

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

4 ALPHA PHI ALPHA FRATERNITY, ) DAY 7 - P.M. SESSION  
 INC., ET AL., )  
 5 ) PLAINTIFFS, )  
 ) DOCKET NO. 1:21-CV-05337-SCJ  
 6 -VS- )  
 )  
 7 BRAD RAFFENSPERGER, )  
 )  
 8 ) DEFENDANT. )

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9 COAKLEY PENDERGRASS, )  
 ET AL., )  
 10 ) PLAINTIFFS, )  
 ) DOCKET NO. 1:21-CV-5339-SCJ  
 11 -VS- )  
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 12 BRAD RAFFENSPERGER, ET AL., )  
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 13 ) DEFENDANTS. )

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14 ANNIE LOIS GRANT, ET AL., )  
 )  
 15 ) PLAINTIFFS, )  
 ) DOCKET NO. 1:22-CV-00122-SCJ  
 16 -VS- )  
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 17 BRAD RAFFENSPERGER, ET AL., )  
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 18 ) DEFENDANTS. )

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20 TRANSCRIPT OF BENCH TRIAL  
21 BEFORE THE HONORABLE STEVE C. JONES  
22 UNITED STATES DISTRICT JUDGE  
23 WEDNESDAY, SEPTEMBER 13, 2023

24 **STENOGRAPHICALLY RECORDED BY:**

25 PENNY PRITTY COUDRIET, RPR, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT  
ATLANTA, GEORGIA

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I N D E X

WITNESSES:

PAGES:

JOHN B. MORGAN

CROSS-EXAMINATION (CONT'D).....2023  
REDIRECT EXAMINATION.....2112

JOHN R. ALFORD

DIRECT-EXAMINATION.....2129

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1 (Proceedings held in open court at 1:36 p.m.,  
2 Atlanta, Georgia.)

3 THE COURT: You-all can be seated. Hope everyone had  
4 a good lunch. You're all smiling, so that's something.

5 MR. TYSON: Your Honor, just as we convene this  
6 afternoon, I wanted to note that we've been joined by Russ  
7 Willard from the Attorney General Office, Charlene McGowan,  
8 general counsel for the Secretary of State's Office.

9 THE COURT: All right.

10 MR. TYSON: Zac Laroche (phonetic), who is starting  
11 as a law student at Georgia State. And Maggie Hastings, who  
12 also works for the Secretary.

13 THE COURT: Brought in the big guns, huh?

14 Glad to have you-all with us. Thank you.

15 Mr. Savitzky, you may resume.

16 MR. SAVITZKY: Thank you, Your Honor. Good  
17 afternoon.

18 THE COURT: Good afternoon. Did you have a good  
19 lunch?

20 MR. SAVITZKY: Yes, Your Honor, I did. Thank you.

21 THE COURT: Good.

22 BY MR. SAVITZKY:

23 Q. Good afternoon, Mr. Morgan.

24 A. Good afternoon.

25 Q. Hope you had a good lunch as well.

1 A. I had a turkey sandwich, it's good enough for me.

2 Q. So we had been talking about some of the split counties  
3 in the two plans in the illustrative Senate and 2021 enacted  
4 Senate plans. And I'd like to move now to Alpha's cross 30 at  
5 42. This is showing Senate District 23 in the illustrative  
6 plan and the 2021 plan.

7 And looking at the plan and comparing the two, you would  
8 agree that the illustrative plan makes changes to Emanuel and  
9 Johnson Counties as part of the configuration of illustrative  
10 23 and the area there?

11 A. Okay. So -- sorry. So we're looking at 42; right?

12 Q. Uh-huh (affirmative).

13 A. And we're looking at the illustrative Senate plan on the  
14 left and the enacted Senate plan on the right?

15 Q. Correct.

16 A. And you're describing that there are changes to Johnson  
17 and Emanuel Counties?

18 Q. Johnson and Emanuel Counties -- and I'll rephrase  
19 slightly -- are placed in different districts under the 2021  
20 plan as opposed to the illustrative plan.

21 A. Yes. In the enacted 2021 plan, Emanuel is in Senate  
22 District 23 and Johnson is in Senate District 26. Under the  
23 illustrative Cooper plan, they are both in another Senate  
24 district to the south which is not labeled on the map.

