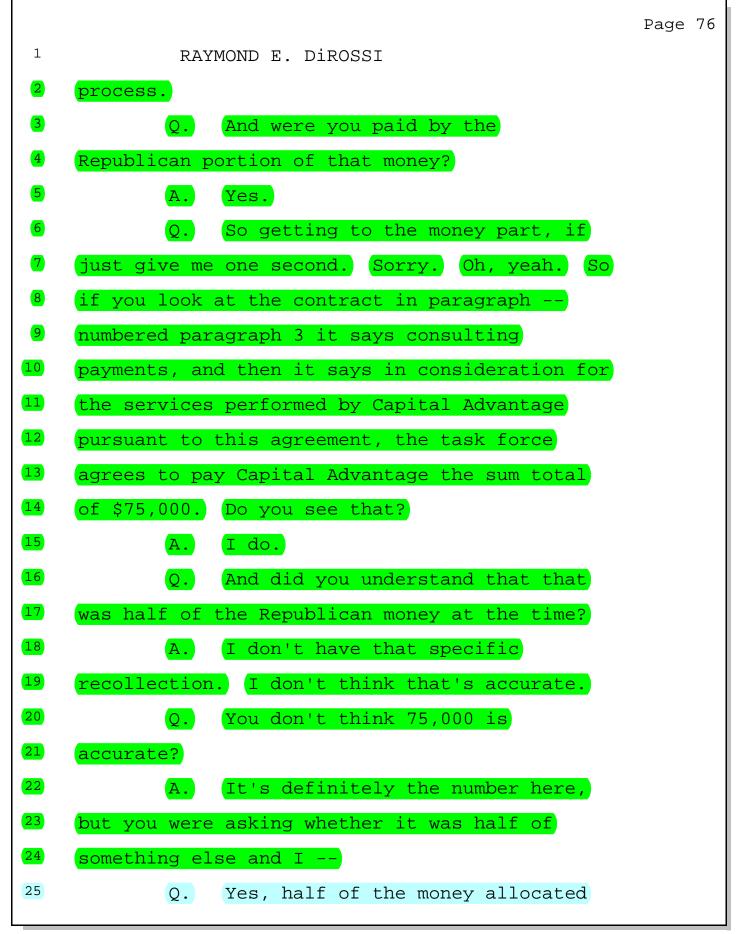
		Page	74
1	RAYMOND E. DiROSSI		
2	A. Any of the documents that I		
3	produced, so that would have been well, any		
4	documents that I produced.		
5	Q. Okay. So you reviewed the whole		
6	production set?		
7	A. Well, I mean, I looked through		
8	them. There's a lot.		
9	(Thereupon, Plaintiffs' Exhibit		
10	Number 9, Documents Bates Stamped		
11	LWVOH_00005475-5477, was marked for purposes		
12	of identification.)		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. I would like to now turn to a		
<mark>15</mark>	document that I'm having marked as Exhibit 9.		
16	It's 9 in your binder. For the record, this		
17	document begins with Bates number		
18	LWVOH_0005475. At the top it says Consulting		
19	Agreement. Can you turn to the last page,		
20	please?		
21	A. (Witness complied.)		
22	Q. Do you recognize this signature at		
23	the bottom as your signature?		
24	A. I do.		
25	Q. And if you take a moment to review		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 75 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 76 of 349 PAGEID #:

13438



Page 77

1	RAYMOND E. DiROSSI
2	to the Republicans, as you explained.
3	A. I don't I can't speak to that.
4	Q. I'm not entering this at this
5	time. I have put in front of you a document
б	that you produced, and again it's not being
7	entered for the record, but it is
8	DIROSSI_000495.
9	If you look at the second
10	paragraph, numbered paragraph here, does this
11	refresh your recollection of whether you were,
12	at least in this contract, allocated half of
13	the Republican money?
14	A. Well, yeah, I just think you I
15	just don't think that's
16	Q. I believe it was later increased.
17	I'm just talking about at the time that you
18	signed the contract, was that half of the
19	Republican bucket? Not what it eventually was.
20	A. Yeah, because this is dated June
21	and the contract was in August, and there were
22	changes that were agreed to by the minority
23	leader of the Ohio Senate and the Speaker of
24	the Ohio House that changed those allocations,
25	so I don't

Page 78

1	RAYMOND E. DiROSSI
2	Q. Okay. So I think this is at
3	least as far as the production, I'm going to
4	show you another document to refresh your
5	recollection. Now, this is the only change
6	document I've seen and it's dated October and
7	it is retroactive.
8	Does this refresh your
9	recollection of at the time that you signed
10	your contract, were you going to be paid half
11	of the Republican allotment?
12	A. I'm sorry. Is this the new one
13	you gave me?
14	Q. I think the new one is dated
15	October 12th, 2011.
16	A. Okay. Could you repeat what your
17	specific question is?
18	Q. So the question is, at the time
19	that you signed your consulting agreement were
20	you being paid half of the Republican money?
21	A. I don't know the answer, but based
22	on what I'm seeing here I do not believe that
23	no.
24	Q. So even though this document
25	the document that you've just looked at

13441

Page 79 1 RAYMOND E. DiROSSI 2 postdates your agreement, you believe that 3 there was more money when you signed this 4 contract in August 2011? Objection to form. 5 MR. STRACH: 6 THE WITNESS: Yeah, can you rephrase 7 that, specifically what you're asking? 8 BY MS. THOMAS-LUNDBORG: 9 My question is, there's -- you 0. 10 believe there was more money in August 2011 11 allocated to the Republican caucus? 12 Well, any allocation that would Α. 13 have been made to either caucus would have been 14 made to both caucuses. It was always being 15 done by a Republican and Democrat, which is the 16 way that this entity is set up in the -- so it never would have been that one caucus got money 17 18 that the other caucus didn't get money. 19 0. That part is understood. Mv 20 question is about your specific payment, 21 whether it was half of the Republican caucus 22 money or whether there was more money at the 23 time allocated to the Republican caucus. 24 Objection to form. MR. STRACH: 25 Yeah, I mean, I've THE WITNESS:

Page 80

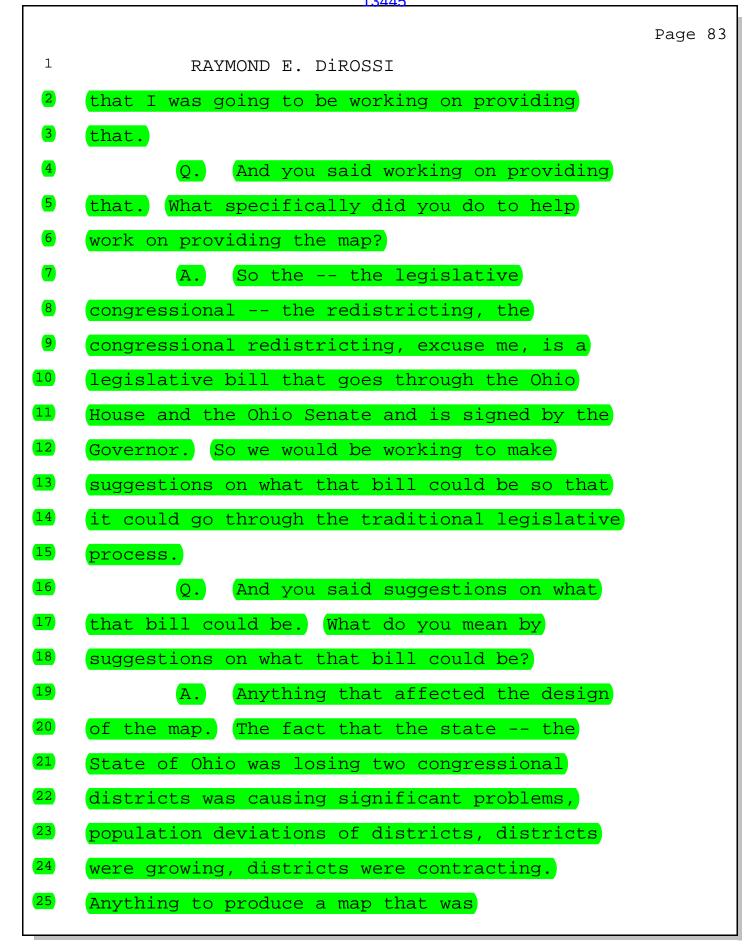
1	RAYMOND E. DiROSSI
2	answered it a couple different times. Based on
3	what I'm seeing here, I do not believe that to be
4	the case. This is my contract, that is the amount
5	that I was paid, but I mean, you're asking me to
6	I don't believe that that's what this is.
7	BY MS. THOMAS-LUNDBORG:
8	Q. Okay. Do you have an
9	understanding of how much money was allocated
10	to Republicans at the time that you signed your
11	contract?
12	A. I do not. At the time I signed my
13	contract, I do not.
14	Q. Do you have any documentation
15	related to how much money was allotted to
16	Republicans at the time that you signed your
17	contract?
18	A. I mean, any you're handing me
19	documents that I handed to you by preparing
20	them. So, I mean, these are the documents that
21	I have.
22	Q. Okay.
23	A. This is what I have.
24	Q. Do you have any other documents
25	related to the money allocated to the

Case:	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 81 of 349 13443	PAGEI) #:
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1	RAYMOND E. DiROSSI		
2	Republicans at the time that you signed your		
3	contract?		
4	A. Anything that I would have had I		
5	would have turned over.		
6	Q. Okay. Going back to the end of		
7	the document where the signatures are		
8	A. Yes.		
9	Q we've already identified your		
10	signature. The top signature is a person by		
11	the name of Matthew T. Schuler. Do you know		
12	who that is?		
13	A. I do.		
14	Q. And who is that?		
15	A. He at the time was the chief of		
16	staff of the Ohio Senate.		
17	Q. Okay. And was he associated with		
18	any particular party?		
19	A. He was a member of the Republican		
20	caucus.		
21	Q. And the next name is Troy Judy.		
22	Do you know who Troy Judy is?		
23	A. I do.		
24	Q. And what was Troy Judy's position		
25	at the time?		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 82 of 349 PAGEID #: 13444

		Page	82
1	RAYMOND E. DiROSSI		
2	A. At the time he was the chief of		
3	staff of the House of Representatives.		
4	Q. Okay. And was Troy Judy		
5	associated with any particular party?		
6	A. Yes, so he was a member of the		
7	Republican caucus.		
8	And, as I mentioned before in		
9	response to one of your questions, as was the		
10	way this was set up by the minority leader of		
11	the Ohio House Democrat, the Speaker of the		
12	Ohio House Republican, there would be equal		
13	amounts of money given to both caucuses, and		
14	any contracts, equipment, software, or anything		
15	that needed to be expended would be you		
16	would have to get the signatures of either the		
17	two Republican chiefs of staff or the two		
18	Democratic chiefs of staff. So that's what		
19	this is.		
20	Q. What was your understanding of the		
21	role that you would play in redistricting when		
22	you signed this contract?		
23	A. Well, for the redistricting, that		
24	we had to produce a constitutional map and that		
25	there were timelines associated with it and		

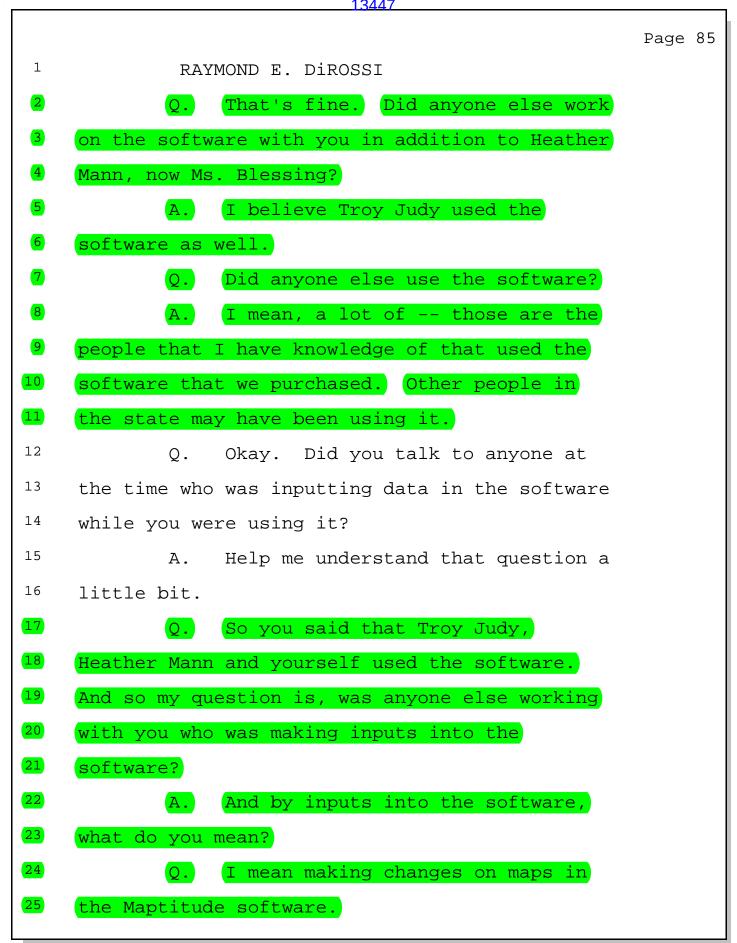
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 83 of 349 PAGEID #: 13445



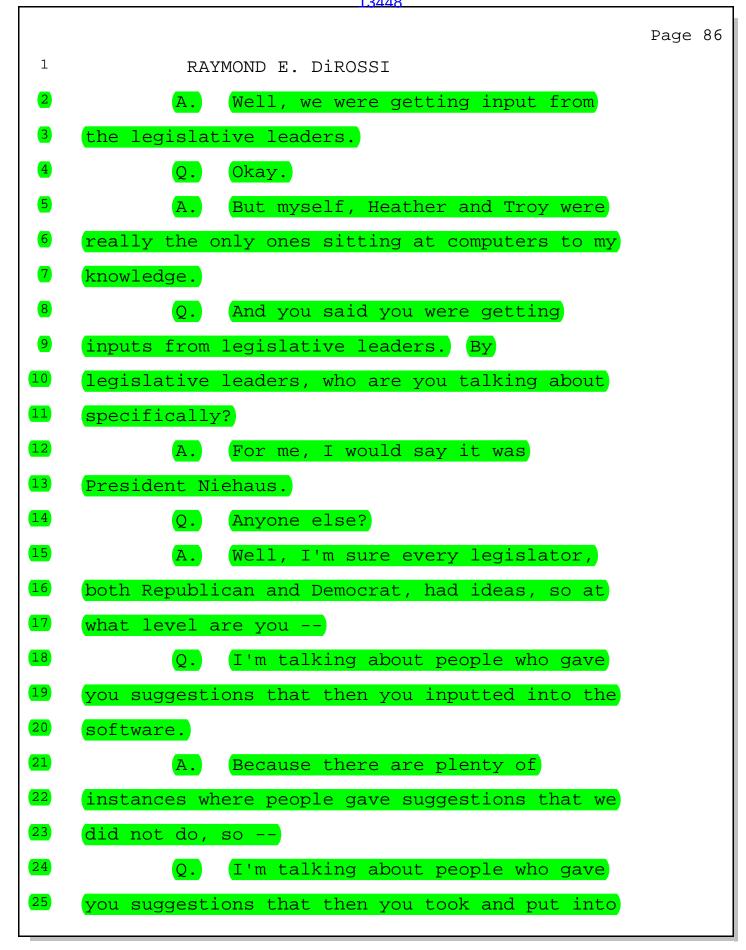
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 84 of 349 PAGEID #: 13446



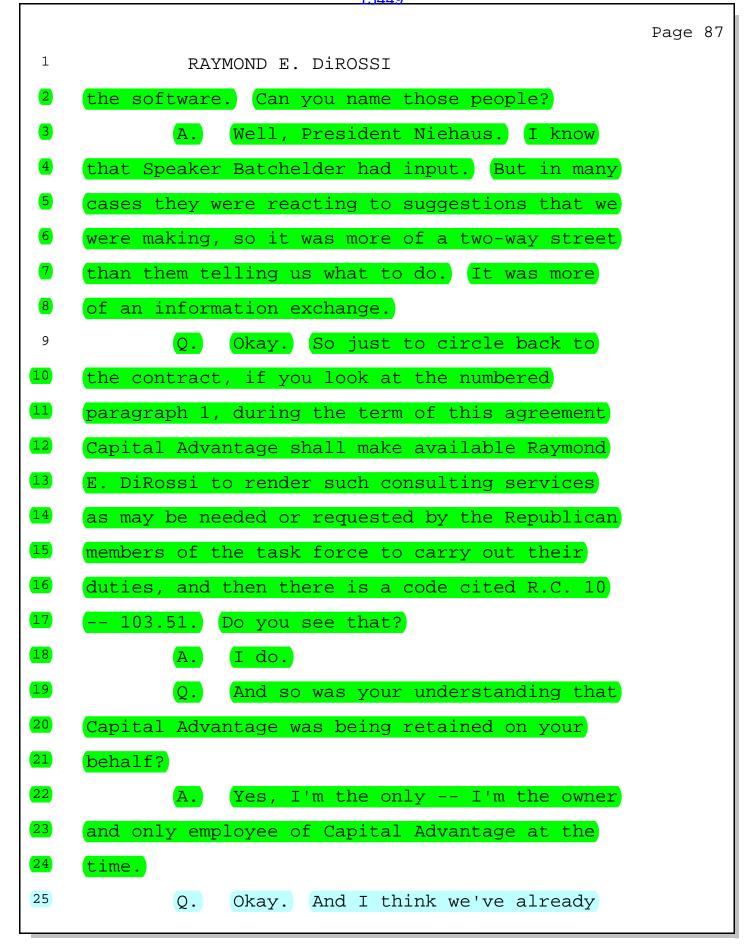
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 85 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 86 of 349 PAGEID #: 13448



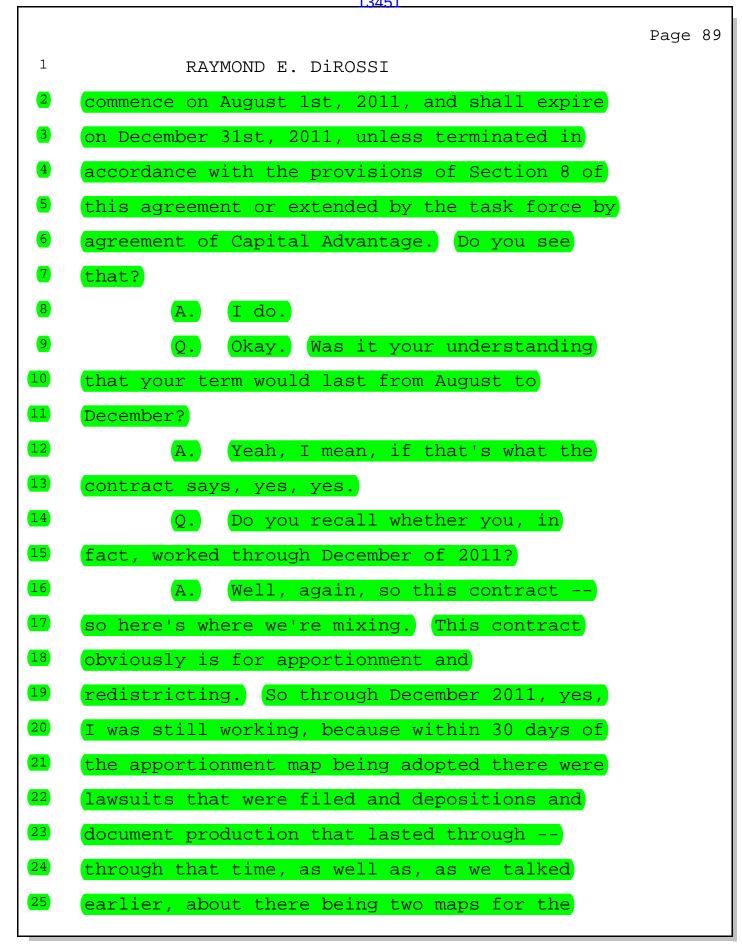
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 87 of 349 PAGEID #: 1:3449



Page 88

1	RAYMOND E. DiROSSI
2	discussed this, but was your understanding that
3	you were being retained by the Republican
4	members of the task force as outlined here in
5	this paragraph?
6	A. Well, again, as I mentioned
7	before, it was a bipartisan process that was
8	put in place for those contracts, but the
9	legislative task force on redistricting and
10	demographic research is the entity that is
11	supposed to set the table for redistricting and
12	apportionment in the state. They don't really
13	have a role in the effectuation of districts or
14	the adoption of districts. The apportionment
15	board would adopt districts for the legislative
16	districts. The state legislature and the
17	Governor would adopt districts for the
18	congressional districts.
19	So they don't really have a role
20	in adopting districts. They do all the
21	logistical stuff to prepare the state for it.
22	Q. Okay, understood. So you were, in
23	fact, retained by the Republican members.
24	Going to the next paragraph, term,
25	it says the term of this agreement will

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 89 of 349 PAGEID #: 13451



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 90 of 349 PAGEID #: 13452



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 91 of 349 PAGEID #: 13453

		Page 91
1	RAYMOND E. DiROSSI	
2	Q. And what do they do?	
3	A. They are they run elections.	
4	Q. What do you mean, they run	
5	elections?	
6	A. They run elections dealing with	
7	Republican Senate candidates.	
8	Q. Do you mean that they do the	
9	physical logistics of running elections or are	
10	they actually campaigning for elections?	
11	A. Well, I don't control what they do	
12	obviously, but	
13	Q. I'm just asking what they do.	
14	A. Yeah.	
15	Q. Because you said they run	
16	elections. I just want clarity on what you	
17	mean by they run elections. Are they doing the	
18	logistics; i.e., setting up polls, making	
19	elections run, or are they campaigning for	
20	elections?	
21	A. Yeah, they are a legislative	
22	campaign fund under Ohio law and they raise	
23	money and engage in Republican Senate campaign	
24	campaigns.	
25	Q. Okay. And what did you do for	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 92 of 349 PAGEID #: 13454

		Page 92
1	RAYMOND E. DIROSSI	
2	them specifically?	
3	A. Prior to terminating pursuant to	
4	this, I raised money for the Republican Senate	
5	Campaign Committee.	
б	Q. And how did you go about that?	
7	A. Providing logistical support to	
8	the members and candidates of the Republican	
9	Senate Campaign Committee in setting up	
10	fundraising events in Columbus or in their	
11	districts.	
12	Q. And I don't have the agreement	
13	that this is terminating. Do you still have	
14	that in your possession?	
15	A. Sitting here, I don't know. I	
16	would have to look.	
17	Q. Okay. I'm going to request on the	
18	record that you do look for that agreement, and	
19	if it's in your possession that it be produced.	
20	Do you recall why your agreement	
21	with the RSCC was terminated on August 1st,	
22	2011?	
23	A. Yeah, this was this was after	
24	consulting with some of the ethics folks that	
25	operate in and around Capitol Square. It was	

Page 93

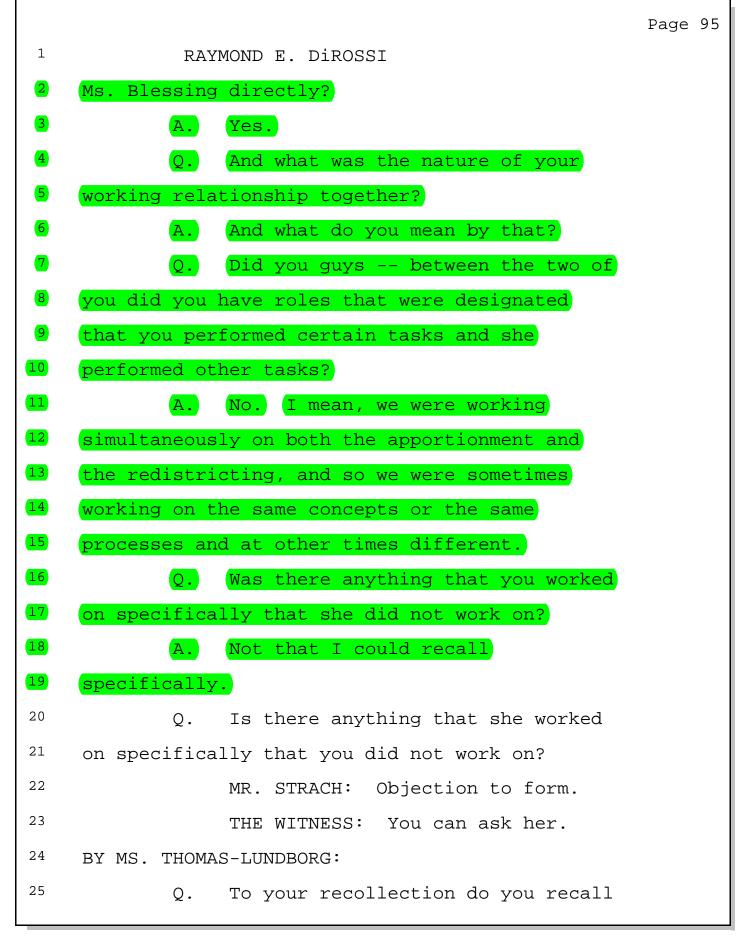
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1	RAYMOND E. DiROSSI	
2	recommended that there be a termination of all	
3	contracts that I had in place and that I focus	
4	solely on the redistricting and apportionment.	
5	So this is the bright line of terminating	
6	everything and letting the new contracts take	
7	effect.	
8	Q. And did you have an understanding	
9	of why it was why you should terminate all	
10	of your existing contracts?	
11	A. I don't know. It was the	
12	recommendation of the joint legislative	
13	inspector general joint legislative ethics	
14	officer, apologies.	
15	Q. And whose decision was it to ask	
16	the ethics individual about whether or not you	
17	should terminate your	
18	A. I sought I sought his guidance.	
19	Q. And why did you do that?	
20	A. I just wanted to make sure that I	
21	did this correctly. I had been through this in	
22	2001, as we talked about, and there were	
23	immediately lawsuits after the 2001 process and	
24	I just wanted to make sure that I did	
25	everything correctly.	
1		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 94 of 349 PAGEID #: 13456

		Page	94
1	RAYMOND E. DiROSSI		
2	Q. And staying on the contract that		
3	this is terminating, were you paid under your		
4	RSCC contract?		
5	A. Yes.		
6	Q. Do you have a recollection of how		
7	much you were paid?		
8	A. I don't sitting here.		
9	MR. STRACH: Insert an objection to		
10	that question.		
11	BY MS. THOMAS-LUNDBORG:		
12	Q. So we've seen a number of		
13	documents and we've already kind of talked		
14	about Heather Mann, also known as Heather		
15	Blessing. Who is Ms. Blessing?		
16	A. Who is she now? Who was she then?		
17	Q. Who was she during the		
18	redistricting process?		
19	A. She was for the redistricting		
20	process, she was somebody that the I can't		
21	remember what her title was in the legislature,		
22	but she was somebody that was designated to		
23	work on the redistricting on behalf of the		
24	Speaker of the House.		
25	Q. Okay. And did you work with		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 95 of 349 PAGEID #:





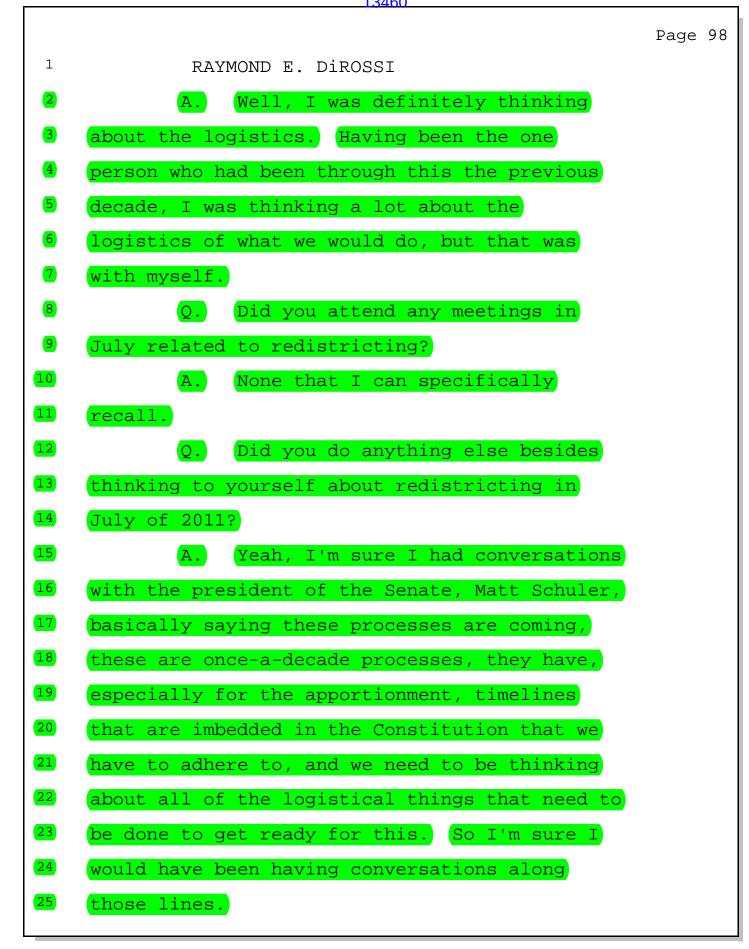
Case	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 96 of 349 13458	PAGEI	J #:
		Page	96
1	RAYMOND E. DiROSSI		
2	her doing something that you were not involved		
3	in?		
4	MR. STRACH: Objection to form.		
5	THE WITNESS: I do not recall		
6	specifics.		
7	BY MS. THOMAS-LUNDBORG:		
8	Q. Do you recall whether Ms. Blessing		
9	was paid \$75,000 in her contract?		
10	A. Her contract and mine were, I		
11	believe, identical.		
12	Q. Do you recall whether the		
13	combination of your contract and Ms. Blessing's		
14	contract was the money that was allotted to the		
15	Republican caucus?		
16	A. Can you say that again, please?		
17	Q. Do you recall whether the money		
18	that you were paid and the money that she was		
19	paid was the sum total of the money that was		
20	allotted to the Republican caucus?		
21	A. I don't think that's accurate.		
22	Q. And what do you recall other money		
23	being allotted for?		
24	A. Software, computers, office space,		
25	mileage reimbursements, toner, paper, ink, all		

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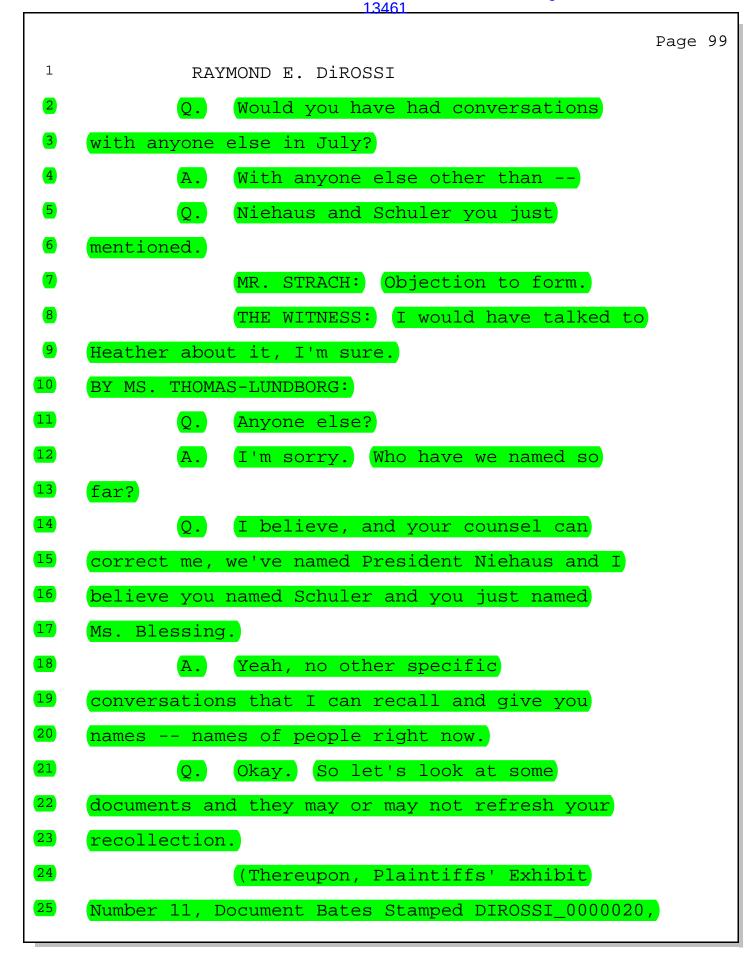
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 97 of 349 PAGEID #: 13459

		Page 97
1	RAYMOND E. DiROSSI	
2	of those things necessary to produce the maps	
3	for the apportionment and the redistricting.	
4	Q. Okay. Was money allotted to pay	
5	anyone else a salary?	
6	A. I don't recall. I don't recall if	
7	that was true or if Heather and I were the only	
8	ones.	
9	Q. All right. I would like to	
10	actually, before we get to the exhibit, do you	
11	recall there being any meetings in early July	
12	of 2011 related to redistricting?	
13	A. Are you specifically asking	
14	meetings that I attended or just meetings that	
15	other people were having?	
16	Q. Meetings that you would have	
17	attended.	
18	A. In July?	
19	Q. In July.	
20	A. Yeah, as we just discussed, my	
21	contract wasn't in effect until and signed	
22	until August. I don't recall, sitting here,	
23	any meetings in July.	
24	Q. Is your recollection that you did	
25	any work related to redistricting in July?	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 98 of 349 PAGEID #: 13460



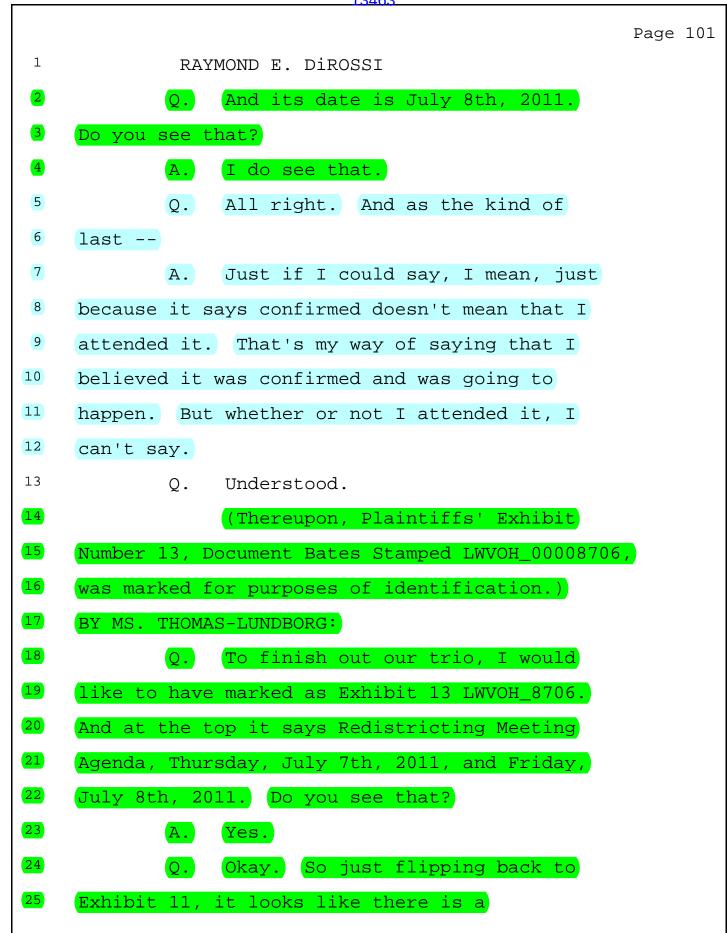
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 99 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 100 of 349 PAGEID #: 13462



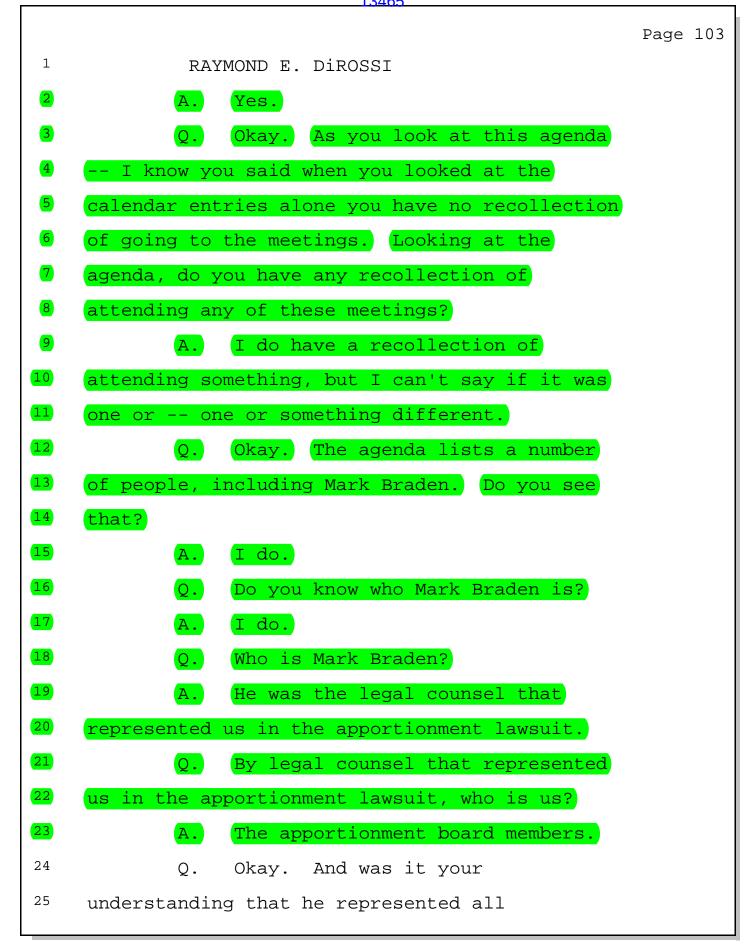
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 101 of 349 PAGEID #: 13463



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 102 of 349 PAGEID #: 13464



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 103 of 349 PAGEID #: 13465

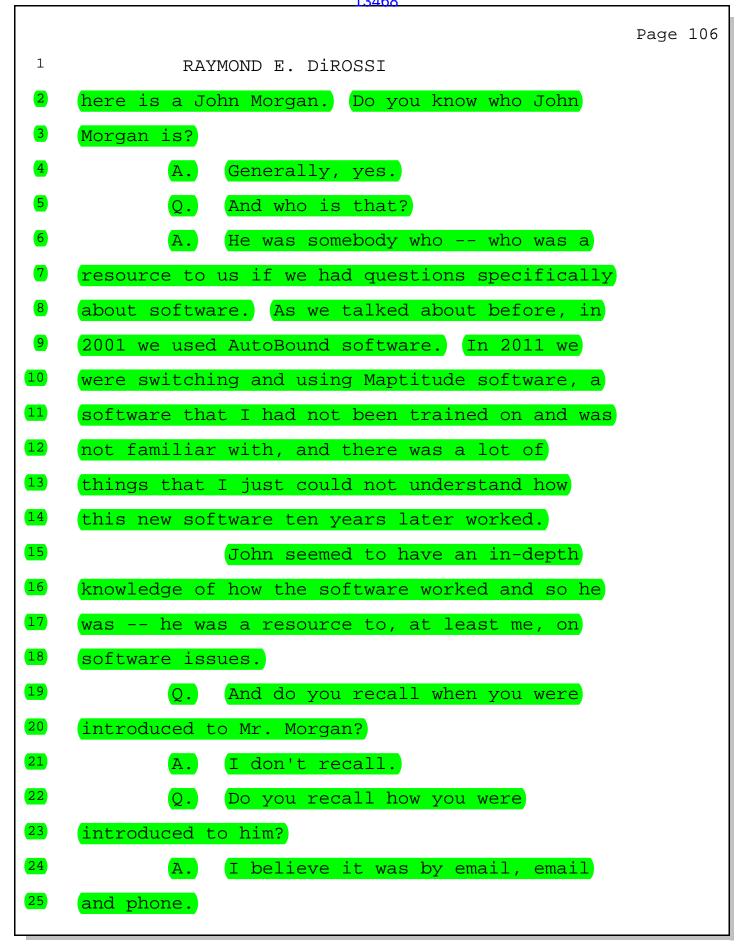




Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 105 of 349 PAGEID #: 13467

		Page	105
1	RAYMOND E. DIROSSI		
2	A. Well, it would have been during		
3	the process, during the apportionment and		
4	redistricting process.		
5	Q. So do you have a recollection of		
6	speaking to him during the redistricting and		
7	apportionment process?		
8	A. Yes.		
9	Q. Do you have any recollection of		
10	when those conversations would have taken		
11	place, in the summer, in the fall?		
12	A. (We inter or I interacted and		
13	sought his guidance numerous times through that		
14	process, but I can't I don't know a specific		
15	like date or time or general month or anything.		
16	Q. Okay.		
17	A. It was kind of throughout.		
18	Q. And is it possible that you spoke		
19	to him in July of 2011?		
20	MR. STRACH: Objection.		
21	THE WITNESS: Yeah, I mean, I I		
22	can't speculate. I can't recall a specific July		
23	conversation that I had with him.		
24	BY MS. THOMAS-LUNDBORG:		
25	Q. All right. The other name listed		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 106 of 349 PAGEID #: 13468



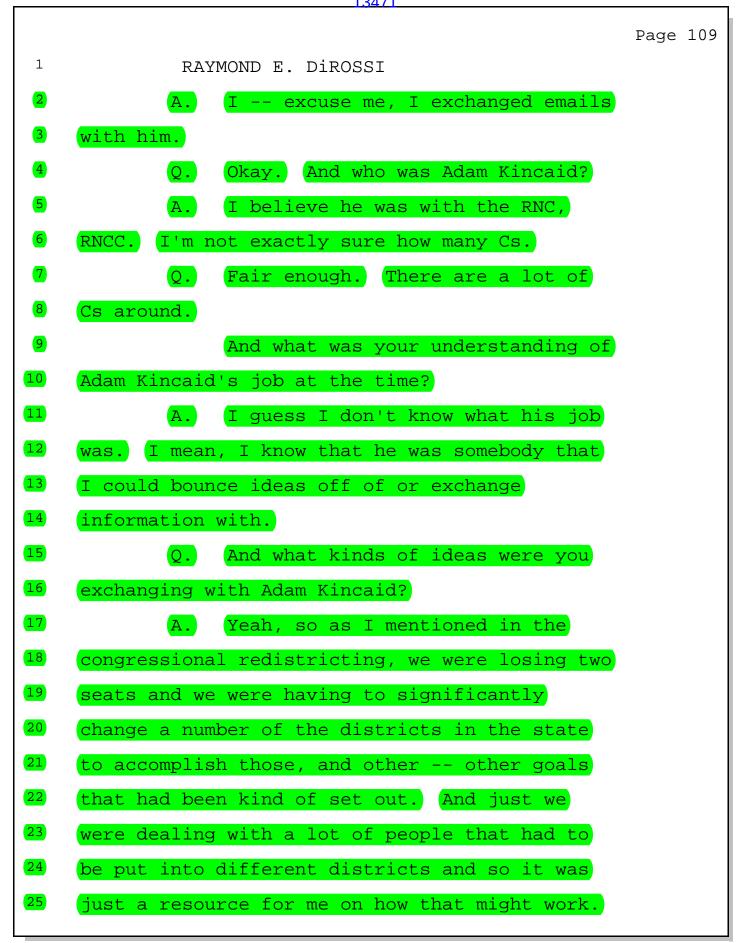
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 107 of 349 PAGEID #: 13469



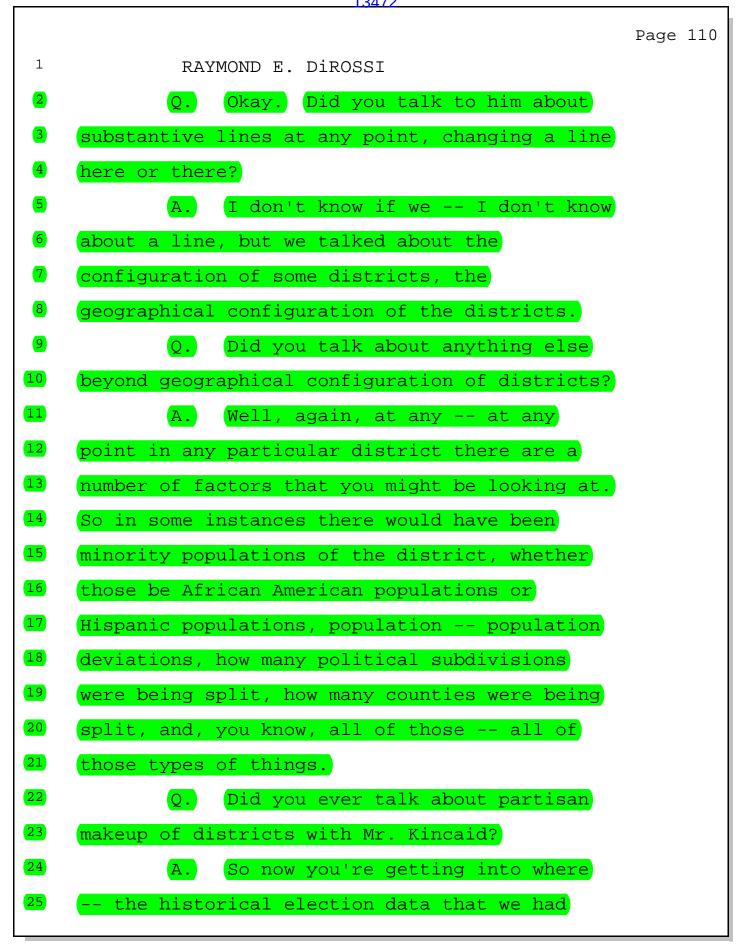
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 108 of 349 PAGEID #: 13470

		Page	108
1	RAYMOND E. DiROSSI		
2	I'm struggling what that means. Like he would be	2	
3	the resource when I didn't know how to use the	2	
4	software to do things, he would help with that,		
5	but that's not inputs. So I don't know what you		
6	mean by inputs into the software again.		
7	BY MS. THOMAS-LUNDBORG:		
8	Q. Okay. My question is, did he make		
9	any substantive changes to the map while you		
10	were working with him?		
11	A. None that I can recall.		
12	Q. Did he make any technical changes		
13	to the map?		
14	MR. STRACH: Objection.		
15	THE WITNESS: Yeah, none that I can		
16	specifically recall.		
17	BY MS. THOMAS-LUNDBORG:		
18	Q. Mark Braden and John Morgan are		
19	listed on a number of these entries together.		
20	Did you understand that there was any		
21	relationship between the two?		
22	A. I can't recall.		
23	Q. During your time working on		
24	redistricting, did you ever talk to someone		
25	named Adam Kincaid?		

