

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION  
Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE	)
BOWSER,	)
	)
Plaintiffs,	)
	)
v.	)
	)
PATRICK MCCRORY, in his capacity	)
as Governor of North Carolina, NORTH	)
CAROLINA STATE BOARD OF	)
ELECTIONS, and JOSHUA HOWARD,	)
in his capacity as Chairman of the North	)
Carolina State Board of Elections,	)
	)
Defendants.	)

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**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' IDENTIFIED TRIAL  
EXHIBITS AND COUNTER-DESIGNATIONS TO PLAINTIFFS'  
DESIGNATIONS OF DEPOSITION TESTIMONY**

Defendants, in accordance with Fed. R. Civ. P. 26(a)(3)(B), hereby submit their objections to Plaintiffs' Identification of Trial Exhibits and counter-designations to Plaintiffs' Designations of Deposition Testimony, both of which were filed with the Court on September 14, 2015.

Defendants' objections to Plaintiff's trial exhibits are listed in the attached Exhibit A. In addition to the objections listed in Exhibit A, defendants provide the following general objections. First, defendants reserve all objections based on relevance under Rules 401, 402, and 403, Fed. R. Evid. Second, defendants reserve the right to object to

any exhibit which has not been produced by plaintiffs as of the date of these objections and is not otherwise part of the record in *Dickson v. Rucho* (“state court redistricting cases”). Finally, while defendants believe a current stipulation between the parties provides for the admission in this case of the entire record of the state court redistricting cases (subject to relevance objections), defendants reserve the right to assert hearsay objections in the event a dispute develops over the scope and meaning of that stipulation.

Defendants provide the following counter-designations to the deposition designations filed by Plaintiffs on September 14, 2015:

**1. Counter-Designations from the Deposition for Thomas Brunell (June 7, 2012)**

Page 30, Line 13 – Page 31, Line 11

Page 40, Line 15 – Page 41, Line 8

Page 53, Line 10 – Page 54, Line 5

Page 54, Line 10 – Page 55, Line 2

Page 55, Line 3 – Page 56, Line 6

Page 57, Line 4 – Page 59, Line 8

Page 59, Line 10 – Page 59, Line 25

Page 61, Line 3 – Page 61, Line 7

Page 64, Line 1 – Page 65, Line 3

Page 87, Lines 6 – 25

Page 88, Line – Page 89, Line 25

Page 91, Line 14 – Page 92, Line 21

Page 105, Lines 8 - 16

Page 121, Lines 21 - 25

Page 125, Line 6 – Page 126, Line 2

Page 133, Line 17 – Page 134, Line 1

Page 144, Line 9 – Page 146, Line 10

Page 146, Line 18 – Page 147, Line 9

Page 148, Line 7 – Page 149, Line 21

Page 156, Line 22 – Page 157, Line 7

Page 165, Lines 5 - 17

**2. Counter-Designations from the Deposition of Dr. Thomas Hofeller (May 6, 2014)**

Page 20, Line 10 – Page 21, Line 20

Page 22, Line 2 – Page 31, Line 12

Page 32, Line 20 – Page 33, Line 4

Page 34, Line 16 – Page 36, Line 10

Page 36, Line 15 – Page 37, Line 22

Page 38, Lines 6 - 9

Page 38, Line 19 – Page 39, Line 23

Page 40, Line 20 – Page 42, Line 15

Page 45, Lines 19 - 25

Page 47, Lines 10 - 16

Page 49, Line 18 – Page 51, Line 25

Page 52, Line 7 – Page 54, Line 19

Page 55, Lines 19 - 22

Page 56, Line 2 – Page 58, Line 7

Page 58, Line 20 – Page 59, Line 1

Page 69, Line 23 – Page 72, Line 4

Page 72, Line 6 – Page 74, Line 8

Page 74, Line 9 – Page 75, Line 16

Page 76, Lines 5 - 20

Page 76, Line 21 – Page 77, Line 6

Page 77, Line 13 – Page 78, Line 8

**3. Counter-Designations from the Depositions of Dr. Thomas Hofeller taken in *Dickson v. Rucho* (June 28, 2012 and August 10, 2012)**

