

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

Wednesday, October 14, 2020

MINUTES OF PROCEEDINGS IN Open Court

PRESENT: THE HONORABLE RAYMOND A. JACKSON, U.S. DISTRICT JUDGE

Deputy Clerk: P. Thompson

Reporter: Carol Naughton, OCR

Set: 10:00 a.m.	Started: 10:00 a.m.	Ended: 10:20 a.m.
Case No. 2:18cv69		
Latasha Holloway and Georgia Allen, Plaintiffs		
v.		
City of Virginia Beach, Virginia, Virginia Beach City Council, Louis Jones, Jessica Abbott, James Wood, Robert Dyer, Barbara Henley, John Moss, Rosemary Wilson, Donna Patterson, Aaron R. Rouse, Sabrina Wooten, Guy Tower, Michael Berlucchi, and Patrick Duhaney <i>in his official capacity as City Manager for the city of Virginia Beach</i> Defendants		
Robert Weiner, Christopher Lamar, Dana Paikowsky, Simone Leeper and Ruth Greenwood appeared on behalf of plaintiffs.		
Gerald Harris, Christopher Boynton, Erika Prouty, Joseph Kurt, Katherine McKnight, and Patrick Lewis appeared on behalf of the defendants.		
Matter came on for trial by Court (Day #6).		
Defendants resumed presentation of evidence.		
Exhibits admitted.		
Defendants rest.		
No rebuttal case by plaintiffs.		
Defendant's renew judgment for partial findings - court Defers ruling.		
Parties are to file post-trial motions within 45 days and file proposed finding of fact and conclusion of law by December 1, 2020.		
Court adjourned.		

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

Latasha Holloway & Georgia Allen

PLAINTIFF

V.

City of Virginia Beach, Virginia, Virginia
Beach City Council, Louis Jones, Jessica Abbott,
James Wood, Robert Dyer, Barbara Henley, John
Moss, Rosemary Wilson, Donna Patterson, Aaron R.
Rouse, Sabrina Wooten, Guy Tower, Michael Berlucchi,
Patrick Duhaney, in his official capacity as City
Manager for the city of Virginia Beach

DEFENDANTS

Case Number: 2:18cv69

PRESIDING JUDGE Raymond A. Jackson	COURTROOM DEPUTY P. Thompson	COURT REPORTER Carol Naughton, OCR
HEARING/TRIAL DATE(S) 10/6/20 - 10/14/20	PLAINTIFF ATTORNEY(S) Robert Weiner, Christopher Lamar, Dana Paikowsky, Simone Leeper and Ruth Greenwood	DEFENDANT ATTORNEY(S) Gerald Harris, Christopher Boynton, Erika Prouty, Joseph Kurt, Katherine McKnight and Patrick Lewis

PLA	DFT	DATE APPEARED	WITNESSES
X		10/6/20	Georgia Allen
X		10/6/20	Anthony Fairfax, Expert
X		10/7/20	Kelly Fowler (permanently excused)
X		" "	Dr. Douglas Spencer, Expert
X		" "	Sabrina Wooten (permanently excused)
X		10/7/20	Latasha Holloway
X		10/8/20	Louisa Strayhorn (permanently excused)
X		" "	Andrew Jackson (permanently excused)
	X	10/8 - 10/9/20	Kimball Brace, Expert (permanently excused)
			(Continued on page 2)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

Norfolk Division

EXHIBIT LIST

Latasha Holloway & Georgia Allen

PLAINTIFF

V.

Case No: 2:18cv69

City of Virginia Beach, Virginia, Virginia
Beach City Council, Louis Jones, Jessica Abbott,
James Wood, Robert Dyer, Barbara Henley, John
Moss, Rosemary Wilson, Donna Patterson, Aaron R.
Rouse, Sabrina Wooten, Guy Tower, Michael Berlucchi,
Patrick Duhaney, in his official capacity as City
Manager for the city of Virginia Beach