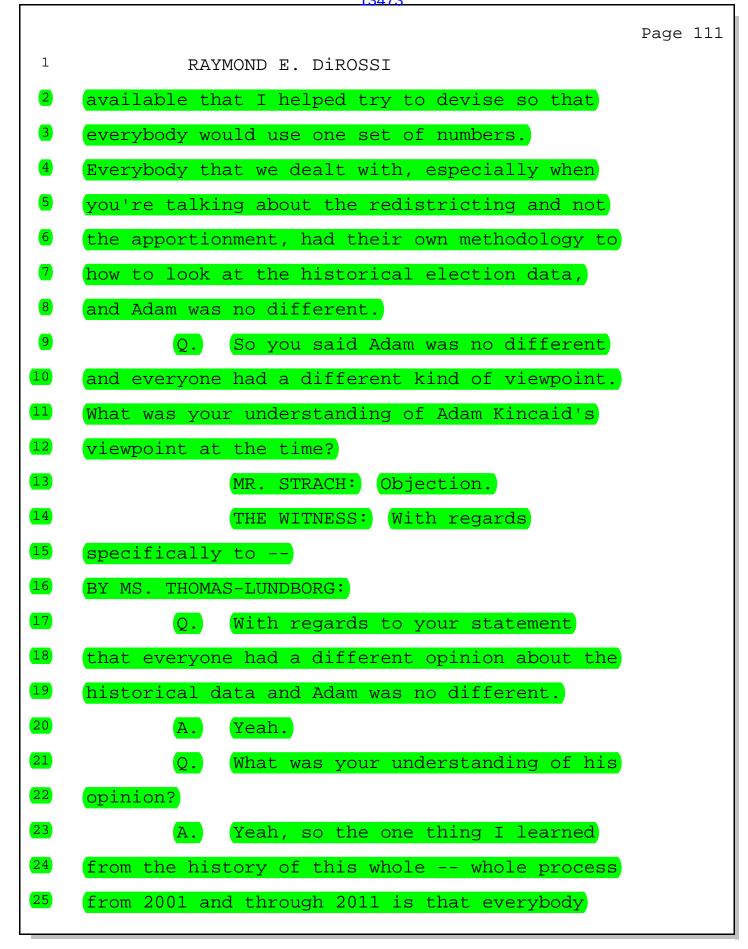
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 109 of 349 PAGEID #: 13471



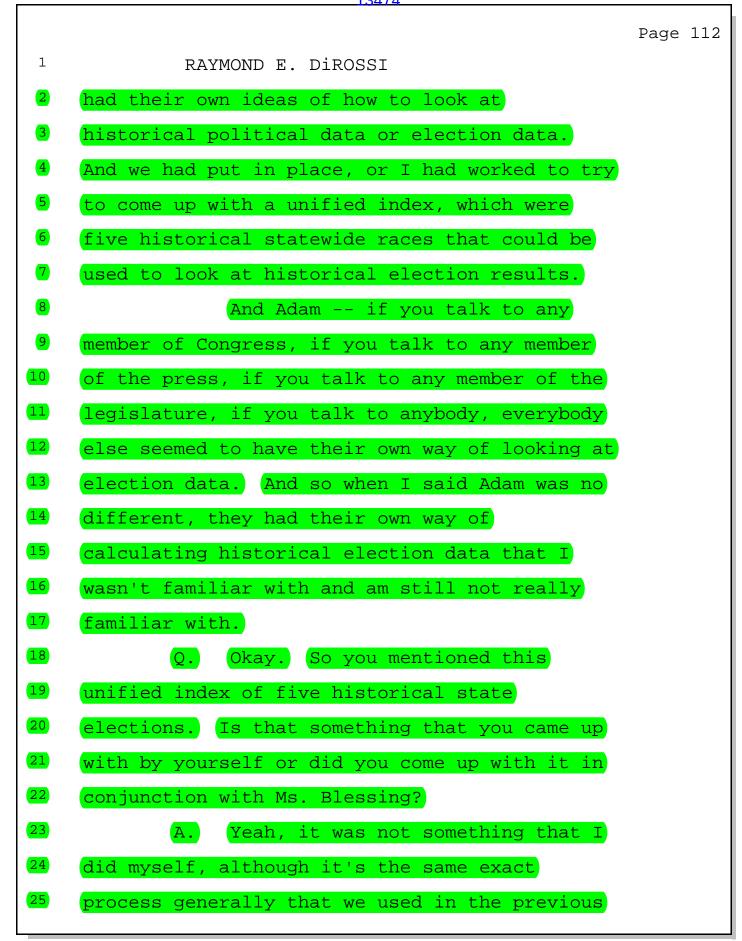
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 110 of 349 PAGEID #:



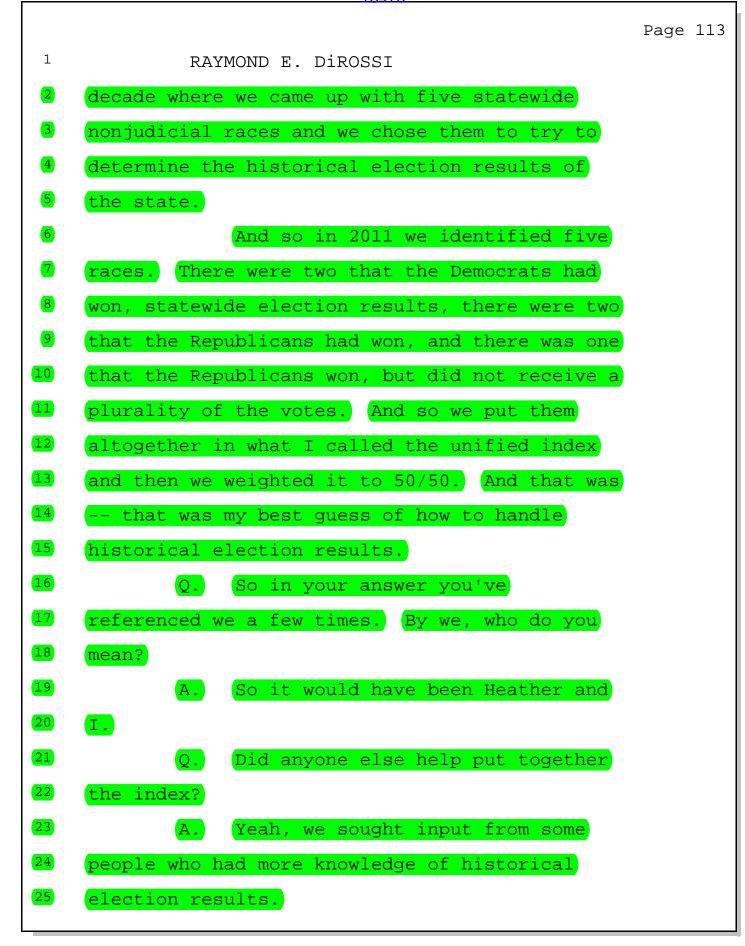
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 111 of 349 PAGEID #: 13473



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 112 of 349 PAGEID #:



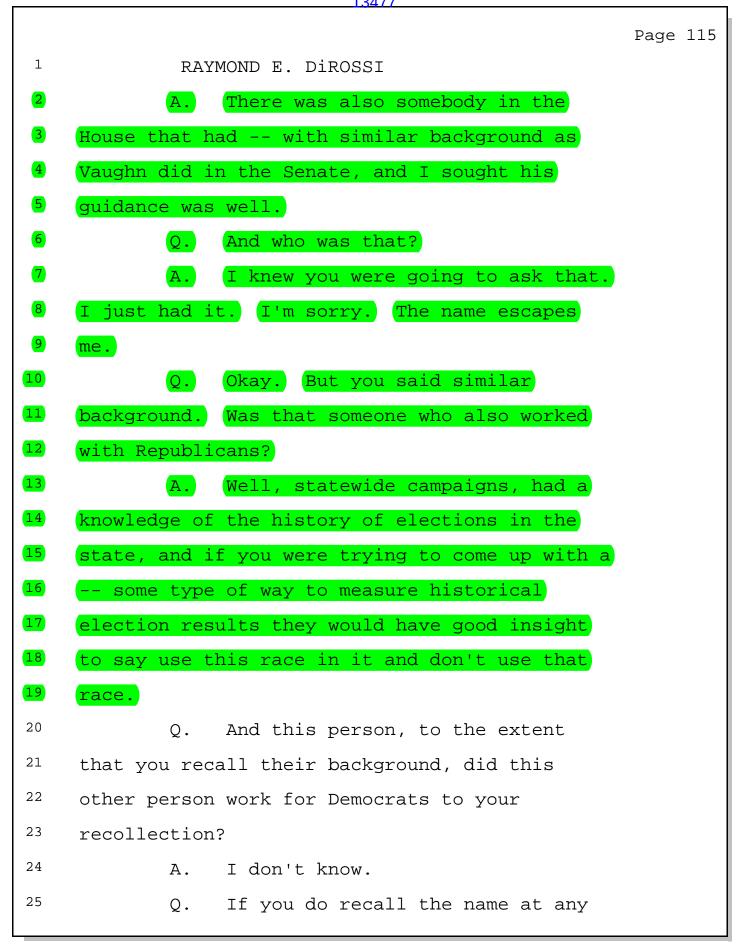
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 113 of 349 PAGEID #: 13475



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 114 of 349 PAGEID #: 13476

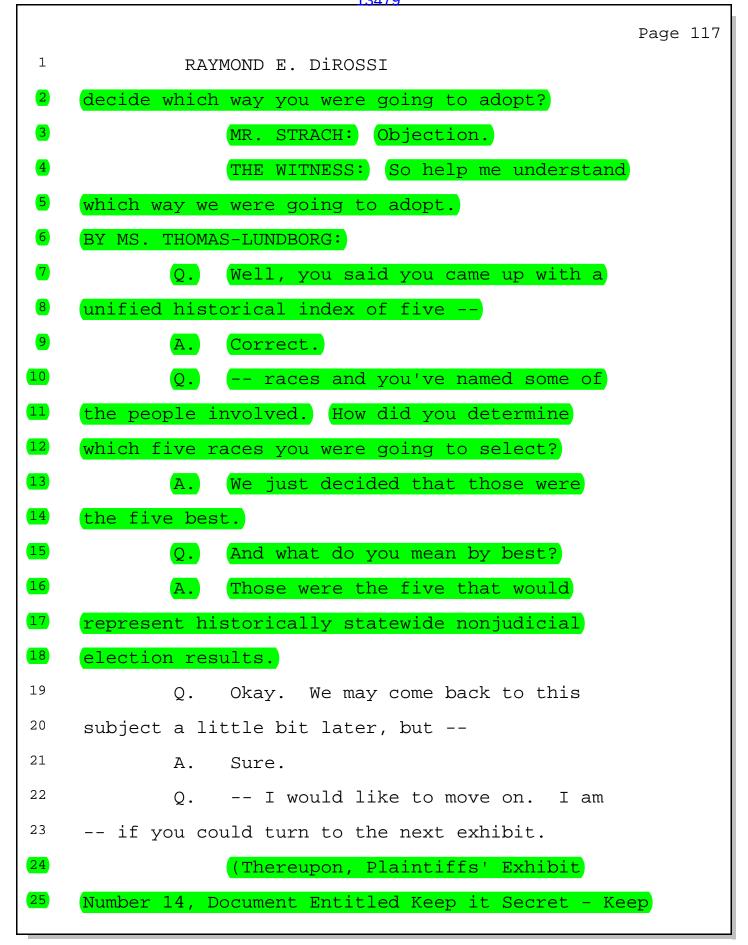


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 115 of 349 PAGEID #:



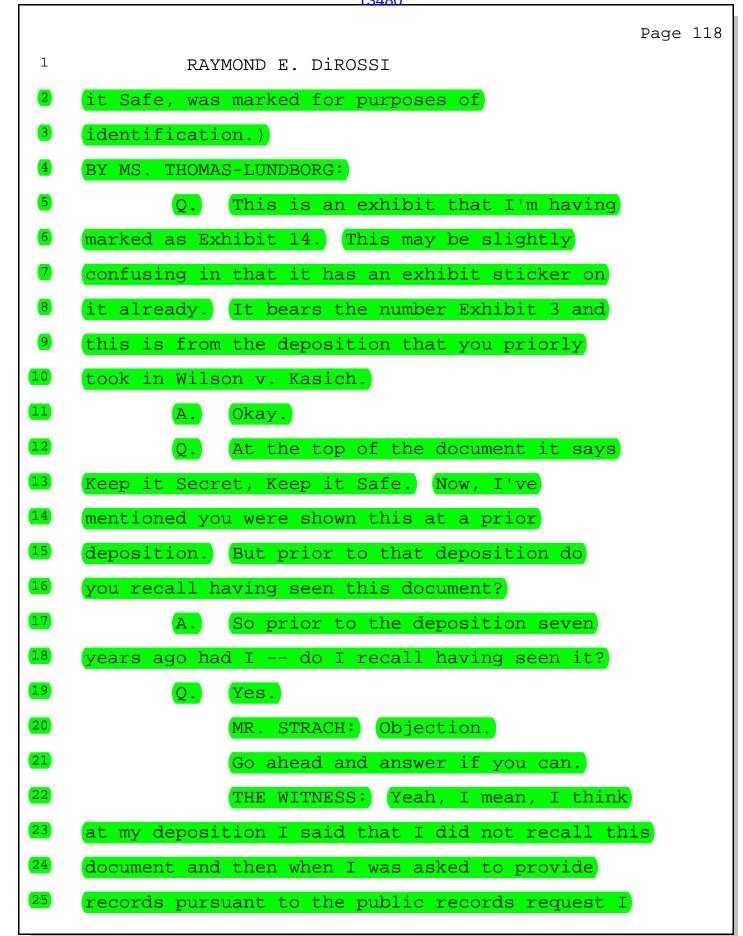
1	RAYMOND E. DiROSSI
2	point
3	A. Sure, yes.
4	Q like if we go to lunch and we
5	come back, tell me.
6	A. I'll blurt it out.
7	Q. So going back to this everyone had
8	different opinions on how to put together the
9	political data, you mentioned that Mr. Kincaid
10	had a different opinion.
11	Do you recall anyone else having a
12	different opinion on how to put together the
13	historical data?
14	A. Every member of the press that we
15	interacted with had their own ideas. You
16	mentioned Mr. Slagle with OCAR, the Campaign
17	for Accountable Redistricting. He had his own
18	methodology that he wanted to use. Even some
19	of the Democratic members of Congress that we
20	were having conversations with, they had their
21	own scoring system that they used. And, like I
22	said, literally everybody we talked to seemed
23	to have a different way of looking at
24	historical election results.
25	Q. And so how did you ultimately

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 117 of 349 PAGEID #: 13/79



TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0462

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 118 of 349 PAGEID #: 13480



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 119 of 349 PAGEID #: 13481

	Page 119
1	RAYMOND E. DIROSSI
2	came across it and provided it.
3	BY MS. THOMAS-LUNDBORG:
4	Q. Okay.
5	A. And that was the first
6	recollection of seeing it.
7	Q. And you said that you provided the
8	document as part of the public records request?
9	A. Yes.
10	Q. How did the document come to be in
11	your possession?
12	MR. STRACH: Objection to when you
13	say document, it's my understanding this was part
14	of a larger presentation. Are you referring
15	simply to this slide or the entire presentation?
16	MS. THOMAS-LUNDBORG: I'm referring
17	to the slide that we're currently looking at.
18	MR. STRACH: All right. Go ahead and
19	answer it.
20	THE WITNESS: Could you restate that,
21	please? I'm sorry.
22	BY MS. THOMAS-LUNDBORG:
23	Q. Yes. So you said that as part of
24	the public records request you provided this
25	document. How did the document come to be in

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 120 of 349 PAGEID #: 13482

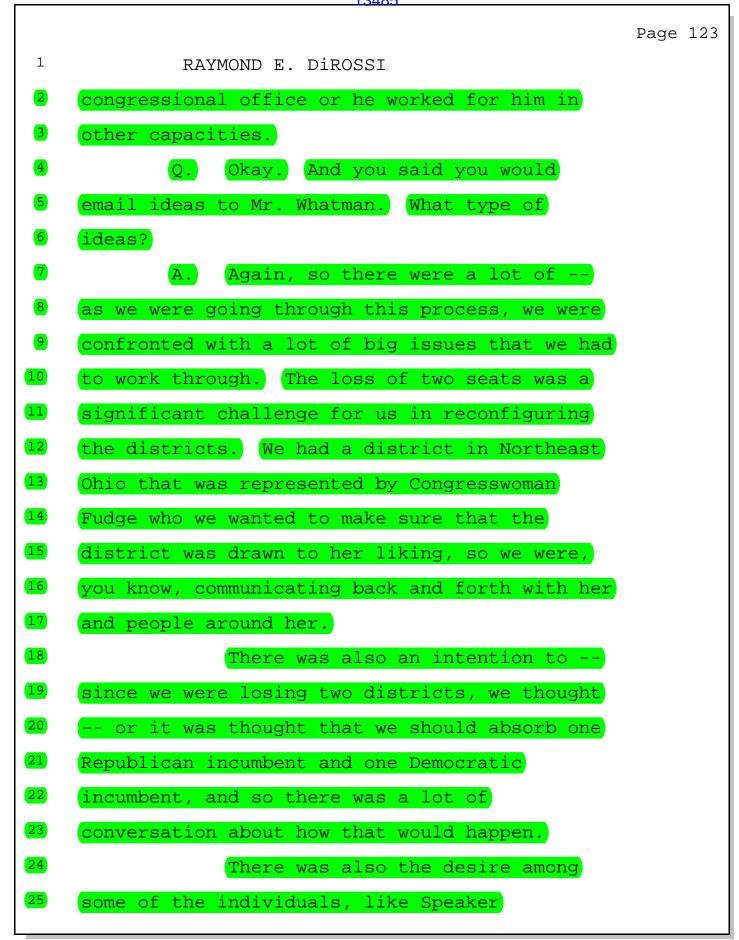
	13482		
		Page	120
1	RAYMOND E. DIROSSI		
2	your possession?		
3	A. It was emailed to me.		
4	Q. And do you recall who it was		
5	emailed by?		
6	A. I do not recall.		
7	Q. Do you recall when it was emailed		
8	to you?		
9	A. I do not.		
10	Q. Just going back to your question		
11	to my question about who sent you the		
12	document, if you could - and you can have this		
13	version - turn to page 21, and I'm looking at		
14	lines 4 through 6. And you can read around it		
15	if you want to just refresh your recollection		
16	with what's being asked here.		
17	A. Okay.		
18	Q. Looking at your prior testimony,		
19	does this refresh your recollection of who		
20	would have forwarded the document to you?		
21	MR. STRACH: Objection to the		
22	document, but go ahead and answer it.		
23	THE WITNESS: Yeah, I mean, I said		
24	seven years ago in this deposition that I believ	ed	
25	the email was forwarded to me, and obviously I s	ay	

Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 121 of 34 13483	19 PAGI	EID #:
		Page	121
1	RAYMOND E. DiROSSI		
2	by Heather, but sitting here today I don't have		
3	that specific recollection.		
4	BY MS. THOMAS-LUNDBORG:		
5	Q. Okay. Going back to Exhibit 14,		
6	at the bottom of the exhibit it says presenter		
7	John Morgan. Do you see that?		
8	A. I do.		
9	Q. Is it your understanding that's		
10	the same John Morgan that we were previously		
11	discussing?		
12	A. Yes, that would be my		
13	understanding.		
14	(Thereupon, Plaintiffs' Exhibit)		
15	Number 15, Document Bates Stamped DIROSSI_000003	8,	
16	was marked for purposes of identification.)		
17	(BY MS. THOMAS-LUNDBORG:		
18	Q. Okay. Moving on, I would like to		
19	(look at an exhibit that I'm having marked as)		
20	Exhibit 15. (It's DIROSSI_38 for the record.)		
21	It is a calendar entry from August 30, 2011,		
22 23	and the subject is Confirmed: Meet with Tom		
	Whatman. Do you see that?		
24			
24 25	(A.) (I do.) (Q.) (Who is Tom Whatman?)		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 122 of 349 PAGEID #: 13484

		Page 122
1	RAYMOND E. DIROSSI	
2	A. So he was - I don't know if he	
3	still is, I assume not - somebody that was	
4	close to the Speaker of the United States House	
5	of Representatives, John Boehner.	
б	Q. And you said he was close to	
7	Speaker Boehner. Do you know what the	
8	relationship was between Mr. Whatman and	
9	Mr. Boehner?	
10	A. I don't.	
11	Q. And how did you know that or	
12	what was your understanding of strike that.	
13	Why do you say that he was close	
14	to Speaker Boehner?	
15	A. He was another person who was a	
16	resource or could you know, I could email	
17	ideas to or he might email me ideas about the	
18	congressional redistricting.	
<mark>19</mark>	Q. My question is, why did you say he	
20	was close to Speaker Boehner?	
21	A. Just because he was the person	
22	if we wanted feedback, that's who I would have	
23	emailed or	
24	Q. And feedback	
25	A. He either worked for him in his	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 123 of 349 PAGEID #: 13485



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 124 of 349 PAGEID #: 13486



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 125 of 349 PAGEID #: 13487

		Page	125
1	RAYMOND E. DiROSSI		
2	why Mr. Whatman was involved in the		
3	redistricting process?		
4	MR. STRACH: Objection.		
5	BY MS. THOMAS-LUNDBORG:		
6	Q. Your understanding of why.		
7	A. I mean, the Speaker of the United		
8	States House of Representatives was a		
9	congressman from Ohio, and so President Niehaus		
10	cared what his thoughts were.		
11	Q. So you said there was a concern		
12	about what the speaker's thoughts were. Was		
13	there any concern about the thoughts of any		
14	other sitting congresspeople at the time?		
15	MR. STRACH: Objection.		
16	Answer if you know.		
17	THE WITNESS: Yeah, so		
18	BY MS. THOMAS-LUNDBORG:		
19	Q. You said that President Niehaus		
20	was concerned with the speaker's thoughts on		
21	redistricting, and my question is was there any		
22	concern about any of the other sitting		
23	congresspeople?		
24	A. Well, as I said, we were losing		
25	two seats, so I think every member of Congress		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 126 of 349 PAGEID #: 13488



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 127 of 349 PAGEID #: 13489

		Page 127
1	RAYMOND E. DiROSSI	
2	to him, but I don't I don't recall	
3	specifically sitting here without looking at it	
4	what that was.	
5	Q. Okay. Do you know who Jim Jordan	
6	is?	
7	A. I do.	
8	Q. Who is Jim Jordan?	
9	A. He's a former state senator and a	
10	current member of the Ohio Congressional	
11	Delegation.	
12	Q. Did you have any conversations	
13	with Jim Jordan?	
14	A. I do not believe so, no.	
15	Q. Okay. Did you have any	
16	conversations about Jim Jordan's district that	
17	you recall?	
18	A. Well, I had as I said, we had	
19	18, we were going to 16, so I would have had	
20	conversations about every district because	
21	every district had to change.	
22	Q. What about Steve Chabot, do you	
23	know who that is?	
24	A. I do.	
25	Q. And who is that?	

8

		Pag
1	RAYMOND E. DiROSSI	
2	A. He's a current member of the Ohio	
3	Congressional Delegation.	
4	Q. And do you recall if he was a	
5	member then?	
6	A. I don't recall. That's a district	
7	that had bounced back and forth between	
8	Republicans and Democrats and I can't recall at	
9	the time who was the sitting member.	
10	Q. Do you recall having any	
11	conversations with Mr. Chabot about	
12	redistricting?	
13	A. None that I recall.	
14	Q. Do you recall having any	
15	conversations with anyone else that we haven't	
16	mentioned about redistricting?	
17	MR. STRACH: Objection.	
18	BY MS. THOMAS-LUNDBORG:	
19	Q. And by anyone else, I mean sitting	
20	congresspeople.	
21	A. We had a lot of conversations with	
22	Congresswoman Fudge, Marcy Kaptur, Joyce	
23	Beatty, but	
24	Q. Was Joyce Beatty in Congress at	
25	that point?	

Page	129
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		Pa
1	RAYMOND E. DiROSSI	
2	A. Yeah, she was not. She is now,	
3	but she was not at the time.	
4	Q. And you had conversations with	
5	her?	
6	A. Yeah, I'm trying to remember	
7	I'm trying to remember your previous question.	
8	Q. My question is, at the time in	
9	2011 do you recall having any conversations	
10	with sitting congresspeople?	
11	A. No, none that I can recall right	
12	now, other than what we've spoken about.	
13	Q. Okay. And I don't think this was	
14	clear on the record, so if we could just go	
15	back to Exhibit 7. This exhibit references a	
16	call with now departed Congressman LaTourette.	
17	Do you recall having any	
18	conversations with Congressman LaTourette at	
19	the time?	
20	A. No. As I mentioned, just because	
21	it says confirmed that means that I believe	
22	that the call happened, doesn't necessarily	
23	mean that I was part of it.	
24	Q. That's fair. I'm asking a	
25	separate question, which is do you recall	

L
RAYMOND E. DiROSSI
having any conversation? It doesn't have to be
the one in the calendar entry.
A. Yeah, no, I do not.
Q. Okay. And then by conversation
I'm also referring to email. If you could just
turn to tab 27. I don't think I'm going to
enter it yet, but I just want to know if this
actually, it's not tab 27. Sorry. I will
tell you in a minute which tab it is. Yeah,
37. If you could turn to tab 37 for a second.
A. Sure.
Q. We'll enter it later.
Does this document refresh your
recollection of whether you had conversations,
either on phone or by email, with any other
sitting congresspeople?
A. Yeah, this email I am not the
sender of this email so it does not it does
not refresh my recollection.
Q. You were copied on this email,
though, correct?
A. Yes.
Q. And your email appears at the top
left corner, correct?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 131 of 349	PAGEID #:
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		Page 131
1	RAYMOND E. DIROSSI	
2	A. Yeah, so you asked if I had	
3	conversations with other congress	
4	Q. Or were part of conversations in	
5	which they were involved.	
6	A. Oh, I understood that you asked if	
7	I had conversations with them.	
8	Q. Were you part of any conversations	
9	that we haven't discussed where you were	
10	involved and other people were involved with	
11	sitting congresspeople?	
12	A. I mean, if you're including are	
13	there any instances where I was cc'd on an	
14	email and that satisfies it, obviously you're	
15	showing me an email that I assume is	
16	legitimate. So I was cc'd on this email. I	
17	don't recall it.	
18	Q. Okay.	
19	MR. STRACH: Can we take another	
20	break? We've been going another hour.	
21	MS. THOMAS-LUNDBORG: Do we want to	
22	just break for lunch?	
23	MR. STRACH: Can we go off the reco	rd
24	and have that discussion?	
25	THE VIDEOGRAPHER: We're off the	

		Page	132
1	RAYMOND E. DiROSSI		
2	record.		
3	(Lunch recess taken.)		
4	THE VIDEOGRAPHER: We're on the		
5	record.		
6	MS. THOMAS-LUNDBORG: Thank you.		
7	BY MS. THOMAS-LUNDBORG:		
8	Q. Good afternoon.		
9	A. Good afternoon.		
10	Q. So I would like to follow up on		
11	some of the things that we spoke about earlier		
12	this morning.		
13	A. Okay.		
14	Q. You mentioned having conversations		
15	with Congressman Austria. Do you recall that?		
16	A. I do.		
17	Q. What were the nature of those		
18	conversations?		
19	A. So in House Bill 319, which was		
20	the first map that was adopted by the General		
21	Assembly, Congressman Austria and Congressman		
22	Turner were put into one of the same		
23	district. As I had mentioned, the state was		
24	losing two congressional districts and so we		
25	needed to get rid of two, or absorb two not		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 133 of 349 PAGEID #: 13495

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Page	5.5

1	RAYMOND E. DiROSSI
2	get rid of, but absorb two.
3	In the first map House Bill 319,
4	Congressman Austria and Turner were both in a
5	district where roughly 50 percent of their old
6	district was in the new district, so basically
7	it would be a fair fight for them as they if
8	they both chose to run against each other. In
9	House Bill 369 now, as you can imagine,
10	Congressman Austria, nor Turner, were excited
11	about that.
12	But in 369, in order to get the
13	map through the legislative process, the
14	Democrats in the legislature specifically made
15	a number of requests to make changes to the map
16	in order to provide votes to support the new
17	map House Bill 369, and specifically the
18	request of the Montgomery County Democrats was
19	that all of Montgomery County be in the 10th
20	district.
21	This obviously upset the
22	geographical balance being 50 percent from
23	Turner's old district and 50 percent of
24	Austria's old district, and so I was conveying
25	multiple times in multiple conversations with

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1	RAYMOND E. DiROSSI
2	Congressman Austria that, in order to get votes
3	from the legislative Democrats, that we were
4	going to adopt this request and it was changing
5	the district in a way that would not be
6	beneficial to him for his previous district;
7	and that that was a decision that the speaker
8	and the president had made in order to secure
9	votes from legislative Democrats, which we
10	ultimately did get a number of from the
11	Montgomery County delegation.
12	And so obviously I was relaying
13	that to Congressman Austria, that that change
14	had occurred and that decision had been made by
15	the speaker and the president, and that it
16	wouldn't be wouldn't be good for him.
17	Q. Now, when you refer to speaker,
18	was that Speaker Batchelder?
19	A. Batchelder (pronouncing), yes.
20	Q. Batchelder, excuse me.
21	A. Thank you for clarifying, yes.
22	Q. Did you have any conversations
23	with Tom Whatman about the changes to
24	Congressman Austria's district?
25	A. I don't recall any specific

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 135 of 349 PAGEID #: 13497

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1	RAYMOND E. DiROSSI
2	conversations about that with Tom.
3	Q. Did you have any conversations
4	with Adam Kincaid about changing Congressman
5	Austria's district?
6	MR. STRACH: Objection. Do you mean
7	throughout the entire process or as it relates to
8	this House 369 change?
9	MS. THOMAS-LUNDBORG: Throughout the
10	whole process.
11	THE WITNESS: Okay. Could you repeat
12	it again?
13	BY MS. THOMAS-LUNDBORG:
14	Q. Did you have any discussions with
15	Adam Kincaid about Congressman Austria's
16	district?
17	A. None that I can specifically
18	recall exact conversations with him.
19	Q. Did you have any emails, either
20	where you sent it, received it or were copied,
21	with Adam Kincaid about Congressman Austria's
22	district?
23	A. None that I can recall
24	specifically here.
25	Q. And did you have any emails where

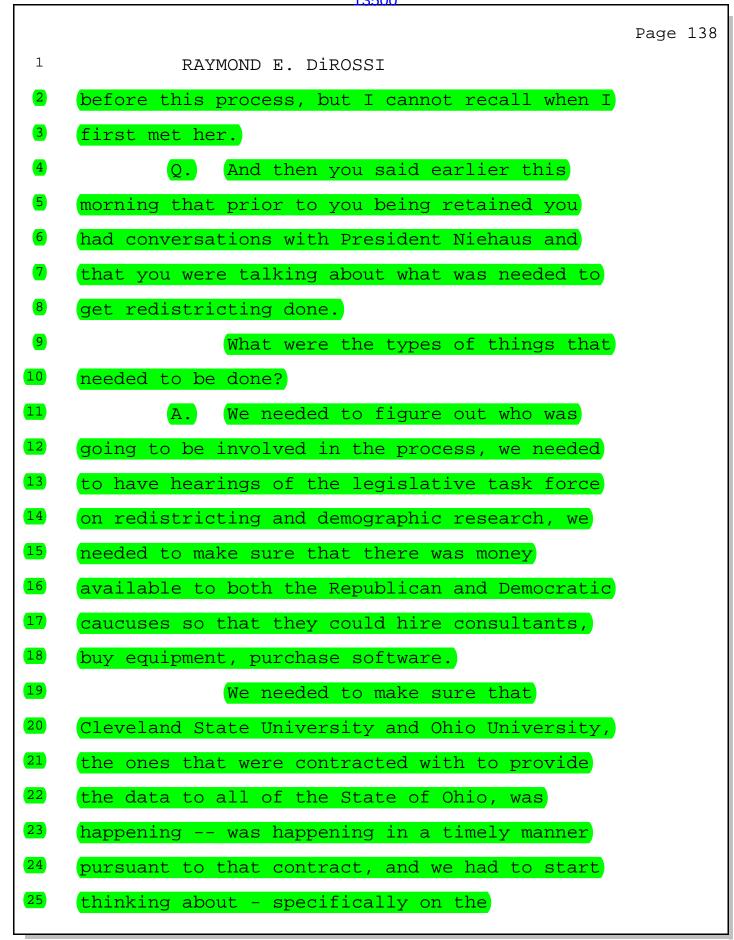
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 136 of 349	PAGEID #:
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		Page	136
1	RAYMOND E. DIROSSI		
2	you either sent, received or were copied about		
3	Congressman Austria's district with Tom		
4	Whatman?		
5	A. None that I can specifically		
6	recall sitting here.		
7	Q. Going back to President Niehaus,		
8	you said that you received suggestions		
9	throughout the process, not just in 369, from		
10	him. What were the nature of those		
11	suggestions?		
12	A. So it was as I mentioned before		
13	and mentioned the big the big pillars of		
14	what the districts were going to look like,		
15	losing two districts, trying to make sure the		
16	11th congressional district of Northeast Ohio		
17	was proposed in a certain way, these were		
18	those were conversations that he and I were		
19	having about how what we were going to try		
20	to do to achieve those.		
21	Q. And the same question for the		
22	Speaker of the Ohio House.		
23	A. Yeah, I I worked more closely		
24	with the president and the Senate so I don't		
25	recall any specific conversations I had with		

-	
1	RAYMOND E. DIROSSI
2	the Speaker of the Ohio House on those topics.
3	Q. And when the decision was made to
4	change Congressman Austria's district, was
5	anyone else involved in that decision besides
6	the president and the speaker that you recall?
7	A. Well, the the genesis for the
8	change came from the legislative Democrats that
9	ultimately provided their votes to do it, so
10	that's where it would have originated. So they
11	would have been involved because they were the
12	ones asking for the change.
13	Q. And outside of those individuals,
14	the legislative Democrats, was anyone else
15	involved in that decisionmaking process?
16	A. I can't recall the decisionmaking
17	process of who else would have been involved
18	other than the people I articulated.
19	Q. So going back, I would like to go
20	to the kind of map drawing process
21	A. Sure.
22	Q and we've discussed a little
23	bit Ms. Blessing. Do you recall when you first
24	met Ms. Blessing?
25	A. I've known Heather a long time

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 138 of 349 PAGEID #: 13500



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 139 of 349 PAGEID #: 13501

	13501		
		Page	139
1	RAYMOND E. DiROSSI		
2	congressional redistricting, since it is a bill		
3	that the legislature would have to adopt - when		
4	the legislature would have hearings, when the		
5	legislature would have votes, and when they		
6	could actually pass a bill. Those types of		
7	logistical issues.		
8	Q. Okay. Now, you listed a number of		
9	things. Did any of those things happen before		
10	August 1, 2011?		
11	A. Are you referring to conversations		
12	about those or are you actually saying those		
13	did those specific things happen?		
14	Q. Did any of those specific things		
15	happen before August of 2011? Would you like		
16	to take them in turn?		
17	A. Sure, that would be helpful.		
18	Q. Okay. A decision about who would		
19	be involved in redistricting?		
20	A. Well, and you're asking if a		
21	decision on that happened before the contract		
22	was put in place?		
23	Q. Yes.		
24	A. Well, so the contract made that		
25	decision, so that kind of happened the		
1			

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 140 of 349 PAGEID #: 13502

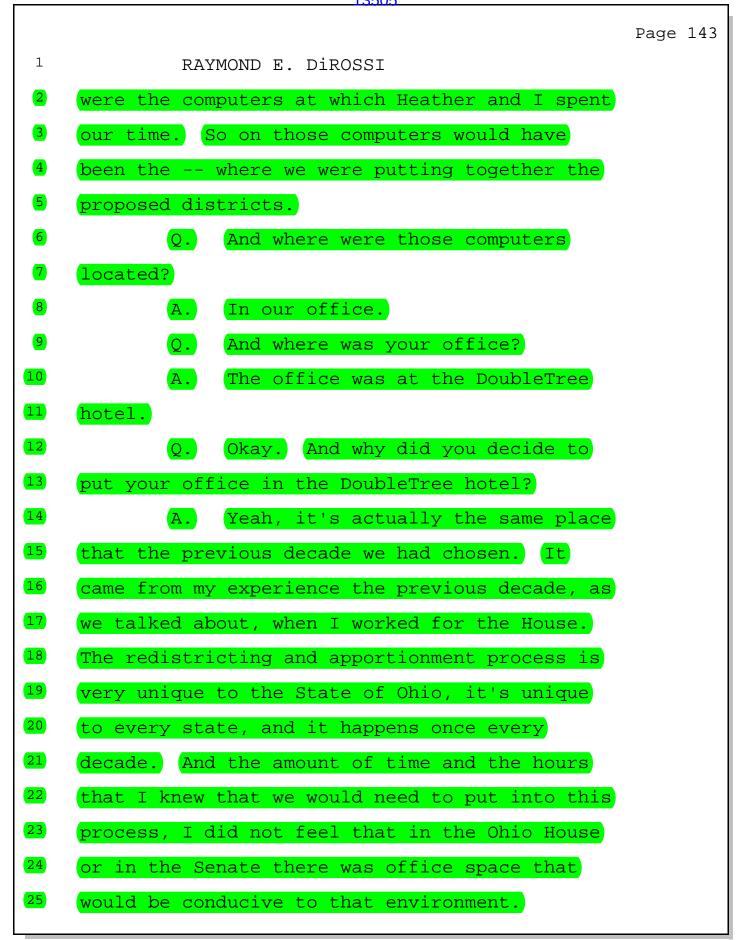
		Page	140
1	RAYMOND E. DIROSSI		
2	contract kind of decided who were going to be		
3	the hired people to do that.		
4	Q. Okay. A decision about hearing		
5	dates and when hearings would take place?		
6	A. I can't recall if that was was		
7	finalized before or after.		
8	Q. A decision about money to the		
9	caucuses?		
10	A. I don't recall. You provided some		
11	documents that had dollar amounts and		
12	supplemental dollar amounts. I'm not sure I		
13	understand those timelines yet fully.		
14	Q. Okay. A decision about Cleveland		
15	State's provision of data?		
16	A. That, the decision to hire		
17	Cleveland State and OU, who also provided the		
18	data and were the contractors in '01, had been		
19	made prior to my contract being signed in		
20	August. Well before, years before.		
21	Q. Okay. But you had decisions (sic)		
22	about that in 2011 with the president? You had		
23	conversations with the president about that in		
24	2011?		
25	A. Well, those conversations in 2011		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 141 of 349 PAGEID #: 13503

		Page	141
1	RAYMOND E. DiROSSI		
2	would have been about the ongoing whether or		
3	not they were going to meet their timelines and		
4	contractual obligations, but the decision to		
5	hire them had happened many years before.		
6	Q. And those the conversations		
7	about whether they were going to meet their		
8	timeline, did that happen before August?		
9	A. I couldn't say specifically.		
10	Those happened over a long period of time,		
11	maybe I can't recall the specific		
12	conversations.		
13	Q. And then the decision about when		
14	the legislature the House and the Senate		
15	would actually have the map, did those		
16	conversations happen before August?		
17	A. There were conversations about it,		
18	but I do not believe a decision would be made		
19	was finally made.		
20	Q. Okay. Now, we discussed Maptitude		
21	earlier this morning. Did you get licenses to		
22	use Maptitude?		
23	A. We did.		
24	Q. Were there was there one		
25	license or was there more than one?		