25 Q. And you agree that Senate districts in this area are

1 relatively large because the individual county populations are  
2 relatively small?

3 A. Yes. Most of the counties are relatively small. And  
4 thinking back to my population distribution map, most of these  
5 counties would be thematically at the lower end, which would  
6 be like a cooler color. So in my mind that helps me process  
7 that. Richmond County has a higher population, for example.  
8 Bibb County as well.

9 Q. And we've been discussing before lunch your assertion  
10 that Cooper had united Coffee County and your assertion that  
11 this was unrelated to the creation of a new Black majority  
12 district.

13 Do you recall -- is that your -- is that still your  
14 assertion?

15 A. Generally, yes.

16 Q. But you don't know whether Cooper was able to fix the  
17 enacted map's split of Coffee County, which is a few counties  
18 south of Emanuel and Johnson, due to the changes to Emanuel  
19 and Johnson as part of the reconfiguration in this area?

20 THE COURT: Hold on.

21 MR. TYSON: Your Honor, I'll just object to the use  
22 of the word "fix," as if the split of the county was an error  
23 in some way on the enacted plan. I think it can be reworded  
24 in a way that --

25 THE COURT: Rephrase it.

1 MR. SAVITZKY: Yes, Your Honor.

2 BY MR. SAVITZKY:

3 Q. You don't know whether Cooper was able to unite Coffee  
4 County in the illustrative plan due to the changes that he  
5 made in Emanuel and Johnson Counties, which are just a few  
6 counties north of Coffee County?

7 A. I can observe that that's what he chose to do.

8 Q. So you can't say whether or not uniting Coffee County was  
9 related or not to the creation of a new Black majority  
10 district in this area?

11 A. I would say it was a choice. In my opinion, at this  
12 point I don't think it's related to the creation of a new  
13 district. That's my opinion at this point.

14 Q. So going back to Alpha's cross 30 at page 40, back to  
15 Senate District 17, very briefly. We'll finish District 17  
16 here.

17 You believe that illustrative Senate District 17 in South  
18 DeKalb, Rockdale and Henry County is much more compact than  
19 enacted District 17?

20 A. So I would say that it is a smaller geographic area; in  
21 that sense, it's smaller and more compact in that sense of the  
22 definition. And I believe we looked at the compactness  
23 scores. I would want to look at that again, but I believe the  
24 compactness scores would show something similar to that  
25 effect.

1 Q. And just to confirm, you do agree it is much more compact  
2 in the sense of --

3 A. Actually, let me look at that. Because when you say  
4 "much more compact," I don't know that I agree with that  
5 without looking at the scores. So permit me a moment to look  
6 at that.

7 Q. And I can clarify the question if it helps.

8 Visually, looking at the districts using the eye test  
9 that mappers use from time to time, you would agree that  
10 illustrative District 17 is much more compact?

11 A. So I'll repeat some of what I already said. So it's  
12 geographically more compact in the sense that it doesn't go  
13 quite the distance as the enacted District 17, clearly. But  
14 when I look at the shapes, it's sometimes difficult to tell  
15 what the compactness scores would say. And I understand  
16 you're not specifically asking about the compactness scores  
17 here, but you have a lot of indentations in the proposed  
18 District 17 and there's different types of indentations and,  
19 you know, boundaries in the enacted 17 that could be very  
20 close.

21 Again, I -- it's hard to say. The compactness scores are  
22 helpful in looking at that information.

23 Q. So you agree that geographically it's more compact?

24 A. Geographically, generally, yes, it appears more compact.  
25 And, again, I definitely -- I did say it's a smaller area and

1 in that sense it is more compact, clearly.

2 Q. Your report never characterizes the construction of  
3 illustrative District 17 as having a racial focus, does it?

4 A. I wouldn't quite say that. I talked about District 17 in  
5 my report. And one of the things I illustrate is that it  
6 breaks Rockdale County in order to connect the more -- the  
7 heavier concentrations of Black population in Southern DeKalb  
8 to a more distant white population and, relatively speaking,  
9 it's more white.

10 Clearly, I understand that McDonough itself is an area  
11 that has higher Black concentration, but there are areas in  
12 District 17 at the extreme ends that are -- extreme ends,  
13 sorry -- the southern end of Henry County that are more rural  
14 and definitely predominantly more white. And in my report I  
15 believe I say that it is necessary to break Rockdale County in  
16 order to connect those areas.