Page 50, Line 14 – Page 51, Line 18

Page 52, Line 10 – Page 54, Line 9

Page 56, Line 5 – Page 57, Line 25

Page 59, Line 23 – Page 60, Line 23

Page 62, Line 5 – Page 62, Line 18

Page 63, Lines 9 - 23

Page 64, Line 16 – Page 65, Line 4

Page 68, Line 9 – Page 68, Line 13

Page 71, Lines 10 - 21

Page 130, Line 6 – Page 132, Line 20

Page 133, Line 17 – Page 134, Line 4

Page 135, Line 14 – Page 136, Line 1

Page 137, Lines 13 - 25

Page 138, Line 14 – Page 143, Line 17

Page 149, Line 7 – Page 151, Line 17

Page 273, Line 4 – Page 275, Line 6

Page 280, Line 4 – Page 281, Line 23

**4. Counter-Designations from the Deposition of Ted Arrington (May 15, 2012)**

Page 51, Line 19 – Page 53, Line 25

Page 56, Lines 12 - 18

Page 58, Line 7 – Page 60, Line 9

Page 60, Line 18 – Page 61, Line 15

Page 63, Lines 1 - 13

Page 64, Line 3 – Page 65, Line 13

Page 67, Lines 18 - 25

Page 75, Line 25 – Page 76, Line 25

Page 77, Lines 1 – 17

Page 93, Lines 3 – 9

Page 94, Line 16 – Page 95, Line 11

Page 103, Line 6 – Page 106, Line 7

Page 108, Lines 12 - 18

Page 130, Line 14 – Page 131, Line 12

Page 141, Lines 22 - 25

**5. Counter-Designations from the Deposition of Robert Rucho (May 4, 2012)**

Page 23, Line 21 – Page 24, Line 10

Page 50, Line 8 – Page 52, Line 9

Page 54, Line 9 – Page 55, Line 16

Page 80, Line 3 – Page 92, Line 10

Page 112, Lines 11 - 18

Page 133, Line 20 – Page 135, Line 17

Page 143, Lines 3 - 16

Page 144, Line 1 – Page 145, Line 12

Page 146, Line 12 – Page 148, Line 1

Page 157, Line 5 – Page 158, Line 12

Page 160, Line 25 – Page 162, Line 18

Page 166, Line 13 – Page 167, Line 8

Page 173, Line 15 – Page 174, Line 22

Page 175, Line 13 – Page 176, Line 2

Page 178, Line 12 – Page 184, Line 25

Page 185, Line 23 – Page 186, Line 15

Page 194, Line 18 – Page 196, Line 20

Page 197, Lines 1 - 11

**6. Counter-Designations from the Deposition of David Lewis (May 3, 2012)**

Page 48, Line 5 – Page 50, Line 15

Page 50, Line 24 – Page 53, Line 15

Page 71, Line 16 – Page 72, Line 17

Page 114, Lines 1 - 10

Page 115, Line 23 – Page 117, Line 1

Page 122, Line 10 – Page 123, Line 14

Page 126, Lines 1 - 10

Page 129, Lines 7 - 24

Page 130, Lines 15 - 17

Page 131, Line 13 – Page 133, Line 6

Page 133, Line 22 – Page 136, Line 22

Page 146, Line 21 – Page 151, Line 25

Page 178, Line 7 – Page 179, Line 22

Page 191, Lines 6 - 9

Page 200, Line 9 – Page 201, Line 3

Page 201, Line 16 – Page 204, Line 13

Page 211, Line 18 – Page 212, Line 19

Page 212, Line 20 – Page 215, Line 21

Page 124, Lines 21 - 25

**7. Counter-Designations from the Deposition of Christine Bowser (April 9, 2014)**

Page 26, Line 25 - Page 27, Line 17

Page 28, Lines 2 – 14

**8. Counter-Designations from the Deposition of David L. Harris (April 15, 2014)**

Pages 96, Lines 16 - 22

**9. Counter-Designations from the Deposition of Rev. Dr. William J. Barber, II (May 12, 2014)**

Page 45, Line 24 - Page 46, Line 3

Page 47, Lines 4 – 22

**10. Counter-Designations from the Deposition of Dale Oldham (June 27, 2012)**

Page 63, Lines 1 – 10

Page 63, Line 18 – Page 64, Line 16

Page 66, Line 7 – Page 67, Line 9

Page 79, Line 11 – Page 80, Line 7