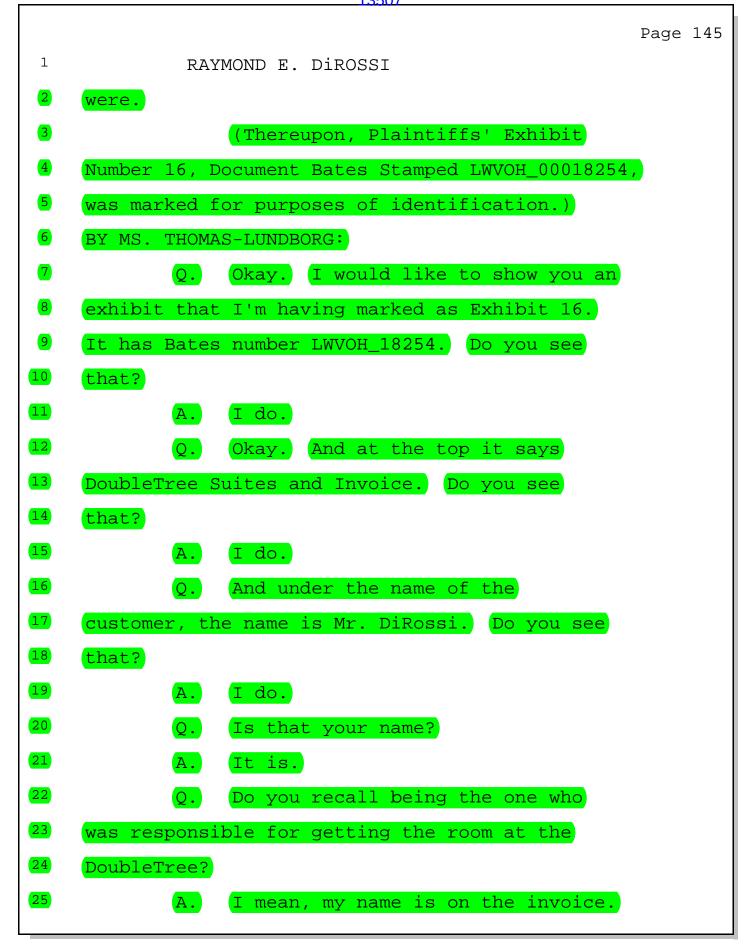
Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 142 of 34 13504	9 PAGE	EID #:
		Page	142
1	RAYMOND E. DiROSSI		
2	A. I don't specifically recall. I		
3	don't specifically recall how the licenses were		
4	done. I don't recall.		
5	Q. Okay. You mentioned that you		
6	worked in Maptitude, Ms. Blessing worked in		
7	Maptitude and you said Troy Judy also worked in		
8	Maptitude?		
9	A. (Witness nodded head up and down.)		
10	Q. And so to Troy Judy, was he		
11	actually in the software changing district		
12	lines or what was the nature of his		
13	involvement?		
14	MR. STRACH: Objection.		
15	THE WITNESS: Yeah, he would be		
16	better to answer that.		
17	BY MS. THOMAS-LUNDBORG:		
18	Q. Well, do you recall whether he was		
19	changing district lines or not?		
20	A. I don't recall.		
21	Q. When it came to the map, where was		
22	the map drawn? And let's first start with 319.		
23	Where was that drawn?		
24	A. Well, the computers that we had		
25	purchased through the legislative task force		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 143 of 349 PAGEID #: 13505

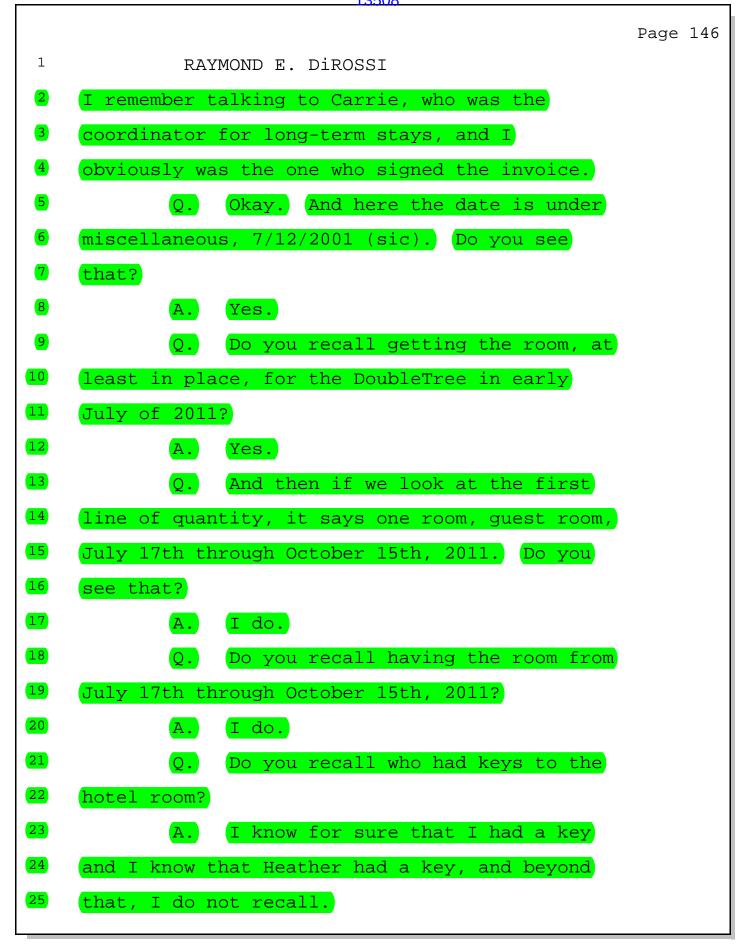


1	RAYMOND E. DiROSSI
2	Specifically having been the
3	budget director in the House in the summer when
4	we were doing budgets, I know that after about
5	6:00 every day the Ohio Building Authority
6	turns off the air-conditioning, and if you want
7	to run air-conditioning on a floor you have to
8	pay about \$300 an hour to run air-conditioning.
9	And so we looked at trying to find
10	office space in the Riffe Center or in the
11	Statehouse and we just did not feel that,
12	either in 2001 or in 2010, that that was
13	conducive to that the needs that we had.
14	So we looked for office space on Capitol Square
15	that we could use and that's how we made the
16	decision both decades to use the DoubleTree.
17	Q. Okay. At different points in your
18	answer you said you and we. Who participated
19	in the decision to have the office at the
20	DoubleTree?
21	A. In this decade, Heather and I were
22	the ones that went and looked at those are
23	the people that I remember, we went and looked
24	at what the offices would look like and to see
25	if it would be conducive to what our needs

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 145 of 349 PAGEID #: 13507



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 146 of 349 PAGEID #: 13508



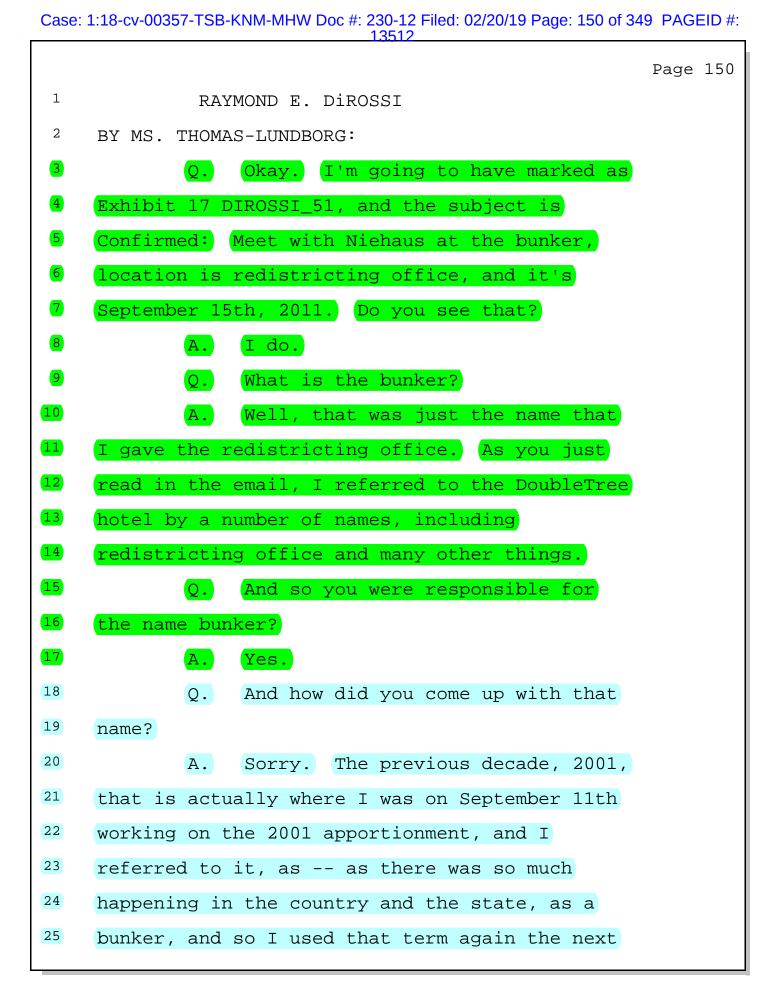
1	RAYMOND E. DiROSSI
2	Q. If you could look at page 26 of
3	your prior deposition, and I'm looking at the
4	answer that starts at line 10. If you could
5	read that and let me know if that refreshes
6	your recollection regarding who had keys to the
7	hotel room.
8	A. You want me to read it?
9	Q. You don't have to read it for the
10	record. You can just read it to yourself and
11	tell me if that refreshes
12	A. I didn't know if you wanted me to
13	read it out loud or thank you.
14	Okay, I've read it.
15	Q. Does that refresh your
16	recollection regarding who had keys to the
17	hotel room?
18	A. Well, yeah, it definitely confirms
19	that Heather and I had swipe cards or keys and
20	then I also say I think other a couple other
21	people had keys as well.
22	Q. Okay. And who were the other
23	people who had keys?
24	A. Yeah, so sitting here today I'm
25	not sure I can remember specifically if they

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 148 of 349 PAGEID #: 13510

		Page	148
1	RAYMOND E. DiROSSI		
2	had keys or not.		
3	Q. Okay.		
4	A. So did that answer your question?		
5	I'm sorry.		
6	Q. That answers it. Let me just ask		
7	some names.		
8	At any point did at any point		
9	did the minority leader for the House have keys		
10	to the hotel room?		
11	A. No.		
12	Q. At any point did anyone on the		
13	minority leader's staff have keys and by		
14	minority leader I'm just talking about House,		
15	have keys to the hotel room?		
16	A. No.		
17	Q. At any point did the minority		
18	leader of the Senate have keys to the hotel		
19	room?		
20	A. No.		
21	Q. At any point did a member of the		
22	minority leader's staff have keys to the hotel		
23	room?		
24	A. No. I should be saying not to my		
25	knowledge. I didn't I did not personally		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 149 of 349 PAGEID #: 13511

		Page	149
1	RAYMOND E. DiROSSI		
2	give any of the people you named keys. But as		
3	I mentioned, there were a few other keys, so I		
4	mean, I guess I should be clear that somebody		
5	else could have given them one, but I did not.		
6	Q. Did you ever see any of the		
7	individuals that we just named in the hotel		
8	room?		
9	A. No.		
10	Q. Did anyone who could be identified		
11	as a Democrat have a key to the hotel room?		
12	MR. TUCKER: Objection to form.		
13	THE WITNESS: Yeah, I mean, I've		
14	listed the two people that I know for sure had		
15	keys, in my previous deposition I mentioned two		
16	other people that might have. Other than that,	I	
17	don't I don't know if they at any time would		
18	have given keys to other people. I don't know.		
19	BY MS. THOMAS-LUNDBORG:		
20	Q. Did you ever see anyone who could		
21	be identified as a Democrat in the hotel room?		
22	A. I did not.		
23	(Thereupon, Plaintiffs' Exhibit		
24	Number 17, Document Bates Stamped DIROSSI_000005	51,	
25	was marked for purposes of identification.)		

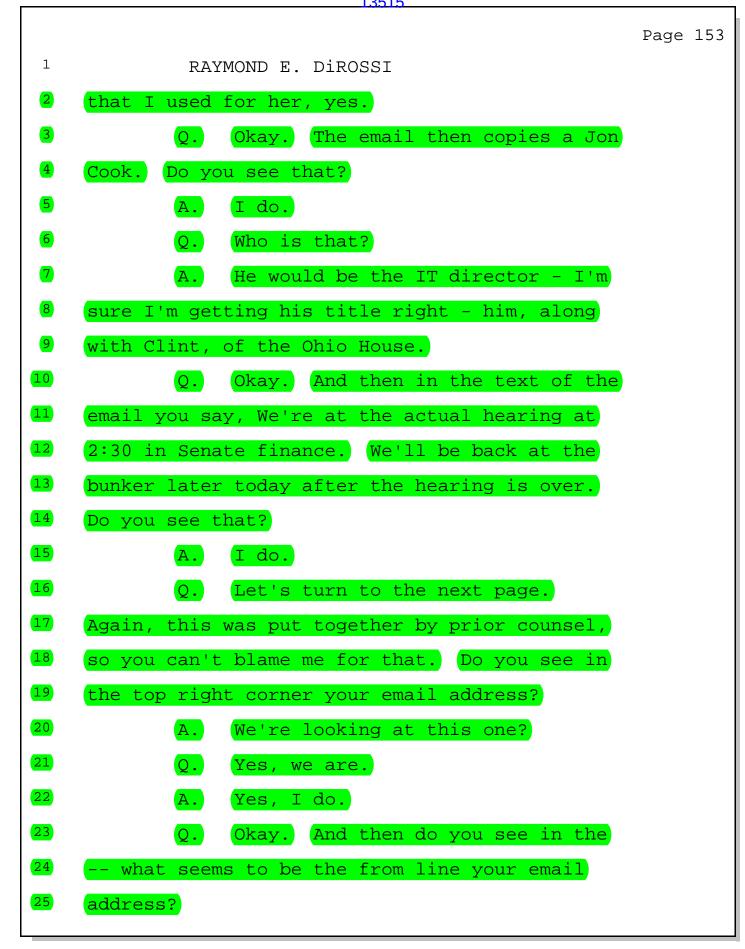


1		Page	151
1	RAYMOND E. DIROSSI		
2	decade.		
3	But as you can see, I referred to		
4	it as the hotel, I referred to it as the		
5	office, I referred to it as the redistricting		
6	office, I referred to it as off site, I		
7	referred to it as bunker on occasions. I mean,		
8	I referred to this physical place by a number		
9	of names.		
10	Q. Understood.		
11	(Thereupon, Plaintiffs' Exhibit		
12	Number 18, Document Bates Stamped DIROSSI_000005	1,	
13	was marked for purposes of identification.)		
14	BY MS. THOMAS-LUNDBORG:		
15	Q. I would like to change to Exhibit		
16	18. So this, again, it's going to be a little		
17	confusing because this already has an exhibit		
18	sticker 17. The exhibit sticker is from your		
19	prior deposition. It's also a number of		
20	documents put together that I did not		
21	disaggregate since they were put together in		
22	that deposition. And so let's start with the		
23	first document, but we'll go through all three		
24	hopefully very quickly.		
25	Do you see that this first		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 152 of 349 PAGEID #: 13514



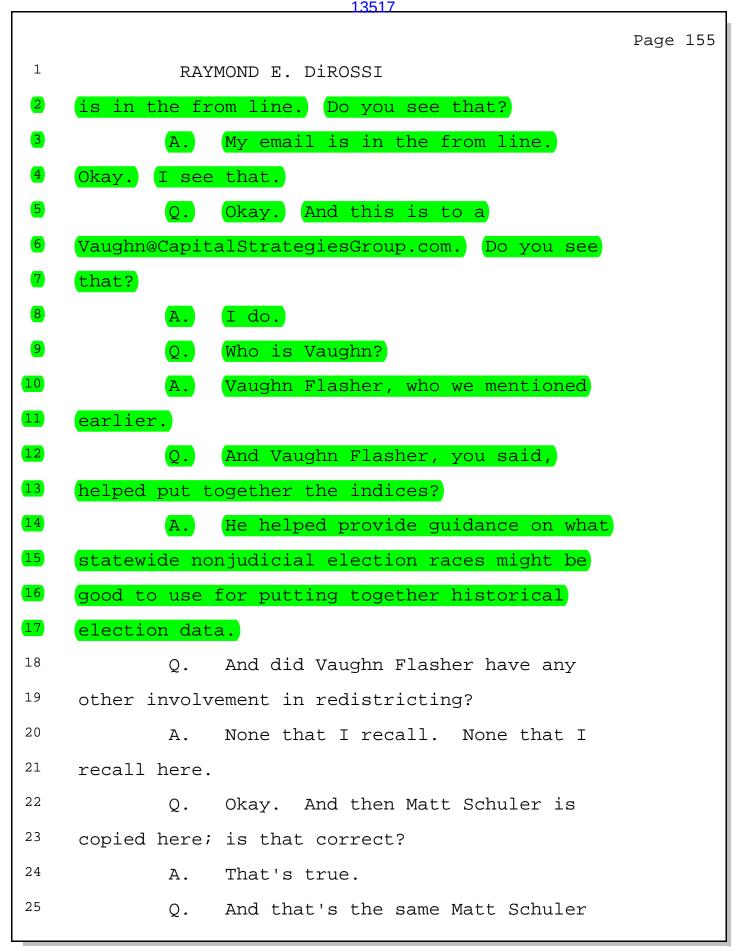
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 153 of 349 PAGEID #: 13515



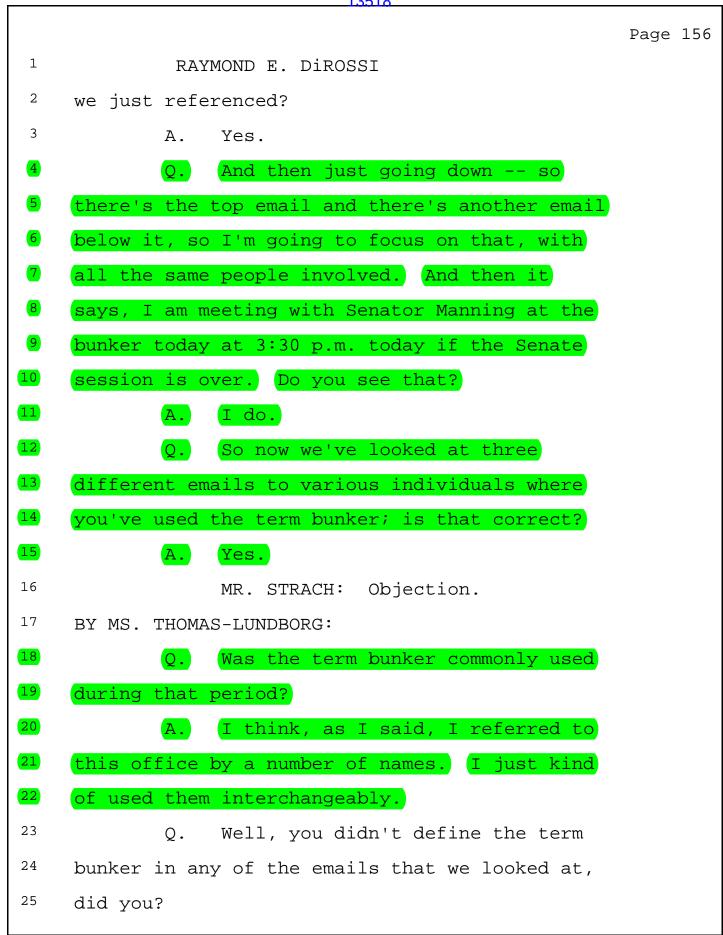
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 154 of 349 PAGEID #: 13516



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 155 of 349 PAGEID #:



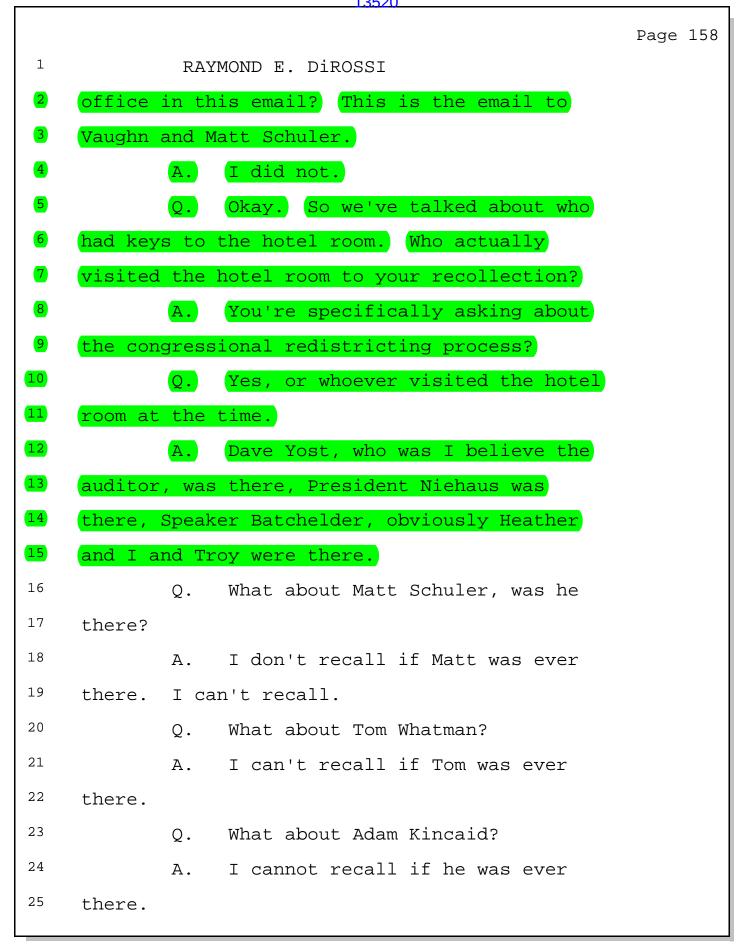
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 156 of 349 PAGEID #: 13518



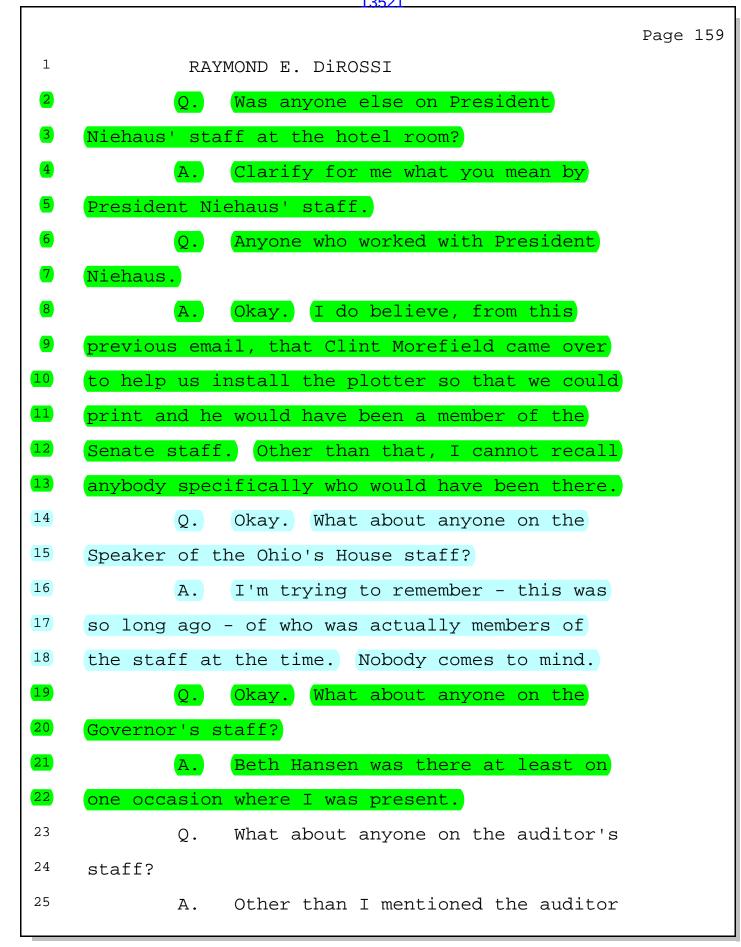
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 157 of 34 13519) PAGE	EID #:
	Page	157

		Page 1
1	RAYMOND E. DIROSSI	
2	A. I don't know what you mean by	
3	define it.	
4	Q. Well, did you say in any of the	
5	emails I'm at the bunker, aka the redistricting	
6	office?	
7	A. Well, I mean, like in the email we	
8	just looked at, the subject is Tuesday at	
9	Redistricting Office and then I say I'll be	
10	over in the bunker	
11	Q. Okay. What about the	
12	A so I'm using them	
13	interchangeably.	
14	Q. What about the first document, do	
15	you refer to the redistricting office here?	
16	A. Are you looking at 18 or 17?	
17	Q. 17. I mean, it is our Exhibit 18,	
18	but it has the 17 sticker on it. But I'm	
19	looking at this email to Clint Morefield,	
20	Heather Mann and Jon Cook. Do you refer to the	
21	redistricting office in this email?	
22	A. I don't see that I did in this	
23	particular instance.	
24	Q. Okay. Going to the last page of	
25	the exhibit, do you refer to the redistricting	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 158 of 349 PAGEID #: 13520



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 159 of 349 PAGEID #: 13521



	13522	
		Page 160
1	RAYMOND E. DIROSSI	
2	himself, I do not recall any members of his	
3	staff.	
4	Q. What about the Secretary of State?	
5	A. The Secretary of State was there	
6	once personally, but I cannot remember any	
7	members of his staff being present.	
8	And again, I just would maybe	
9	point out, a lot of these I kind of fell	
10	into the trap. A lot of these are	
11	apportionment and are not redistricting, so I	
12	apologize if I jumped back and forth there.	
13	The Governor, the auditor, the Secretary of	
14	State are apportionment board members, and so	
15	in many instances when I was referring to them	
16	being there, they weren't there to have	
17	anything to do with redistricting, they were	
18	there for apportionment. Apologies.	
19	Q. Okay. Fair enough.	
20	What about Mark Huffman?	
21	A. Mark Huffman?	
22	Q. Do you know who Mark Huffman is?	
23	A. That name does not sound familiar.	
24	Q. Do you recall there was a Mark	
25	Huffman in the Ohio House at the time?	

161

		Page
1	RAYMOND E. DiROSSI	
2	A. As a state representative? That	
3	name is not familiar.	
4	Q. Do you recall who the sponsor of	
5	319 was?	
6	A. I think I do, but it's not Mark	
7	Huffman, no.	
8	Q. Who is the sponsor that you're	
9	thinking of?	
10	A. I don't want to I don't want to	
11	guess. I don't want to guess.	
12	Q. Okay. Oh, sorry. I've been	
13	corrected. Do you know a Matt Huffman?	
14	A. Oh, state current state	
15	senator, former state representative, okay,	
16	yes, I do know Matt Huffman.	
17	Q. Okay. And was Matt Huffman ever	
18	at the hotel room?	
19	A. None that I can specifically	
20	not that I can specifically recall.	
21	Q. And was Matt Huffman the sponsor	
22	of 319?	
23	A. I believe he was, yes.	
24	Q. And was Matt Huffman	
25	A. In fact, he was, he was.	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 162 of 349 PAGEID #: 13524
Page 162
1 RAYMOND E. DIROSSI
2 Q. And was Matt Huffman the sponsor
³ of 369?
4 A. I don't know for sure. I can't
⁵ speak to that.
6 Q. Okay. Do you know a Keith Faber?
7 A. I do.
8 Q. And who is Keith Faber?
9 A. He was a state senator at the
10 time.
(11) Q. And was Keith Faber ever at the
12 hotel room?
13 A. Yes, he was.
14 Q. And how many times?
A. I couldn't tell you specifically
16 how many times.
Q. Okay. Was it more than once?
18 A. Yes.
¹⁹ Q. And was Keith Faber the Senate
²⁰ sponsor of the bill?
A. I can't answer that. I don't know
²² whether that senator sponsored the bill or not.
Q. Did he sponsor the bill in the
²⁴ Senate?
A. I can't answer that. I don't

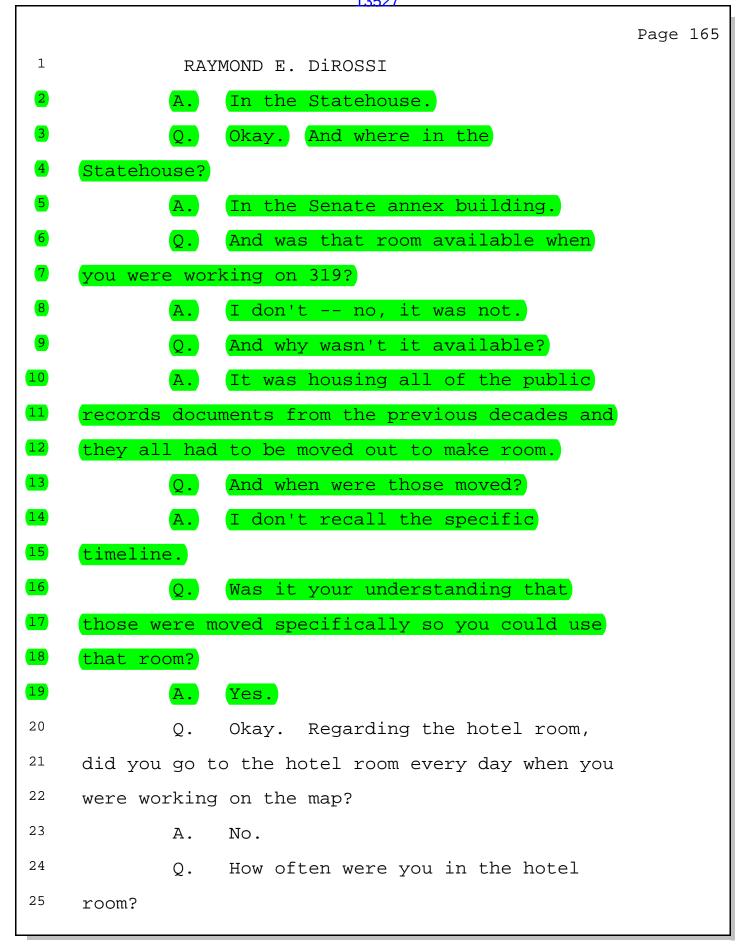
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 163 of 349 PAGEID #: 13525

		Page	163
1	RAYMOND E. DiROSSI		
2	know. I don't know.		
3	Q. Okay. Did you work on the Senate		
4	legislative process in your role?		
5	A. Can you help me understand the		
6	Senate? You mean		
7	Q. Did you work on the bill, any of		
8	the processes or procedures of getting the bill		
9	moved through Senate?		
10	A. Very very little. Like I said,		
11	my role was to work to get the districts put		
12	together in a legislative form so that it could		
13	go through the legislative process. Once that		
14	started with 319 and 369, I didn't have really		
15	much of a role.		
16	Q. Okay. Was John Morgan ever at the		
17	hotel room?		
18	A. I can't recall if he was ever		
19	physically there.		
20	Q. Was Mark Braden ever in the hotel		
21	room?		
22	A. Yes.		
23	Q. And how many times?		
24	A. I don't recall a specific number		
25	of times.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 164 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 165 of 349 PAGEID #:



166

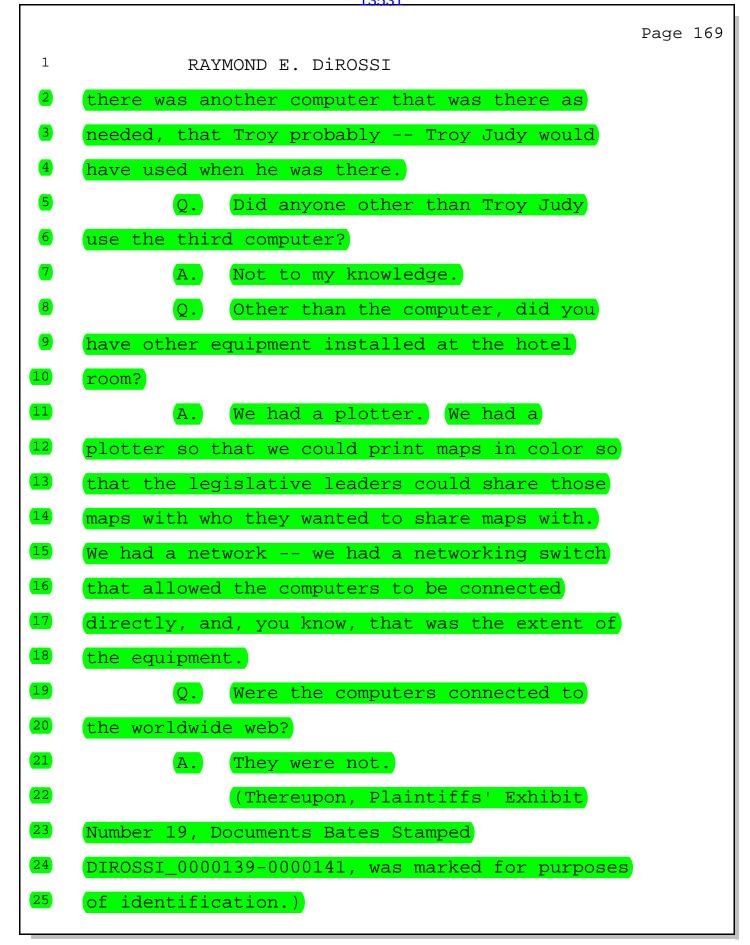
	Page
1	RAYMOND E. DiROSSI
2	A. Often.
3	Q. Was it a few times a week, once a
4	week?
5	MR. STRACH: I'm just going to object
6	and ask if you will clarify, when you say the map
7	do you mean the legislative map or the
8	congressional map?
9	MS. THOMAS-LUNDBORG: I'm talking
10	about the congressional map.
11	THE WITNESS: And your question was
12	how often did I
13	BY MS. THOMAS-LUNDBORG:
14	Q. How often were you in the hotel
15	room? During
16	A. Often.
17	Q. During a given week, how many
18	times were you in the hotel room?
19	MR. STRACH: Objection.
20	THE WITNESS: It would depend on the
21	week. I mean, there were some weeks when we
22	weren't there a lot and there were other weeks
23	where we were there every day. It would vary
24	depending on the
25	BY MS. THOMAS-LUNDBORG:

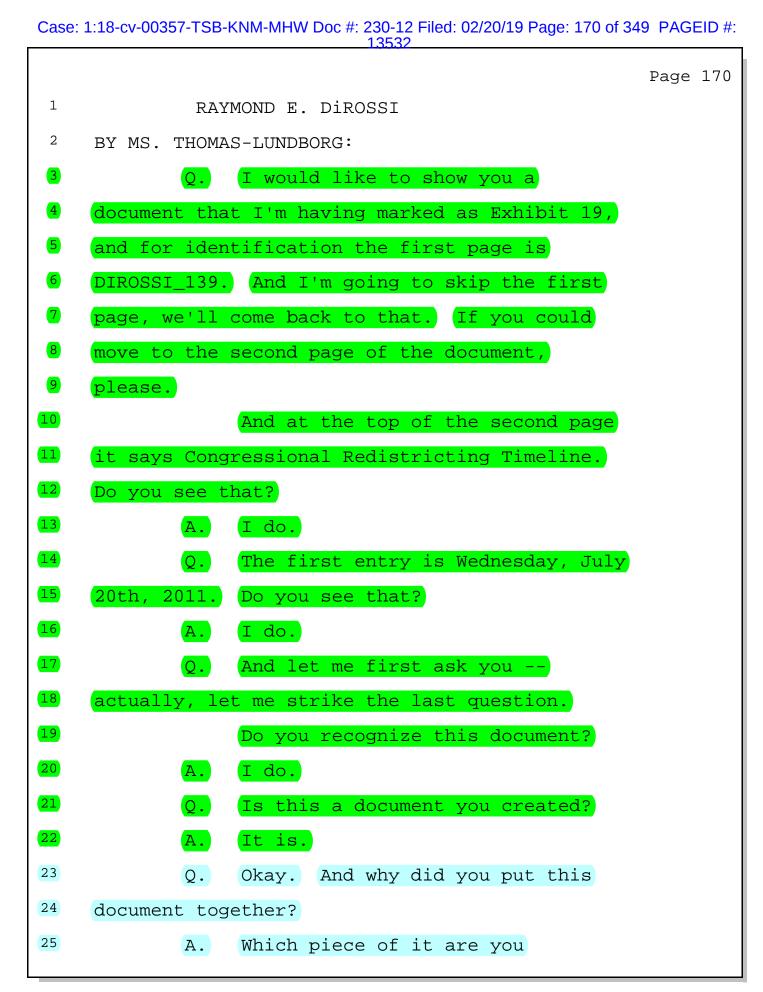
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 167 of 349 PAGEID #: 13529



		Page	168
1	RAYMOND E. DIROSSI		
2	Q. And other than Heather Mann, was		
3	anyone in the hotel room for an extended period		
4	of time, like 24 hours?		
5	A. I would I would say Heather and		
6	I were the two the two people that were		
7	there the most		
8	Q. And how		
9	A on that question.		
10	Q. I'm sorry. How many computers did		
11	you have to work on while you were there?		
12	A. Three.		
13	Q. And how often were three people		
14	working on the computers at any given time?		
15	A. How do you want me to quantify		
16	that? I mean		
17	Q. (You could say once a week, twice a		
18	week, three times a week.		
19	A. (It varied so it varied so much,		
20	I mean, I don't know if I could pin that down		
21	specifically.		
22	Q. Okay. Who else used the computers		
23	in the hotel room?		
24	A. (I had a computer that I used,		
25	Heather had a computer that she used, and then		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 169 of 349 PAGEID #: 13531





Page	171

		-
1	RAYMOND E. DIROSSI	
2	referring to?	
3	Q. Well, let's deal with this second	
4	page. Why did you put the second page	
5	together?	
6	A. As we had talked about, one of the	
7	things that I was concerned about were the	
8	logistical and the timelines for producing	
9	the legislature to produce a pass a bill	
10	that would become the congressional districts,	
11	and so this was just putting on paper some of	
12	those timelines, including some of the proposed	
13	dates where the legislators would be traveling	
14	the state to get public input.	
15	Q. Okay. So the first entry, it	
16	looks like, was July 20th, 2011; is that	
17	correct?	
18	A. It appears to be, yes.	
19	Q. So does this document predate July	
20	20th, 2011?	
21	A. I don't recall specifically when I	
22	made it.	
23	Q. Okay. The first entry is a series	
24	of two meetings, one is 9:00 a.m. to 12:00 p.m.	
25	in Columbus, and then 3:00 p.m. to 6:00 p.m. in	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 172 of 349 PAGEID #: 13534

		Page	172
1	RAYMOND E. DiROSSI		
2	Zanesville. What were these meetings?		
3	A. These were the five locations and		
4	dates for the public hearings that the Senate		
5	committee on redistricting was going to be		
6	having.		
7	Q. Okay. The first meeting is July		
8	20th, 2011. To your knowledge was there a		
9	draft map at that point?		
10	A. So when you say help me		
11	understand a draft map. What does that mean?		
12	Q. Had anyone started to put together		
13	a map at that point?		
14	A. Well, I can't speak for did		
15	anyone. I did not.		
16	Q. Okay. Had you seen a draft map at		
17	that point?		
18	A. I don't recall if I had seen		
19	anybody else's ideas on July 20th.		
20	Q. Do you know whether any maps were		
21	shared at this July 20th meeting?		
22	A. I honestly can't tell you if I		
23	attended these. I don't recall.		
24	Q. You don't recall whether you		
25	attended them?		

1	RAYMOND E. DiROSSI
2	A. I don't recall.
3	Q. Okay. We'll start with this one.
4	And we can go through a number of these, but
5	I'll try to keep the number as low as possible.
6	So I'm not entering it in the record. It's
7	just to refresh your recollection. It's a
8	document, DIROSSI_2225 that you produced to us.
9	Does this document refresh your
10	recollection about whether you attended any of
11	these hearings?
12	A. It does not.
13	Q. Okay. I'm showing you another
14	document that is DIROSSI_147, again I'm not
15	entering it, and it's the announcement of the
16	committee hearings. Does this document refresh
17	your recollection about whether you attended
18	any of the hearings?
19	A. It does not.
20	Q. Okay. I'm showing you a document,
21	it's marked DIROSSI_00020. It is a witness
22	information form from 7-20-11, Jim Slagle. It
23	appears to correspond with one of the hearings.
24	Does this document refresh your recollection?
25	MR. STRACH: And just to be clear,

	Pag
1	RAYMOND E. DIROSSI
2	it's actually DIROSSI_202.
3	MS. THOMAS-LUNDBORG: Oh, sorry, 202.
4	THE WITNESS: No, it does not.
5	BY MS. THOMAS-LUNDBORG:
6	Q. Okay. I think this will be the
7	last. Sorry, I'm just looking for one other.
8	I'll just add one more document, I think. So
9	I'll just represent I have a number of
10	these, but I'll just hand you one now.
11	This is a calendar entry and there
12	are calendar entries corresponding with all of
13	the hearings listed here. Does this document
14	refresh your recollection about whether you
15	attended the hearings?
16	A. No. As I said before, just
17	because it says confirmed just meant that I
18	the hearing was happening, not that I was
19	necessarily attending.
20	Q. Okay. Were you aware of the
21	hearings as they were happening?
22	A. I was I was aware that the
23	hearings were going to be held.
24	Q. Okay. Did you get any feedback,
25	if you didn't attend the hearings, about what

		Fay
1	RAYMOND E. DIROSSI	
2	happened at each hearing?	
3	A. I don't I don't recall. I	
4	mean, Jim Slagle with the Ohio Campaign for	
5	Accountable Redistricting and I had a couple of	
б	conversations throughout this process and I'm	
7	sure he would have articulated his	
8	reiterated some of the points of his testimony.	
9	But other than that, I don't have any specific	
10	recollection.	
11	Q. Okay. Do you recall why you held	
12	on to so many documents related to the hearing?	
13	A. Because having been through this	
14	the decade before, I knew that lawsuits would	
15	be coming and they were public records, and so	
16	I kept a lot of this stuff.	
17	Q. To your knowledge did any of the	
18	feedback from the hearings make it into	
19	anything that you worked on?	
20	A. Well, and not to mix, but in the	
21	apportionment map, absolutely, and in the	
22	congressional map, I don't since I can't	
23	recall specifically if I got that feedback	
24	directly at the hearings, I mean, I couldn't	
25	recall a specific instance.	

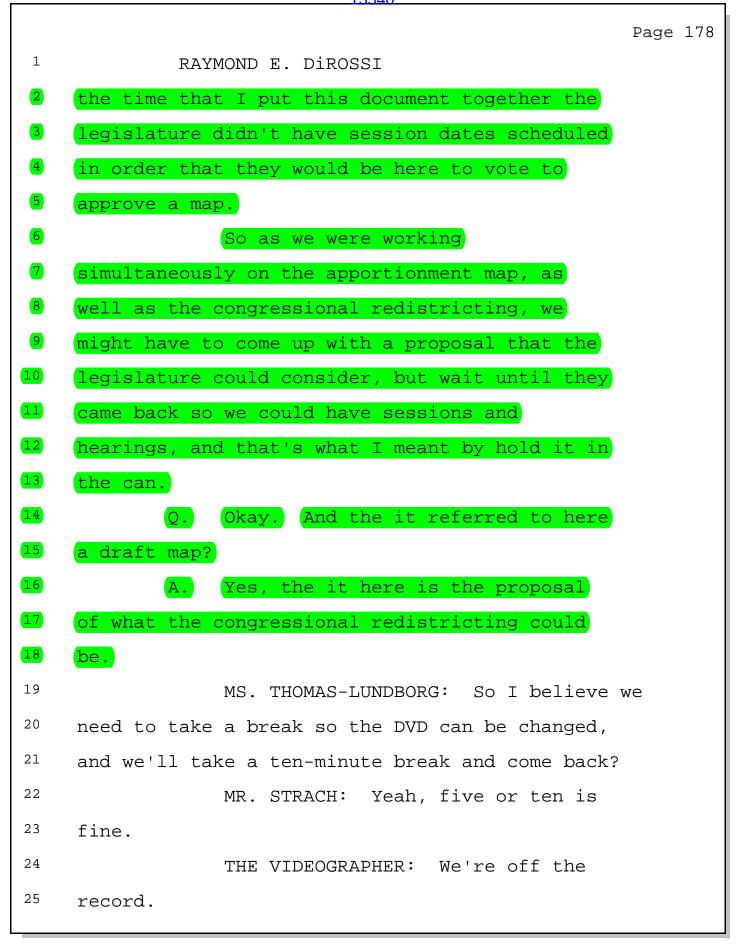
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RAYMOND E. DiROSSI

2 A lot of the feedback that we were 3 getting about -- again, apologies, we're 4 dealing with the legislative process for the 5 congressional map as opposed to the 6 apportionment process with the apportionment 7 A lot of the feedback that we were board. 8 getting on the congressional map revolved 9 around requests by Democrats in the Ohio House 10 and the Ohio Senate that they wanted to see 11 changes in order for the map to be approved by 12 them, that they would support the map. So 13 that's how we were primarily getting feedback 14 from proposed changes, it was through the 15 elected officials of the citizens. 16 Okay. I just want to stick on the 0. 17 hearings, though, because there's a 18 congressional hearing timeline and then the 19 next page is an apportionment board timeline. 20 Α. Yes. 21 0. So for the congressional only 22 hearings, did any of that feedback make it into 23 your map? 24 I can't say because I don't recall Α. 25 if I attended and heard directly what that --

		Pa
1	RAYMOND E. DiROSSI	
2	what that testimony was.	
3	Q. Okay. But to your knowledge did	
4	you, whether you were there or someone else	
5	told you, make changes based on public opinion	
б	to the map at these hearings?	
7	A. Well, right, public feedback we	
8	were getting through a number of ways. I don't	
9	believe any of the legislative Democrats chose	
10	to testify at these hearings to make their	
11	requests known. Those were happening through	
12	legislative lines of communication through the	
13	minority leaders, the leaders of the chambers	
14	and other avenues. It wasn't happening through	
15	these hearings.	
16	Q. Okay. You've said you were the	
17	author of this document. At the bottom of the	
18	document it says, and this is the third to last	
19	line, hold it in the can until the legislature	
20	comes comes back in September 13th, 14th.	
21	What does hold it in the can mean?	
22	A. Yeah, so it was my my words	
23	basically saying, as we talked about the	
24	process and the logistical problems involved in	
25	getting the legislature to produce a map, at	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 178 of 349 PAGEID #: 13540



Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 179 of 34 13541	9 PAGE	EID #:
		Page	179
1	RAYMOND E. DiROSSI		
2	(Recess taken.)		
3	THE VIDEOGRAPHER: We're on the		
4	record.		
5	MS. THOMAS-LUNDBORG: Okay. Thank		
6	you.		
7	BY MS. THOMAS-LUNDBORG:		
8	Q. Good afternoon.		
9	A. Hello again.		
10	Q. Hello again.		
11	I would like to ask you a couple		
12	of follow-up questions regarding what we talked		
13	about earlier.		
14	A. Sure.		
15	Q. You said in our last session that		
16	Montgomery County was kept whole in 369 as a		
17	concession to the Democrats?		
18	A. Yes.		
19	Q. Were there any other concessions		
20	that were made?		
21	A. Yeah, a number. As we discussed,		
22	in Montgomery County we were dealing with the		
23	loss of two congressional districts. This will		
24	take a little explaining. Apologies. We were		
25	dealing with the loss of two congressional		

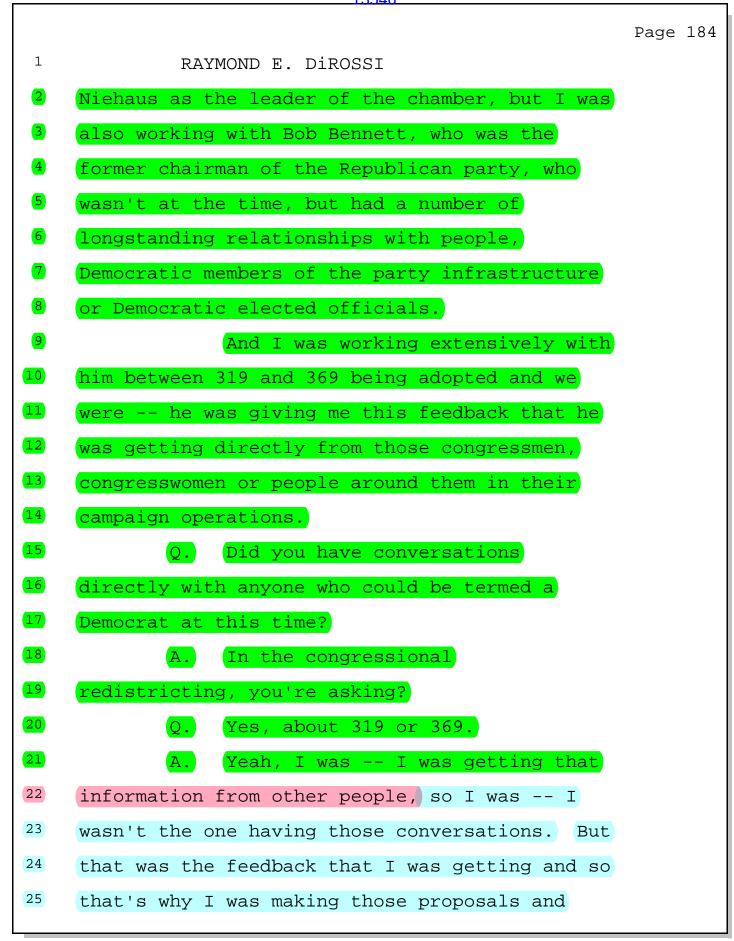
	1
1	RAYMOND E. DIROSSI
2	districts, and the decision was that we were
3	going to pair two Republicans together and two
4	Democrats together.
5	The two Republicans that
6	ultimately were selected to be paired together
7	were Turner and Austria, which had Montgomery
8	County as its base. The two Democrats that
9	were chosen to be paired together were
10	Congresswoman Kaptur and Dennis Kucinich, which
11	had a district that had a base in Toledo and in
12	the west side of Cleveland.
13	And in 319 the 9th congressional
14	district, which is the one up in the north
15	along the lake, was designed so that there was
16	roughly 50 percent of the territory of
17	Congresswoman Kaptur's district in the new 9th
18	and 50 percent of the home territory of Dennis
19	Kucinich's old congressional district in the
20	9th, and there was some in the middle that
21	neither of them had represented which was kind
22	of viewed as neutral territory. So that was
23	two big components of 319.
24	The Democrats, between the passage
25	of 319 and the ultimate passage of 369,

1	RAYMOND E. DiROSSI
2	requested a number of changes that were coming
3	from Congresswoman Kaptur through a number of
4	channels to us. They wanted to tilt the favor
5	so that more and more of the territory of
6	Kaptur's old district would be in the new
7	district, and that involved making the
8	connecters between Cleveland and Toledo
9	skinnier and moving more portions of Toledo
10	into the district at Kaptur's request, and less
11	of the population of Dennis Kucinich's area in
12	the district. This was an effort so that
13	they wanted to tip the scales so that the
14	geography of the district at least favored
15	Kaptur, and that was another major concession
16	in 369.
17	In fact, that one I remember very
18	vividly. That brought forward four votes, one
19	in the Senate, Senator Brown then voted for 369
20	where she previously opposed the 319, and
21	Representative Fedor, Representative Szollisi,
22	who was the number two was the minority
23	leader of the House of Representatives, and
24	another Democrat, I believe Representative
25	Ashford. All four people who had voted against

		Pc
1	RAYMOND E. DiROSSI	
2	319 then were able to cast their vote for 369.	
3	So that was another major concession that was	
4	happening through the legislative process that	
5	brought Democratic votes to 369, the final map.	
6	There were others throughout the	
7	district, specifically in Franklin County, if	
8	you want to go through those as well.	
9	Q. I would like to hear what they all	
10	were. You can go ahead.	
11	A. So in Franklin County in 319 there	
12	was the proposed creation of a new district,	
13	the hope of which was would elect for the first	
14	time a second minority member to Congress,	
15	whereas the state has historically had no	
16	minority representatives or, at the most, one.	
17	And in 319 to 369 there were	
18	requests that were coming to us through a	
19	number of channels from Joyce Beatty. She	
20	specifically wanted geography that was in 319	
21	out of 369 because one of her potential primary	
22	opponents resided in that district, a Franklin	
23	County Commissioner, Mary Jo Kilroy. There	
24	were also some other geography changes that she	
25	had asked for.	