DEFENDANTS

PRESIDING JUDGE Raymond A. Jackson	COURTROOM DEPUTY P. Thompson	COURT REPORTER Carol Naughton, OCR
HEARING DATE(S) 10/6/20 - 10/14/20	PLAINTIFF ATTORNEY(S) Robert Weiner, Christopher Lamar, Dana Paikowsky, Simone Leeper and Ruth Greenwood	DEFENDANT ATTORNEY(S) Gerald Harris, Christopher Boynton, Erika Prouty, Joseph Kurt, Katherine McKnight and Patrick Lewis

PLA NO.	DFT NO.	DATE Offered	Marked	Admitted	DESCRIPTION OF EXHIBITS
					<u>Georgia Allen</u>
145		10/6/20		X	Transcript of 2001 Virginia Beach Redistricting Public Hearing
349		" "		X	3/19/2002 Transcript of City Council Meeting
350		" "		X	4/14/2002 Virginia Beach Beacon Op-Ed by John Atkinson
	165	" "	X		11/8/19 Vision to Action Community Coalition Meeting Minutes
	166	10/6/20	X		2/6/10 Filling a seat at the table, Virginian-Pilot
					<u>Anthony Fairfax</u>
75		10/6/20		X	Expert Report of A. Fairfax, 7/15/19
76		" "		X	Appendices to Expert Report of A. Fairfax, 7/15/19
79		" "		X	Rebuttal Report of A. Fairfax, 8/26/19
80		" "		X	Appendices to Rebuttal Report of A. Fairfax, 8/26/19
84		10/6/20		X	Supplemental Expert Report of A. Fairfax, 3/16/20
					(continued on page 2)

		2:18cv69			Holloway, et.al. v. City of Virginia Beach, VA, et. al.
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					<u>Anthony Fairfax, cont'd</u>
85		10/6/20		X	Appendices to Supplemental Expert Report of A. Fairfax, 3/16/20
86		" "		X	Updated CV of A. Fairfax, March 2020
432 a - 432 k		" "	X		Demonstrative charts
	167	10/6/20	X		6/24/20 Deposition of A. Fairfax Vol. II
					<u>Del. Kelly Fowler</u>
419		10/7/20		X	Flyer
	151	" "		X	Map of current configuration of HD21
	168	10/7/20	X		9/24/20 Deposition of Del. K. Convirs-Fowler
					<u>Dr. Douglas Spencer</u>
77		10/7/20		X	Expert Report of Dr. D. Spencer, 7/15/19
81		" "		X	Rebuttal Report of Dr. Spencer, 8/26/19
87		" "		X	Supplemental Expert Report of Dr. Spencer, 3/16/20
	132	" "		X	U.S. Census Data for City of Virginia Beach
101		" "		X	Coalition Estimates - Supplemental Material Produced by Dr. Spencer
	169	10/7/20	X		10/1/19 Deposition of Dr. Douglas Spencer
					<u>Sabrina Wooten</u>
277		10/7/20		X	Virginia Beach Minority Business Council FY2018 Annual Report
					(continued on page 3)

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					<u>Latasha Holloway</u>
	170	10/7/20	X		6/8/20 Complaint for Divorce
	171	10/7/20	X		9/12/19 Deposition of Latasha Holloway
					<u>Andrew Jackson</u>
	210	10/8/20		X	4/12/11 A. Jackson Position/Policy Proposal re: City's election system
	11	" "		X	Redistricting - U.S. Department of Justice Submission (2011) - City of Virginia Beach, Vol II
	138	10/8/20		X	9/9/11 Letter from Virginia Beach City Attorney to A. Jackson
	78	10/8/20		X	Dr. Allan J. Lichtman Expert Report, 7/15/19
	82	" "		X	Rebuttal report of Dr. Allan J. Lichtman, 8/26/19
	83	" "		X	Supplemental Table R3-A and Chart R3-A produced by Dr. Allan J. Lichtman
	430	" "		X	Deposition of Allan Lichtman - Transcript
	431	" "		X	Deposition of Allan Lichtman - Video
	420	10/8/20		X	Deposition Excerpts from Sabrina Wooten
	421	" "		X	Deposition Excerpts from Aaron Rouse
	422	" "		X	Deposition Excerpts from John Moss
	423	" "		X	Deposition Excerpts from Jessica Abbott
	424	" "		X	Deposition Excerpts from Robert Dyer
	425	10/8/20		X	Deposition Excerpts from David Hansen
					(continued on page 4)