**11. Counter-Designations from the Deposition of John Morgan (June 20, 2012)**

Page 60, Lines 15 – 23

Page 100, Line 8 – Page 101, Line 1

**12. Counter-Designations from the Deposition of Joel Raupe (June 18, 2012)**

Page 25, Lines 16 – 23

Page 76, Lines 22- 24

Page 149, Line 25 – Page 150, Line 6

**13. Counter-Designations from the Deposition of Dr. David Peterson (June 4, 2012)**

Page 7, Line 7 – Page 121, Line 19



This 28th day of September, 2015.

NORTH CAROLINA DEPARTMENT OF  
JUSTICE

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**CERTIFICATE OF SERVICE**

I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing **Defendants' Objections to Plaintiffs' Identified Trial Exhibits and Counter-Designations to Plaintiffs' Designations of Deposition Testimony** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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This the 28th day of September, 2015.

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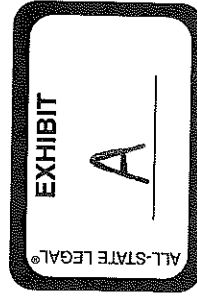
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<u>Plaintiffs' Exhibit Number</u>	<u>Date of Document</u>	<u>Category</u>	<u>Description</u>	<u>Objections</u>
P-1	12/19/2012	Affidavit	Affidavit of Erika Churchill	
P-2	10/3/2012	Affidavit	Third Affidavit of Christopher Ketchie	
P-3	1/4/2013	Affidavit	Fourth Affidavit of Christopher Ketchie	
P-4	2/21/2013	Affidavit	Fifth Affidavit of Christopher Ketchie	
P-5	2/1/2012	Correspondence	Letter from USDOJ to Chris Heagarty	
P-6	11/1/2011	Correspondence	Letter from USDOG Preclearing the 2011 Congressional Redistricting Plan	
P-7	7/22/2011	Correspondence	Letter from G.K. Butterfield to Sen. Rucho and Rep. Lewis	
P-8	7/8/2011	Correspondence	Letter from Mel Watt to Sen. Rucho and Rep. Lewis	
P-9	10/18/2011	Correspondence	Letter from Linda Garrou to USDOG	
P-10	7/8/2011	Correspondence	Letter from Mel Watt to Sen. Rucho and Rep. Lewis	
P-11	6/19/2011	E-mail	E-mail from Tom Hofeller to Joel Raupe and e-mail string	
P-12	6/20/2011	E-mail	E-mail from Joel Raupe to Tom Hofeller and e-mail string	
P-13	6/30/2011	E-mail	E-mail from Brent Woodcox to Tom Farr and e-mail string	Attorney-Client Privilege; Work Product
P-14	6/30/2011	E-mail	E-mail from Jason Kay to Brent Woodcox and e-mail string	



P-15	4/12/2012	Expert report/Affidavit	Second Affidavit of David W. Peterson	
P-16	5/8/2012	Expert report/Affidavit	Fourth Affidavit of David W. Peterson	
P-17	12/23/2013	Expert report/Affidavit	Ansolahehere Expert Report	
P-18	1/29/2014	Expert report/Affidavit	Ansolahehere Expert Report in Response to Thomas B. Hofeller	
P-19		Map	Beaufort County Map (Rucho-Lewis Cong. 3)	
P-20		Map	Bertie County Map (Rucho-Lewis Cong. 3)	
P-21		Map	Cabarrus County Map (Rucho-Lewis Cong. 3)	
P-22		Map	Chowan County Map (Rucho-Lewis Cong. 3)	
P-23		Map	Craven County Map (Rucho-Lewis Cong. 3)	
P-24		Map	Davidson County Map (Rucho-Lewis Cong. 3)	
P-25		Map	Gates County Map (Rucho-Lewis Cong. 3)	
P-26		Map	Franklin County Map (Rucho-Lewis Cong. 3)	
P-27		Map	Granville County Map (Rucho-Lewis Cong. 3)	
P-28		Map	Edgecombe County Map (Rucho-Lewis Cong. 3)	
P-29		Map	Forsyth County Map (Rucho-Lewis Cong. 3)	