1	RAYMOND E. DiROSSI
2	She also wanted to make sure that
3	we redrew the district so that the percentage
4	of non-Hispanic African American voting age
5	African American population was higher than it
6	was in 319, and she also wanted to make sure
7	and again, I'm going to use the word index, but
8	this is her interpretation of what an index
9	was, not mine. She wanted to make sure that
10	the index was better for a Democrat, was more
11	favorable for her.
12	Q. And what was her position at the
13	time since she wasn't yet in
14	A. She had a position at Ohio State.
15	I do not recall the title of it. She was
16	working for Ohio State, I believe, at the time,
17	and I knew who she was.
18	Q. And who were those conversations
19	with? Were you having conversations directly
20	with Joyce Beatty or with intermediaries?
21	A. Well, they came through a number
22	of sources. Again, as we talked about, we're
23	dealing with a legislative process, so my I
24	really had two primary ways that I was
25	receiving feedback. One was through President

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 184 of 349 PAGEID #: 13546



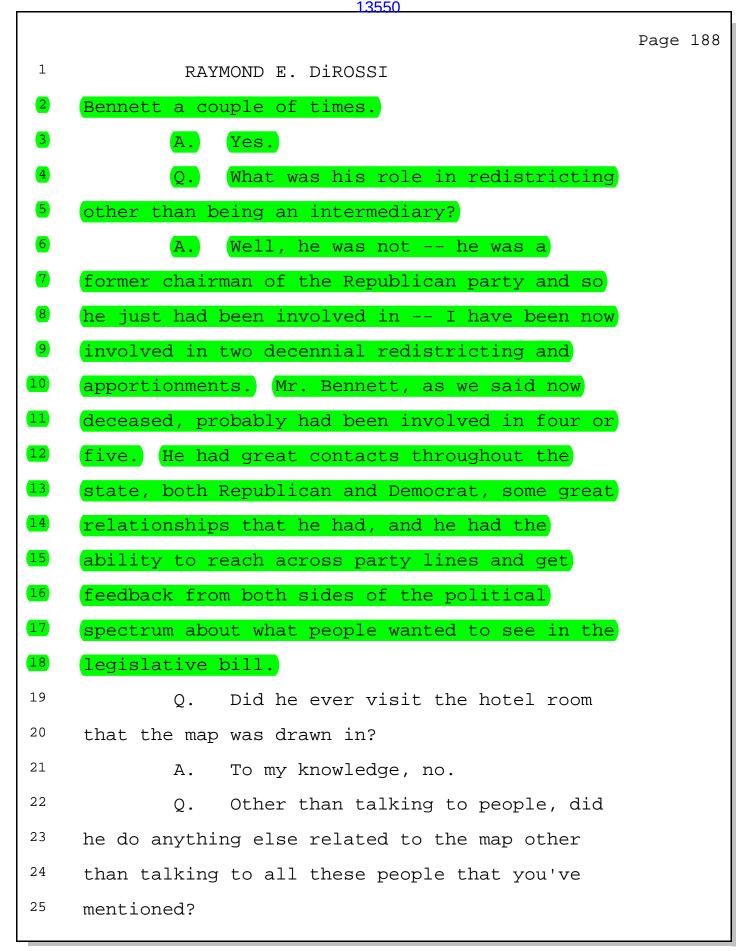
1	RAYMOND E. DiROSSI
2	those changes and those recommendations for the
3	map, which we ultimately did, and then we
4	ultimately got I think at the end of the day
5	we got I shouldn't say we got. There were,
6	I think, 20 members of the Ohio House minority
7	caucus that voted for the final map, which was
8	of the members that were present from the
9	Democratic caucus was more than half of them.
10	And in 319 I think there were four
11	Democrats that voted for the map in the House
12	and Senate combined. I think that number
13	swelled to almost 25 votes after we made all of
14	these changes, so
15	Q. And were you getting any of this
16	feedback when you were working on 319 or was
17	this feedback just about 369?
18	A. Yeah, most of the feedback or
19	everything that I just described was very
20	inherent in 369. That was obviously the
21	legislative Democrats approached the leadership
22	and said this is what it's going to take for us
23	to provide votes to approve this map, and so
24	that was all post 319 and 369.
25	Q. Okay.

1	RAYMOND E. DIROSSI
2	A. There were in 319, as I
3	mentioned, in the 9th congressional district,
4	there were a lot of conversations that were
5	happening. Congresswoman Fudge, as the map
6	rolled out, was it had been relayed to me by
7	a number of people that she did not want to be
8	paired with Dennis Kucinich in a district. She
9	did not want to run against him in a primary by
10	drawing a district completely inside Cuyahoga
11	County.
12	And so during 319's rollout and
13	passage, there were conversations that were
14	happening directly with her or with other
15	people around her about what her preferences
16	were for the 11th congressional district. And
17	as I mentioned before, that's a very important
18	district for the state because it's the only
19	district we have in the entire state that has
20	in recent memory elected a minority member to
21	Congress.
22	Q. Now, you just said there were
23	conversations directly with Congresswoman
24	Fudge. Did you have those conversations with
25	Congresswoman Fudge?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 187 of 349 PAGEID #: 13549

		Page	187
1	RAYMOND E. DiROSSI		
2	A. I did not.		
3	Q. Do you know who had those		
4	conversations?		
5	A. I was working with Bob Bennett and		
6	I know that other members, I believe Speaker		
7	Batchelder or I know Speaker Batchelder was		
8	talking to a number of folks and contacts that		
9	he had in Northern Ohio about what		
10	Congresswoman Fudge wanted.		
11	And I do specifically remember		
12	preparing two draft maps that we were sending		
13	to her through intermediaries that said we can		
14	draw the 11th district all in Cuyahoga County,		
15	but it will no longer be a majority/minority		
16	district, or we can bring the district down		
17	into Summit County and retain it as a		
18	majority/minority district. And if we kept it		
19	in Cuyahoga County she would be paired with		
20	Dennis Kucinich, and the feedback that came		
21	back down was she would prefer that the		
22	district go down into Summit County, which was		
23	done in 319 as it was introduced and retained		
24	in 369.		
25	O Okay Voulve mentioned Boh		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 188 of 349 PAGEID #:

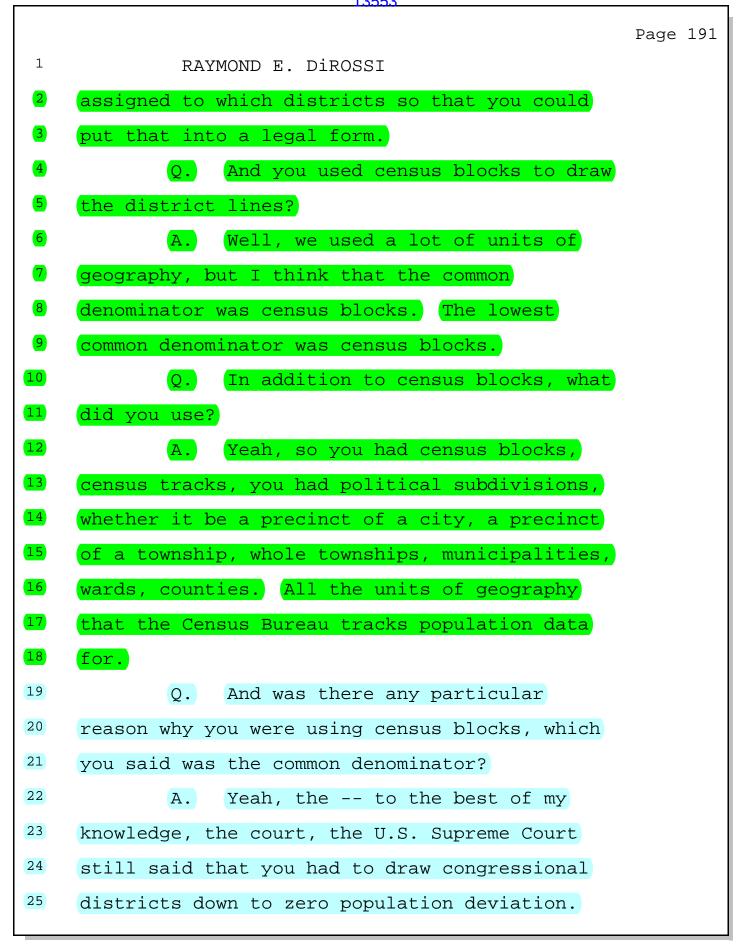


Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 189 of 34 13551	9 PAGE	EID #:
		Page	189
1	RAYMOND E. DiROSSI		
2	A. Can you say that again? I'm		
3	sorry, other than		
4	Q. So you've mentioned that he served		
5	as an intermediary.		
6	A. Oh, that he did or that I did?		
7	I'm sorry.		
8	Q. That he did. He was an		
9	intermediary to Democrats and Republicans all		
10	over the state.		
11	A. And you're asking if he		
12	Q. Did anything else related to		
13	redistricting.		
14	A. I mean, I worked directly with him		
15	on all the things I just articulated. (What		
16	else he was doing, I couldn't say.		
17	Q. Okay. I would like to just turn		
18	back to Exhibit 19 for a second. It should		
19	still be in front of you. You were on the		
20	right page.		
21	A. I'm sorry.		
22	Q. That's fine.		
23	A. I had it. There we go.		
24	Q. And there was a question I hadn't		
25	had a chance to ask you yet. So there is a		





Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 191 of 349 PAGEID #:



1	RAYMOND E. DIROSSI
2	And obviously if you're trying to use a larger
3	unit of geography, the chances that you could
4	ever come up with 16 congressional districts
5	that all had literally identical population or
6	plus or minus one, depending on how many people
7	there were, without going down to that lowest
8	unit of geography you would never be able to
9	achieve the required constitutional population
10	deviations.
11	Q. Was there any other reason that
12	you were using census blocks?
13	A. No, that's the no.
14	Q. Okay. Did you get any benefit
15	other than the one person, one vote that you
16	mentioned from using census blocks?
17	A. No, we got a lot of headaches
18	because we got in there was a lot of when
19	you get down to a unit that small, you run into
20	a ton of inherent software issues with what is
21	called split split blocks. And that is
22	where you have a geography unit that maybe
23	crosses the boundary of a census block, and if
24	there are two people in that block you have to
25	figure out, okay, are these two people both in
1	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 193 of 349 PAGEID #: 13555

		Page	193
1	RAYMOND E. DiROSSI		
2	this part of the split block or in this part of		
3	the split block. So actually going down to		
4	that level caused a lot of headaches.		
5	Q. Okay. And generally how were you		
6	able to resolve those headaches?		
7	A. We relied on our Cleveland State		
8	and OU database and also the this probably		
9	would have been one instance or this was one		
10	instance where we would have used John Morgan's		
11	technical expertise on software and I'm		
12	sorry, I misspoke, I said the wrong name. It		
13	was Clark Benson who we used on these, not John		
14	Morgan.		
15	Q. Did anyone else other than Clark		
16	Benson help you resolve these issues?		
17	A. That's the name that I remember.		
18	Q. Okay. So we've spent some time		
19	talking about Congresswoman Fudge's district		
20	and we've talked about majority/minority		
21	districts. Were you concerned about		
22	majority/minority districts because of the		
23	Voting Rights Act?		
24	A. Yes.		
25	Q. And what is your understanding of		

1	RAYMOND E. DiROSSI
2	what the Voting Rights Act requires?
3	MR. STRACH: Objection.
4	THE WITNESS: Yeah, I'm obviously not
5	an attorney, but in 2001 the district was drawn so
6	that it was more than 50 percent voting age
7	non-Hispanic African American population. And
8	once we started to get up and running and look at
9	some congressional redistricting ideas, one of the
10	first things that I was looking at was, with the
11	significant population loss that Cleveland was
12	experiencing, when you reconfigured the 11th
13	district was it possible to still draw a district
14	that would be more than 50 percent non-Hispanic
15	voting age African American population.
16	And I mentioned before the way that I
17	had seen the data and was working with it, if the
18	district had stayed in Cuyahoga County that would
19	not have been obtainable. The district would have
20	fallen to somewhere around 48 percent. So that
21	was my understanding of the factors that we were
22	dealing with with regards to the 11th.
23	BY MS. THOMAS-LUNDBORG:
24	Q. Okay. You said you're not an
25	expert on VRA. Did you receive any and by

1	RAYMOND E. DIROSSI
2	VRA, I mean Voting Rights Act. Did you receive
3	any training on what the VRA requires at any
4	point?
5	MR. STRACH: And I'm going to object.
6	If you had any training by non-lawyers, you can
7	testify about that, but
8	MS. THOMAS-LUNDBORG: I think he can
9	testify to training by a lawyer, too. He doesn't
10	have to say what it was, but he can say, yes, I
11	met with lawyers and they told me what it
12	requires.
13	MR. STRACH: No, no, he's not going
14	to testify about that. I'm going to instruct him
15	not to say anything about any training, meetings
16	or otherwise, about the VRA with lawyers. If
17	there was any training, meetings or otherwise
18	about the VRA with non-lawyers, I'll allow him to
19	answer that.
20	MS. THOMAS-LUNDBORG: I mean, the
21	question is not to the substance of what he was
22	told, lawyers said he had to do. The question is
23	did a lawyer tell you there are VRA requirements
24	and that is not a privileged question.
25	MR. STRACH: That is a substantive

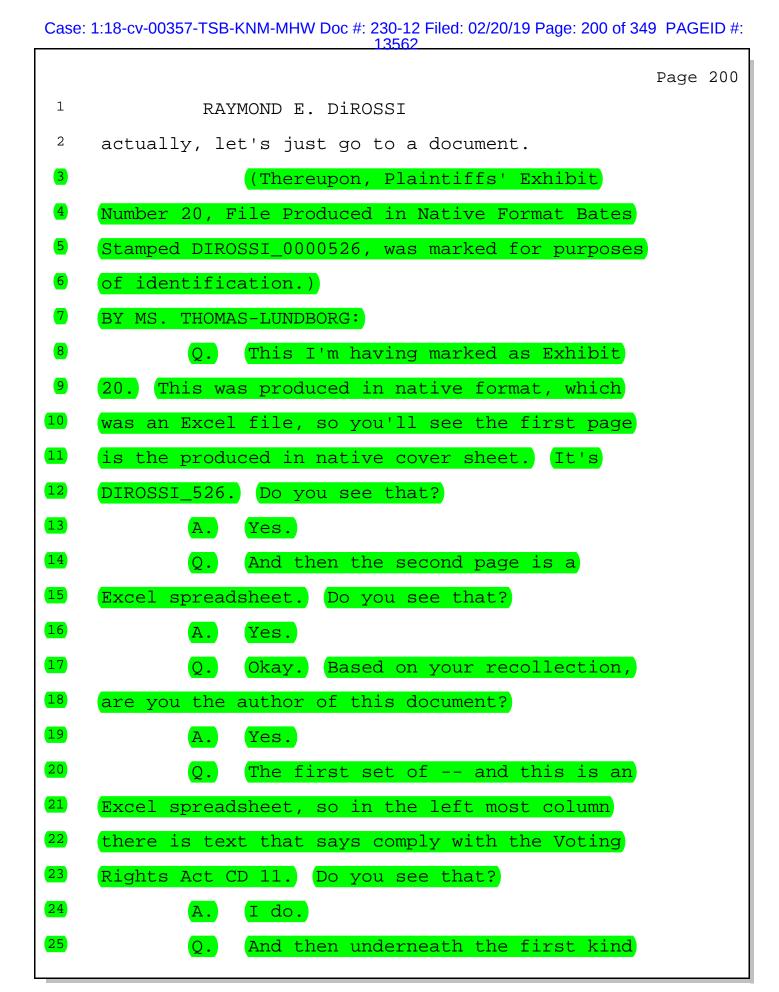
	Pag
1	RAYMOND E. DiROSSI
2	question about what he was being told by lawyers,
3	so no, we're not going to answer that.
4	MS. THOMAS-LUNDBORG: I'm not asking
5	what he was told by lawyers. I'm asking did he
6	have conversations with his lawyers.
7	MR. STRACH: You can ask if he had a
8	conversation with a lawyer, period, but not did he
9	have a conversation with a lawyer about the VRA.
10	We will not answer that question.
11	MS. THOMAS-LUNDBORG: All right.
12	BY MS. THOMAS-LUNDBORG:
13	Q. You can go ahead.
14	A. Can you ask the question again?
15	I'm sorry.
16	Q. So there's two questions. One is
17	did you have any non-lawyer trainings about
18	VRA?
19	A. Did I have any non-lawyer
20	training? Again, depending on what training
21	means, other than attending those NCSL things
22	we talked about where there might have been
23	presentations about the Voting Rights Act, I
24	did not have any training with non-lawyers.
25	Q. Okay. And then did you have any

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 197 of 349 PAGEID #: 13559

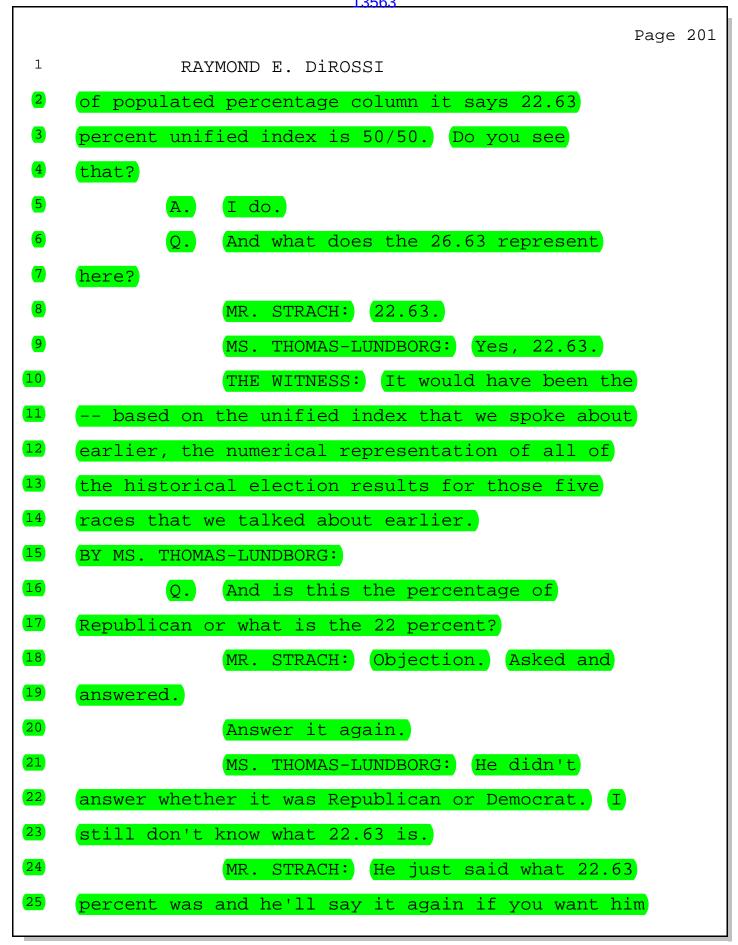
	Page 197
1	RAYMOND E. DiROSSI
2	conversations with lawyers at this time?
3	A. Specifically about
4	MS. THOMAS-LUNDBORG: Your attorney
5	has instructed you not to answer about the
6	specifics of did you have conversations with
7	lawyers.
8	MR. STRACH: Did you have
9	conversations with lawyers, as she said, at this
10	time, period.
11	THE WITNESS: And, I'm sorry
12	BY MS. THOMAS-LUNDBORG:
13	Q. At this time, we're talking about
14	the 2011 redistricting period. We can break
15	the question up into 319 and 369.
16	THE WITNESS: And I'm supposed to
17	answer?
18	MR. STRACH: So the question is did
19	you have conversations with lawyers at the time of
20	the redistricting.
21	THE WITNESS: Yes.
22	BY MS. THOMAS-LUNDBORG:
23	Q. Okay. Prior to the 2011
24	redistricting period did you have any
25	experience drawing VRA compliant districts?

1	RAYMOND E. DiROSSI
2	A. In the 2001 apportionment, both in
3	apportionment and redistricting, we were
4	drawing a number of districts that were covered
5	by the Voting Rights Act.
6	Q. Okay. Are you at all familiar
7	with the requirements of what the of what a
8	VRA compliant district sorry, let me strike
9	that.
10	Are you familiar with determining
11	the requirements of whether or not a VRA
12	district should be drawn?
13	MR. STRACH: Objection.
14	MS. THOMAS-LUNDBORG: I'm asking
15	about his own personal knowledge.
16	MR. STRACH: Well, he's not a lawyer,
17	so it's not it's not that simple.
18	MS. THOMAS-LUNDBORG: Well, he did
19	work on drawing the districts. He may or may not
20	have personal knowledge to this, which he is free
21	to answer that he does or does not.
22	MR. STRACH: But he doesn't have
23	lawyer personal knowledge.
24	MS. THOMAS-LUNDBORG: I'm asking
25	about his personal knowledge as the person drawing

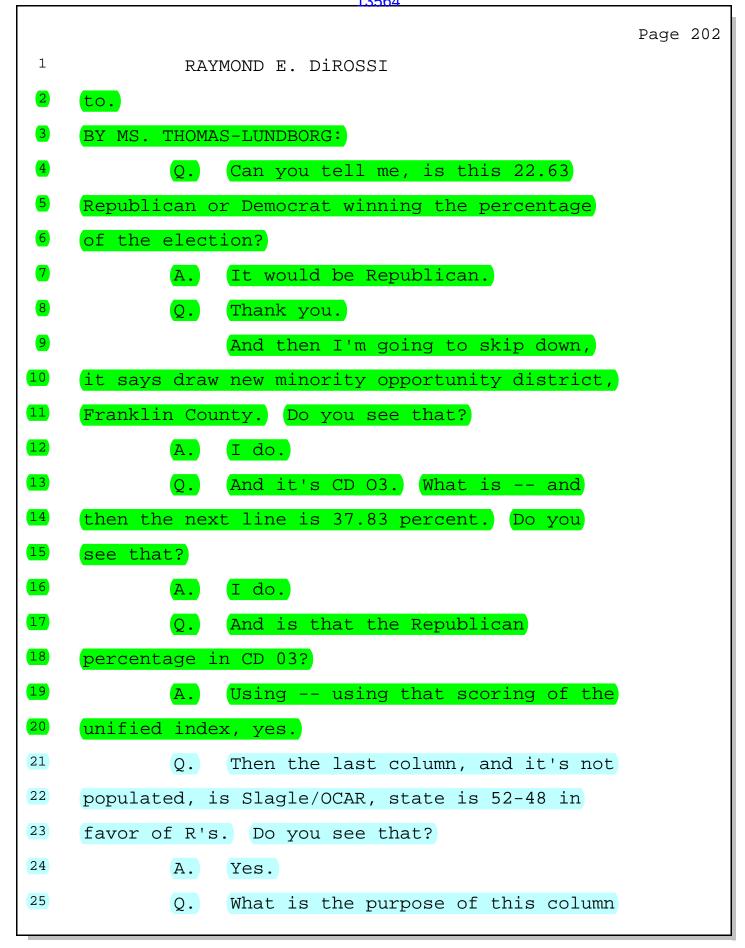
1	RAYMOND E. DIROSSI
2	the district, how did he determine, and if he says
3	I have no personal knowledge then that is his
4	answer.
5	MR. STRACH: All right. If you have
6	strictly personal knowledge you can answer that
7	question, but if it requires you to act like a
8	lawyer then you're not to act like a lawyer.
9	THE WITNESS: If we were drawing
10	and again, I'm in apportionment mostly because in
11	the congressional there's only one district, but
12	in the apportionment there are dozens. If we were
13	working in an area where there were Voting Rights
14	Act impacted districts, I would have sought legal
15	advice as to how to proceed.
16	BY MS. THOMAS-LUNDBORG:
17	Q. Okay. Are you at all familiar
18	with the term racially polarized voting?
19	MR. STRACH: Objection.
20	MS. THOMAS-LUNDBORG: I'm asking if
21	he's familiar with it.
22	THE WITNESS: I've heard the term,
23	but I am I'm not conversant in it in any way.
24	BY MS. THOMAS-LUNDBORG:
25	Q. Are you at all familiar



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 201 of 349 PAGEID #: 13563



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 202 of 349 PAGEID #: 13564



1	RAYMOND E. DiROSSI
2	here?
3	A. Yeah, so this document, I created
4	this in response to a media inquiry. And
5	again, it goes back to it goes back to
6	everybody had their own way of looking at
7	indexes or historical election results. I
8	obviously was trying to use the unified index.
9	A number of people were looking at presidential
10	index. Mr. Slagle at OCAR had his own scoring
11	methodology. And the question was being asked
12	of once you draw these two districts, what does
13	the rest of the state look like historically.
14	Q. And you said a number of people
15	were using the presidential index. Do you
16	recall who those people were?
17	A. Yeah, mostly people who cared
18	about national elections or congressional
19	elections, so Republican and Democratic
20	congressmen and Republican and Democratic
21	congresswomen, the NRCC, the DS or the DRCC
22	or whatever their name is. The people who run
23	national congressional and national elections
24	tend to look at presidential results and their
25	own scoring system and really kind of looked

Page 2	04
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		гc
1	RAYMOND E. DIROSSI	
2	with this favor upon what I was using as the	
3	unified index.	
4	Q. Okay. And why were you looking at	
5	these two districts in particular?	
6	A. It was a media request so I was	
7	just trying to be responsive. As I mentioned,	
8	at any moment in time what somebody cares	
9	about, whether it's geography, how many	
10	incumbents are paired together, an election	
11	data number, how big a district was, you know,	
12	Heather and I were the ones that people were	
13	coming to to ask those questions, and so this	
14	is just one document I created. It doesn't	
15	even look like I finished it. So it was just	
16		
17	Q. Okay. And do you recall which	
18	media entity you got the request from?	
19	A. I don't. I don't.	
20	Q. Do you recall any other specifics	
21	about the request?	
22	A. I don't. Nope, I don't, sorry.	
23	Q. Actually, don't flip it yet.	
24	During your various trainings, aside from	
25	trainings that you had with a lawyer, did any	

		F
1	RAYMOND E. DiROSSI	
2	of your trainings talk about one person, one	
3	vote, also known as equal population?	
4	A. I don't know what I mean,	
5	trainings, I was trained on software	
6	Q. Conferences.	
7	A two decades ago. Yeah, but I	
8	wouldn't call those trainings. I mean, they're	
9	just like listening to people pontificate about	
10	what they know, and most of it isn't even	
11	relevant to Ohio.	
12	So can you restate the question,	
13	please?	
14	Q. So conferences or trainings, did	
15	any of them deal with equal population, also	
16	known as one person, one vote?	
17	A. Nothing specifically that I can	
18	recall.	
19	Q. Okay. Did you take one person,	
20	one vote into consideration when you were	
21	drawing your map?	
22	A. All of the districts that were	
23	drawn for the congressional redistricting were	
24	balanced to the person. I believe of the 16	
25	districts, eight of them were plus one person	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 206 of 349 PAGEID #: 13568

	I	?a
1	RAYMOND E. DiROSSI	
2	above the ratio of representation and the	
3	others were right on the number. So, I mean, I	
4	took that into account that the districts had	
5	to be drawn with absolute population, zero	
6	deviation.	
7	Q. Did equal population affect the	
8	substance of any lines that were drawn?	
9	A. Help me understand what you mean	
10	by substance.	
11	Q. Did you move a line from one	
12	location to another location because of equal	
13	population?	
14	A. Absolutely.	
15	Q. Okay. And do you recall as you	
16	sit here which lines were moved based on equal	
17	population?	
18	A. I chuckle because it's if	
19	you've ever drawn a map like that, you may have	
20	a district in the northeast corner of the state	
21	of Ohio that is unfortunately three people too	
22	many and you have to balance it out, and	
23	because of the way the map is all	
24	interconnected you may end up having to move	
25	people in Southwest Ohio, two or three people	

Ι

² to achieve that.

And so every district I would have made -- Heather and/or I would have made some change very small to the lines in order to achieve zero population deviation. Every single district we would have had to do that in.

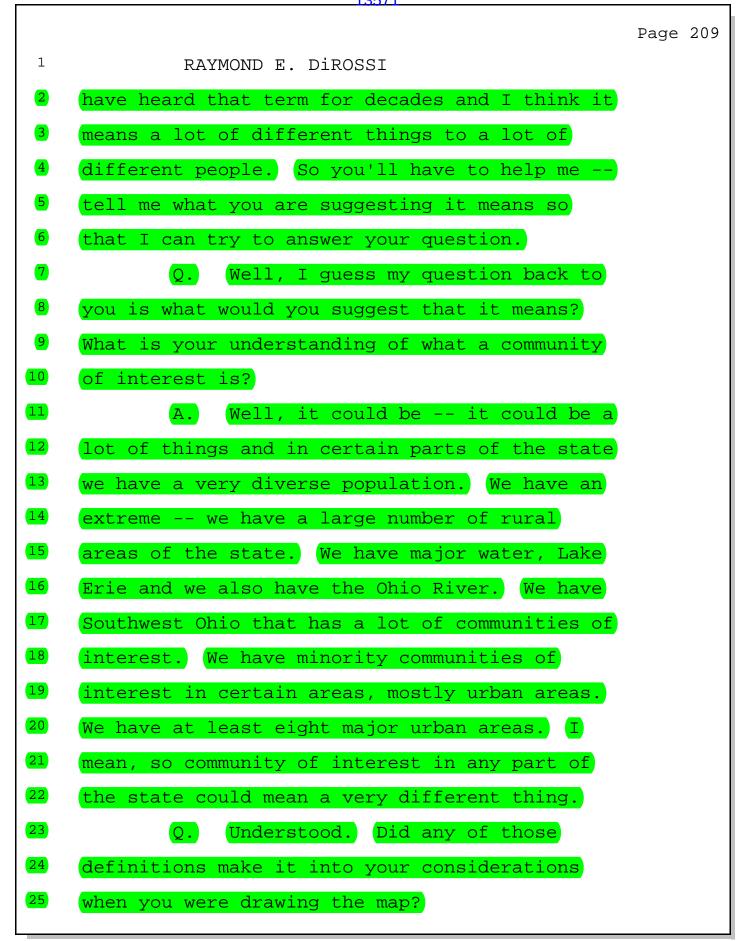
9 Q. Beyond these small changes of two
 10 or three people, do you recall any large
 11 changes that were made based on equal
 12 population?

13 I mean, I recall like the 11th Α. 14 congressional district, it was after losing two 15 seats and I think the districts had to grow by 16 almost 72,000 people, more or less, and I 17 remember that district having lost significant 18 population, tens of thousands, maybe even 19 approaching a hundred thousand, that 20 significant population changes had to be made 21 to bring that district in particular up to its 22 target population. 23 I don't think I -- I don't think 24 any other district was quite that extreme in

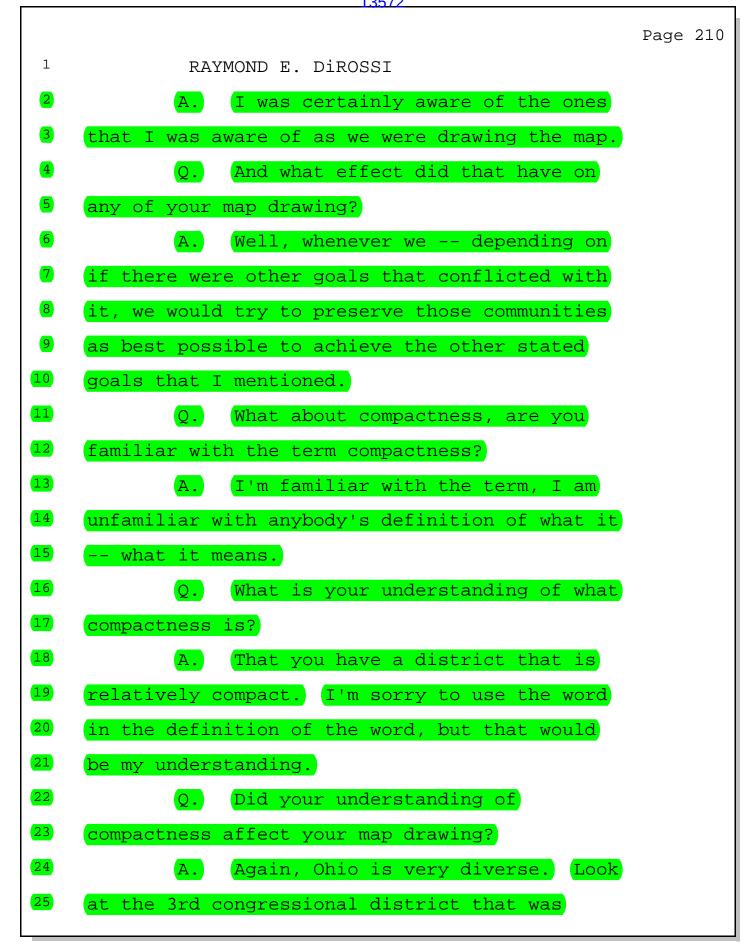
²⁵ how many people it needed to be adjusted.

1	RAYMOND E. DiROSSI
2	Q. Okay. So in addition to equal
3	population and voting rights compliance, did
4	you consider any other factors when you were
5	drawing the map?
6	A. Well, as I mentioned before, there
7	were some high-level points that Speaker
8	Batchelder and President Niehaus wanted to
9	achieve in this legislative map, and that was
10	the elimination of two districts, the pairing
11	of two Republican congressmen or women, the
12	pairing of two Democratic congressmen or women,
13	proposing an 11th congressional district that
14	was to the satisfaction of Congresswoman Fudge,
15	the creation of a new district in Franklin
16	County that would give a minority candidate the
17	ability to be elected. I mean, those were the
18	big the big overarching goals. Then making
19	sure the map was balanced and achieve zero
20	population deviation. Those were the main
21	main components.
22	Q. Okay. Did you consider
23	communities of interest when you were drawing
24	the map?
25	A. So that is a term obviously I

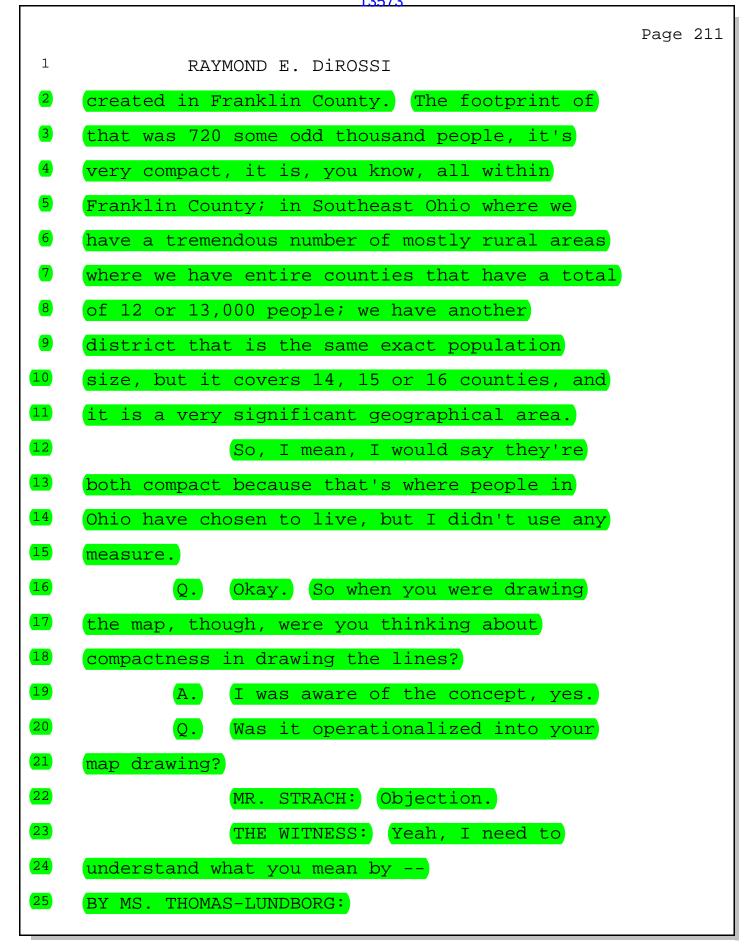
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 209 of 349 PAGEID #: 13571



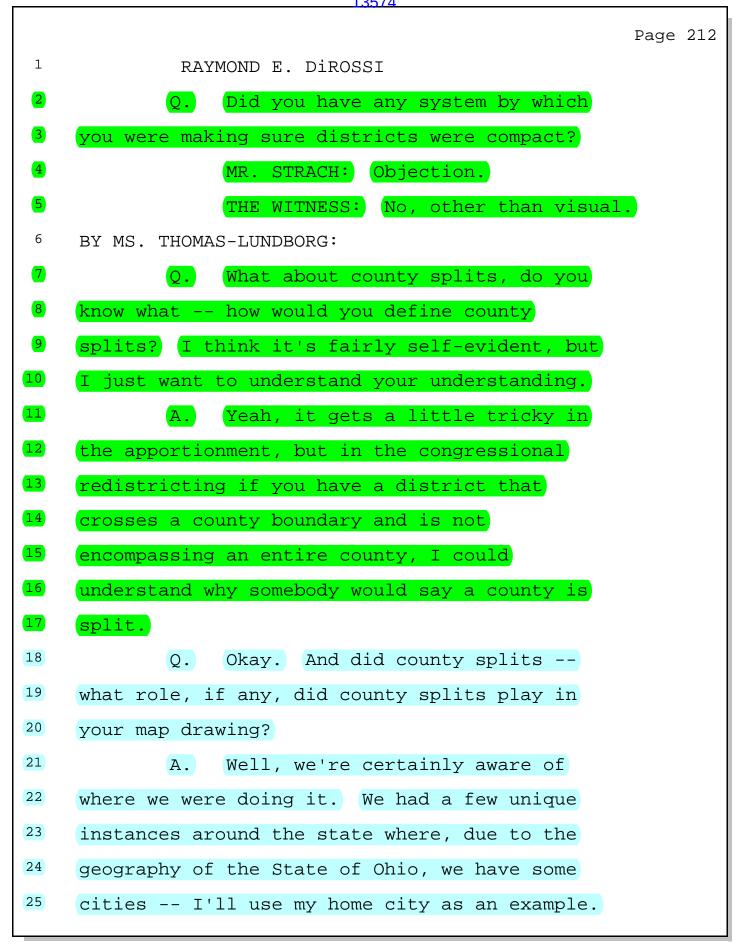
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 210 of 349 PAGEID #: 13572



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 211 of 349 PAGEID #: 13573



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 212 of 349 PAGEID #:



TSG Reporting - Worldwide 877-702-9580 DEPO_SDOH_0557 Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 213 of 349 PAGEID #: 13575

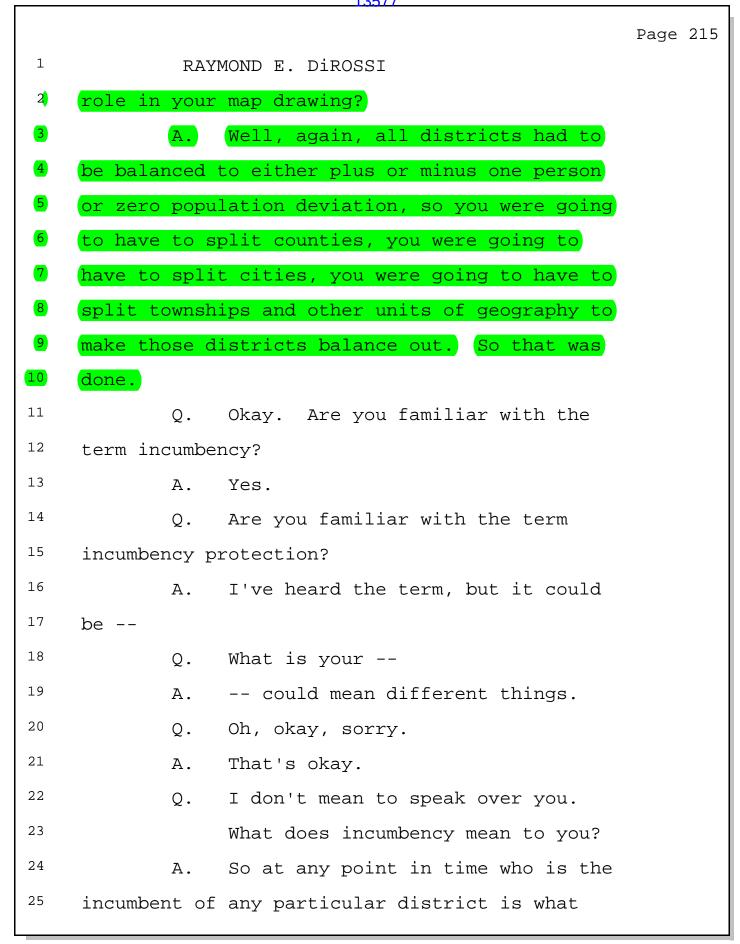
Page	213	;