17 Q. And Newton County is made whole?

18 A. Yes.

19 Q. There are other instances in your report where you say  
20 the configuration, the construction of a district indicates a  
21 racial focus. You used the language "racial focus." Right?

22 A. Yes, that's true.

23 Q. You don't use that language in describing the  
24 construction of Senate District 17 in your report?

25 A. Just a moment.

1           Sorry. I'm looking at the portion talking about the  
2 Senate plans.

3           I'm sorry, I'm lost here in this, but I know we discussed  
4 this earlier on both the direct and the cross-examination  
5 about District 17.

6           THE COURT: Do you have the information?

7           MR. SAVITZKY: Your Honor, there's very little  
8 discussion of District 17 in the report --

9           THE COURT: Okay.

10          MR. SAVITZKY: -- which is why I'm asking about it.

11          THE WITNESS: Okay. Yes, I see. Paragraph 38, I'm  
12 sorry. So looking in my report in paragraph 38, in this  
13 section I'm primarily talking about county splits. So what I  
14 observe here is that Newton County is -- I say, "While Newton  
15 County is made whole in the Cooper Senate plan," 1205 plan,  
16 "it is then necessary to split Rockdale County to allow Cooper  
17 to transit through Rockdale County to connect population in  
18 Henry County."

19           And in my analysis I've also observed that it is  
20 connecting a more highly concentrated Black population in  
21 Southern DeKalb to this area of Henry County. We've talked  
22 about that both in my direct and I believe in the  
23 cross-examination.

24 BY MR. SAVITZKY:

25 Q. But unlike in other places in the report, you don't

1 characterize this as strategic or having a racial focus?

2 A. You are correct in that sense. And I'm pointing out that  
3 in this section of the report I'm primarily talking about  
4 county splits. And I'm saying that the split in Rockdale is  
5 in service of this goal of connecting these populations.

6 Q. And yesterday you mentioned --

7 MR. SAVITZKY: And we can put that image back up --  
8 we're almost done with it -- Alpha's 30 at 40.

9 BY MR. SAVITZKY:

10 Q. Yesterday you noted that the illustrative Senate  
11 District 17 --

12 MR. SAVITZKY: You can put it back up. Alpha's cross  
13 30 at 40.

14 BY MR. SAVITZKY:

15 Q. You noted the illustrative Senate District 17 touches  
16 three different counties. Just looking at the 2021 plan on  
17 the right, how many counties does the 2021 plan touch?

18 A. The 2021 county plan here has portions of Henry, Newton,  
19 Walton and the entire county population of Morgan County.

20 Q. So we can --

21 A. So that's four.

22 Q. Thank you.

23 Let's move on to talk about the eastern portion of the  
24 Black Belt, Defendants' 2 at 19.

25 You say in paragraph 35 of your report that illustrative

1 Senate District 23 "connects separate enclaves of Black  
2 population, including Milledgeville in Baldwin County, which  
3 measures more than 100 miles away from the eastern part of the  
4 district in Augusta."

5 Did I get that right?

6 A. Yes.

7 MR. SAVITZKY: And let's pull up page 16,  
8 Defendants' 2 at 16.

9 BY MR. SAVITZKY:

10 Q. This is a map showing county-level Black voting age  
11 population from page 16 of your January report?

12 A. Yes, I see that.

13 Q. Just looking at the map, Washington County, Warren  
14 County, Jefferson County, Taliaferro County are all majority  
15 Black?

16 A. Yeah, that's correct. Hancock, Warren, Taliaferro,  
17 Washington, Jefferson, yes.

18 Q. Richmond County is majority Black?

19 A. Yes.

20 Q. Wilkes County, Baldwin County, Wilkinson County, Burke  
21 County are all over 40 percent Black?

22 A. Yes.

23 Q. Hancock County is just over 70 percent?

24 A. Hancock County, 70 percent, yes, that's correct.

25 And, again, I will point out here, because I think this

1 is useful, on this map I do show the population of those  
2 counties. And we described these areas as being smaller  
3 counties. And this is just one place in my report where I do  
4 have population figures on a map. And here it shows what we  
5 described and discussed earlier, that these populations are --  
6 sorry -- these counties are not particularly populace  
7 counties.