P-30		Map	Durham County Map (Rucho-Lewis Cong. 3)	
P-31		Map	Greene County Map (Rucho-Lewis Cong. 3)	
P-32		Map	Guilford County Map (Rucho-Lewis Cong. 3)	
P-33		Map	Halifax County Map (Rucho-Lewis Cong. 3)	
P-34		Map	Hertford County Map (Rucho-Lewis Cong. 3)	
P-35		Map	Lenoir County Map (Rucho-Lewis Cong. 3)	
P-36		Map	Martin County Map (Rucho-Lewis Cong. 3)	
P-37		Map	Mecklenburg County Map (Rucho-Lewis Cong. 3)	
P-38		Map	Nash County Map (Rucho-Lewis Cong. 3)	
P-39		Map	Northampton County Map (Rucho-Lewis Cong. 3)	
P-40		Map	Pasquotank County Map (Rucho-Lewis Cong. 3)	
P-41		Map	Perquimans County Map (Rucho-Lewis Cong. 3)	
P-42		Map	Pitt County Map (Rucho-Lewis Cong. 3)	
P-43		Map	Rowan County Map (Rucho-Lewis Cong. 3)	
P-44		Map	Vance County Map (Rucho-Lewis Cong. 3)	

P-45	Map	Warren County Map (Rucho-Lewis Cong. 3)	
P-46	Map	Washington County Map (Rucho-Lewis Cong. 3)	
P-47	Map	Wayne County Map (Rucho-Lewis Cong. 3)	
P-48	Map	Wilson County Map (Rucho-Lewis Cong. 3)	
P-49	Map	Statewide Map (Rucho-Lewis Congress 3)	
P-50	Map	CD 1 Map (Rucho-Lewis Cong. 3 Detailed)	
P-51	Map	CD 12 Map (Rucho-Lewis Cong. 3 Detailed)	
P-52	Map	CD 1 Map (Rucho-Lewis Cong. Simple)	
P-53	Map	CD 12 Map (Rucho-Lewis Cong. 3 Simple)	
P-54	Map	NC Senate Exemplar Plan (Northeastern NC)	
P-55	Map	Map of North Carolina Congressional Districts in Effect Between 1998 and 2001	
P-56	Map	District 12 Segments (Ketchie Production "Draft1.pdf")	
P-57	Map	District 12 Segments (Ketchie Production "Draft2.pdf")	
P-58	Map	District 12 Segments (Ketchie Production "Draft3v2.pdf")	
P-59	Map	Map Labeled "NC Cong Delegation 9-4 May 11"	
P-60	Map	Map Labeled "NC Cong Delegation 10-3 May 11"	

P-61			Map	Map Labeled "Map 1, NC 12th Congressional District" (Ketchie Production)	
P-62			Map	Map Labeled "Proposed 10-3 Map"	
P-63			Map	Multiple Versions of "Rucho-Lewis Congress" Maps	
P-64			Map	Congressional Districts from 1941 to 1992	
P-65			Map	Multiple Maps Marked as Exhibit 2 at 9/9/15 Depo of Thomas Hofeller	
P-66			Map	Multiple Maps Marked as Exhibit 3 at 9/9/15 Depo of Thomas Hofeller	
P-67		7/1/2011	Other	Statement by Senator Bob Rucho and Representative David Lewis re: the Proposed 2011 Congressional Plan	
P-68		7/19/2011	Other	Statement by Senator Bob Rucho and Representative David Lewis re: the release of Rucho-Lewis Congress 2	
P-69			Other	Congressional Races 1992-2001 (Churchill Dep. Ex. 81)	
P-70			Other	"Redrawing the Map on Redistricting 2012" (report by Azavea, a geospatial analysis firm)	Hearsay; Foundation; Authenticity
P-71		2/25/2013	Other	Second Joint Stipulation ( <i>Dickson v. Rucho</i> )	