1	RAYMOND E. DIROSSI
2	I live in Dublin, Ohio, as I said earlier. The
3	city of Dublin is actually a municipal
4	corporation, but it is in three specific
5	counties; it is in Union County, Franklin
6	County and Delaware County. It's right where
7	the three of them come together.
8	And this presents sometimes a
9	challenge. You could try to keep the community
10	of interest that is Dublin together, but you
11	would be splitting three counties, or you could
12	try to keep the three counties in three
13	separate districts, but then you're splitting
14	Dublin three different ways.
15	So I was always drawing that
16	happens in Northern Ohio, too, with the city
17	of, I believe, Fremont is in three, if not
18	four, counties. I always kept that in mind
19	when we were when I was drawing districts
20	Q. Okay.
21	A or proposing drawing
22	proposals.
23	Q. And did you do anything in your
24	map drawing to limit the number of county
25	splits?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 214 of 349 PAGEID #: 13576

		Page	214
1	RAYMOND E. DiROSSI		
2	A. Generally it was something we were		
3	trying to do, but as I mentioned before,		
4	eliminating two districts, the method by which		
5	we were absorbing two districts, trying to, you		
6	know, protect the 11th congressional district		
7	and create a new one in the third, and pairing		
8	incumbents together, those were more important		
9	to our goals than if we split a couple extra		
10	counties.		
11	Obviously, as I said before, the		
12	Democrats in some of the areas made requests to		
13	unify a couple counties, in Montgomery County		
14	specifically. But to do that I think we had to		
15	unify Montgomery County to satisfy the request,		
16	but then we split another county because you		
17	had to have zero population deviation. So		
18	sometimes it was a mixed bag.		
19	Q. Okay. What about municipal		
20	splits? What do you understand that term to		
21	mean?		
22	A. Very similar to counties where you		
23	have a district that does not include all of		
24	the territory of a municipal corporation.		
25	Q. And did municipal splits play any		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 215 of 349 PAGEID #:

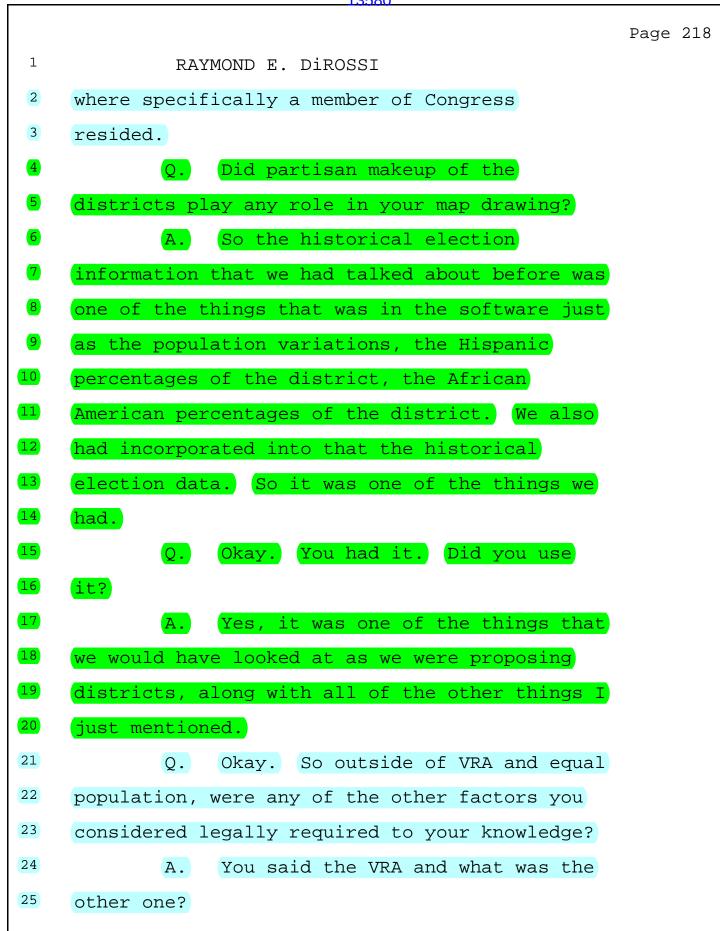


		Page	216
1	RAYMOND E. DIROSSI		
2	incumbency means to me.		
3	Q. Okay. And an incumbent is?		
4	A. The residing the residing		
5	office holder of a district.		
6	Q. Okay. And did incumbency play any		
7	role in your map drawing?		
8	A. As I mentioned, we were losing two		
9	congressional districts, so the decision was		
10	that we would pair two incumbent Democrats		
11	together and two incumbent Republicans together		
12	forcing them to have a primary and let the		
13	voters decide.		
14	Q. Outside of this consideration to		
15	pair incumbents, did you look at incumbency in		
16	any other way?		
17	A. Yes, we generally try to avoid		
18	pairing districts. I mentioned to you before		
19	that it had been sent or the information had		
20	gotten to me that Congresswoman Fudge did not		
21	want to be paired with Dennis Kucinich, then		
22	Congressman Dennis Kucinich, and so the		
23	district that we drew intentionally did not do		
24	that, so yes.		
25	I also mentioned Joyce Beatty		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 217 of 349 PAGEID #: 13579

		Page	217
1	RAYMOND E. DiROSSI		
2	where she specifically wanted to have somebody		
3	who she thought might run against her drawn out		
4	of the district, and so we also did that in		
5	order to get votes.		
6	Q. But was she an incumbent?		
7	A. She was not an incumbent at the		
8	time.		
9	Q. Were there any other incumbents		
10	that you considered during this time?		
11	A. Well, I was aware of where every		
12	incumbent, every Republican, every Democratic		
13	lived, so we intentionally or didn't		
14	unintentionally pair them together.		
15	Q. And how did you do that?		
16	A. I think either through well,		
17	let me I shouldn't say I think. We were		
18	able to obtain the home addresses of all 18		
19	congressmen and women in the state, which we		
20	used.		
21	Q. And how did you use them?		
22	A. We used them with our software to		
23	do what is called geocoding so that you could		
24	put in their address into the software and it		
25	would put a marker on the map so you could mark		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 218 of 349 PAGEID #: 13580



Case:	: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 219 of 34 13581	9 PAG	EID #:
		Page	219
1	RAYMOND E. DiROSSI		
2	Q. Equal population.		
3	A. Equal population. The districts		
4	had to be contiguous. That would have been a		
5	requirement.		
6	Q. Did you have any hierarchy to		
7	determine which factors were going to be more		
8	important or less important as you were drawing		
9	the map?		
10	A. <mark>I did not.</mark>		
11	Q. How did you determine which		
12	factors were going to play a role in any		
13	particular district?		
14	A. Well, using those big pillars that		
15	we talked about and then interacting with, for		
16	me, President Niehaus, and making sure that he		
17	could get the votes of the Republicans and		
18	Democrats in the legislature, that was the		
19	process.		
20	(Thereupon, Plaintiffs' Exhibit		

(Thereupon, Plaintiffs' Exhibit)

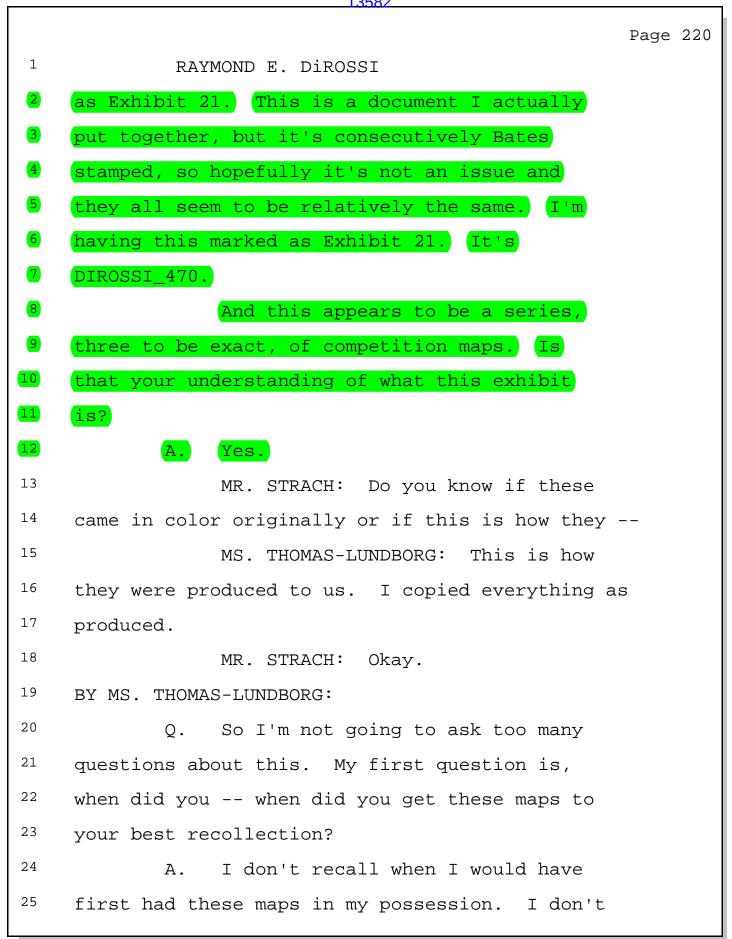
- 21 Number 21, Documents Bates Stamped
- 22 DIROSSI_0000470-472, was marked for purposes of
- 23 identification.)

25

24 BY MS. THOMAS-LUNDBORG:

> Let's go to what I'm having marked Q.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 220 of 349 PAGEID #:



		Page	221
1	RAYMOND E. DiROSSI		
2	recall.		
3	Q. Would it have been prior to the		
4	introduction of 319?		
5	A. It was.		
6	Q. Okay. And did anything from the		
7	competition maps make it into your map drawing?		
8	And it doesn't have to be these maps in		
9	particular. Just in general.		
10	A. Yeah. Well, again, apologies for		
11	the long the long answer, but there's		
12	there are some things in here that did end up		
13	in the maps in concept, maybe not identical to		
14	the person.		
15	Q. Okay.		
16	A. But these maps also have some very		
17	significant structural problems that rendered		
18	them, unfortunately, almost useless to me.		
19	Q. Which concepts made it into the		
20	319 map?		
21	A. So on the third map that says Tim		
22	Clark from Avon Lake, congressional - one of		
23	the winning maps, you notice you have generally		
24	this concept of a district in Northern Ohio,		
25	the 11th congressional district that comes down		

		P
1	RAYMOND E. DiROSSI	
2	into Summit County like we've been talking	
3	about. So that is not identical, but that	
4	general concept is something that Congresswoman	
5	Fudge had indicated generally she was	
6	interested in.	
7	If you note, the other two maps	
8	draw the district of the 11th completely in	
9	Cuyahoga County, which was something that I was	
10	being told she explicitly did not want. So	
11	that was one of the main pillars that these	
12	maps violated.	
13	Same thing on the maps on the 3rd	
14	district. One of them, I think the first map	
15	in your series, has the general concept of a	
16	district inside Franklin County. I'm thinking	
17	it's it's somebody's attempt at getting to a	
18	second minority district. The map that was	
19	adopted is not identical to that, but it kind	
20	of refines that concept after we were having	
21	conversations with Joyce Beatty about how she	
22	would want the district to look.	
23	Do you want me to keep going	
24	through it, or do you just want me to	
25	Q. I'll have questions, but if there	
1		

Page 223 1 RAYMOND E. DiROSSI 2 are other things that you remember I would love 3 to hear it. 4 Maybe more will come to me, but Α. 5 those are the two specific ones that jump out 6 at me. 7 Okay. Regarding the 11th Ο. 8 congressional district, and you referenced Tim 9 Clark's map --10 Α. Yes. 11 -- is it your recollection that Ο. 12 the idea came from this map or did the idea 13 come from somewhere else? 14 I don't know. I can't Α. 15 specifically answer that. I don't specifically 16 know the timelines, as I mentioned, of when I 17 got these and the conversations that were 18 already underway about -- I can't answer that. 19 0. Okay. About the first map, which 20 is the Mike Fortner map, you mentioned the 3rd 21 district. Is your recollection that the idea 22 came from this map or did the idea come from 23 somewhere else? 24 For the 1st district, you said? Α. 25 3rd. Q.

1	RAYMOND E. DiROSSI
2	A. 3rd.
3	Q. I think this is the map you said
4	that Franklin County
5	A. I thought you said 1st.
6	Apologies. Yeah, same question, I don't I
7	can't recall the timelines of when I received
8	these and when we were coming up with our own
9	alternatives.
10	Q. Okay.
11	A. But it's worth noting that all
12	three of these maps are drawn by taking the
13	liberty of they're not to zero population
14	deviation. Every one of these maps based on
15	the data underlying data that was provided
16	to me by Mr. Slagle, who I think was in charge
17	of the contest, along with the League of Women
18	Voters and other entities, people were drawing
19	these maps that were plus or minus thousands of
20	people, and obviously that's a no-no with
21	respect to zero population deviation.
22	So that was something, just one
23	thing which jumps out at me, my specific
24	recollection of problems that all of these maps
25	had. They took a lot of liberties that I

		Рa
1	RAYMOND E. DiROSSI	
2	didn't have the luxury of taking.	
3	Q. Okay. There are three maps here.	
4	Did you receive more than three maps or did you	
5	only receive three of the competition maps?	
6	A. There were at least 50 maps that	
7	were part of the competition, but I believe	
8	these were the three winning maps that Slagle	
9	these were the three winning maps that	
10	Slagle provided me.	
11	Q. Did you only so to clarify my	
12	question, did you only receive three maps or	
13	did you receive more than three?	
14	A. I received three.	
15	Q. And did you receive them directly	
16	from Mr. Slagle or did you get them from some	
17	other source?	
18	A. I don't I don't recall.	
19	Q. So going to the map drawing	
20	process, I think you mentioned that you used	
21	Maptitude, correct?	
22	A. Correct.	
23	Q. When did you start inputting data	
24	into Maptitude?	
25	A. I don't recall the dates. I was	

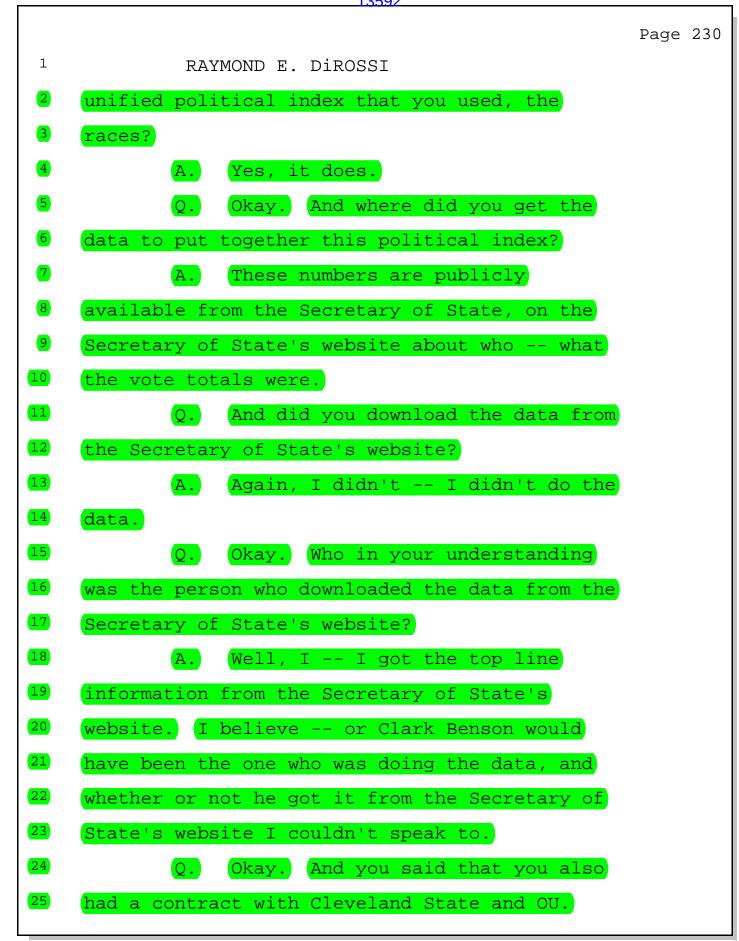
Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 226 of 34 13588	9 PAG	EID #:
		Page	226
1	RAYMOND E. DiROSSI		
2	not doing that. That was being done for us and		
3	so I do not recall the dates.		
4	Q. Who was putting the data for you		
5	into Maptitude?		
6	A. Clark Benson.		
7	Q. When did you start working in		
8	Maptitude?		
9	A. I don't recall a specific date		
10	when we started.		
11	Q. We looked at the invoice for the		
12	bunker which started let me just go back to		
13	it so we're not both working off of our		
14	memories, it's Exhibit 16 which started on		
15	July 17th. Would you have been working in		
16	Maptitude on July 17th?		
17	A. No way.		
18	Q. Would you have been working on		
19	Maptitude a few days after July 17th?		
20	A. I don't recall when. It was a		
21	very first of all, it was a long time ago,		
22	it was very chaotic, and we had a ton of		
23	problems getting the software and the data to		
24	interact, and so I can't recall specific dates		
25	of when we started.		

1	RAYMOND E. DIROSSI
2	Q. Okay. Do you have a sense of how
3	long it took to have the data inputted? You
4	said there were a ton of problems.
5	A. It was a lengthy time and it was
6	an ongoing process. We would get we would
7	get data that we thought was working and then
8	we would be told, nope, those split blocks and
9	some of the other things were still
10	problematic, and we would have to wait and get
11	another round of data. And so that happened
12	over a significant period of time.
13	Q. Were you working in the data
14	before all these problems were resolved or did
15	you have to wait until after they were
16	resolved?
17	A. We were able to turn the computers
18	on, but then I think we had to start over. We
19	had to start over. The data wasn't correct and
20	wasn't working.
21	Q. But did you start the process of
22	working on maps prior to the data being fixed?
23	A. We tried.
24	Q. And do you recall when that was
25	happening?

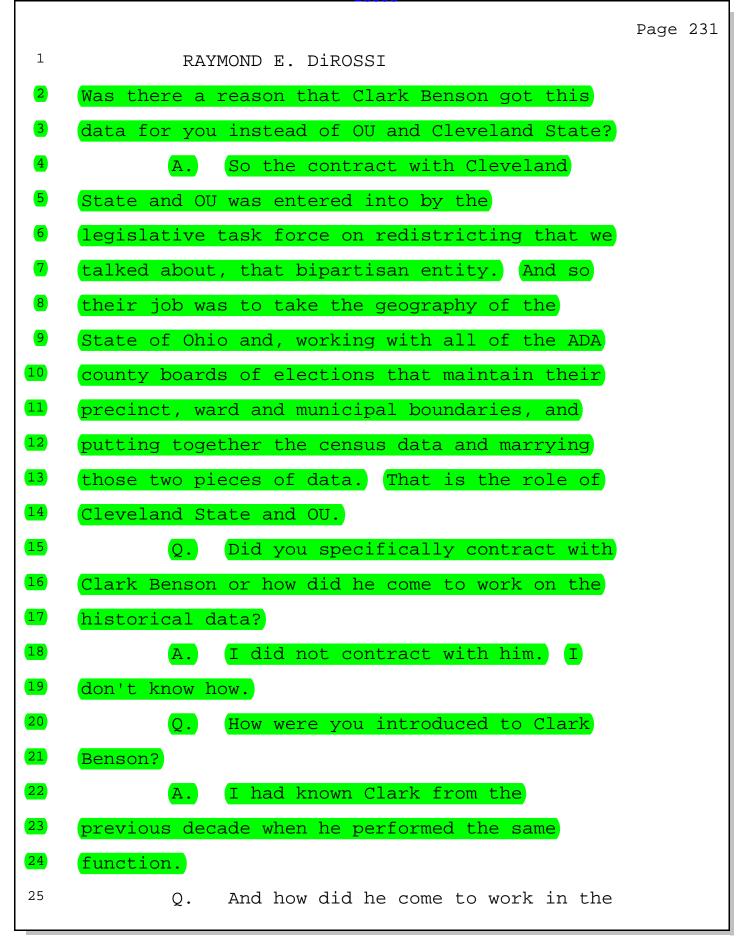
1	RAYMOND E. DiROSSI
2	A. I don't.
3	Q. When you were working in the data,
4	when did you finally have a kind of map that
5	was ready to be shared; do you recall?
6	A. Again, I wasn't working in the
7	data. That is not my background or expertise
8	to understand how to make the data function.
9	I'm an end user of the software, not the data
10	person, so
11	Q. Okay. Do you recall when the
12	data was ready, how long did it take you to get
13	a kind of final map?
14	A. I don't recall. We were working
15	on the apportionment and redistricting
16	simultaneously. I don't recall.
17	Q. Was it a matter of days or weeks?
18	A. I mean, it was not days. It took
19	a while to have all of these conversations.
20	Q. Okay. And do you recall when the
21	map was ready to be shared with anyone outside
22	of you, Ms. Blessing and Troy Judy?
23	A. I don't recall when that was.
24	Q. Do you recall who you showed the
25	map to first?

Page 229 1 RAYMOND E. DiROSSI 2 MR. TUCKER: I'm just going to object 3 to the phrase map. 4 THE WITNESS: I don't recall. 5 MR. STRACH: Is this a good time to 6 take a quick break? 7 MS. THOMAS-LUNDBORG: Sure. 8 MR. STRACH: It's been about an hour. 9 Thanks. 10 THE VIDEOGRAPHER: We're off the 11 record. 12 (Recess taken.) 13 THE VIDEOGRAPHER: We're on the 14 record. 15 MS. THOMAS-LUNDBORG: Great. 16 BY MS. THOMAS-LUNDBORG: 17 I would like to go back to Exhibit 0. 18 19, if you would. So the first time we went 19 through this exhibit we skipped this first 20 page, and I would like to take some time to 21 look at it now. 22 You've testified before that you 23 used the unified political index, correct? 24 Correct. Α. 25 Does this document represent the Ο.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 230 of 349 PAGEID #: 13592

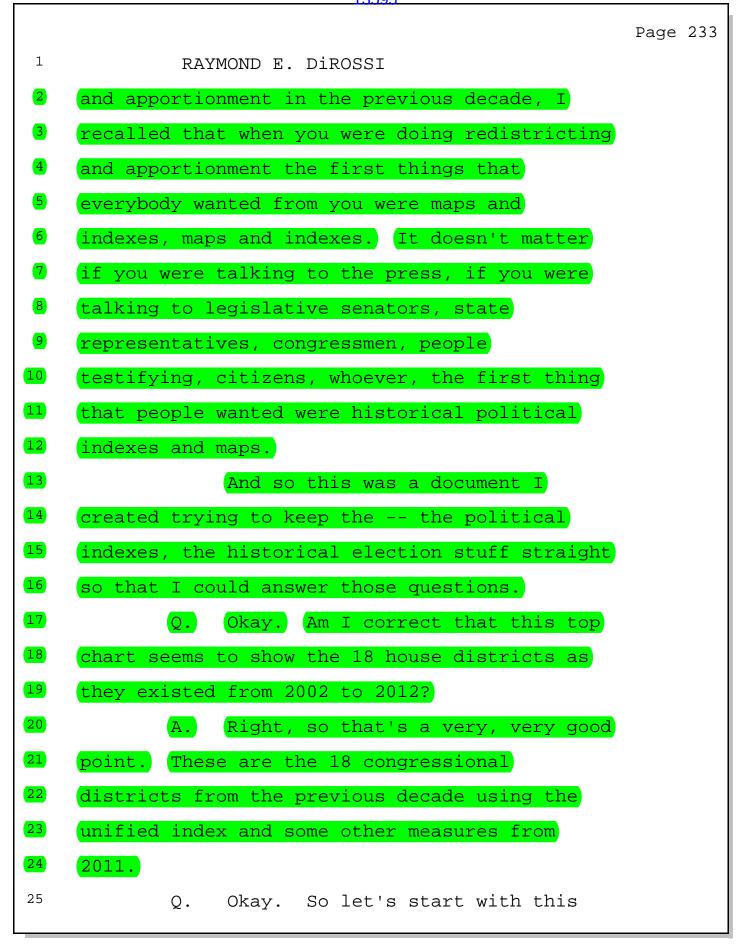


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 231 of 349 PAGEID #: 13593



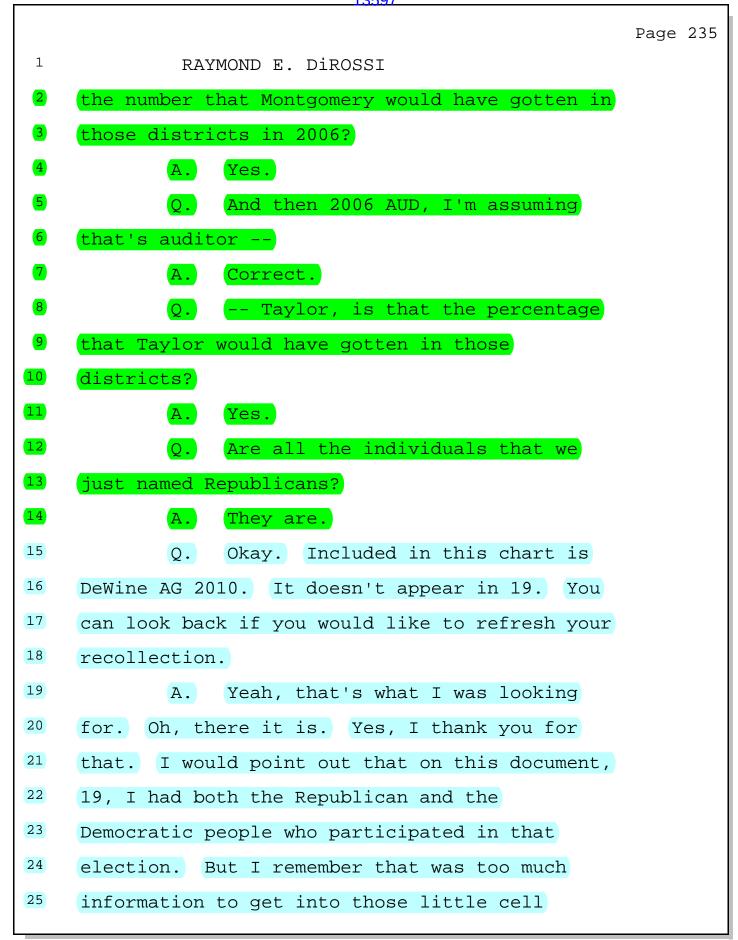
		Page	232
1	RAYMOND E. DiROSSI		
2	2011 redistricting cycle?		
3	A. I can't remember specifically how		
4	he was reintroduced to me as, hey, Clark is		
5	going to be available to help you again.		
б	Q. Do you know how he was paid?		
7	A. I do not.		
8	Q. I would like to look at Exhibit 22		
9	or it actually hasn't been introduced yet,		
10	but if you turn to tab 22.		
11	(Thereupon, Plaintiffs' Exhibit		
12	Number 22, Document Bates Stamped DIROSSI_000001	0,	
13	was marked for purposes of identification.)		
14	BY MS. THOMAS-LUNDBORG:		
15	Q. I'm having marked for the record		
16	as Exhibit 22 DIROSSI_10. This is a series of		
17	charts here. Do you recognize this document?		
18	A. I do.		
19	Q. Are you the author of this		
20	document?		
21	A. I am.		
22	Q. Okay. And why did you create this		
23	document?		
24	A. As we talked about before, from my		
25	historical interactions with the redistricting		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 233 of 349 PAGEID #: 13595



		Page	234
1	RAYMOND E. DiROSSI		
2	first column. It says current districts. Do		
3	the names here represent the congresspeople as		
4	they were at the time in those districts?		
5	A. The vast majority of them I'm sure		
6	are the incumbents, but I can't speak to		
7	whether or not they all are. I can't say.		
8	Q. Okay. And then the next column is		
9	McCain '08. Is it correct that this would be		
10	how much McCain would have gotten in those		
11	districts in 2008?		
12	A. Yes.		
13	Q. Okay. And then Bush '04, is that		
14	how much Bush would have gotten in 2004 in		
15	those districts?		
16	A. Yes.		
17	Q. And then Governor Kasich 2010, is		
18	that the percentage that Governor Kasich would		
19	have gotten in those districts?		
20	A. Yes.		
21	Q. And then DeWine 2010 AG, is that		
22	the number that DeWine would have gotten in		
23	each of those districts?		
24	A. Yes.		
25	Q. Then '06 AG Montgomery, is that		

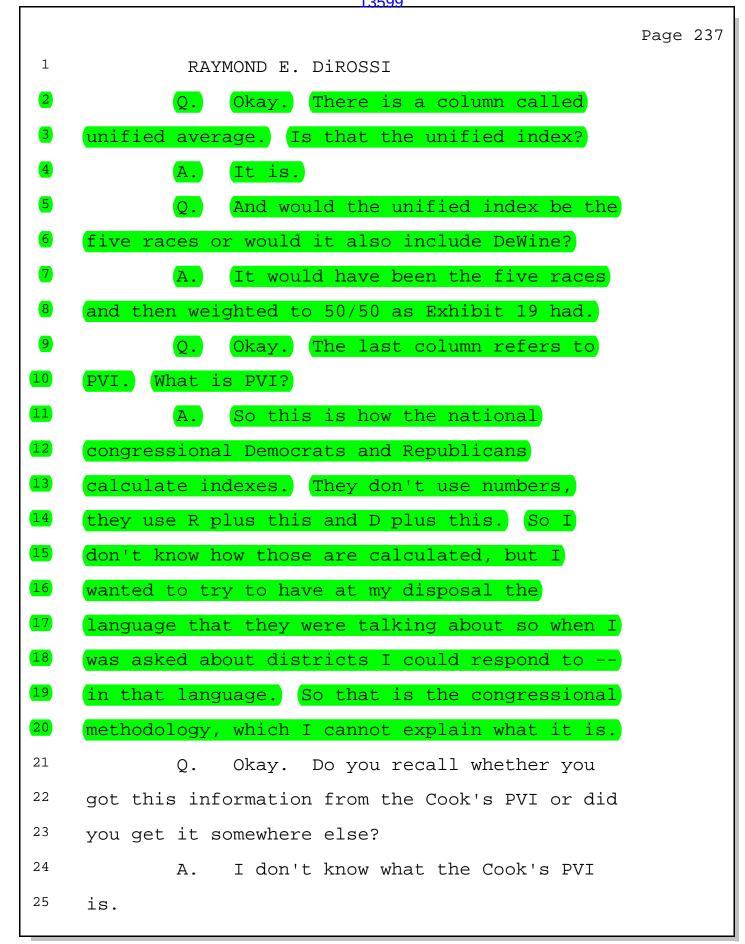
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 235 of 349 PAGEID #: 13597



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 236 of 349 PAGEID #: 13598

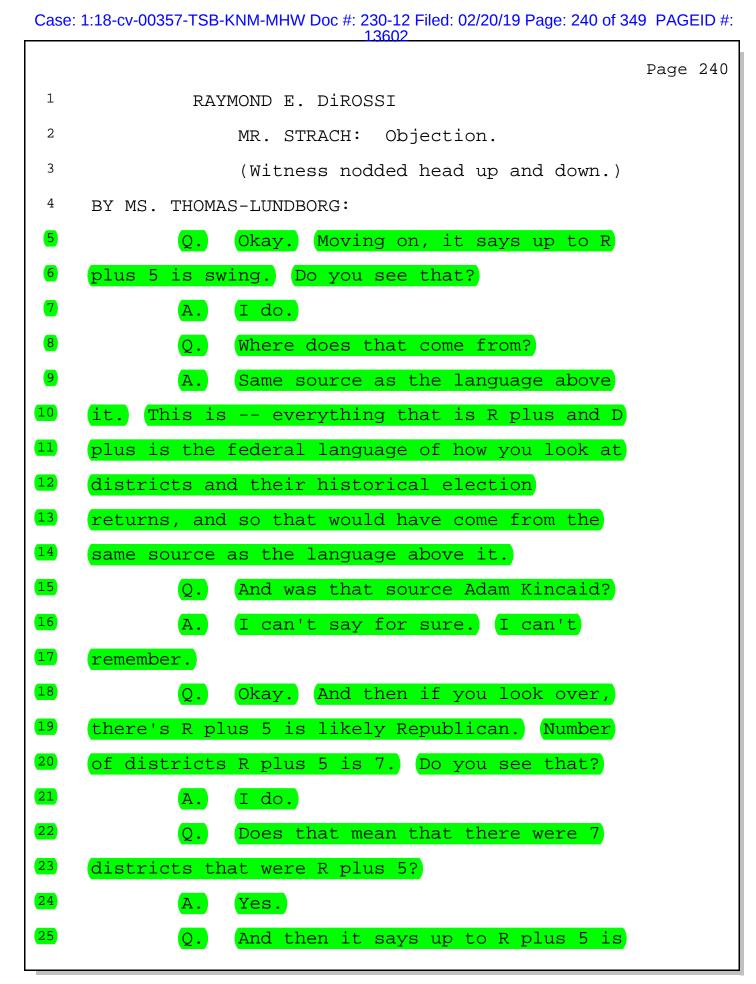
		Page	236
1	RAYMOND E. DiROSSI		
2	headers, so I chopped down and abbreviated the		
3	races. That's why those are all the Republican		
4	names.		
5	Q. Okay. So my question for you is,		
6	do you recall why DeWine was part of this		
7	document and not part of 19?		
8	A. Yeah, as I mentioned, everybody		
9	had their own way of looking at a political		
10	index or historical election data. I had said		
11	and come to the conclusion that these were the		
12	five races that we should be looking at. Other		
13	people wanted to look at pieces and parts of		
14	these five exclusively, specifically the '08		
15	McCain numbers. Other people wanted to include		
16	the 2010 Attorney General race as a barometer		
17	of the historical election results.		
18	And so this is me trying to put		
19	(all of that information into one document so		
20	that I could answer all of those questions that		
21	I was being bombarded with after the districts		
22	were put out. This document was created after		
23	319 was adopted by the legislature when we were		
24	getting media and member onslaughts of		
25	questions.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 237 of 349 PAGEID #: 13599

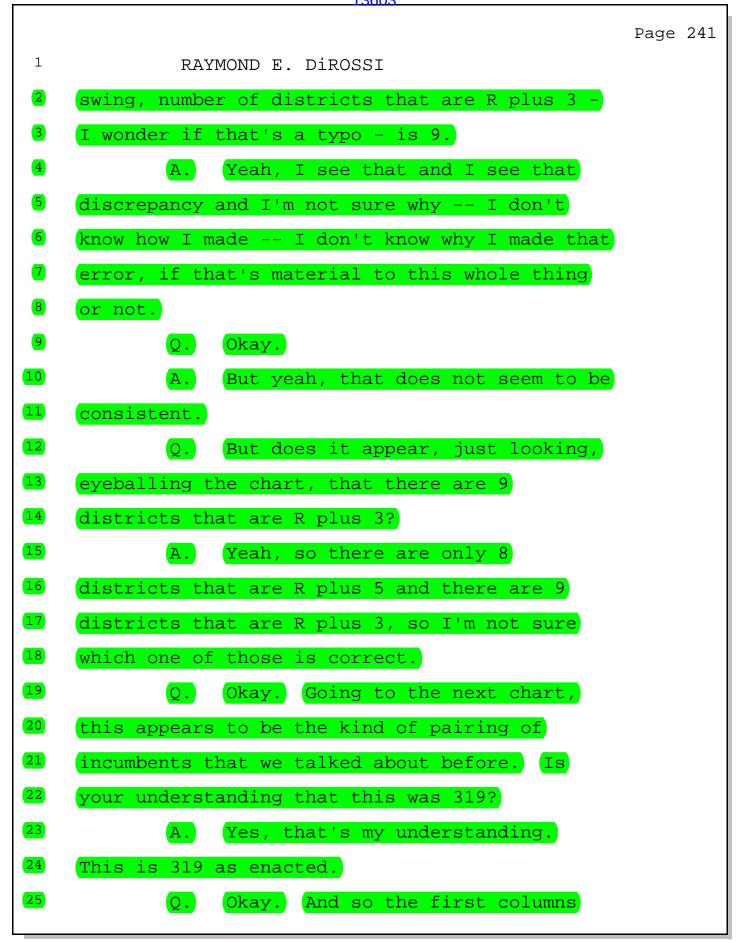


Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 238 of 34 13600	9 PAGE	EID #
		Page	238
1	RAYMOND E. DiROSSI		
2	Q. Okay.		
3	A. Yeah.		
4	Q. Do you recall where you got the		
5	PVI from?		
6	A. I don't I don't recall. I		
7	would be guessing.		
8	Q. Okay. At the bottom of this first		
9	chart it says R plus 5 is likely Republican.		
10	Do you see that?		
11	A. I do see that.		
12	Q. And do you recall where this R		
13	plus 5 is likely Republican came from?		
14	A. Yeah, again, so this deals with		
15	the R plus, D plus language, and so this would		
16	have come from somebody I was talking to at the		
17	national the national level of how they		
18	would look at districts.		
19	And again, as you pointed out,		
20	everything on the top of this chart deals with		
21	districts that are they're the districts		
22	from 2001 with 2010 election data and 2001		
23	population data. So they're not real, they're		
24	just they're this weird point in time that		
25	aren't really valid.		

1 RAYMOND E. DiROSSI 2 As we've talked about, some of 3 these districts were tens of thousands, if not 4 hundreds of thousands of people away from the 5 targets, so another reason why these indexes 6 are just kind of almost meaningless. But 7 again, that's what everybody asks for, so I was 8 trying to have it. 9 Well, just sticking on this first 0. 10 chart -- and this is the current districts as 11 they stood at the time, right? This isn't a 12 hypothetical district that you're looking at? 13 It's the districts from 2001 that Α. 14 over the decade from 2001 to 2011 had grown --15 some had contracted and some had grown in 16 population and so -- not to mention that we 17 were losing two districts, and so the district 18 targets of their population had to change by 70 19 some thousand people. 20 So yes, they are the district 21 boundaries, but the underlying data that's 22 generating these is not even really relevant to 23 anything because they're just not legitimate. 24 But the underlying data is for the Ο. 25 districts as they stood at the time, correct?



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 241 of 349 PAGEID #: 13603



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 242 of 349 PAGEID #: 13604

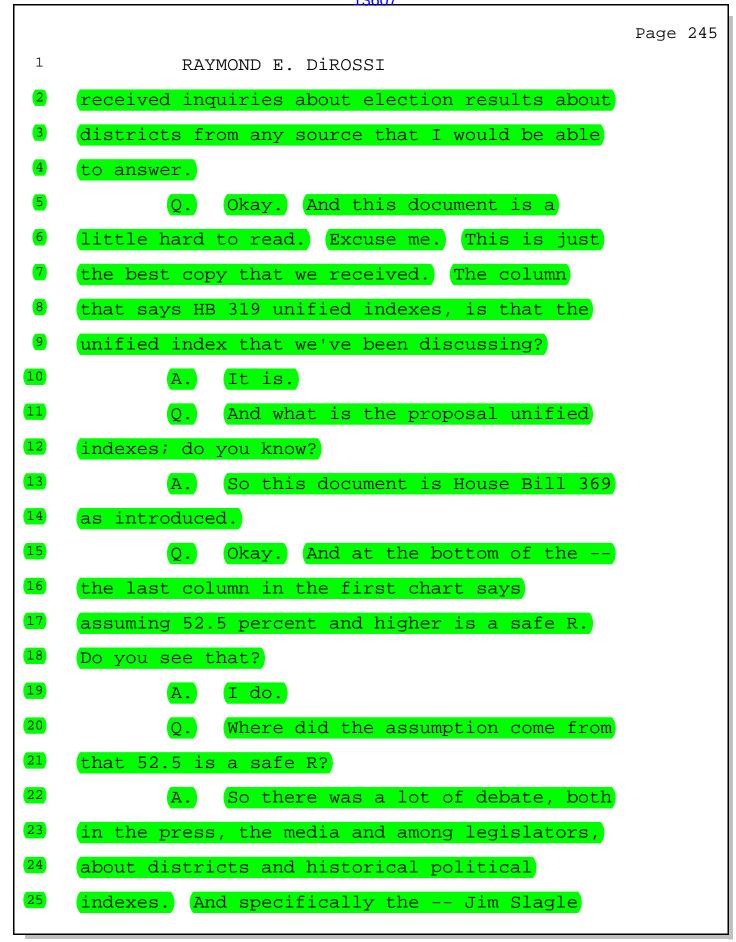
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 243 of 349 PAGEID #: 13605

		Page 243
1	RAYMOND E. DiROSSI	
2	when I got it. I don't know.	
3	Q. I thought you said you were the	
4	author of this document.	
5	A. I am, but this information came to	
6	me from somebody else because I don't know what	
7	these scoring things, how you would calculate	
8	them, so I would have just got them and typed	
9	them into the cell in my spreadsheet to produce	
10	this document.	
11	Q. Okay. Well, let's go through a	
12	few of them. So the first one is Chabot 1 and	
13	the top line it's D plus 1 and then in the	
14	following chart it's R plus 6, the Delta is	
15	plus 7. Does that look like it's Republicans	
16	have gone up plus 7?	
17	MR. STRACH: Objection.	
18	THE WITNESS: Yeah, I mean, I think	
19	you could R is Republican, but again, I don't	
20	know what 7 I don't know what that means. I	
21	don't know that scoring system.	
22	BY MS. THOMAS-LUNDBORG:	
23	Q. Okay. So R plus 13 on the top for	
24	Schmidt and then on the bottom it's R plus 8	
25	and the Delta is negative 5. Do you see that?	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 244 of 349 PAGEID #: 13606

		Page	244
1	RAYMOND E. DiROSSI		
2	A. I do.		
3	Q. And you have no understanding of		
4	whether the Delta negative 5 is R plus 13 minus		
5	R plus 8?		
6	A. I mean, that would seem logical,		
7	but since I'm not the source of that		
8	information, I		
9	Q. Okay.		
10	(Thereupon, Plaintiffs' Exhibit		
11	Number 23, Document Bates Stamped DIROSSI_000014	2,	
12	was marked for purposes of identification.)		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. I would like to move on to a		
15	document that I'm having marked as Exhibit 23,		
16	and for identification it's DIROSSI_142.		
17	A. Yes.		
18	Q. (And it has HB 319 unified indexes,		
19	proposal unified indexes. Do you see that?		
20	A. I do.		
21	Q. Do you recognize this document?		
22	A. Yes.		
23	Q. (What is it?)		
24	A. (It's yet another document that I		
25	created so that I could be prepared when I		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 245 of 349 PAGEID #: 13607



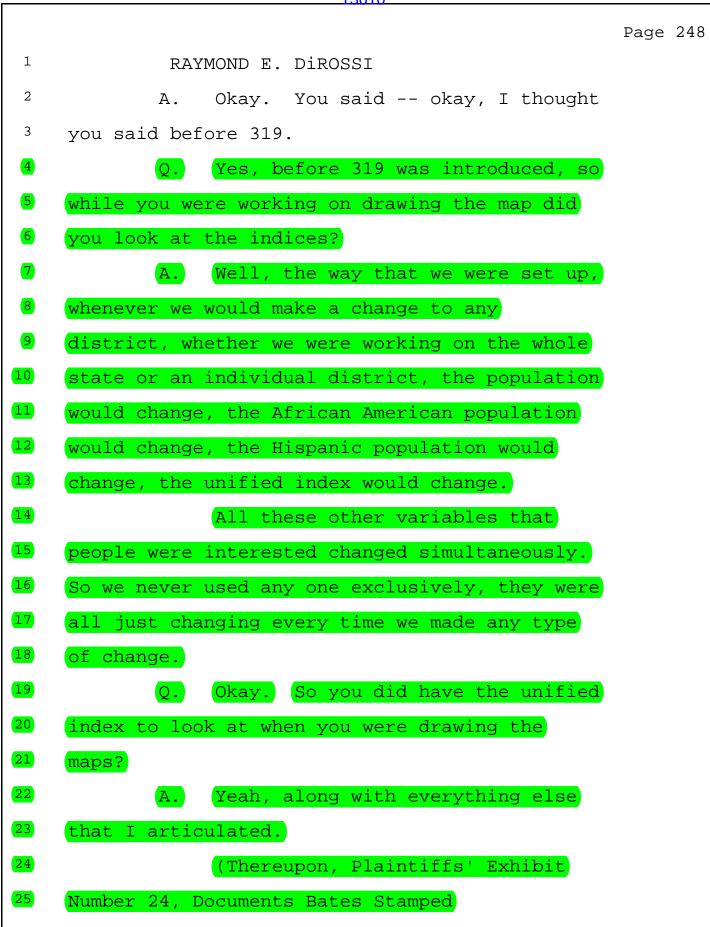
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 246 of 349 PAGEID #: 13608

		Page	246
1	RAYMOND E. DiROSSI		
2	and the Campaign for Accountable Redistricting		
3	was saying that using his own set of election		
4	data and his own scoring, that there were a		
5	lack of competitive districts. And so I was		
6	trying to use trying to show House Bill 319		
7	versus House Bill 369 as introduced just		
8	generally what those indexes would be here.		
9	Q. Okay. But where did the		
10	assumption come from that 52.5 percent was safe		
11	R?		
12	A. I can't say for I can't say for		
13	certain.		
14	Q. And then it goes on to say 47.5		
15	percent and lower is safe D. Do you know where		
16	that assumption came from?		
17	A. Yeah, that is Jim Slagle's I		
18	was restating what he had been saying in the		
19	press about districts.		
20	Q. Now, you testified a minute ago		
21	that you created these, Exhibit 24 I mean,		
22	sorry, Exhibit 22 and Exhibit 23 for media.		
23	Did you use a political indices at all prior to		
24	the introduction of HB 319?		
25	A. Well, it wasn't just for media.		