8 Q. Was it your testimony that a district running east-west  
9 across these counties connects separate enclaves of Black  
10 population?

11 A. Yes, that is my testimony. And when I made that point,  
12 I'm talking primarily about the connection to Milledgeville.

13 Q. Wasn't it also fair to say that there's a large  
14 population -- a large Black population across this entire  
15 area?

16 A. Yes. And I would point out I talk about the racial split  
17 in Wilkes County, how the area around Washington is taken into  
18 the illustrative Senate District 23. And while Baldwin County  
19 is maintained whole in the illustrative Senate plan, it is my  
20 view that these are separate enclaves of Black population,  
21 including the town of Washington, Milledgeville, and Augusta.  
22 These are three separate areas.

23 And to your point, yes, there's other majority Black  
24 population in between by the counties, yes.

25 MR. SAVITZKY: And we can pull up -- and we can pull

1 back up Alpha's 30 at 42.

2 THE WITNESS: 42. Okay.

3 BY MR. SAVITZKY:

4 Q. Senate District 23. We're, again, looking at the 2021  
5 enacted plan on the right, illustrative plan on the left.

6 Looking at the plan on the right, enacted 23 splits two  
7 counties, Richmond and Columbia; right?

8 A. Yes. Richmond and Columbia, that's correct.

9 Q. And otherwise it's made of whole counties?

10 A. I'm sorry, what is made of whole counties?

11 Q. District 23 in the enacted plan.

12 A. In the enacted plan, yes. It is four, five, six, seven,  
13 eight, nine whole counties and then portions of Richmond and  
14 portions of Columbia, yes.

15 Q. And the compactness score of this district -- I'll  
16 represent to you, we can look in the reports if you want -- is  
17 .37 Reock and .16 Polsby-Popper?

18 A. Could you repeat those numbers, please?

19 Q. .37 Reock, .16 Polsby-Popper.

20 A. Okay.

21 Q. Do you dispute that?

22 A. I -- I think we can get that information. I mean, I hate  
23 to take the time to do that, but I think I should do that.

24 Q. Okay. We can pull up Defendants' 1 at page 160.

25 And it may be easier to look on the screen. We can

1 reorient this and just highlight District 23.

2 Again, this is in evidence, Defendants' 1, .37, .16 --

3 A. Yes, thank you very much. I appreciate you showing me  
4 the numbers.

5 So, yes, that's correct.

6 Q. Great.

7 And going back to Alpha's 30 at 42, looking at the  
8 illustrative District 23 on the left now, same number of  
9 county splits, two county splits; right? Richmond and Wilkes?

10 A. Richmond County and Wilkes County, yes. They are two  
11 splits, yes.

12 Q. Okay. And you don't dispute that illustrative Senate  
13 District 23 has the same compactness score?

14 A. Could you show me that again? There's been a lot of  
15 numbers, I'd just like to confirm it.

16 Q. Sure. Right at Defendants' 2, page 55. And we can go to  
17 District 23 and highlight it there. .37, .16.

18 A. Yes, there you go.

19 Q. And you say illustrative --

20 MR. SAVITZKY: We can go back to just the slide on  
21 the left. Thank you.

22 BY MR. SAVITZKY:

23 Q. You say illustrative Senate District 23 is over 100 miles  
24 long?

25 A. Yes.

1 Q. You don't know how long Senate District 23 in the enacted  
2 map is from top to bottom?

3 A. Enacted 23 from top to bottom? I think we were talking  
4 about measuring that distance with Ms. Khanna, and we seemed  
5 to have abandoned measuring that distance.

6 Q. You don't know which one is longer?

7 A. I -- as I recall, I pointed out that I'd have to look and  
8 see whether you can draw a straight line or whether you have  
9 to bend the line in order to measure the distance you're  
10 proposing from north to south.

11 Q. Okay. Let me try and illustrate the answer. I know we  
12 did this yesterday.

13 MR. SAVITZKY: But we can pull up Alpha's cross 29 at  
14 5, page 5. There we go. If we can go back to see -- we're  
15 using the legend there.