P-72	1/28/1992	Section 5 Submission	1992 Section 5 Submission (Letter and Compendium re: Congressional Plan)	Completeness
P-73	4/9/1997	Section 5 Submission	1997 Section 5 Submission (Letter and Compendium re: Congressional Plan)	Completeness
P-74		Section 5 Submission	2011 Section 5 Submission (Compendium re: Congressional Plan)	Completeness
P-75		Section 5 Submission	2011 Section 5 Submission (NC11-C-27A-1)	Completeness
P-76		Section 5 Submission	2011 Section 5 Submission (NC11-C-27B-1)	Completeness
P-77		Section 5 Submission	2011 Section 5 Submission (NC11-C-27B-2)	Completeness
P-78		Section 5 Submission	2011 Section 5 Submission (NC11-C-27C-1)	Completeness
P-79		Section 5 Submission	2011 Section 5 Submission (NC11-C-27C-2)	Completeness
P-80		Section 5 Submission	2011 Section 5 Submission (NC11-C-27C-3)	Completeness
P-81		Section 5 Submission	2011 Section 5 Submission (NC11-C-27C-4)	Completeness
P-82		Section 5 Submission	2011 Section 5 Submission (NC11-C-27H-1)	Completeness
P-83		Section 5 Submission	2011 Section 5 Submission (NC11-C-27J-1)	Completeness
P-84		Section 5 Submission	2011 Section 5 Submission (NC11-C-27J-2)	Completeness
P-85		Section 5 Submission	2011 Section 5 Submission (NC11-C-27N-1)	Completeness
P-86		Section 5 Submission	2011 Section 5 Submission (NC11-C-27N-2)	Completeness

P-87			Section 5 Submission	2011 Section 5 Submission (NC11-C-27N-3)	Completeness
P-88			Section 5 Submission	2011 Section 5 Submission (NC11-C-27P-1)	Completeness
P-89			Section 5 Submission	2011 Section 5 Submission (NC11-C-27R-1)	Completeness
P-90			Section 5 Submission	2011 Section 5 Submission (NC11-C-27R-2)	Completeness
P-91			Section 5 Submission	2011 Section 5 Submission (NC11-C-27R-3)	Completeness
P-92			Section 5 Submission	2011 Section 5 Submission (NC11-C-28B-1)	Completeness
P-93			Section 5 Submission	2011 Section 5 Submission (NC11-C-28B-2)	Completeness
P-94			Section 5 Submission	2011 Section 5 Submission (NC11-C-28G-1)	Completeness
P-95			Section 5 Submission	2011 Section 5 Submission (NC11-C-28G-2)	Completeness
P-96			Section 5 Submission	2011 Section 5 Submission (NC11-C-28H-1)	Completeness
P-97	7/2/2011		Section 5 Submission	2011 Section 5 Submission (7/2/11 Carolina Times Article)	Completeness
P-98	7/23/2011		Section 5 Submission	2011 Section 5 Submission (7/23/11 Carolina Times Article)	Completeness
P-99	7/10/2011		Section 5 Submission	2011 Section 5 Submission (7/10/2011 Carolinian Article)	Completeness
P-100	4/29/2010		Section 5 Submission	2011 Section 5 Submission (4/29/10 N&O Blog Post)	Completeness
P-101	12/18/2010		Section 5 Submission	2011 Section 5 Submission (12/18/10 Star News Article)	Completeness
P-102			Section 5 Submission	2011 Section 5 Submission (Curative Draft)	Completeness