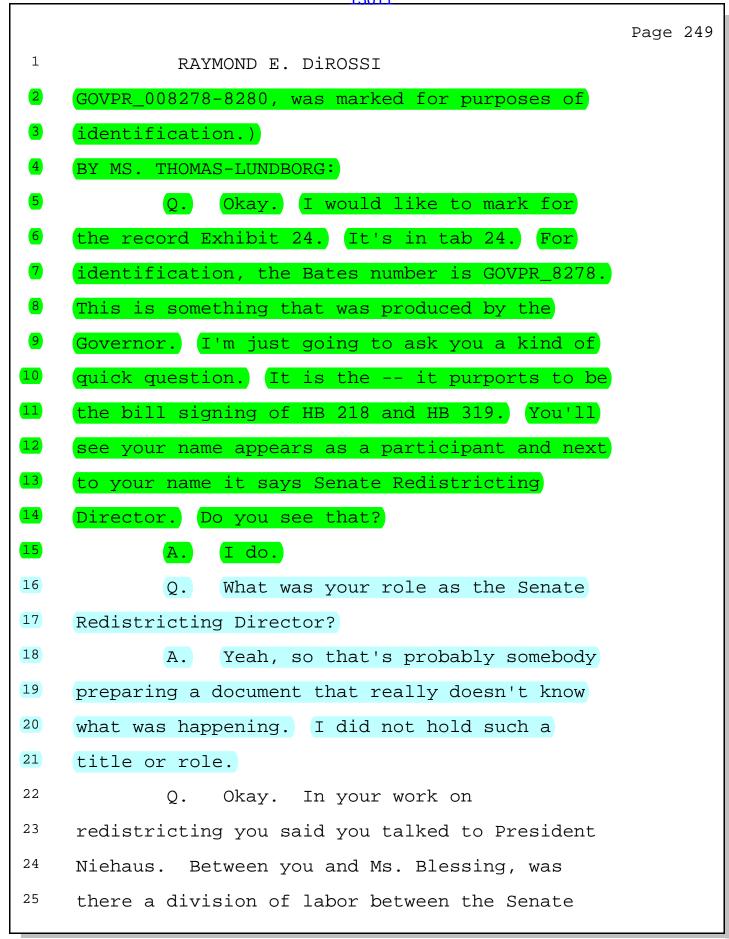
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 247 of 349 PAGEID #: 13609

		Page	247
1	RAYMOND E. DIROSSI		
2	It was for anybody at any moment in time that		
3	might ask. As I pointed out, there were		
4	congressmen and women who had asked for that		
5	information, there were aspiring candidates to		
6	run for Congress in the future when we talked		
7	about now Congresswoman Joyce Beatty who		
8	specifically made a request about indexes of		
9	the 3rd congressional district. There were		
10	members of the Senate leadership team that were		
11	asking, members of the legislature that were		
12 13	asking, President Niehaus who was then asking		
14	me, and so all of these documents are me-created so that I could have them handy so		
15	that I could answer those questions.		
16	Q. And did you create sorry,		
17	strike that.		
18	Did you use any of the historical		
19	data prior to HB 319 being introduced?		
20	A. I mean, I used it in the we had		
21	that same election data available to us for the		
22	apportionment.		
23	Q. Did you use it in the drawing of		
24	your maps? Did you ever look at a map and see		
25	how its measurement on the unified index?		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 248 of 349	PAGEID #:
13610	

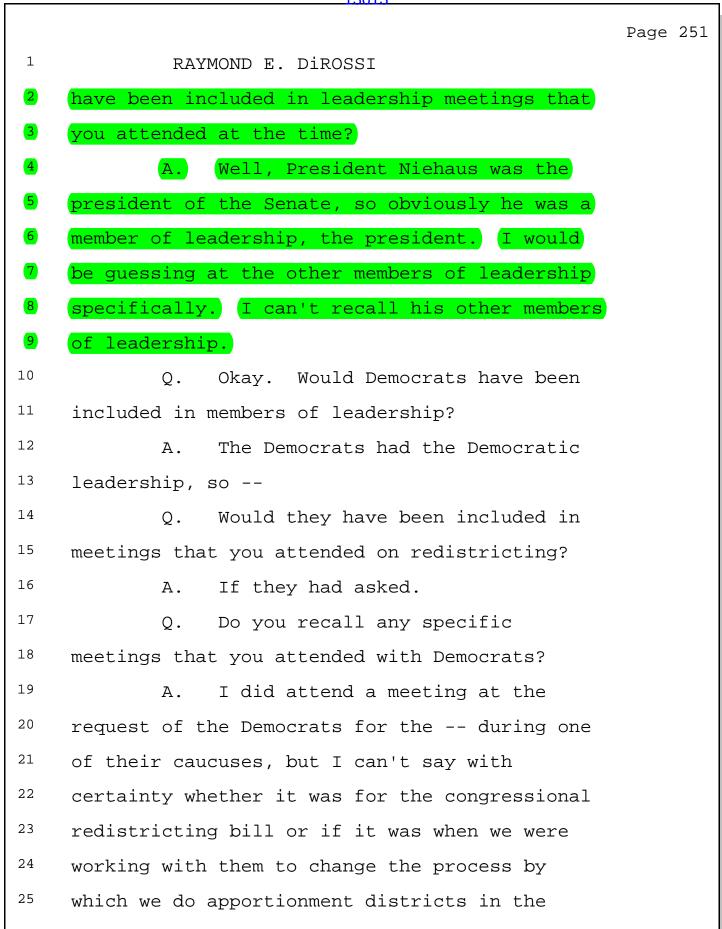


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 249 of 349 PAGEID #: 13611



		Page	250
1	RAYMOND E. DIROSSI		
2	and the House?		
3	A. Nothing specific, no.		
4	Q. Okay. Did you both equal have		
5	equal amounts of conversations with President		
6	Niehaus, for example?		
7	A. I don't know what conversations		
8	she might have had with him, so I can't compare		
9	the two.		
10	(Thereupon, Plaintiffs' Exhibit		
11	Number 25, Document Bates Stamped DIROSSI_000003	9,	
12	was marked for purposes of identification.)		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. Okay. I'm having marked for the		
15	record Exhibit 25. It's DIROSSI_39		
16	A. 39?		
17	Q. I'm sorry, that's the name of the		
18	Bates. It's Exhibit 25.		
19	A. Got you.		
20	Q. And the subject is Confirmed:		
21	Meet with Leadership on Redistricting Bill from		
22	September 2nd, 2011. Do you see that?		
23	A. I do.		
24	Q. When here it refers to a meeting		
25	with the leadership, do you recall who would		

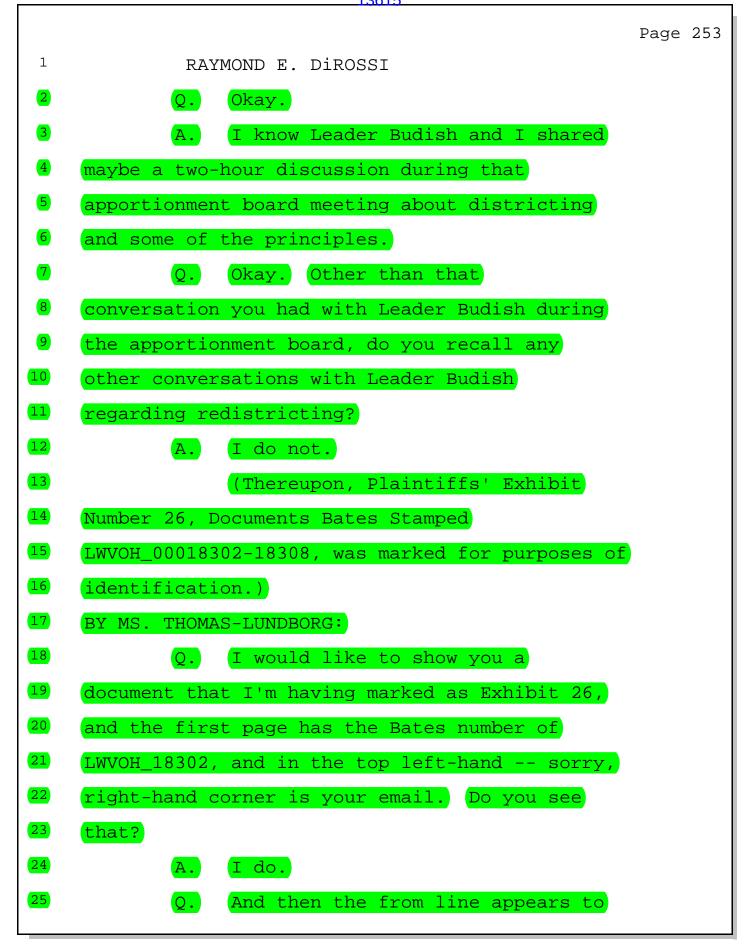
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 251 of 349 PAGEID #: 12612



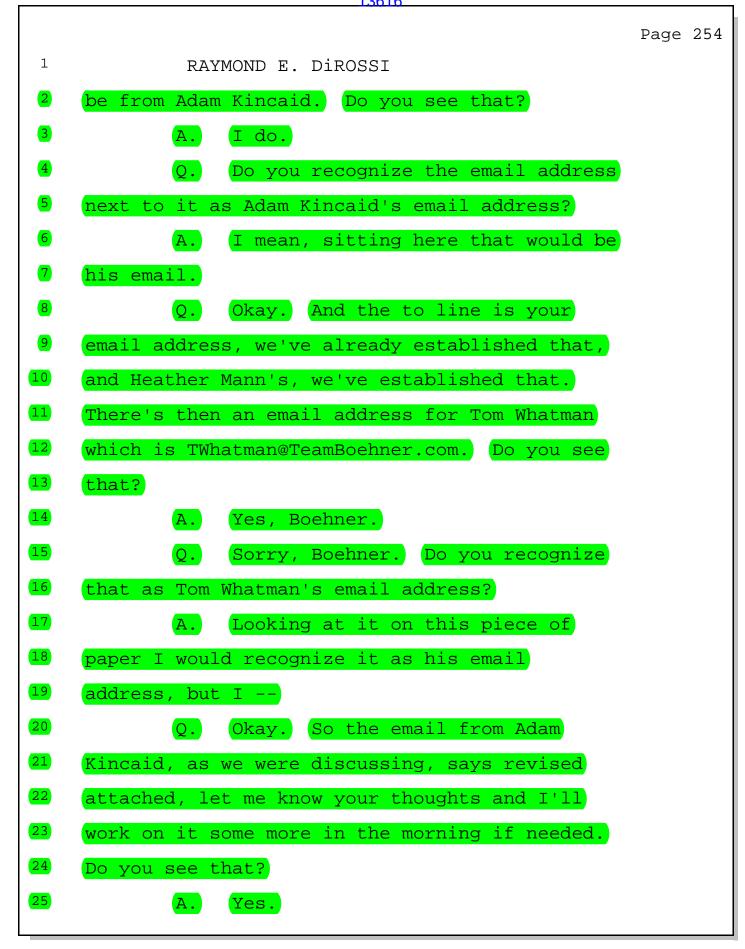
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 252 of 349	PAGEID #:
13614	

		Page	252
1	RAYMOND E. DIROSSI		
2	state, the constitutional amendment that was		
3	just adopted. But I did attend one caucus at		
4	their invitation.		
5	Q. Okay. Other than that one meeting		
6	that you just mentioned, do you recall		
7	attending other any other meetings with the		
8	Democratic caucus?		
9	A. With the Democratic caucus?		
10	Q. Or leadership.		
11	A. Caucus, no other. Obviously,		
12	apologies, during the apportionment Leader		
13	Budish was a member of the apportionment board		
14	and I did attend all of the apportionment board		
15	meetings, and specifically spoke with him		
16	extensively about apportionment.		
17	Q. If those meetings had been put in		
18	your calendar would they have been put in your		
19	calendar as apportionment board or meetings		
20	with leadership on redistricting bill?		
21	A. Probably apportionment board. If		
22	it was an actual date that the apportionment		
23	board met, I would have I would have put it		
24	on my calendar as an apportionment board		
25	meeting.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 253 of 349 PAGEID #: 13615



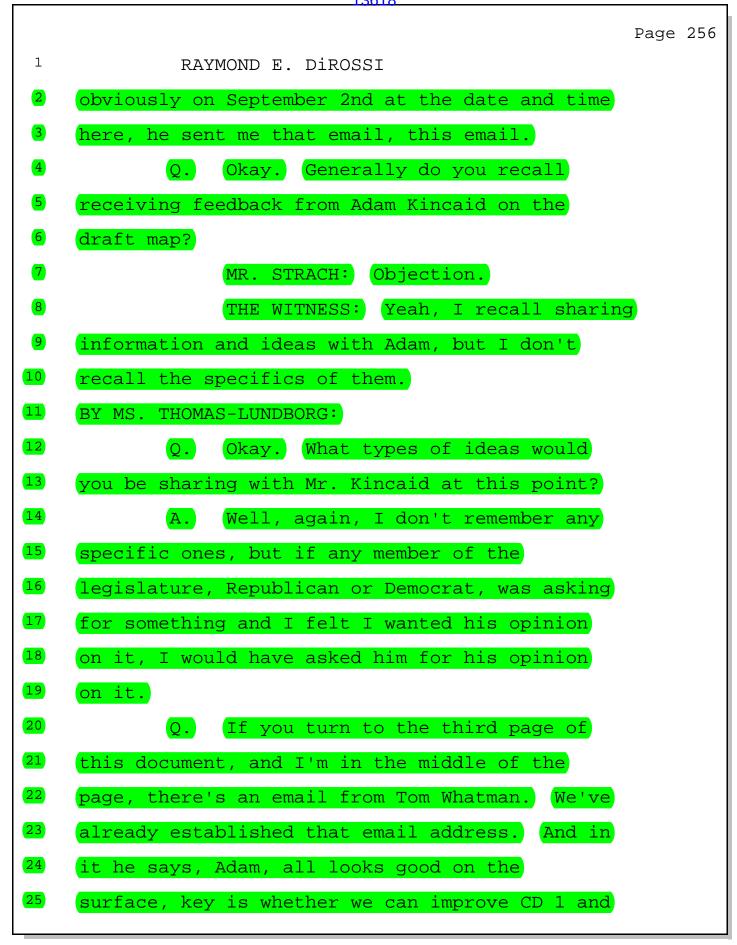
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 254 of 349 PAGEID #: 13616



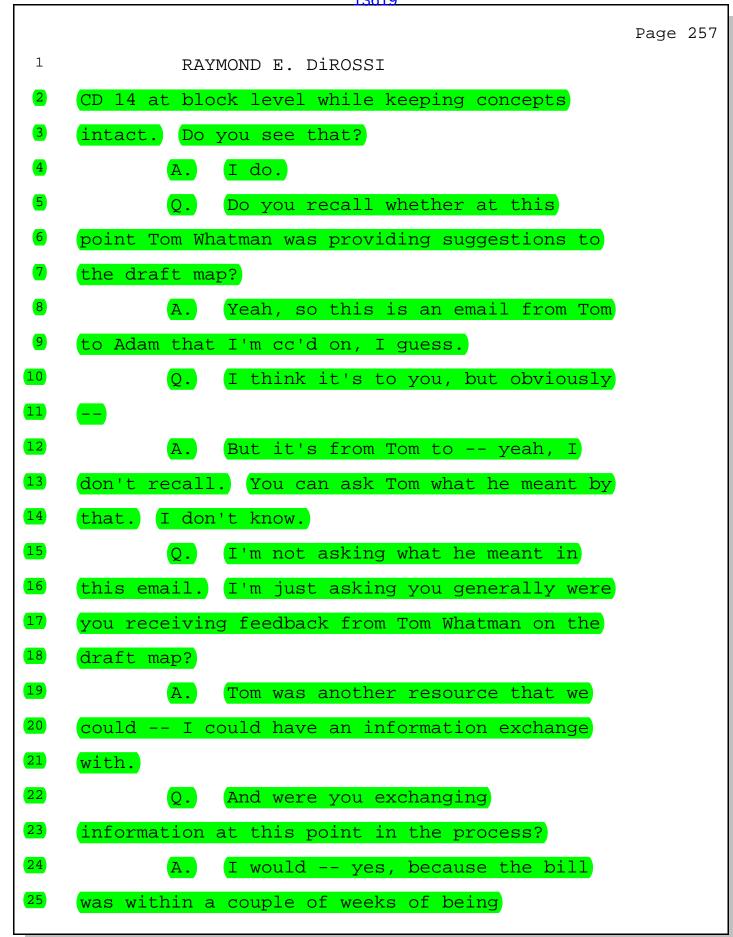
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 255 of 349 PAGEID #: 13617

		Page	255
1	RAYMOND E. DiROSSI		
2	Q. And then there appears to be an		
3	attachment which says New Map Idea Redraft.zip.		
4	Do you see that?		
5	A. I do.		
6	Q. Did you receive from Adam Kincaid		
7	at this point ideas by email?		
8	A. Do you know, is this all one email		
9	chain?		
10	Q. It appears to be, only because it		
11	says Gmail New Idea Draft page 1 of 8, and then		
12	you have page 2 of 8, page 3 of 8, page 4 of 8,		
13	so on and so forth.		
14	A. Yeah.		
15	Q. And that's an internal pagination		
16	to the document.		
17	A. Okay. And your specific question		
18	again? I'm sorry.		
19	Q. It's a general question about		
20	whether you were receiving ideas from Adam		
21	Kincaid at this point.		
22	A. Well, with this document in front		
23	of me, he sent me something called New Idea		
24	Redraft. I can't recall if it was at my		
25	request of him or he was sending it to me, but		

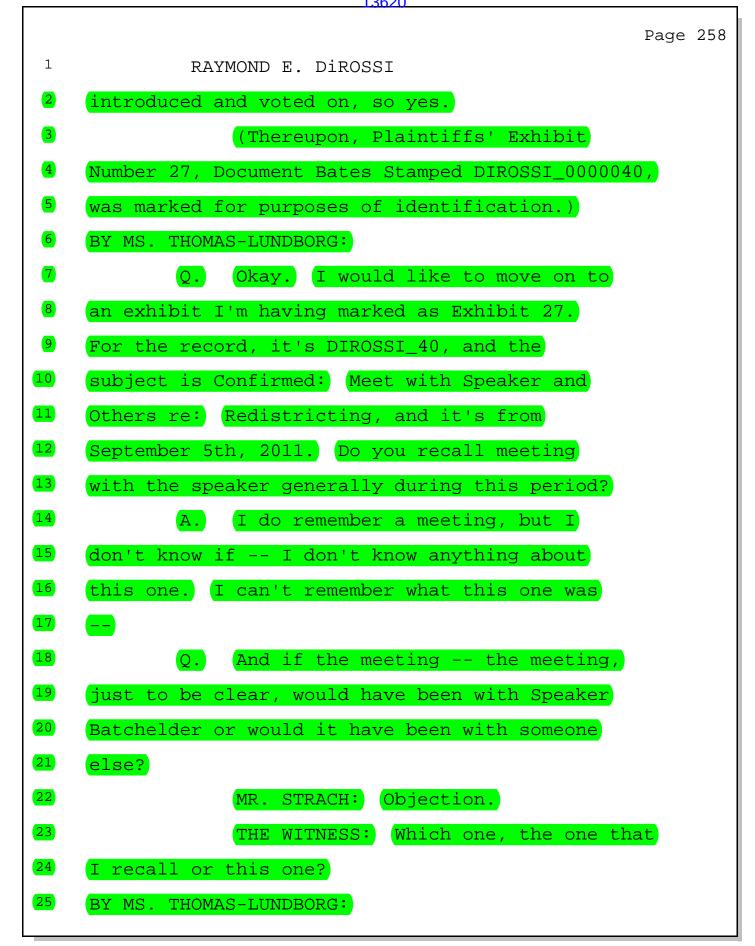
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 256 of 349 PAGEID #: 13618



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 257 of 349 PAGEID #: 13619



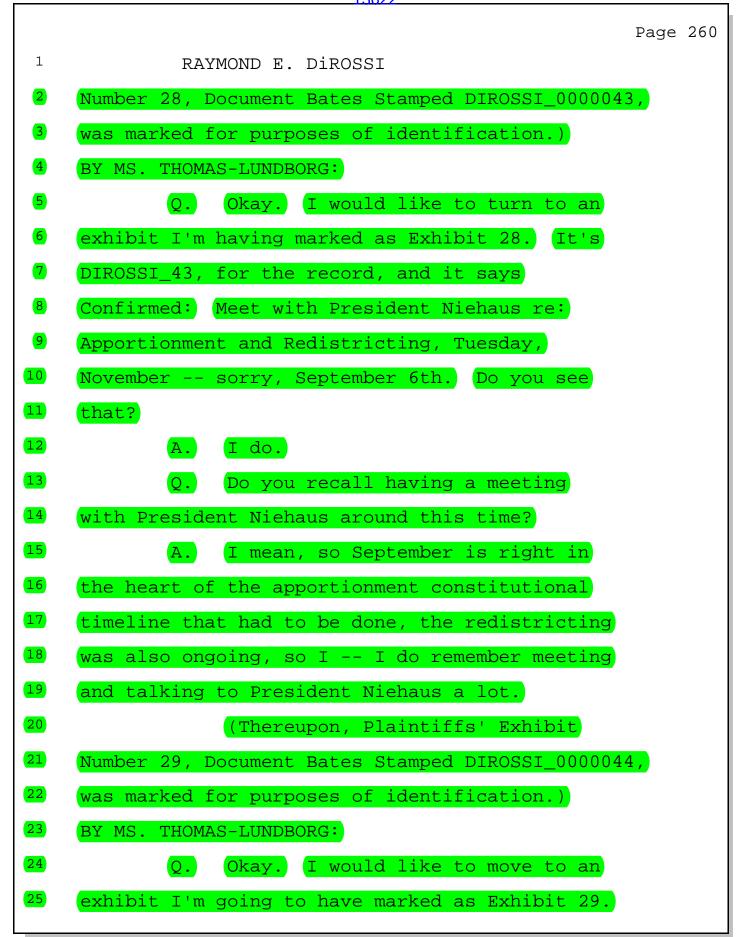
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 258 of 349 PAGEID #: 13620



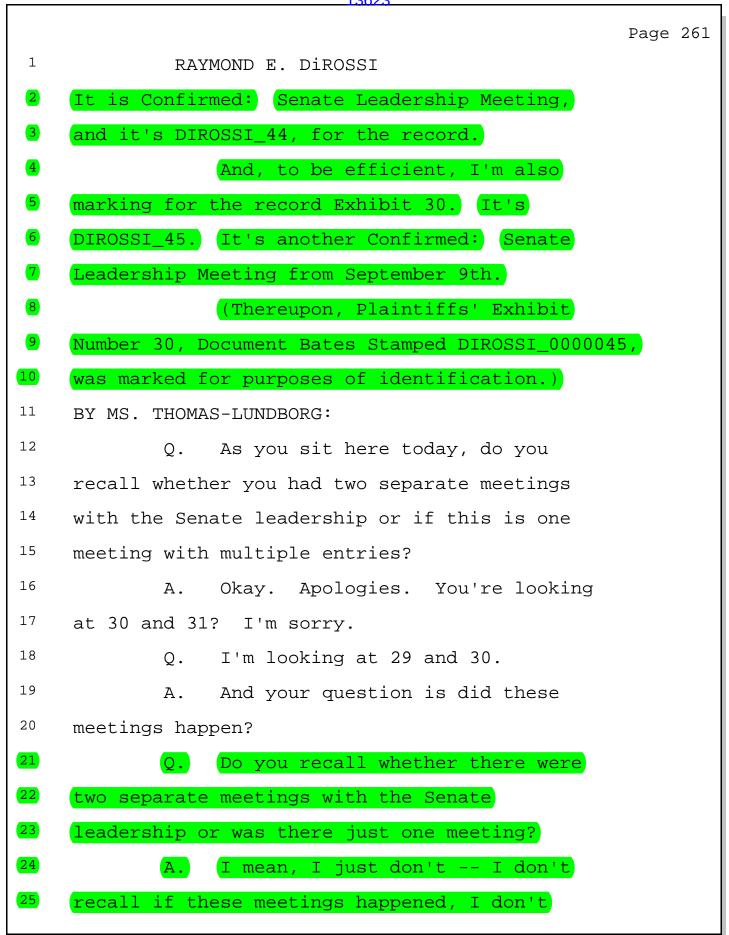
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 259 of 349 PAGEID #: 13621

		Page	259
1	RAYMOND E. DiROSSI		
2	Q. The one that you recall.		
3	A. The one that I recall, which I		
4	don't know if it is this one, was with Speaker		
5	Batchelder.		
6	Q. Okay. Do you recall anyone else		
7	being at that meeting?		
8	A. President Niehaus.		
9	Q. Anyone else?		
10	A. Myself, Heather.		
11	Q. Anyone else?		
13	(A.) Those are the four that I remember, including myself.		
14	Q. And what was the subject of that		
15	meeting that you recall?		
16	A. Generally it was congressional		
17	redistricting and where we were in the process		
18	and how we were moving forward.		
19	Q. Okay. And where were you at that		
20	point in the process?		
21	A. Well, again, we're talking about a		
22	hypothetical meeting or a meeting that I		
23	don't remember when it was. So where we were		
24	in the process, I couldn't say.		
25	(Thereupon, Plaintiffs' Exhibit		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 260 of 349 PAGEID #: 13622



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 261 of 349 PAGEID #:



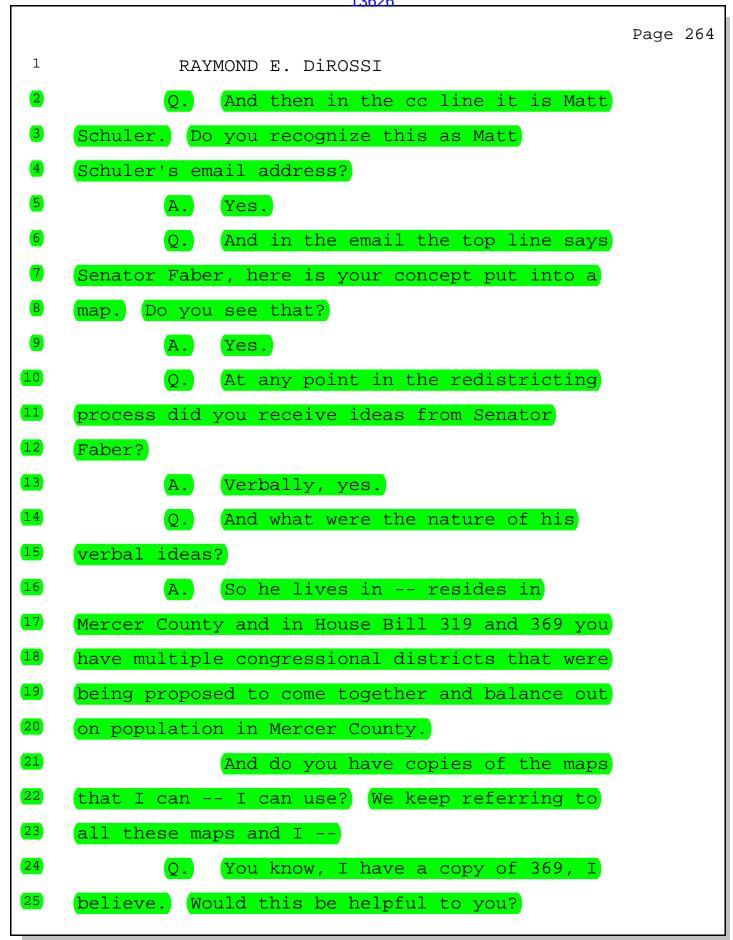
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 262 of 349 PAGEID #: 13624

		Page	262
1	RAYMOND E. DiROSSI		
2	recall if we did one and not the other. It's		
3	just too long ago. I don't recall.		
4	Q. Okay. And we've already discussed		
5	a little bit about meetings with leadership.		
6	Do you recall whether these meetings would have		
7	been with Democrats or with Republicans?		
8	MR. STRACH: Objection.		
9	BY MS. THOMAS-LUNDBORG:		
10	Q. As planned, at the minimum there		
11	was a planned meeting?		
12	A. Well, as I said, President Niehaus		
13	was having those conversations with the members		
14	of the Democratic Senate, and so there was		
15	really no need for me to have that level of		
16	interaction. Any information that was		
17	relevant, like the requests from the		
18	legislative Democrats that we did in 369, were		
19	being relayed to me through other other		
20	channels.		
21	Q. If you received a meeting		
22	invitation, would that meeting have been for a		
23	meeting with Republicans and Democrats or just		
24	Republicans?		
25	MR. STRACH: Objection.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 263 of 349 PAGEID #: 13625



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 264 of 349 PAGEID #: 13626



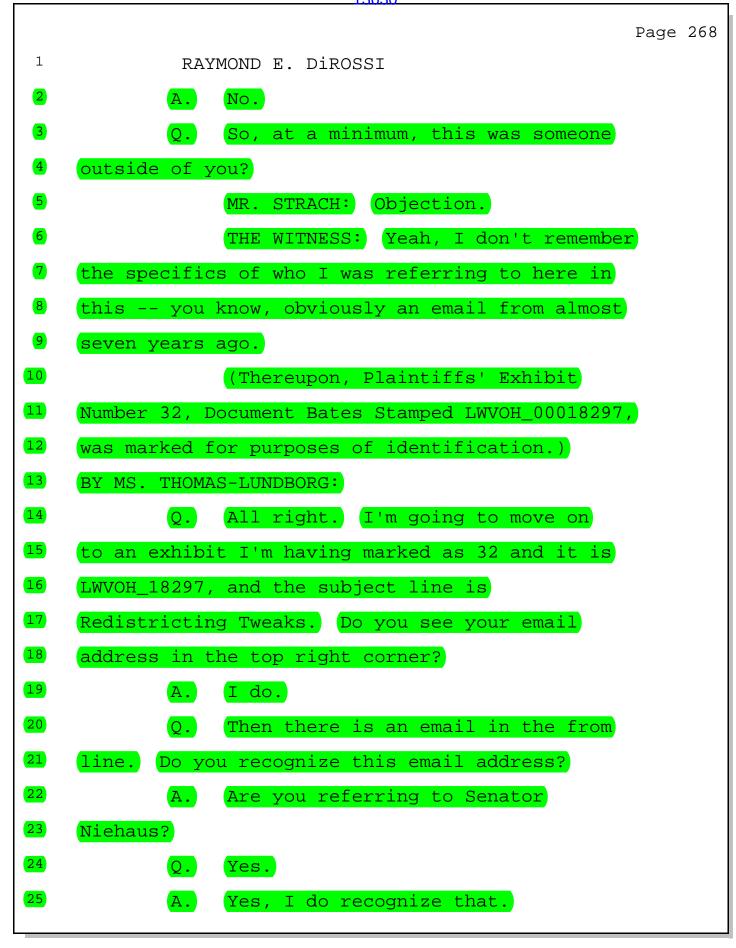
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 265 of 349 PAGEID #: 13627

		Page	265
1	RAYMOND E. DiROSSI		
2	A. Yes. So as I was saying thank		
3	you for that, that's very helpful. As I was		
4	saying, in Mercer County you have three		
5	congressional districts that are coming		
6	together and are really being balanced out down		
7	to that block level, and he, residing in Mercer		
8	County, was very interested about what		
9	geography was going to be in what district, and		
10	so those were the nature of the verbal		
11	interactions that I had with him.		
12	Q. Okay. I'm going to skip a line.		
13	And then the email goes on to, if the other		
14	idea that Huffman worked on - we need to get		
15	something that you and Huffman agree to by		
16	tomorrow when Speaker Batchelder and President		
17	Niehaus get together. Do you see that?		
18	A. I do.		
19	Q. Do you recall there being a		
20	disagreement between Mr. Huffman and Mr. Faber?		
21	A. I do not recall any disagreement		
22	between them.		
23	Q. Okay. Do you recall a time where		
24	there were discussions between members of the		
25	House and members of the Senate about the		

Page	266
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		Pag
1	RAYMOND E. DIROSSI	
2	redistricting bill?	
3	A. So you're asking me if I was part	
4	of any conversations with I'm sorry.	
5	Q. With members of the House and	
6	members of the Senate about the bill.	
7	A. Well, this this would be one	
8	example where Senator Faber, senator, Matt	
9	Huffman, House member, and I were talking	
10	about, my recollection Mercer County, and how	
11	the map could be proposed.	
12	Q. Okay. Do you recall if at this	
13	point in September on September 10th if the	
14	map had been introduced yet?	
15	A. I should know that. I don't	
16	recall. I don't recall.	
17	Q. The next line of the email says DC	
18	is increasingly is pushing to put the lid on	
19	this. Do you see that?	
20	A. I do.	
21	Q. Do you recall what the reference	
22	to DC is?	
23	A. I don't I don't recall.	
24	Q. What about put the lid on this,	
25	what does that mean?	

		Page	267
1	RAYMOND E. DIROSSI		
2	A. Well, it's to get a map proposed		
3	and enacted.		
4	Q. Were you getting pressure from		
5	anyone to get a map proposed and enacted at		
6	this point?		
7	A. Well, people were getting pressure		
8	from me because we were right in the heart of		
9	the constitutionally mandated timeline for the		
10	apportionment, which had to be done by		
11	September 31st, and I was personally very		
12	concerned that we were still working on the		
13	congressional redistricting at the same time we		
14	were trying to do the apportionment and that we		
15	were just it was too much.		
16	Q. I understand that you were		
17	pressuring people, but this DC, at a minimum,		
18	is a reference to someone who is not you,		
19	correct?		
20	MR. STRACH: Objection.		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. Do you refer to yourself in the		
23	third person?		
24	A. Not usually, but I'm sure I have.		
25	Q. Do you refer to yourself by DC?		



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 269 of 349 PAGEID #: 13631

			Page	269
1	RAYI	MOND E. DIROSSI		
2	Q.	And whose email address is that?		
3	A .	Senator Niehaus'.		
4	Q.	And in the to line there is a		
5	Whatman@sppg:	rp.com. Do you see that?		
б	Α.	I do.		
7	Q.	Do you recognize that email		
8	address?			
9	Α.	You know, I really don't because		
10	we just looke	ed at you asked me before about		
11	a Tom Whatmar	n email and that was the one I		
12	recognized.	This one is a different one. I		
13	don't recogn	ize this one.		
14	Q.	Okay. Did you email any Whatmans		
15	at more than	one email address?		
16	Α.	Boy, I don't recall.		
17	Q.	Okay.		
18	Α.	I don't recall.		
19	Q.	Do you recognize your email		
20	address in th	ne other to line?		
21	A .	I do. That is mine.		
22	Q.	Okay. In the first line it says		
23	sorry about t	the last-minute tweaks from Faber		
24	and Widener.	Do you see that?		
25	A .	I do.		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 270 of 349 PAGEID #: 13632

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70

	Page 2
1	RAYMOND E. DIROSSI
2	Q. Did you have an understanding or
3	do you know of who Faber is?
4	A. I don't think I ever said I didn't
5	know who Faber was.
6	Q. I'm asking who is Faber referenced
7	here?
8	MR. STRACH: Objection.
9	You can answer that if you can.
10	THE WITNESS: It sounds like a simple
11	question, but I didn't understand it. Apologies.
12	BY MS. THOMAS-LUNDBORG:
13	Q. Yeah. Who is the Faber referenced
14	here?
15	A. Senator Faber.
16	Q. And who is the Widener referenced
17	(here?)
18	A. Senator Widener.
19	Q. And I'm skipping to the next line.
20	It says, I'm still committed to getting
21	committed to ending up with a map that Speaker
22	Boehner fully supports with or without the
23 24	votes from two members in leadership. Do you
	see that?
25	A. Yes.

		Page	271
1	RAYMOND E. DiROSSI		
2	Q. Do you recall at the time there		
3	being discussions about Speaker Boehner's		
4	support of the map?		
5	A. Yeah, I mean, this obviously		
6	this is an email from Senator Niehaus that I		
7	may have received, but I didn't send, so I		
8	don't know what I mean		
9	Q. Again, I'm not asking you about		
10	this email specifically. I'm asking do you		
11	recall there being any discussions which you		
12	were a part of where there was talk about		
13	Speaker Boehner's support of the map?		
14	A. Well, it was it was clear to me		
15	from conversations with President Niehaus that		
16	President Niehaus was interested in Speaker		
17	Boehner's input and thoughts on the map. But		
18	ultimately, as we've talked about, this was a		
19	bill that was going through the legislature,		
20	and anybody who had thoughts or ideas of the		
21	map, if we couldn't get I shouldn't say we,		
22	because I'm not a member of the legislature, if		
23	the president and the speaker of the Ohio House		
24	can't get the votes in the legislature, it's		

25

irrelevant.

Page 272

1	RAYMOND E. DiROSSI
2	So yes, it was made clear to me
3	that he was interested in feedback and what
4	Speaker Boehner thought, but he still had the
5	responsibility to work with the Democrats in
6	the legislature and get a bill passed.
7	Q. Okay. At the time when 319 was
8	passed did it have Democratic support?
9	A. I believe it did. It had much
10	less support than 369, where, as I said, I
11	think there were 25 members of the Democratic
12	House and Senate that voted in support of it,
13	but there were members of the Senate Democratic
14	caucus who voted for 319. They spoke very
15	passionately about the map on the floor of the
16	Ohio Senate. And there were a handful of
17	members of the Ohio House that voted in support
18	of 319 on the Ohio House and who also spoke
19	very eloquently about it on the floor of the
20	House.
21	Q. So your recollection is that
22	Democrats spoke in favor of the map, and by the
23	map I mean 319, on the floor of the House?
24	A. The ones who voted for it, yes,
25	some of them did speak to it on the floor of

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 273 of 349 PAGEID #: 13635

		Page	273
1	RAYMOND E. DiROSSI		
2	the House and Senate respectively.		
3	Q. And when was that?		
4	A. I don't recall the specific date		
5	that 319 was on the floor of the House and		
6	Senate, but whatever date it was.		
7	Q. At the bottom of this email it		
8	says I spoke with Strivers Sunday morning and		
9	know he does not support the Widener changes		
10	putting him over to Wright-Patt. Do you see		
11	that?		
12	A. I do.		
13	Q. Do you recall there being		
14	discussions at the time with Congressman		
15	Strivers?		
16	A. Again, this is not an email that I		
17	generated. I received it, but I didn't		
18	generate it, so I if there are		
19	conversations, I wasn't having them.		
20	Q. Okay.		
21	A. That's not what I was		
22	Q. So you did not have any		
23	conversations with Congressman Strivers at this		
24	time?		
25	A. None that I can specifically		

		Page	274
1	RAYMOND E. DiROSSI		
	recall.		
	Q. Okay.		
	A. I do remember in producing		
	documents there was an email that I believe he		
	and I exchanged, but I cannot recall the		
	specifics of it.		
	Q. Do you recall at all there being a		
	particular concern with Congressman Strivers at		
	this time regarding the draft map?		
	A. You're talking about 319 or 369 or		
	both?		
	Q. 319 because we're in early		
	September.		
	A. 319. Your question again?		
	Q. Do you recall there being any		
	concerns that Congressman Strivers had about		
	319?		
	A. None that I can articulate or		
	recall.		
	(Thereupon, Plaintiffs' Exhibit		
	Number 33, Documents Bates Stamped		
	LVWOH_00018298-18301, was marked for purposes of		
	identification.)		
	BY MS. THOMAS-LUNDBORG:		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 275 of 349 PAGEID #: 13637

		Page	275
1	RAYMOND E. DIROSSI		
2	Q. Okay. I'm going to turn to a		
3	document I'm having marked as Exhibit 33 and		
4	it's LWVOH_18298. And do you see your email		
5	address in the top right corner?		
6	A. I do.		
7	Q. And then in the from line, is that		
8	your email address?		
9	A. Yes, it is.		
10	Q. And then in the to line, is that		
11	President Niehaus' email address?		
12	A. You know, once again, the previous		
13	email that we looked at for his was at fuse dot		
14	net and this one is not. That is an email I am		
15	unfamiliar with.		
16	Q. Okay.		
17	A. I'm not sure why there's a		
18	different one there.		
19	Q. And we've already talked about the		
20	other two email addresses. You recognize Keith		
21	Faber and Matt Schuler's email address,		
22	correct?		
23	A. I do.		
24	Q. The timestamp of this email is		
25	1:00 a.m. on September 12th. Do you see that?		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 276 of 349 PAGEID #: 13638



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 277 of 349 PAGEID #: 13639

Page 277

1	RAYMOND E. DiROSSI
2	President Niehaus about apportionment and
3	redistricting would be very commonplace.
4	Q. What about with Matt Schuler, were
5	you emailing with him regularly during this
б	period?
7	A. Not as regular. I enjoyed a
8	luxury as I mentioned to you before, I had
9	been a part of this process the decade before.
10	I was really the only person that had some
11	historical interaction with this process
12	before. So I was largely, by Matt, who had not
13	been through this process, by President
14	Niehaus, to some extent as well, who had not
15	been through this process, I was they knew
16	that I understood the logistical and time
17	frames and everything and so they I did not
18	get a whole lot of direction from them.
19	Q. Do you recall if the map had been
20	introduced yet at this point?
21	A. I don't recall.
22	Q. Now, looking at the text of the
23	email, you state index for Latta fell two
24	one-hundredth of a point to 51.33. Who is
25	Latta?

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 278 of 349 PAGEID #: 13640



Page 279

1	RAYMOND E. DiROSSI
2	A other indexes.
3	Q. And was it your practice at the
4	time that when you were making changes to the
5	map that you would reference the index?
6	A. Well, as I've said, at any moment
7	in time what people would ask about might be
8	geography, might be indexes, might be
9	incumbency, might be a number of things. The
10	very next line in this email that you didn't
11	mention yet, I'm sure you would have, is the
12	geographical changes to the districts for those
13	two things.
14	So I was mentioning the amount of
15	people in Lucas County that each of these two
16	congressional districts would contain in the
17	4th and 5th congressional district, and then I
18	was also showing the effect on the historical
19	political index simultaneously.
20	Q. Going to the next email in the
21	chain, this one is 7:44 a.m., a more decent
22	time of morning, from President Niehaus to you
23	directly, and it says did Whatman sign off. Do
24	you see that?
25	A. I do.