16 BY MR. SAVITZKY:

17 Q. And can you see on the screen --

18 MR. SAVITZKY: We can draw a straight line. It would  
19 be easier to see on the screen. There you go.

20 THE WITNESS: Okay.

21 BY MR. SAVITZKY:

22 Q. About 120 miles?

23 A. Yes.

24 Q. Now, do you think the 100-mile-long, two-county split  
25 Senate district on the right, enacted District 23, is

1 consistent with traditional districting principles?

2 A. Generally, yes.

3 Q. Now, you criticize illustrative Senate District 23 based  
4 on the drawing of the district line of Wilkes County?

5 A. Yes.

6 Q. And you say -- you criticize it for "taking substantially  
7 Black population into the district and excluding the  
8 predominantly white population"?

9 A. Yes.

10 Q. You say the split is "racial sorting"?

11 A. Yes. The split goes up to Highway 78. And Highway 78 in  
12 Washington basically divides the Black community, which is  
13 south of that, and the white community is north of that. So  
14 the split is at Highway 78.

15 Q. And you were here for Mr. Cooper's testimony?

16 A. Yes.

17 Q. And you heard Mr. Cooper testify that he drew the  
18 boundary in Wilkes County in illustrative Senate District 23  
19 using county commission and municipal lines?

20 A. Sometimes he's using county commission line, he claims,  
21 and sometimes he's claiming to use the municipal boundary,  
22 that's correct.

23 MR. SAVITZKY: And let's pull up Alpha's cross 30 at  
24 44. Two pages up from this one.

25 THE WITNESS: Yes.

1 BY MR. SAVITZKY:

2 Q. And you saw Mr. Cooper discuss this graphic,  
3 demonstrating his use of those local political lines to draw  
4 that boundary?

5 A. So I believe this is the first time I have seen this. I  
6 would very much have liked to have seen this before this  
7 point.

8 So he seems to be indicating, or this chart seems to be  
9 indicating -- and, again, this is the first time I've seen  
10 it -- that the green line appears to be the commission  
11 boundary of county commission district. And it's unlabeled  
12 which district it is.

13 Q. You say it's "unlabeled." The county commission lines  
14 that were drawn by Wilkes County in 2020?

15 A. Yes. But I believe he's purporting to follow the county  
16 commission boundary. And I see where there is a district  
17 that's unlabeled to the south and it's in the orange area.  
18 And I'm assuming that those green lines, as they're indicated  
19 on the map, are the county commission boundaries, yes.

20 Q. And, by the way, you can see from the citation here, but  
21 this is on page 51 of Mr. Cooper's declaration?

22 A. Okay. Let me look at that.

23 Q. You don't have to look at it.

24 A. No, I would like to look at it, actually. Again, this is  
25 the first time I've seen the county commission boundaries on a

1 map, so I'd very much like to look at the report. Thank you.

2 THE COURT: Let him look at it.

3 THE WITNESS: Okay. So for me to find this, it's in  
4 the Cooper APA trial exhibits?

5 MR. SAVITZKY: No. It's in his report. It's on page  
6 51 of his report.

7 THE WITNESS: Okay. And where can I find a copy of  
8 his report?

9 MR. SAVITZKY: I believe it's sitting -- may I  
10 approach the witness and help him find one?

11 THE COURT: Yes, please.

12 BY MR. SAVITZKY:

13 Q. Thank you. Here you go.

14 A. Okay. So this is what I just identified as William  
15 Cooper trial exhibits. So this is where I thought it would  
16 be.

17 Q. And, for the record, the binder is labeled "Trial  
18 Exhibits." And the first item in the binder is Mr. Cooper's  
19 report. So you can open up the binder and find  
20 Mr. Cooper's --

21 A. Yes, that's fine. That's -- I was just indicating that's  
22 what I had here and I thought --

23 Q. I'm sorry --

24 A. -- it was something else.

25 THE COURT: Hey, hey, hey. Let's just look at the

1 report.

2 THE WITNESS: Yes, Your Honor.

3 Okay. So looking at the report -- and you say it's  
4 on page 51. Okay. Good.

5 I see the boundary here, so --

6 BY MR. SAVITZKY:

7 Q. Is this the first time you're seeing this page of the  
8 report?

9 A. This is the first time I've looked in detail at this  
10 district boundary. I'm happy to see it here.

11 MR. SAVITZKY: And now let's pull up Defendants' 2 at  
12 284.

13 BY MR. SAVITZKY:

14 Q. This is an exhibit from your report. And let's zoom in  
15 on Wilkes County on the boundaries that you say constitute a  
16 racial split. And we can see the illustrative 23 actually  
17 left out almost all of the highest Black voting age percentage  
18 VTD in the county?