P-103	11/10/2011	Section 5 Submission	2011 Section 5 Submission (Electronic Submission re: Curative Congressional Filing No. 3683)	Completeness
P-104		Stats/Data	CD 1 District Statistics ("rptDistrictStats-1")	
P-105		Stats/Data	CD 12 District Statistics ("rptDistrictStats-12")	
P-106		Stats/Data	CD 1 VAP by Race and Ethnicity ("rptVTDVap-1")	
P-107		Stats/Data	CD 12 VAP by Race and Ethnicity ("rptVTDVap-12")	
P-108		Stats/Data	Table 4: Electoral Analysis of Previous Congressional Districts with 40%+ TBVAP (Plaintiffs' Trial Exhibit 23 in <i>Dickson v. Rucho</i> )	
P-109		Stats/Data	"Population Statistics on 1997 Version of First Congressional District Under 2000 Census"	
P-110		Stats/Data	VAP Data for the NC Congressional Plan in Effect Between 1998 and 2001	
P-111		Stats/Data	VAP Data for the NC Congressional Plan in Effect Between 2001 and 2011	
P-112		Stats/Data	"Congressional Races with Minority Candidates 1992-2010"	
P-113		Stats/Data	"Municipality by District Report Source 2010 Census Plan CST1A Rucho Lewis Congress 3"	
P-114		Stats/Data	Table Labeled "Carolina Proportionality Chart"	
P-115		Stats/Data	Table Labeled "NC_10_3_CD"	

P-116		Stats/Data	Table Labeled "NC_Cong_Delegation_9_4_May_11"	
P-117		Stats/Data	Table Labeled "NC_Congress_10_3_Delegation"	
P-118		Stats/Data	Table Labeled "NC_Congress_Whole_Precinct_1st"	
P-119	5/22/2012	Transcript (Deposition)	Deposition Transcript of NC NAACP (Rev. Barber)	
P-120	5/12/2014	Transcript (Deposition)	Deposition Transcript of NC NAACP (Rev. Barber)	
P-121	5/4/2012	Transcript (Deposition)	Deposition Transcript of Sen. Robert Rucho	
P-122	6/20/2012	Transcript (Deposition)	Deposition Transcript of John Morgan	
P-123	6/27/2012	Transcript (Deposition)	Deposition Transcript of Dale Oldham	
P-124	3/20/2012	Transcript (Deposition)	Deposition Transcript of Erika Churchill	
P-125	5/3/2012	Transcript (Deposition)	Deposition Transcript of Rep. David Lewis	
P-126	6/7/2012	Transcript (Deposition)	Deposition Transcript of Thomas Brunell	
P-127	6/28/2012	Transcript (Deposition)	Deposition Transcript of Thomas Hofeller	
P-128	8/10/2012	Transcript (Deposition)	Deposition Transcript of Thomas Hofeller	
P-129	5/6/2014	Transcript (Deposition)	Deposition Transcript of Thomas Hofeller	

P-130	9/9/2015	Transcript (Deposition)	Deposition Transcript of Thomas Hofeller	
P-131	6/8/2012	Transcript (Deposition)	Deposition Transcript of Joel Raupe	
P-132	4/15/2014	Transcript (Deposition)	Deposition Transcript of David Harris	
P-133	4/9/2014	Transcript (Deposition)	Deposition Transcript of Christine Bowser	
P-134	5/9/2011	Transcript (Legislative)	NCGA Public Hearing on Redistricting Transcript	
P-135	7/21/2011	Transcript (Legislative)	House Redistricting Committee Transcript	
P-136	7/21/2011	Transcript (Legislative)	Senate and House Joint Redistricting Committees Transcript	
P-137	7/22/2011	Transcript (Legislative)	Senate Redistricting Committee Transcript	
P-138	7/25/2011	Transcript (Legislative)	House Floor Debate Transcript	
P-139	7/25/2011	Transcript (Legislative)	Senate Floor Debate Transcript	
P-140	7/27/2011	Transcript (Legislative)	House Redistricting Committee Transcript	
P-141	7/27/2011	Transcript (Legislative)	Senate Floor Debate Transcript	
P-142	7/27/2011	Transcript (Legislative)	House Floor Debate Transcript	

P-143	6/4/2013	Transcript (Trial)	Dickson Trial Transcript (Day 1 of 2)	
P-144	6/5/2013	Transcript (Trial)	Dickson Trial Transcript (Day 2 of 2)	