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 280 of 349 PAGEID #: 13642

		Page	280
1	RAYMOND E. DIROSSI		
2	Q. Did you have an understanding of		
3	who Whatman was?		
4	A. Yes.		
5	Q. Was that Tom Whatman?		
6	A. Yes.		
7	Q. And why was Whatman's sign-off		
8	discussed here?		
9	MR. STRACH: Objection.		
10	Go ahead and answer.		
11	THE WITNESS: Yeah, I mean, this is		
12	an email from Niehaus, so you can ask him - I'm		
13	sure you will - of what he was looking for. But,		
14	as I said before, Tom was somebody that I was		
15	exchanging information on or with.		
16	BY MS. THOMAS-LUNDBORG:		
17	Q. Sorry, I'm just going to continue		
18	and we may get to		
19	A. That's fine.		
20	Q. I'm just going to move on. I		
21	think the question my colleague has will be		
22	relevant. I'm moving on to exhibit what I'm		
23	going to have marked as Exhibit 34 and it's		
24	LWVOH_18320.		
25	(Thereupon, Plaintiffs' Exhibit		

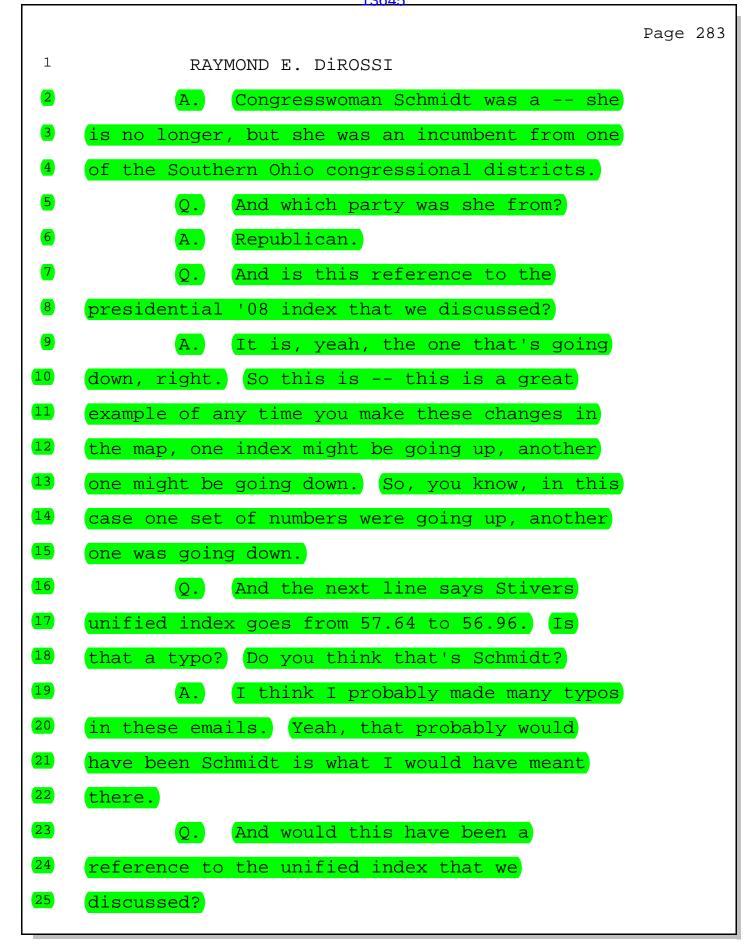
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 281 of 349 PAGEID #: 13643



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 282 of 349 PAGEID #: 13644



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 283 of 349 PAGEID #: 13645



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 284 of 349 PAGEID #: 13646

		Page	284
1	RAYMOND E. DiROSSI		
2	A. Yes.		
3	Q. And then you say I can send the		
4	equivalency file if necessary. Do you see		
5	that?		
6	A. I do.		
7	Q. Did you have a practice of sending		
8	the equivalency files to Tom Whatman at this		
9	point?		
10	A. I wouldn't call it a practice.		
11	Sometimes I did, sometimes I didn't.		
12	MS. THOMAS-LUNDBORG: Okay. I think		
13	we have to go off the record to change the DVD.		
14	THE VIDEOGRAPHER: We're off the		
15	record.		
16	(Recess taken.)		
17	THE VIDEOGRAPHER: We're on the		
18	record.		
19	MS. THOMAS-LUNDBORG: Thank you.		
20	BY MS. THOMAS-LUNDBORG:		
21	Q. Good afternoon.		
22	A. Hello again.		
23	Q. We're almost there, I promise.		
24	I would like to go back to the		
25	unified index. Did you share the unified index		

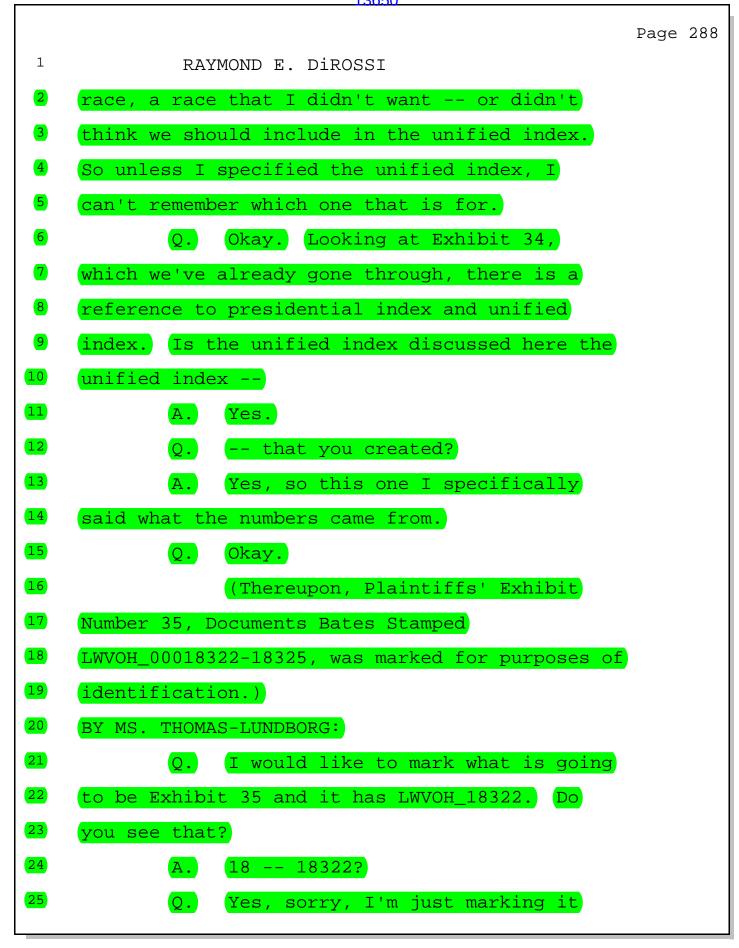
		Page	285
1	RAYMOND E. DiROSSI		
2	numbers with President Niehaus prior to the map		
3	being introduced?		
4	A. You mean how I came to suggest the		
5	specific races that made did I talk to him		
6	about its composition or		
7	Q. I'm talking about the unified		
8	index numbers for districts. Did you share		
9	those numbers with President Niehaus prior to		
10	the introduction of HB 319?		
11	A. I don't recall if I did.		
12	Q. Let's look back at Exhibit 33.		
13	And this is an email, to refresh your		
14	recollection, from you to President Niehaus,		
15	and as we discussed, in the body of the email		
16	you reference Latta and Jordan numbers. Do you		
17	see that?		
18	A. Yes.		
19	Q. Does this refresh your		
20	recollection about whether you shared unified		
21	indices numbers with President Niehaus prior to		
22	the introduction of HB 319?		
23	A. Well, with regards to this		
24	specific email, I mentioned the unified index,		
25	I mentioned the geography changes for that		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 286 of 349 PAGEID #: 13648

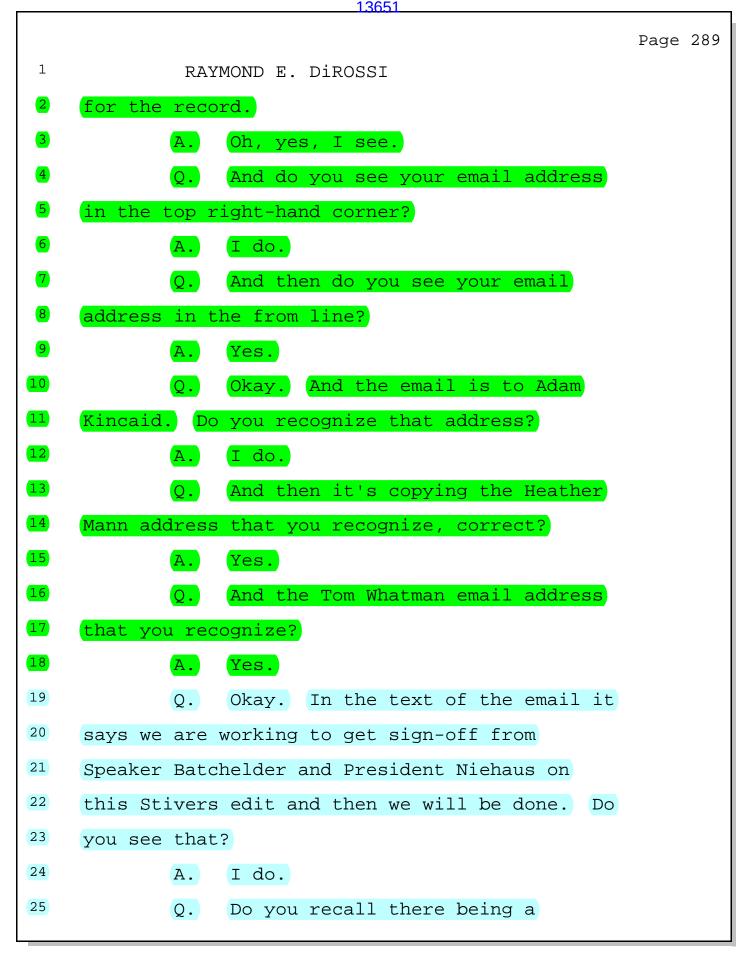
		Page	286
1	RAYMOND E. DiROSSI		
2	those two specific districts. I thought you		
3	were asking about all of the districts.		
4	Q. Is your recollection that you only		
5	shared the unified index number for Latta and		
6	Jordan?		
7	A. Before you pointed me to this, I		
8	didn't recall I mean, I obviously sent him		
9	this email, but I don't recall any other		
10	instances when I would have specific		
11	instances where I would have shared that		
12	information.		
13	Q. Would you have shared that		
14	information with anyone that you recall?		
15	A. Well, again, primarily they were		
16	if anybody asked me, I would have shared		
17	them, but I don't recall.		
18	Q. Okay. Do you recall anyone from		
19	the leadership, being the Republican		
20	leadership, asking for the unified index		
21	numbers prior to the introduction of HB 319?		
22	MR. STRACH: Objection.		
23	THE WITNESS: I don't recall. I		
24	think I had lost this battle in the index numbers	5,	
25	the historical election information that I wanted	đ	

Page 287 1 RAYMOND E. DiROSSI 2 to look at, nobody else really seemed to want to They wanted to look at their own --3 look at. 4 their own numbers. 5 BY MS. THOMAS-LUNDBORG: 6 Okay. So when you look at Exhibit 0. 7 33, that's your index, correct? 8 I don't specifically reference Α. 9 that it's the unified index, I just refer to it 10 as an index. So I don't recall if it was the 11 unified index or it was one of the other 12 components thereof or one of the other things 13 that people had asked to look at. 14 What were the other indices Q. Okay. 15 that this could have been in Exhibit 33? 16 Like we talked about in some of Α. 17 the other documents, it could have been the '08 18 presidential numbers that a lot of people 19 wanted to use, because these were federal 20 elections so they wanted to use presidential 21 election results. It could have been any of 22 the individual components of the unified index 23 that somebody wanted to look at. We talked 24 about a document where there were some people 25 that said you should be looking at the 2010 AG

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 288 of 349 PAGEID #: 13650



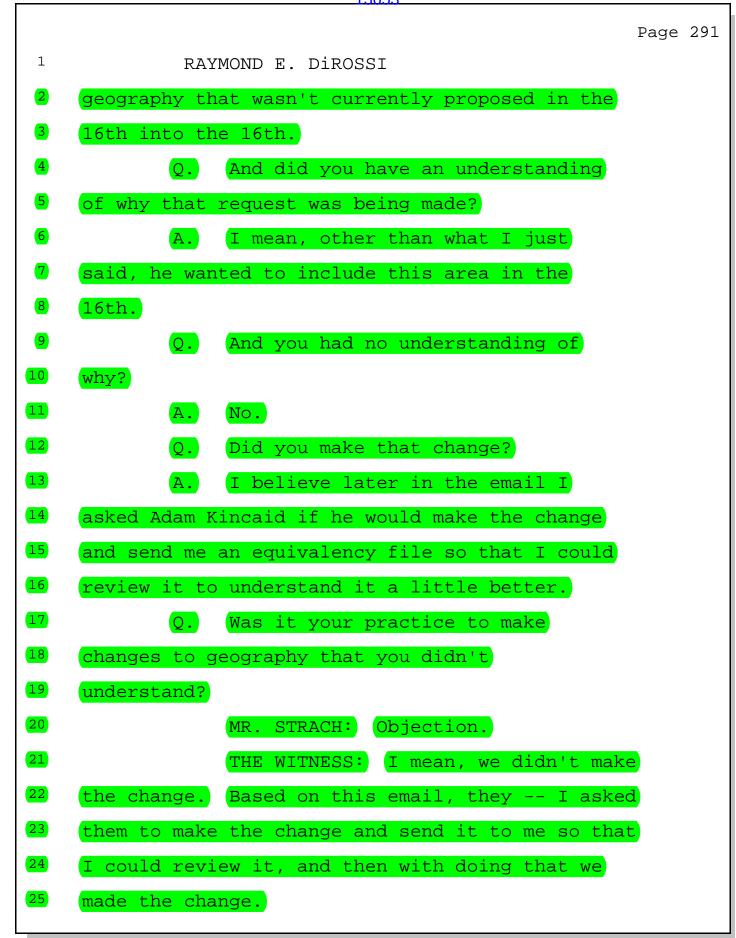
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 289 of 349 PAGEID #:



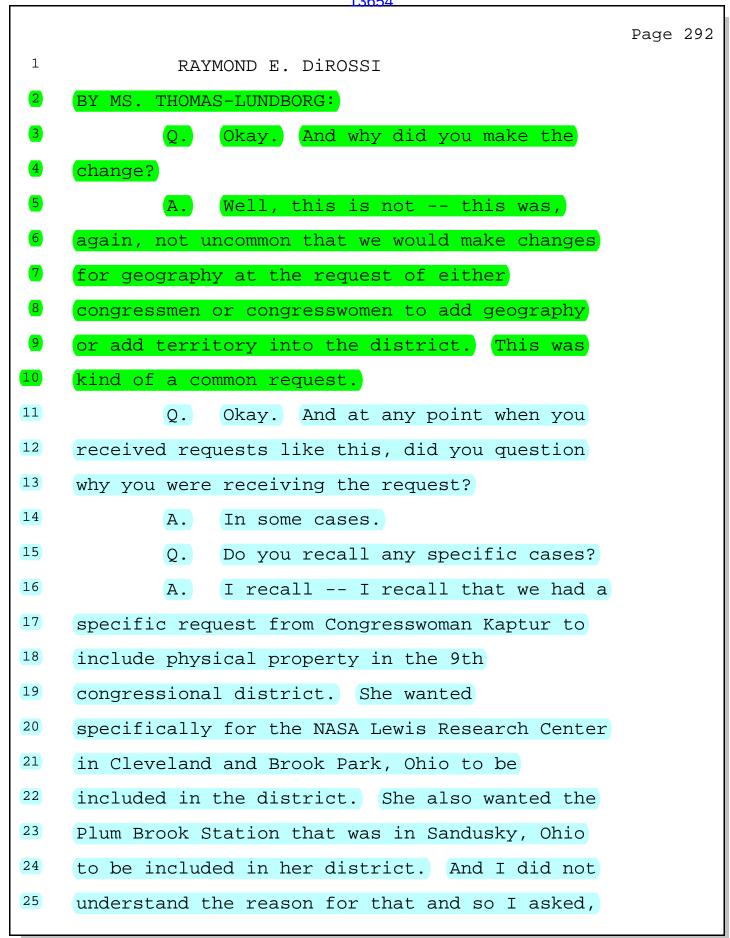
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 290 of 349 PAGEID #: 13652

1	RAYMOND E. DiROSSI
2	Stivers edit at the time?
3	A. I don't recall. I mean, the title
4	of this email is Possible Stivers Addition. I
5	can't recall what it was or if it was included
6	or not.
7	Q. Okay. I would like to turn to the
8	next page. I'm sorry, the next page in the
9	same exhibit. This is an email from Tom
10	Whatman at an address that we've already said
11	for the record you recognize, to you, Adam
12	Kincaid and Heather Mann, and the text of the
13	Tom Whatman email says, guys, really sorry to
14	ask, but can we do a small carveout of 77 in
15	Canton and put Timken HQ in the 16th. Do you
16	see that?
17	A. I do.
18	Q. Do you recall receiving a request
19	from Tom Whatman at this time?
20	A. I do.
21	Q. And what was the nature of that
22	request?
23	A. He was asking, very much as the
24	text reads here, of whether or not we could
25	make a geography change and include some

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 291 of 349 PAGEID #: 13653

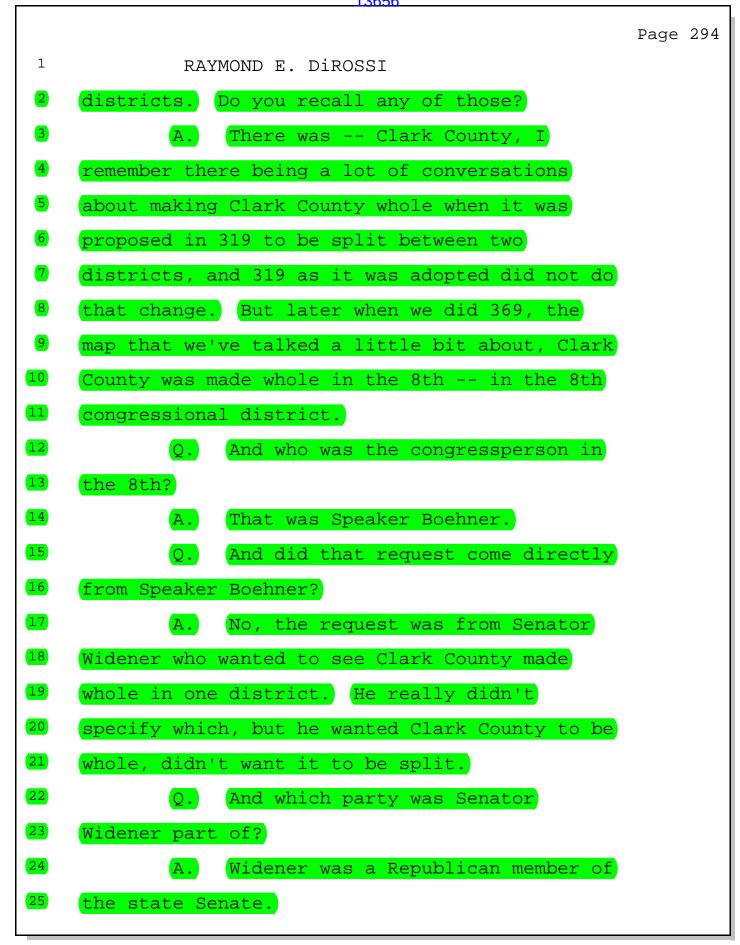


Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 292 of 349 PAGEID #:



		F
1	RAYMOND E. DIROSSI	
2	and I got an answer and then I recommended the	
3	change.	
4	Q. Okay. Are there any other changes	
5	to geography that you recall making?	
6	A. We may have talked about it	
7	before, but in the 3rd congressional district,	
8	not congresswoman at the time, but Joyce Beatty	
9	specifically asked for some territory to be	
10	excluded from 319 into what became 369. And I	
11	didn't really appreciate or understand the	
12	reason why, and after asking some questions it	
13	was relayed to me the reason why and then we	
14	made that change.	
15	Q. Are there any other requests that	
16	you recall?	
17	A. Those three are the three specific	
18	ones I recall about very specific geographical	
19	areas. There were generally people who said	
20	put this county in a district, take this county	
21	out of a district, but those were the three	
22	very, very specific geography ones that we	
23	received, and I think all three of them we did.	
24	Q. Okay. You just mentioned there	
25	were requests about putting counties in certain	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 294 of 349 PAGEID #: 13656



1	RAYMOND E. DiROSSI
2	Q. Do you recall any other requests
3	related to counties?
4	A. Well, we've talked about you
5	mean a whole county or just geography?
6	Q. I'm talking about geography.
7	A. So we talked a little bit about
8	them, but the
9	Q. Separate from what we've already
10	discussed, any other ones that you recall.
11	A. Okay. Let's see, we talked about
12	the Congresswoman Kaptur, changes for Lucas
13	County and Cuyahoga County, we talked about
14	Fudge changes for the 11th.
15	Oh, I do specifically remember
16	Congresswoman Schmidt from Southern Ohio, she
17	lived in Loveland, Ohio, which she lived in
18	Clermont County in Loveland. And I think one
19	of the earlier questions that you asked me was
20	about communities of interest and I gave
21	examples about political subdivisions like
22	cities that cross cross county boundaries.
23	This was one instance where she lived in
24	Loveland in Clermont County, but Loveland also
25	extended into Hamilton County, and so at her

1	RAYMOND E. DiROSSI
2	request she wanted Loveland to be whole in the
3	congressional district. And so in I believe
4	in 319 and 369 we unified the city of Loveland
5	even though they were across political
6	subdivision boundaries or across county
7	boundaries, I apologize.
8	Q. Okay. Anything else that you
9	recall separate from what we've already
10	discussed?
11	A. Nothing nothing else that jumps
12	out at me. Those were the big ones that were
13	focused on geography. Some Republicans, some
14	Democrat.
15	Q. Okay.
16	(Thereupon, Plaintiffs' Exhibit
17	Number 36, Document Bates Stamped DIROSSI_0000046,
18	was marked for purposes of identification.)
19	BY MS. THOMAS-LUNDBORG:
20	Q. I would like to mark what is going
21	to be Exhibit 36. It's DIROSSI_46 for
22	identification. The subject is Confirmed:
23	Meet at the Bunker about Rollout, and it's from
24	September 12th, 2011.
25	Do you recall whether the map was

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 297 of 349 PAGEID #: 13659

		Page	297
1	RAYMOND E. DiROSSI		
2	public in September on September 12th?		
3	A. That is close to the date that I		
4	believe that the map was adopted, 319 was		
5	adopted. I don't know specifically if it was		
6	public by then, but it's close to that date.		
7	Q. Do you recall whether the map was		
8	introduced on the 13th?		
9	A. I don't recall.		
10	Q. Okay.		
11	A. And again, this email is funny		
12	because it's almost the opposite of a previous		
13	email that you asked me to look at where in		
14	this one I say the location of this meeting is		
15	in the redistricting office, but in the subject		
16	matter I say we're having a meeting at the		
17	bunker about the rollout. In the previous		
18	email the location was the bunker, but the		
19	subject matter was redistricting office. So I		
20	just used those interchangeably.		
21	Q. Do you have any recollection of		
22	what rollout would have been referenced here?		
23	A. Yeah, this may have been about the		
24	process it could have been well, I guess		
25	I should stop. This could have been about		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 298 of 349 PAGEID #: 13660

	13660
	Page 298
1	RAYMOND E. DIROSSI
2	apportionment or it could have been about
3	redistricting, so I'm not totally sure which
4	one it's about.
5	Q. Okay. During this time in the
6	process were you working on the rollout for the
7	apportionment map?
8	A. So the apportionment map
9	constitutionally had to be adopted by the end
10	of September. And so I can't remember the
11	exact timelines of when the proposed maps
12	rolled out, but they were in September.
13	Q. Okay.
14	A. They were around this time. So
15	I'm not sure which one is which here.
16	(Thereupon, Plaintiffs' Exhibit
17	Number 37, Document Bates Stamped LWVOH_00018321,
18	was marked for purposes of identification.)
19	BY MS. THOMAS-LUNDBORG:
20	Q. Okay. I'm going to move on to
21	what I'm having marked as Exhibit 37. It's
22	LWVOH and it's 18321 for the record. Do you
23	see your email address in the top right corner?
24	A. I do.
25	Q. And then in the from line it

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 299 of 349 PAGEID #: 13661



CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct

copy of the following documents to be served by email upon the counsel listed below:

- 1. Affidavit of Freda J. Levenson
- 2. Deposition Transcripts from APRI v. Smith , Appendix of Exhibits, Volume 1 of 4 (pages 1 163)
- 3. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 2 of 4 (pages 164 345)
- 4. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 3 of 4 (pages 346 644)
- 5. Deposition Transcripts from APRI v. Smith Appendix of Exhibits, Volume 4 of 4 (pages 645 694)

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/s/ Freda J. Levenson

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

Case No. 2021-1193

OHIO REDISTRICTING COMMISSION, *et al.*,

v.

Respondents.

OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS Volume 4 of 4 (pages 645-694)

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OHIO APRI V. RYAN SMITH DEPOSITION TRANSCRIPTS - APPENDIX OF EXHIBITS

Volume 4 of 4 (pages 645-694)

Index of Documents

<u>ITEM</u>	DESCRIPTION	BATES RANGE
3	Deposition of Raymond DiRossi (October 22, 2018) - Ohio A. Phillip Randolph Institute, et al., v. Ryan Smith, Case No. 1:18-cv-00357-TSB (SD Ohio)	DEPO_SDOH_0645 - DEPO_SDOH_0694

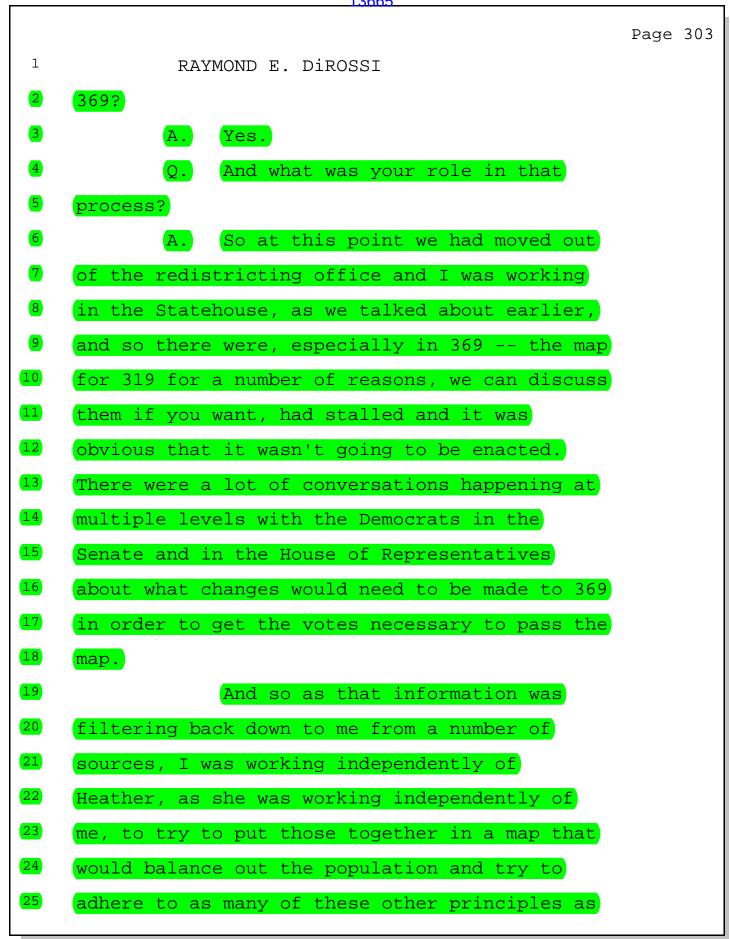
1	RAYMOND E. DiROSSI
2	Q. Okay. To the extent that you
3	know, why was why were the percentages from
4	Congressman (sic) Sutton's district being
5	shared with Congressman Renacci?
6	A. Well, obviously this is an email
7	from Heather to Congressman Renacci and I was
8	just cc'd, so I don't know the specific genesis
9	of it or what specifically she was trying to
10	convey.
11	Q. Okay. At any point did you share
12	numbers like this with sitting congresspeople?
13	A. I don't recall. If asked, I would
14	have, but I can't recall. You know this
15	maybe I should say, a lot of this in Northeast
16	Ohio has to do I guess call it the ripple
17	effect. When the decision was made with
18	Congresswoman Fudge that the 11th district
19	would be structured in a way that started in
20	Cuyahoga and came down to Summit County, it
21	really kind of split Northeast Ohio into two
22	separate halves, and so there were a lot of
23	geographical changes that were happening in
24	Northeast Ohio because of the configuration of
25	the 11th.

		Page	301
1	RAYMOND E. DIROSSI		
2	And this is one of the districts		
3	that was kind of absorbed into six or seven		
4	different surrounding districts, but it all		
5	kind of started with the decision to draw the		
6	11th district the way that it was drawn.		
7	Q. Okay.		
8	A. So that's the background.		
9	Q. And were you a part of those		
10	conversations about the changes to this section		
11	of the map?		
12	A. Heather and I would have worked		
13	jointly on those throughout the process.		
14	Q. And this is an email to a		
15	particular congressperson. Were there emails		
16	or phone conversations with other		
17	congresspeople about this section of the map?		
18	MR. STRACH: Objection.		
19	THE WITNESS: You're asking if I or		
20	Heather or		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. Let's take it in two parts.		
23	A. Okay.		
23 24	A. Okay.Q. As far as you're aware, were there		

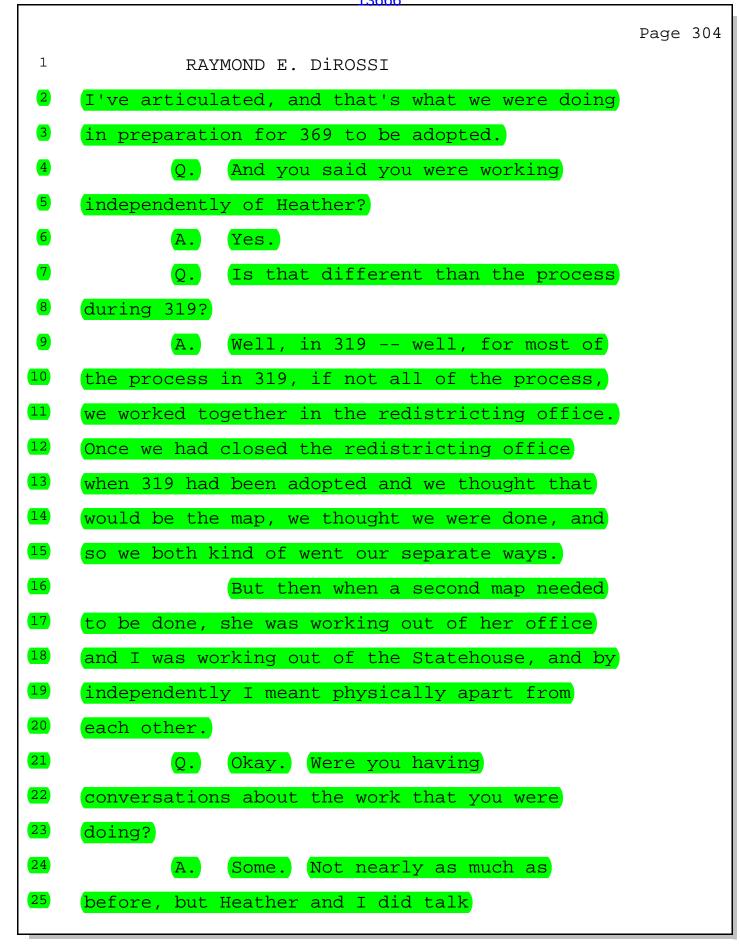
Case: 1:18-cv-00357-TSB-KNM-MHW Doc	#: 230-12 Filed:	: 02/20/19 Page: 302 of 349	PAGEID #:
	12664	•	

		Page	302
1	RAYMOND E. DIROSSI		
2	this portion of the map that you just		
3	described?		
4	A. I can't say there weren't, but		
5	none that I specifically recall.		
6	Q. Okay. Were there phone		
7	conversations about this portion of the map		
8	with sitting congresspeople?		
9	MR. STRACH: Objection.		
10	THE WITNESS: None that I recall		
11	having.		
12	BY MS. THOMAS-LUNDBORG:		
13	Q. Okay. Do you recall having any		
14	conversations with the members of the staff of		
15	sitting congresspeople about this portion of		
16	the map?		
17	A. None that I can specifically		
18	recall.		
19	Q. We've gone through a lot of		
20	calendar entries. Did you produce all of the		
21	calendar entries that you retained from that		
22	period?		
23	A. Yes.		
24	Q. Were you part of the process of		
25	revising the map after 319 in preparation for		

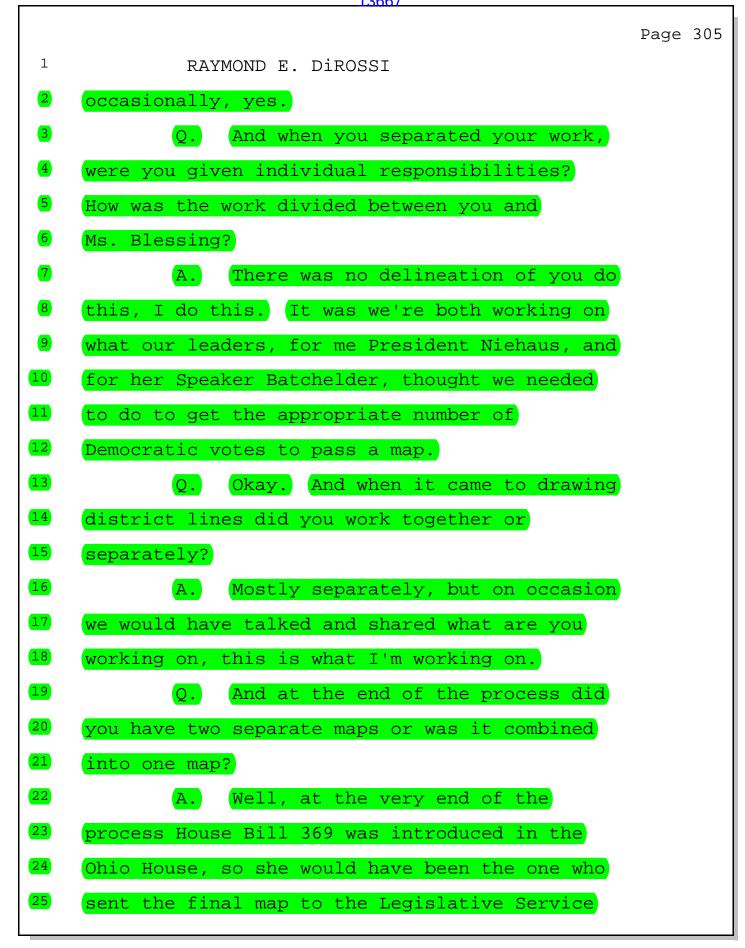
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 303 of 349 PAGEID #: 13665



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 304 of 349 PAGEID #: 13666



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 305 of 349 PAGEID #: 13667



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 306 of 349 PAGEID #: 13668

		Page 306
1	RAYMOND E. DIROSSI	
2	Commission to be drafted into a bill so that it	
3	could undergo the hearing process. But we	
4	would have had to put any pieces and parts of	
5	what we had been working on together for her to	
6	do that.	
7	Q. Okay. And when did the process of	
8	putting it together happen?	
9	A. You know, I don't recall. There	
10	was a long period of time after the adoption of	
11	319 where there was just no movement on on	
12	the map and we were just kind of stuck in	
13	neutral. And then we were able to get House	
14	Bill enough Democratic input that we could	
15	get 369 introduced, and we thought that we had	
16	enough to move the bill and we didn't, and then	
17	we were back into neutral.	
18	And then finally there was a	
19	breakthrough, probably more that Heather was	
20	involved in than I, that kind of broke broke	
21	through and the deal was struck that the	
22	legislative Democrats were comfortable, and	
23	then we moved forward with the process and the	
24	map was adopted.	
25	Q. Going back to 369 prior to	

1	RAYMOND E. DiROSSI
2	introduction and the two separate maps, you had
3	a map and Heather had a map, correct?
4	A. Well, I don't know if we had full
5	maps. We obviously had 319 because that's
6	where we left off, but I think well, I
7	shouldn't speak for her. I was having
8	conversations oops, sorry if I hit the
9	microphone. I was having conversations with
10	Bob Bennett, I was having conversations with
11	Tom Niehaus, he was having conversations with
12	anybody who was giving me input about what the
13	requests of the Democrats in the House and
14	Senate were in order for them to provide their
15	votes. And so I was working on maybe not a
16	whole map, maybe I was just working on one
17	district to try to make the changes to
18	accommodate the Democratic requests.
19	Q. And then at some point the changes
20	you made and the changes that Ms. Blessing made
21	were integrated, correct?
22	A. Yes, they would have been to
23	produce House Bill 369 as introduced.
24	Q. Okay. And do you recall when that
25	took place?

RAYMOND E. DiROSSI

A. I don't. I don't recall when it
³ was introduced.

Q. And when you were working on combining the pieces that you were working -that you each were separately working on, did you have a process of deciding what would happen if there was a conflict?

9 We didn't have a set process and I Α. 10 can't recall any conflicts that arose. I mean, 11 I think when the Democrats were making a 12 request like we talked about in Montgomery 13 County, that request was being made to the -the House and the Senate kind of together and 14 15 so there wasn't a conflict. It was kind of 16 like we're either doing what they want to do or 17 we're not.

Q. Okay. And you mentioned after 369
 was introduced it stalled and then there was a
 breakthrough. What was that breakthrough?
 A. And again, so here's where I

²² wasn't as involved. That was more on the House ²³ side. But I think it all -- or I know it all ²⁴ revolved around Joyce Beatty making some final ²⁵ requests, last-minute changes to the 3rd

		Page	309
1	RAYMOND E. DIROSSI		
2	congressional district. And once those were		
3	made, the votes were secure and the map could		
4	proceed.		
5	Q. Okay. And you don't recall what		
6	the change was to the 3rd district?		
7	A. I mean, I can speak to I		
8	couldn't speak to the specific geography, but I		
9	know specifically she wanted to change a little		
10	bit of the geography, and I'm referring to		
11	Joyce Beatty, so that one of her potential		
12	primary opponents wouldn't be in the 3rd		
13	district and they would be in one of the other		
14	Franklin County districts. So there was some		
15	geography changes that Heather would be able to		
16	speak to to accomplish to accomplish that		
17	request.		
18	Q. Okay. And your recollection is		
19	that happened after HB 369 was introduced?		
20	A. Yes, those were the final changes.		
21	369 was then amended and then passed. She also		
22	wanted to ensure that the the non-Hispanic		
23	African American voting age population of the		
24	3rd congressional district, to see if it could		
25	be made higher, and she also wanted to make		

Page 3	31	LC)
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		Ра
1	RAYMOND E. DiROSSI	
2	sure that the index - and again, that's the	
3	index that she was looking at, not necessarily	
4	the unified index - was as favorable to her as	
5	possible.	
6	Q. Okay. Do you know which index she	
7	was looking at?	
8	A. You know, I don't know.	
9	Q. Okay. And you said none of those	
10	conversations happened directly with you?	
11	A. That is correct.	
12	Q. And how did you learn of those	
13	conversations?	
14	A. From conversations with Heather,	
15	from conversations with Bob Bennett and	
16	conversations with Tom Niehaus.	
17	(Thereupon, Plaintiffs' Exhibit	
18	Number 38, Documents Bates Stamped	
19	SOS_001010-1011, was marked for purposes of	
20	identification.)	
21	BY MS. THOMAS-LUNDBORG:	
22	Q. Okay. I don't think we're going	
23	to spend that much time on this. I just want	
24	to look at Exhibit what I'm going to have	
25	marked as Exhibit 38, and it's SOS_1010 for the	

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 311 of 349 PAGEID #: 13673

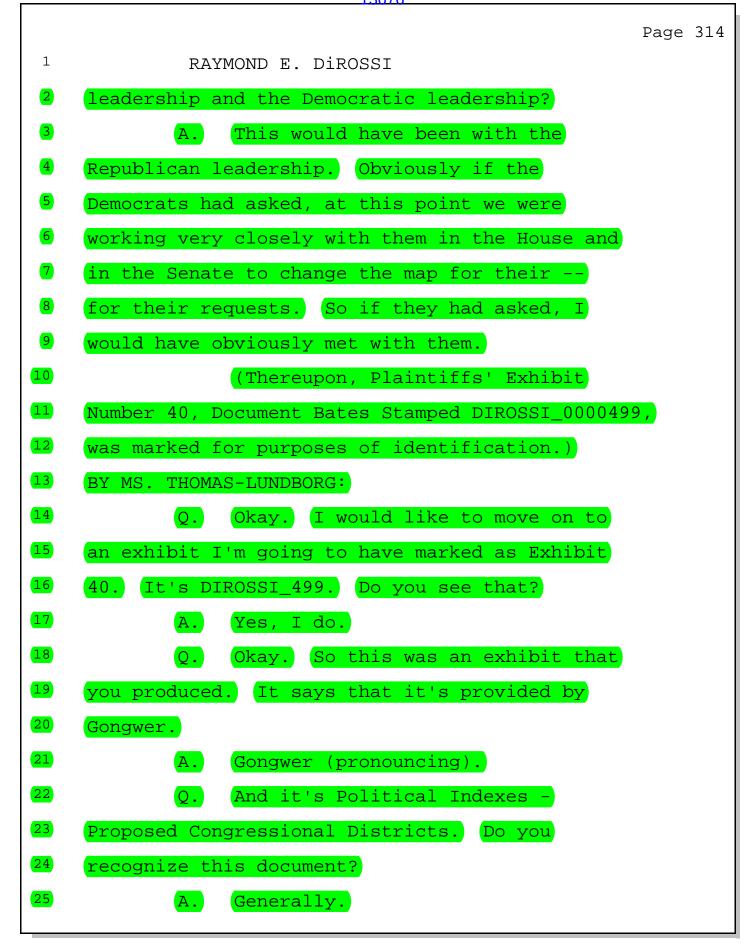
		Page	311
1	RAYMOND E. DIROSSI		
2	record.		
3	Do you see your email address at		
4 5	the top?		
6	A. I do. Q. And then this is to Halle Pegler		
7	(sic). Do you see that?		
8	A. Halle Pelger (pronouncing).		
9	Q. Sorry.		
10	A. That's okay. If you're not from		
11	Ohio, you wouldn't know who she is. No		
12	problem.		
13	Q. Well, who is she?		
14	A. She worked for the Secretary of		
15	State's office.		
16	Q. And did she have any involvement		
17	in the redistricting process?		
18	A. So her only involvement for the		
19	redistricting process was after the maps were		
20	adopted, the Secretary of State in Ohio is in		
21	charge of obviously effectuating the elections.		
22	And one of the things that needed to be done in		
23	both decades, and always needs to be done, is		
24	people need to file take out petitions to		
25	file to run for office.		