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426		10/8/20		X	Deposition Excerpts from James Wood
427		" "		X	Deposition Excerpts from Louis
428		10/8/20		X	Deposition Excerpts from Rosemary Wilson
					<u>Kimball Brace</u>
501		10/8/20	X		Kimball Brace 9/17/20 Deposition Transcript
	107	" "		X	
	18	" "		X	Official Election Results from 11/2010 Virginia Beach General Election
	10	" "		X	Redistricting - U.S. Department of Justice Submissions (2011) - City of Virginia Beach, Vol I
	DDX 1	" "	X		Centerville Precinct Election Results
	20	" "		X	Official Election Results from 11/2011 Virginia Beach General Election (Multiple Races)
	23	10/8/20		X	Official Election Results from 11/2012 Virginia Beach General Election (Multiple Races)
	25	" "		X	Official Election Results from 11/2013 Virginia Beach General Election (Multiple Races)
	27	" "		X	Official Election Results from 11/2014 Virginia Beach General Election (Multiple Races)
	29	" "		X	Official Election Results from 11/2015 Virginia Beach General Election (Multiple Races)
	32	" "		X	Official Election Results from 11/2016 Virginia Beach General Election (Multiple Races)
	35	10/8/20		X	Official Election Results from 11/2017 Virginia Beach General Election (Multiple Races)
					(continued on page 5)

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					<u>Kimball Brace, cont'd</u>
	37	10/8/20		X	Official Election Results from 11/2018 Virginia Beach General and Special Elections (Multiple Races)
	436	10/9/20	X		Meza v. Galvin, Decided 6/21/04
					<u>Benito Loyola</u>
	451	10/9/20	X		B. Loyola Deposition
					<u>Nonato Abrahano</u>
	452	10/9/20	X		N. Abrahano Deposition
					<u>Taylor Adams</u>
	52	10/9/20		X	A Resolution Setting a 10% Goal for Minority Participation in City Contracts
	51	" "		X	An Ordinance Directing City Manager to Develop a Program for Prequalification of Construction Contracts Between \$100,000 and \$500,000
	50	" "		X	SWaM Small business Enhancement
	44	" "		X	SWaM Procurement Programs and Disparity Study Overview
	173	" "	X		7/11/17 Resolution of City Council Item #67214
	45	" "		X	Email with Attachment from T. Adams to Tom Leahy re: FY18 Preliminary Expenditures to Minority Owned Businesses
	70	10/9/20		X	Letter with attachments from City Manager David Hansen to Mayor and Council Members regarding Disparity Study Briefing
					(continued on page 6)

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					<u>Taylor Adams, cont'd)</u>
	68	10/9/20		X	Letter from City Manager Hansen to Mayor and Council Members regarding Disparity Study Final Report
	49	" "	X		Resolution to set a 12% Aspirational Goal for Minority Owned Business Participation in City Contracts
	174	10/9/20	X		6/16/20 Resolution of City Council Item #70389
	49	10/13/20		X	Resolution to Set a 12% Aspirational Goal for Minority-Owned Business Participation in City Contracts
	20	" "	X		Minority Business Council documents
	429	" "		X	Awards and Expenditure to Minority, Women and Service Disabled Veteran-Owned Businesses, FY2019 Annual Report
	464	" "		X	Resolution of City Council Item #70105, 2/18/20
	298	10/13/20		X	2018 Disparity Study
					<u>Quentin Kidd</u>
	83	10/13/20		X	Expert Report of Dr. Q. Kidd, Response to Spencer and Lichtman
	454	" "	X		Quentin Kidd deposition
	DDX 2	" "	X		Appendix B Updated At-Large Election Estimates
	500	" "		X	Chart drawn by Dr. Douglas Spencer
	455	10/13/20	X		Virginian Pilot Article date 10/11/16, "Virginia Beach light rail referendum is in a dead heat, according to new poll"
					(continued on page 7)