1	RAYMOND E. DIROSSI
2	And in a congressional district
3	the Ohio law is that you have to file in the
4	most populus county in your district. So if
5	you if you wanted to run in a district that
6	was in two counties, depending on which county
7	had the most population in your congressional
8	district is which county Board of Elections you
9	would need to file on.
10	The Secretary of State was
11	responsible for letting all 88 county Board of
12	Elections know for congressional districts
13	where candidates would need to file, and this
14	was happening very quickly on the heels of
15	these maps. So my interaction with her, with
16	Halle as a representative of the Secretary of
17	State's office, was letting her know here are
18	the population breakdowns of the district
19	Q. Okay.
20	A so that they could do that
21	process in a timely manner.
22	(Thereupon, Plaintiffs' Exhibit
23	Number 39, Document Bates Stamped DIROSSI_0000061,
24	was marked for purposes of identification.)
25	BY MS. THOMAS-LUNDBORG:

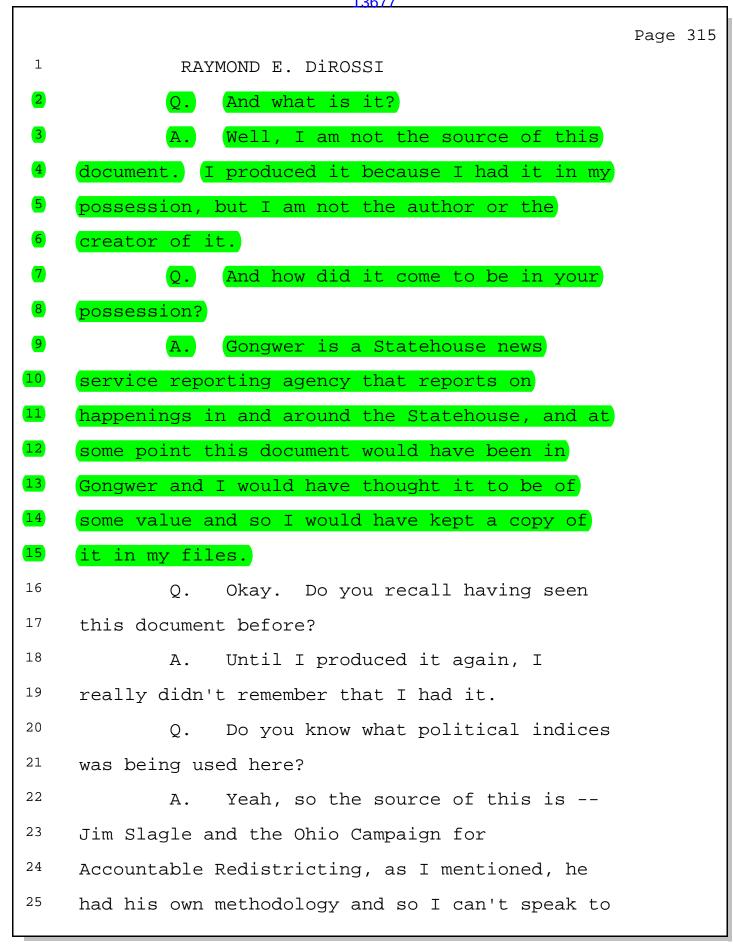
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 313 of 349 PAGEID #: 13675



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 314 of 349 PAGEID #: 13676



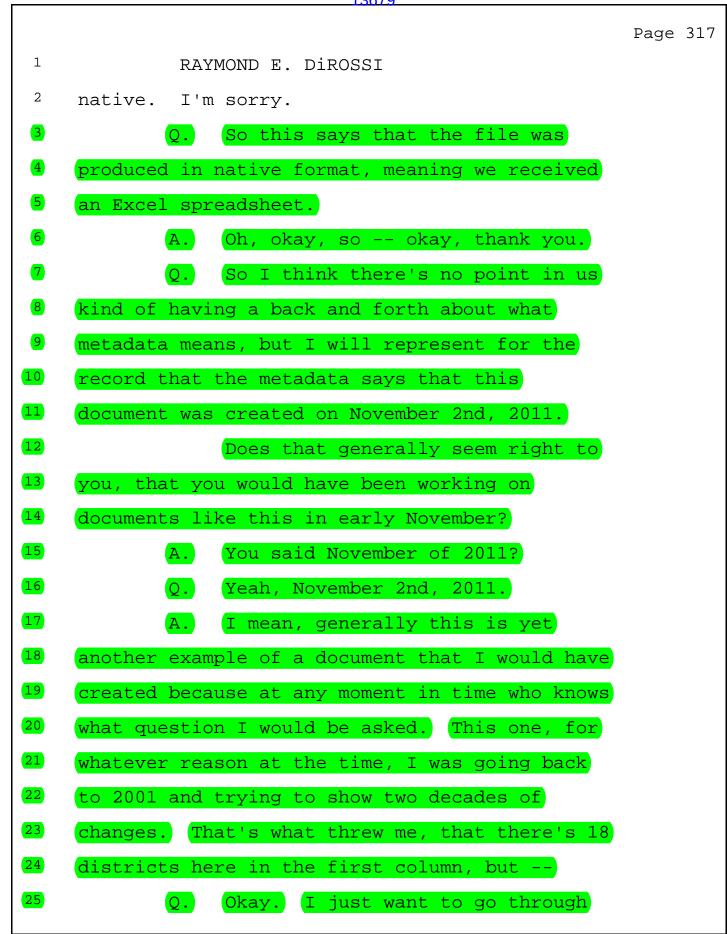
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 315 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 316 of 34	19 PAGEID #:
12679	

		Page	316
1	RAYMOND E. DiROSSI		
2	what he I can't speak to how the methodology		
3	he was using.		
4	(Thereupon, Plaintiffs' Exhibit		
5	Number 41, File Produced in Native Format Bates		
6	Stamped DIROSSI_0000525, was marked for purposes)	
7	of identification.)		
8	BY MS. THOMAS-LUNDBORG:		
9	Q. Okay. I would like to turn to an		
10	exhibit that I'm going to have marked as		
11	Exhibit 41. This is another exhibit that was		
12	produced in native, it's an Excel file. So		
13	there is the cover sheet which says it was		
14	produced in native and it's DIROSSI_525. And		
15	because it's an Excel sheet, unfortunately the		
16	columns break onto different pages.		
17	And are you familiar with the term		
18	metadata?		
19	A. I have heard I have heard the		
20	term. I've heard the term.		
21	Q. Okay. Do you understand that when		
22	you produce something in native there is a		
23	there's data associated with when the document		
24	was created?		
25	A. Yeah, I'm not familiar with		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 317 of 349 PAGEID #: 13679



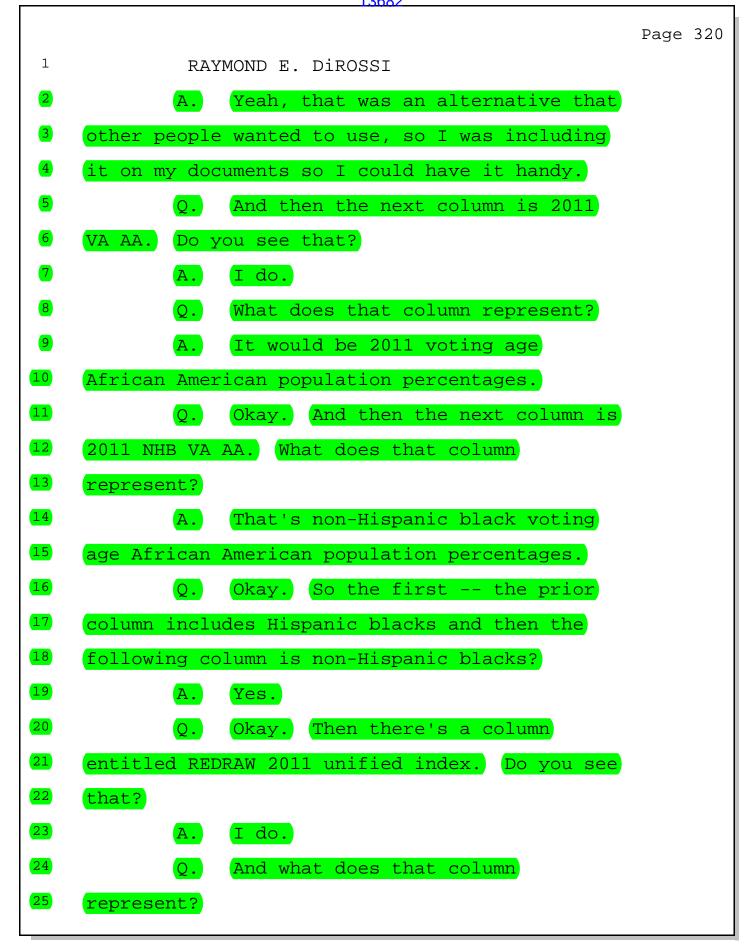
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 318 of 349 PAGEID #: 13680



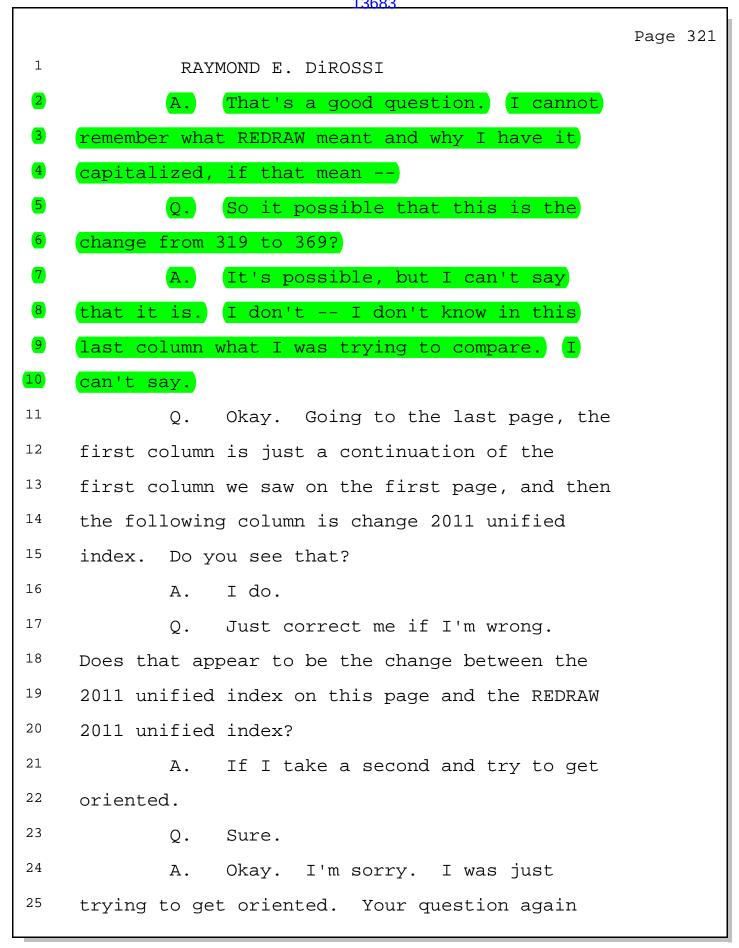
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 319 of 349 PAGEID #: 13681



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 320 of 349 PAGEID #: 13682



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 321 of 349 PAGEID #:

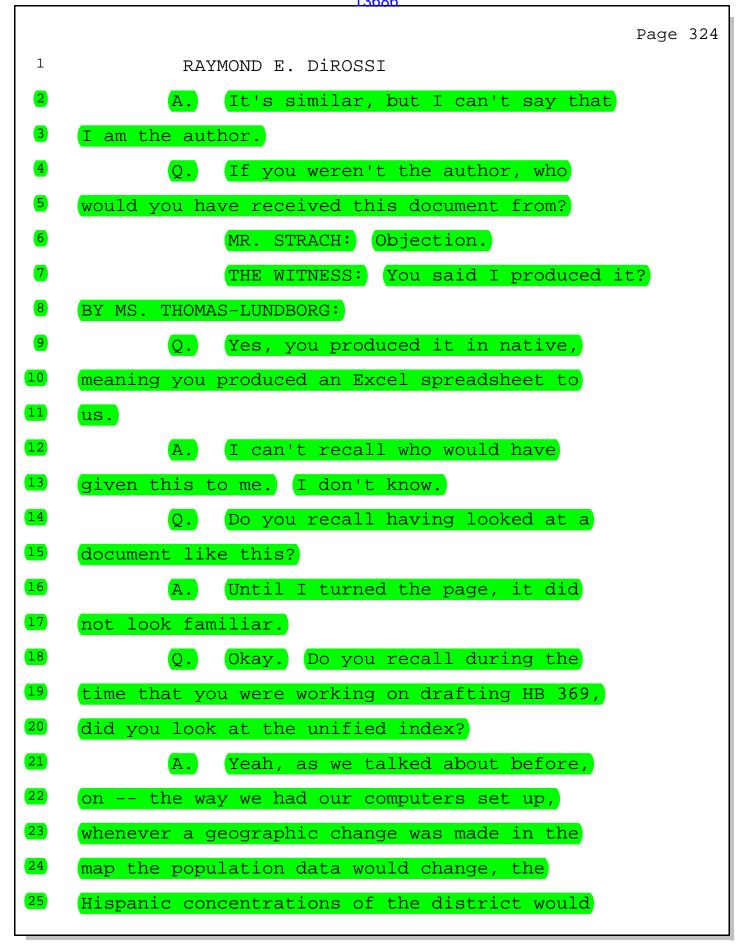


Page 322

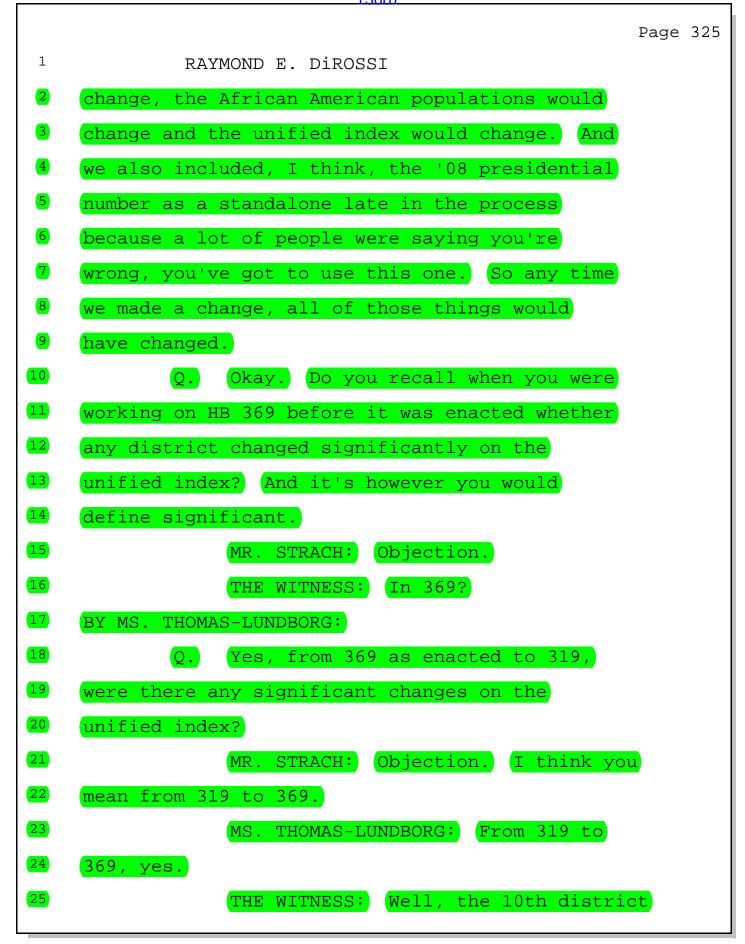
1 RAYMOND E. DiROSSI 2 was? 3 Oh, whether this change unified --Ο. 4 2001 unified index, if this column represents 5 the difference between 2011 unified index and the REDRAW 2011 unified index. 6 7 So, for example, if you look at the first -- the first row of Chabot, does that 8 9 appear to be the difference between 2011 10 unified index and REDRAW 2011 unified index? 11 MR. STRACH: Objection. 12 I'm just trying to THE WITNESS: 13 remember. I can't remember what the REDRAW meant. 14 BY MS. THOMAS-LUNDBORG: 15 That's not my question. 0. Μv 16 question is, is this --17 It would help me understand --Α. 18 understand this document and why I even created 19 it. Okay. 20 Okay. I'm just asking, looking at 0. 21 the numbers themselves, does 2011 unified 22 index, REDRAW 2011 unified index, the 23 difference between the two appear to be a 24 change 2011 unified index? 25 Objection. MR. STRACH:

		Page	323
1	RAYMOND E. DIROSSI		
2	THE WITNESS: Yeah, I can't remember	^ .	
3	It's possible, but I can't say for sure that		
4	that's what it is.		
5	(Thereupon, Plaintiffs' Exhibit		
6	Number 42, File Produced in Native Format Bates		
7	Stamped DIROSSI_0000518, was marked for purposes		
8	of identification.)		
9	BY MS. THOMAS-LUNDBORG:		
10	Q. Okay. I would like to move on to		
11	a document I'm having marked as Exhibit 42.		
12	It's another document that you produced in		
13	native, meaning we got the Excel sheet, which		
14	is why we have file produced in native cover		
15	sheet, and it's DIROSSI_518, for the record,		
16	and the metadata for this document is November		
17	15th, 2011.		
18	Are you the author of this		
19	document?		
20	A. You know, this one I'm not sure if		
21	I can't say for certain like all the other		
22	ones that I am the author of this one. This		
23	one does not look like the style that I would		
24	have created.		
25	Q. Okay.		

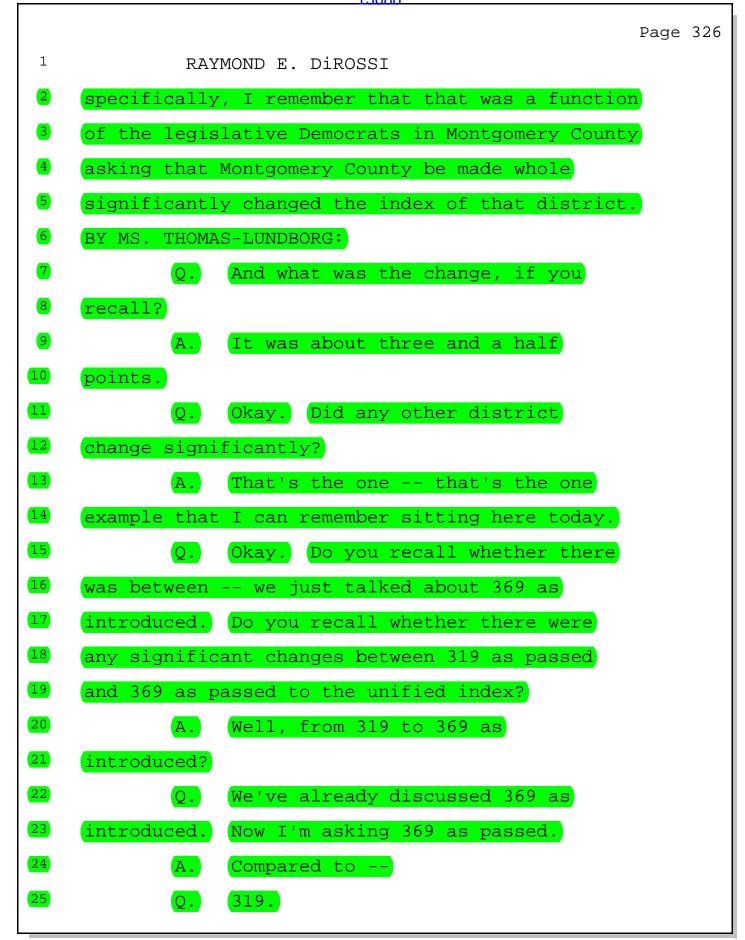
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 324 of 349 PAGEID #: 13686



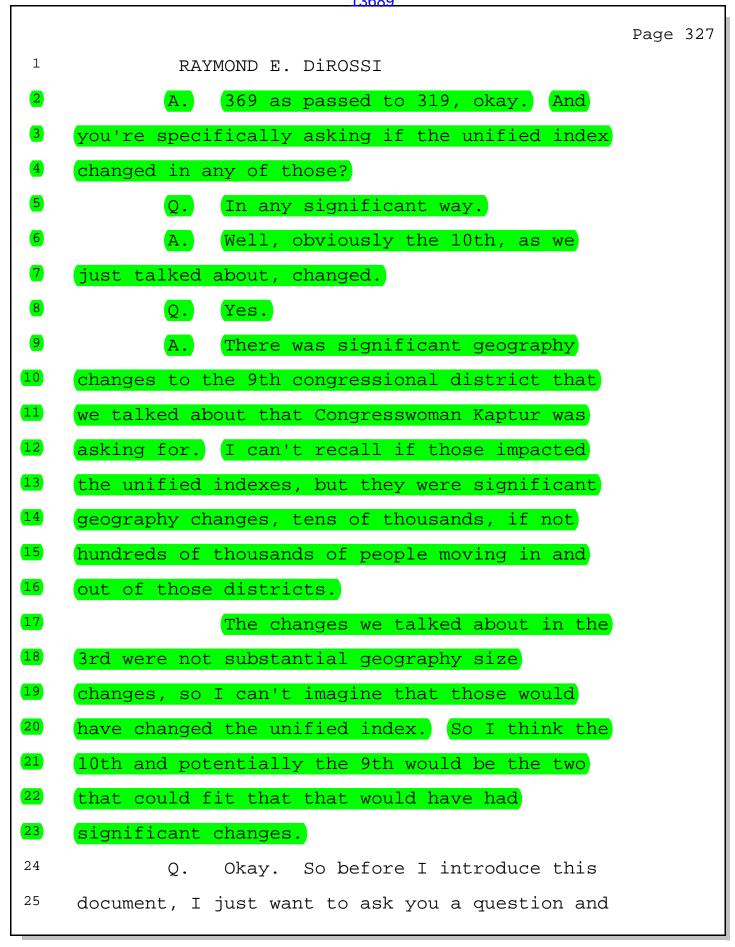
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 325 of 349 PAGEID #: 13687



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 326 of 349 PAGEID #: 13688



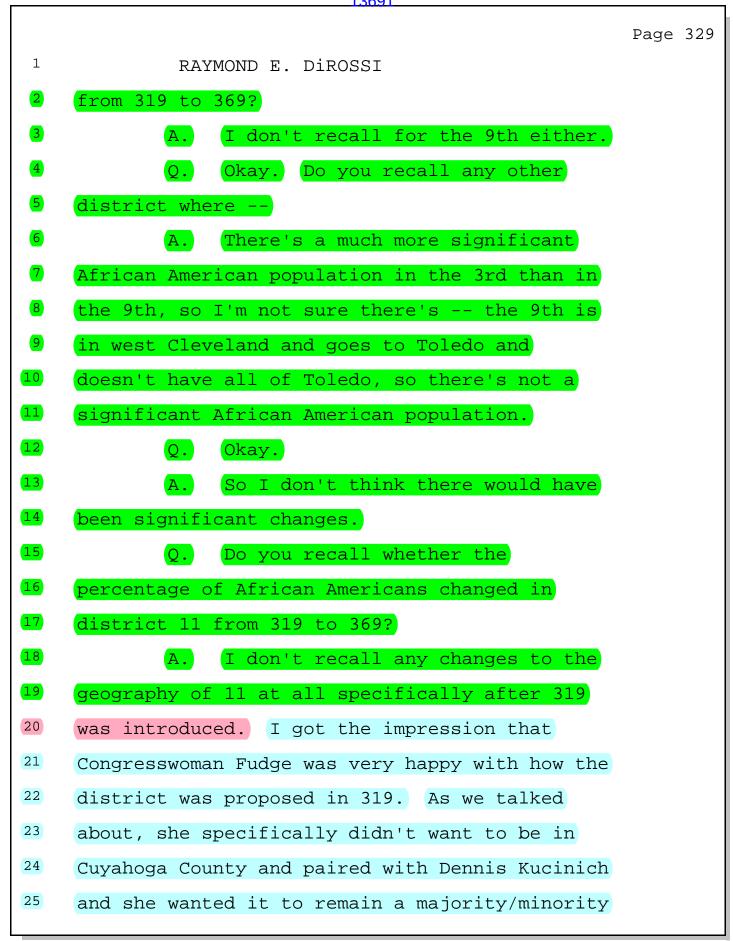
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 327 of 349 PAGEID #: 13689



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 328 of 349 PAGEID #:

		Page	328
1	RAYMOND E. DIROSSI		
2	then we'll decide if it gets introduced or not.		
3	Do you recognize this document?		
4	A. I have a vague recollection of		
5	this document.		
б	Q. Are you the author of this		
7	document?		
8	A. I don't believe I don't believe		
9	that I am.		
10	Q. Okay. Did you see this document		
11	before you prepared for your testimony today?		
12	A. I did not.		
13	Q. Okay. So then I'll just ask you		
14	general questions. You talked about the		
15	changes in the numbers of African Americans in		
16	the 3rd district, for example. Do you recall		
17	by what percentage African American numbers		
18	changed from 319 to 369?		
19	MR. STRACH: Objection.		
20	THE WITNESS: From 319 to 369?		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. Yes.		
23	A. I don't recall.		
24	Q. Do you recall what numbers the		
25	African American percentage changed in CD 9		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 329 of 349 PAGEID #: 13691



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 330 of 349 PAGEID #: 13692

		Page	330
1	RAYMOND E. DIROSSI		
2	district. So I don't I don't believe we		
3	made any changes to the 11th from 319 to 369 as		
4	enacted.		
5	Q. Okay. Did the African American		
6	population change from 319 to 369 in any other		
7	district that we haven't discussed?		
8	A. Did it change at all, you're		
9	asking? Did it change at all? Again, you're		
10	asking from 319 to 369?		
11	Q. Yes.		
12	MR. STRACH: Objection. 369 as		
13	introduced or as passed?		
14	THE WITNESS: That's a good point,		
15	yeah.		
16	BY MS. THOMAS-LUNDBORG:		
17	Q. If there are changes from it as		
18	introduced we can start there and then we can		
19	go to as passed.		
20	A. So before you asked if there were		
21	significant as I defined it, and now you're		
22	asking for any		
23	Q. Yes.		
24	A any change? Okay. I just want		
25	to make sure I have that right.		

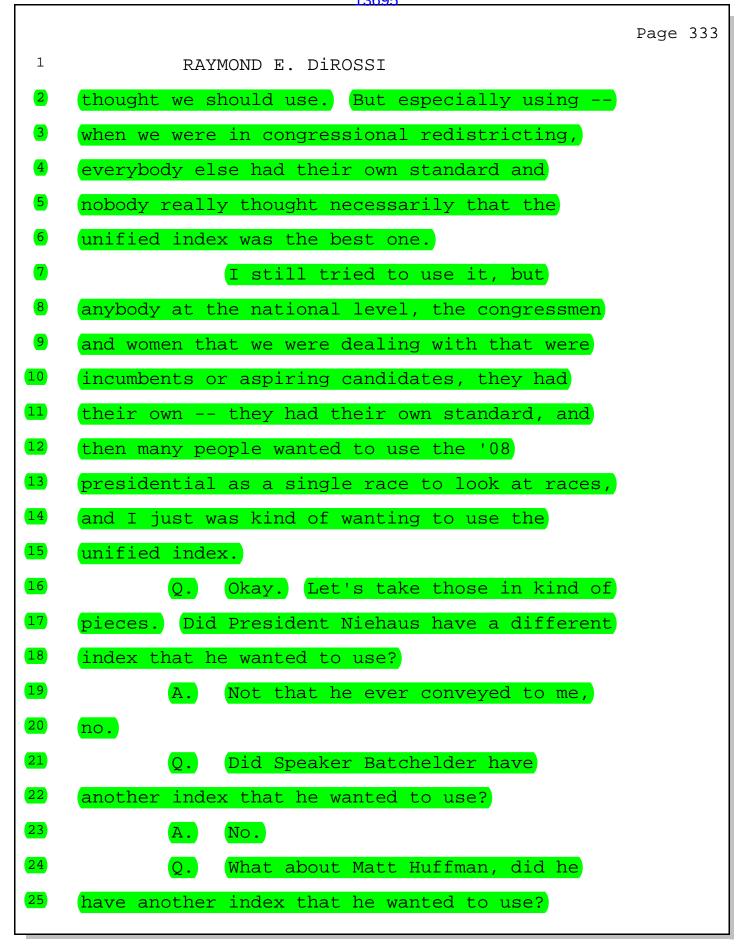
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 331 of 349 PAGEID #: 13693



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 332 of 349	PAGEID #:
13694	

	Page 332
1	RAYMOND E. DIROSSI
2	I've gone through my major questions, so maybe if
3	
	we just take a five-minute break and I might have
4	something short.
5	MR. STRACH: Okay.
6	THE VIDEOGRAPHER: We're off the
7	record.
8	(Recess taken.)
9	THE VIDEOGRAPHER: We're on the
10	record.
11	BY MS. THOMAS-LUNDBORG:
12	Q. We're almost done. Good evening,
13	I think it is now.
14	A. Good evening.
15	Q. So I would like to just ask you a
16	few follow-up questions about things that you
17	testified to earlier.
18	We talked a lot about the unified
19	index and you said that at some point you lost
20	the war over the unified index. Could you
21	clarify the war regarding the unified index?
22	A. Yeah, so probably a poor choice of
23	words. It was the from my experience the
24	previous decade, that was the index when we
25	were looking at historical election data that I

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 333 of 349 PAGEID #: 13695



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 334 of 349 PAGEID #: 13696



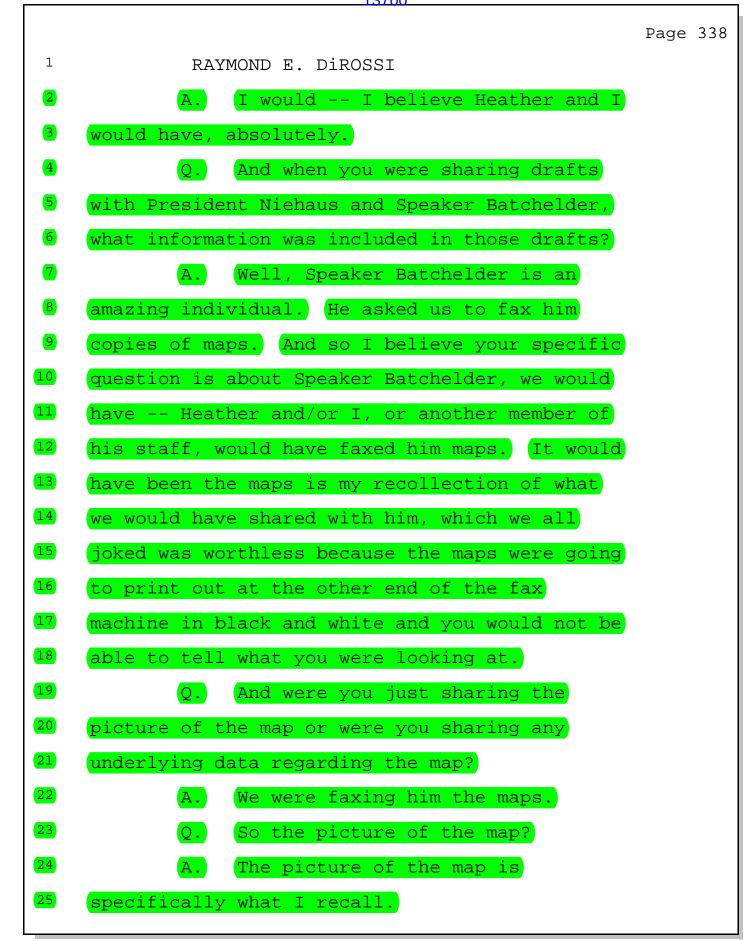
	Page 335
1	RAYMOND E. DIROSSI
2	Kincaid about the PVI prior to the introduction
3	of HB 319?
4	MR. STRACH: Objection.
5	THE WITNESS: Yeah, not that I not
6	that I recall.
7	BY MS. THOMAS-LUNDBORG:
8	Q. Okay. Did you have discussions
9	with Adam Kincaid about the PVI prior to the
10	introduction of HB 369?
11	MR. STRACH: Objection.
12	THE WITNESS: Yeah, I don't recall.
13	BY MS. THOMAS-LUNDBORG:
14	Q. Okay. What about Tom Whatman, did
15	he have a system that he wanted to use?
16	A. None that he particularly
17	articulated to me, but I just got the
18	impression he didn't think the unified index
19	was the was the best way to look at those
20	districts.
21	Q. Okay. Did he make suggestions
22	about other ways to look at those districts?
23	A. I can't recall specifically. I
24	can't recall specifically if he suggested if
25	he was the one that suggested using '08

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 336 of 349 PAGEID #: 13698

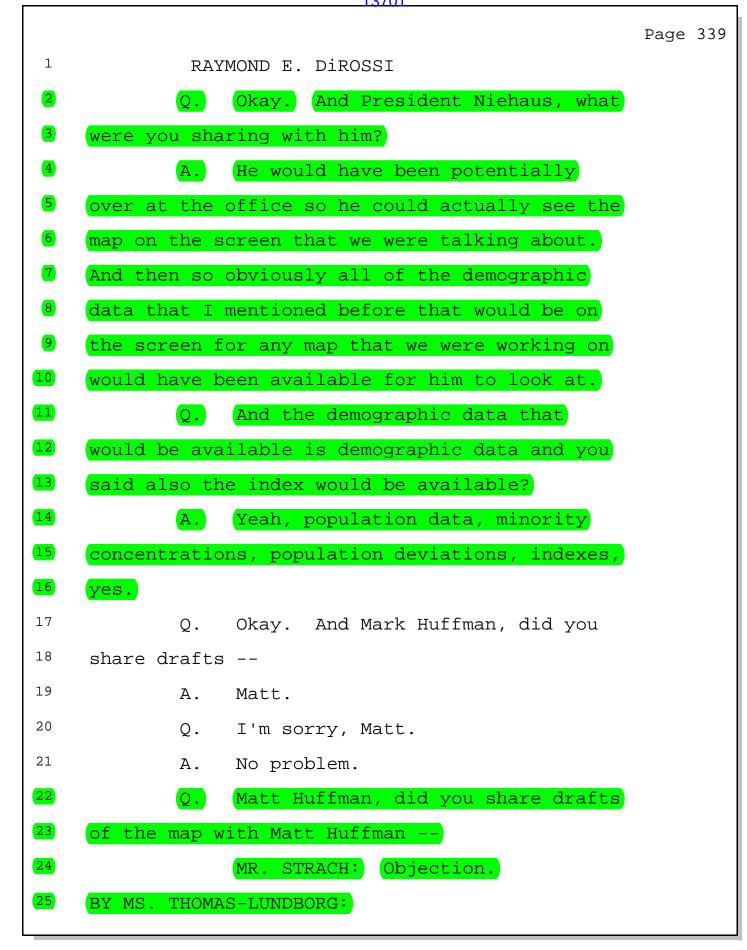
		Page	336
1	RAYMOND E. DiROSSI		
2	presidential numbers.		
3	Q. Okay. Did you receive any		
4	suggestions from President Niehaus regarding		
5	the partisan composition of districts		
6	MR. STRACH: Objection.		
7	BY MS. THOMAS-LUNDBORG:		
8	Q prior to the introduction of HB		
9	319?		
10	MR. STRACH: Objection.		
11	THE WITNESS: None none that I		
12	recall.		
13	BY MS. THOMAS-LUNDBORG:		
14	Q. Did you receive any strike		
15	that.		
16	Did you share draft maps with		
17	President Niehaus prior to the introduction of		
18	HB 319?		
19	A. I'm sure I did.		
20	Q. And did you share draft maps with		
21	President Niehaus of HB 369 prior to its		
22	introduction?		
23	A. I'm sure I would have and did.		
24	Q. Did you and do you recall how		
25	many draft maps you would have shared with him?		

Case:	1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 337 of 34 13699	9 PAGE	EID #
		Page	337
1	RAYMOND E. DIROSSI		
2	A. I don't recall.		
3	Q. Did you have a process for sharing		
4	draft maps with President Niehaus?		
5	A. Did not have a process.		
6	Q. Did you share any draft maps with		
7	Speaker Batchelder prior to the introduction of		
8	HB 319?		
9	A. Heather and I together would have.		
10	Q. And do you recall how many draft		
11	maps you shared with him?		
12	A. I don't recall. And again, to		
13	clarify draft maps, when you're saying that in		
14	my mind I'm thinking the maps that became House		
15	Bill 319 as introduced, the maps that became		
16	House Bill 369 as introduced. They weren't		
17	necessarily drafts of like other iterations.		
18	The ones that I'm specifically recalling are		
19	sharing with them the maps that ended up being		
20	the introduced versions.		
21	Q. Okay. Did you share I think we		
22	talked about the speaker related to HB 319.		
23	Did you share drafts of HB 369?		
24	A. With Speaker Batchelder?		
25	Q. Yes.		

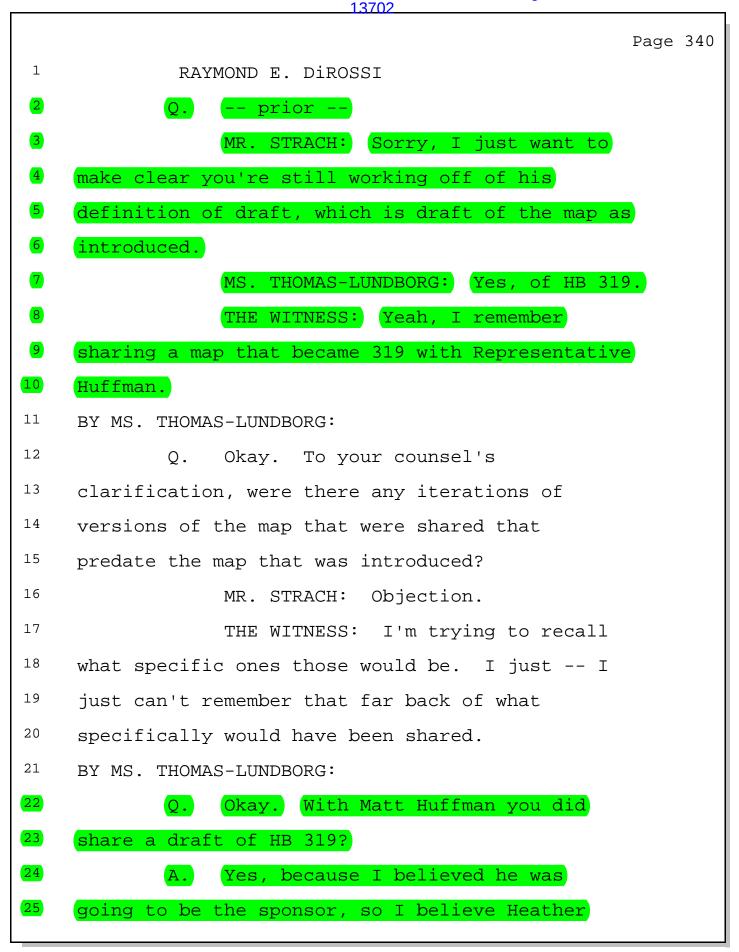
Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 338 of 349 PAGEID #: 13700



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 339 of 349 PAGEID #: 13701



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 340 of 349 PAGEID #:



Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 341 of 349 PAGEID #: 13703

	Page 34
1	RAYMOND E. DIROSSI
2	specifically had said that we needed to make
3	sure that he had an understanding of what he
4	would be introducing to start the legislative
5	process.
6	Q. And did you share a draft of HB
7	369 with Matt Huffman before it was introduced?
8	MR. STRACH: I'm sorry, objection.
9	Of the as introduced version before it was
10	introduced or of something different than the as
11	introduced version?
12	MS. THOMAS-LUNDBORG: He can define
13	in his answer what draft and what it was that was
14	shared with Matt Huffman.
15	THE WITNESS: So in all of these
16	questions I'm referring to the map that became the
17	introduced versions. I have specific
18	recollections of sharing the maps that became the
19	introduced versions. I don't have specific
20	recollections of other ideas, concepts or drafts
21	that ended up not being the introduced versions.
22	BY MS. THOMAS-LUNDBORG:
23	Q. Okay. So with Matt Huffman do you
24	have a recollection of sharing the map as
25	you're defining it of 369?

		Page	342
1	RAYMOND E. DiROSSI		
2	A. Yes.		
3	Q. Okay. And Keith Faber, did you		
4	share a version of the map, and you can clarify		
5	in your answer what you mean, of HB 319 prior		
6	to introduction?		
7	A. I don't specifically recall with		
8	Senator Faber. I don't recall. The bill was		
9	being introduced in the house, not the Senate.		
10	So there was more focus on the House members.		
11	Q. Okay. Do you recall whether a		
12	version of HB 369 was shared with Senator Faber		
13	prior to its introduction?		
14	A. As we discussed earlier, he and I		
15	did spend some time at the office looking at		
16	specifically the geography in Mercer County		
17	where we have three congressional districts		
18	coming together, so, you know, some of those		
19	versions may have found their way into 319		
20	and/or 369 and some of them may not have.		
21	Q. Okay. So just to go back to make		
22	sure the record is clean, with Senator Faber		
23	did you discuss the map in draft form prior to		
24	the introduction of 319?		
25	A. I don't have a specific		

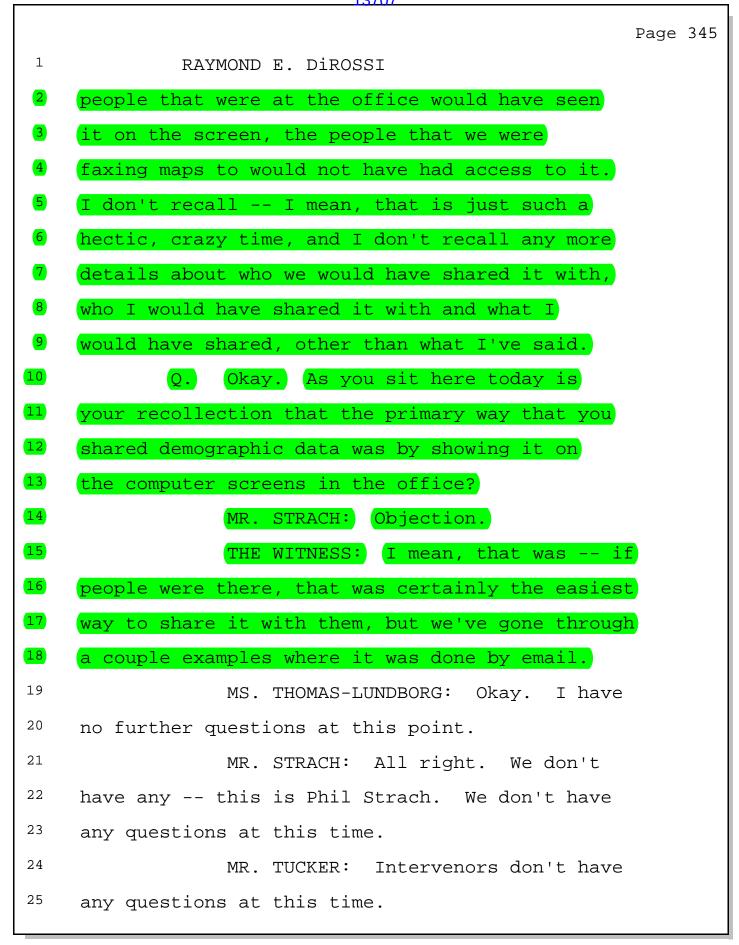
Page 343

	Pag
1	RAYMOND E. DiROSSI
2	recollection of that.
3	Q. Okay. When we looked at and we
4	can go back to the exhibit
5	A. Other than the Mercer County
6	other than the Mercer County geography issue
7	that we just talked about.
8	Q. Okay. Did you share a draft map
9	with anyone else prior to the introduction of
10	HB 319? And you can define what draft means in
11	your answer.
12	MR. STRACH: Objection. You need to
13	define whatever you're talking about.
14	THE WITNESS: Yeah, yeah, I mean it's
15	you know, the people I've articulated I have
16	specific memories of sharing the maps with them
17	that were introduced and, you know, we've talked
18	today about some of the other people who had
19	looked at maps. I think I've exhausted every
20	all of the people that I can specifically remember
21	sharing maps with.
22	BY MS. THOMAS-LUNDBORG:
23	Q. Okay. In regards to HB 369, do
24	you recall sharing the map with anyone else?
25	MR. STRACH: Same objection, same

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 344 of 349 PAGEID #: 13706

		Page	344
1	RAYMOND E. DiROSSI		
2	instruction.		
3	THE WITNESS: Yeah, I mean, the only	<u>/</u>	
4	person, Bob Bennett. Bob Bennett and I, I mean,		
5	I've said his name before, but he would have		
6	looked at maps that became House Bill 369, at		
7	least pieces of pieces of it.		
8	BY MS. THOMAS-LUNDBORG:		
9	Q. Did he look at maps that would		
10	have become 319?		
11	A. I don't I don't have those		
12	recollections. I don't recall.		
13	Q. Oh, I'm getting		
14	MR. FRAM: We're improving.		
15	BY MS. THOMAS-LUNDBORG:		
16	Q. You said that you shared the maps		
17	as defined as the map as introduced. Did you		
18	share any of the demographic data with anyone		
19	prior to the introduction of HB 319?		
20	MR. STRACH: Objection.		
21	BY MS. THOMAS-LUNDBORG:		
22	Q. And I'm using your term		
23	demographic data that you used in a prior		
24	response.		
25	A. Well, I mean, like I said, the		

Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230-12 Filed: 02/20/19 Page: 345 of 349 PAGEID #: 13707



		Page	346
1	RAYMOND E. DiROSSI		
2	MR. STRACH: Are we off the record?		
3	MS. THOMAS-LUNDBORG: We're off the		
4	record. Good night, everyone.		
5	THE VIDEOGRAPHER: Off the record.		
б	(Thereupon, signature was not waived	ł	
7	by the witness.)		
8	(Thereupon, the deposition was		
9	concluded at 6:10 p.m.)		
10	* * *		
11			
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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #	: 230-12 Filed:	: 02/20/19 Page: 347	of 349	PAGEID #:
	12700	•		

		Page	347
1	I, RAYMOND E. DiROSSI, do hereby certify		
2	that the foregoing is a true and accurate		
3	transcription of my testimony.		
4			
5			
б			
7			
8	Dated		
9			
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Page 348

1	STATE OF OHIO)
2	COUNTY OF MONTGOMERY) SS: CERTIFICATE
3	I, Christine Gallagher, a Notary
4	Public within and for the State of Ohio, duly
5	commissioned and qualified,
6	DO HEREBY CERTIFY that the
7	above-named RAYMOND E. DiROSSI, was by me first
8	duly sworn to testify the truth, the whole truth
9	and nothing but the truth.
10	Said testimony was reduced to
11	writing by me stenographically in the presence
12	of the witness and thereafter reduced to
13	typewriting.
14	I FURTHER CERTIFY that I am not a
15	relative or Attorney of either party, in any
16	manner interested in the event of this action,
17	nor am I, or the court reporting firm with which
18	I am affiliated, under a contract as defined in
19	Civil Rule 28(D).
20	IN WITNESS WHEREOF, I have hereunto set my
21	hand and seal of office at Dayton, Ohio, on this
22	
	31st day of October, 2018.
23	31st day of October, 2018.
23	CHRISTINE GALLAGHER
23 24	

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Case: 1:18-cv-00357-TSB-KNM-MHW Doc #: 230	-12 Filed: 02/20/19 Page: 349 of 349 PAGEID #:
13	711

		Page	349
1	ERRATA SHEET		
2	Case Name:		
3	Deposition Date:		
4	Deponent:		
5	Pg. No. Now Reads Should Read Reaso	on	
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7			
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11			
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14			
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21			
	Signature	e of Deponent	
22			
	SUBSCRIBED AND SWORN BEFORE ME		
23	THIS DAY OF, 2018.		
24			
25	(Notary Public) MY COMMISSION EXPIRES:_		

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct

copy of the following documents to be served by email upon the counsel listed below:

- 1. Affidavit of Freda J. Levenson
- 2. Deposition Transcripts from APRI v. Smith , Appendix of Exhibits, Volume 1 of 4 (pages 1 163)
- 3. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 2 of 4 (pages 164 345)
- 4. Deposition Transcripts from APRI v. Smith, Appendix of Exhibits, Volume 3 of 4 (pages 346 644)
- 5. Deposition Transcripts from APRI v. Smith Appendix of Exhibits, Volume 4 of 4 (pages 645 694)

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Counsel for Respondent Ohio Redistricting Commission

/s/ Freda J. Levenson