19 A. No. The Black population is right there on the corner of  
20 Washington Township. That's the area of this precinct that is  
21 predominantly Black. The rest of the precinct is considerably  
22 less Black.

23 Q. And did you conduct a sub-precinct-level analysis of the  
24 population in that area?

25 A. Yes, I did.

1 Q. Did you include that in your report?

2 A. No, I didn't. But I looked at it in my analysis that I  
3 present here.

4 Q. And using these county commission lines also includes a  
5 portion of the lowest Black voting age population precinct in  
6 Wilkes County?

7 A. As defined by my thematic map that I can see, yes, it  
8 includes a very small portion of it in the south, yes.

9 Q. And Cooper wasn't using maps like this, so he couldn't  
10 have known that?

11 A. Well, I don't know what information Mr. Cooper had about  
12 the county commission construction. I would guess, based on  
13 what I know about this area, it probably is a majority Black  
14 county commission district, but I don't know that.

15 Q. You're just guessing that on the stand?

16 A. Based on the areas that I have looked at, I believe that  
17 is true.

18 MR. SAVITZKY: I think that's all I have for the  
19 Senate plan. And let's talk about the House plan.

20 THE COURT: All right.

21 BY MR. SAVITZKY:

22 Q. Turning to chart 7, paragraph 47 of your report,  
23 Defendants' 2 at 26.

24 This chart shows compactness scores for the newly created  
25 majority Black districts, which Mr. Cooper identified, and for

1 the corresponding district number district in the 2021 plan.

2 Did I summarize that accurately?

3 A. Yes. The corresponding district number, yes.

4 Q. And you did a similar chart like this in your report in  
5 the Grant case?

6 A. I believe so, yes.

7 Q. And you testified this morning in the Grant case that  
8 you're just reporting the scores from the same numbered  
9 districts regardless of the overlap of the districts here. Is  
10 that true in this case as well?

11 A. In this chart I'm looking at the numbers of the districts  
12 and reporting the compactness scores there, yes.

13 Q. You don't know the extent to which House District 171 in  
14 the illustrative plan overlaps with 171 in the enacted plan?

15 A. It's not indicated on this chart.

16 Q. And you don't know that?

17 A. No. I'm reporting the information on the compactness  
18 based on the district numbers in the plans.

19 Q. You don't know whether the House districts that have the  
20 same district number are always the best possible comparators  
21 for a one-to-one comparison?

22 A. I think I've indicated indirectly, and I'll say here,  
23 that I don't think they're necessarily the most valid  
24 indicator of a one-to-one comparison because they're just  
25 numbers. I mean, they could literally be in completely

1 different geographic areas.

2 Q. And you don't contend that any of these districts here  
3 are outside of the acceptable range of compactness, do you?

4 A. No.

5 Q. So let's go to page 27 of your report, Defendants' 2 at  
6 27.

7 A. Okay.

8 Q. And starting with this map that you've labeled "metro  
9 region."

10 And you say in paragraph 50 of your report, "Looking at  
11 specific districts will show that the compactness of the  
12 districts is impacted by the efforts to create more majority  
13 Black districts."

14 Did I summarize that correctly?

15 A. Yes.

16 Q. And for your analysis you picked a cluster of House  
17 districts in the enacted and the 2021 illustrative plans and  
18 compared them; is that right?

19 A. I wouldn't define them as a cluster in the same way that  
20 I did in the Grant case in discussing them. So it is a  
21 selection of districts, yes, but it's not a cluster in the  
22 sense that they are congruent when looked at as a group.

23 Q. Do you mind if I use the word "cluster" or would you like  
24 me to use a different word?

25 A. I might make that point every time you use the word

1 "cluster." It's your choice.

2 Q. I will use a different word, then.

3 The Senate districts that you picked is House  
4 District 69, 73, 74 and 77?

5 A. Yes, that's correct.

6 Q. And this is the only analysis in your report comparing  
7 the compactness of groups of House districts in the Atlanta  
8 Metro area?

9 A. Yes.

10 Q. And now looking at pages 29 and 30 of your report,  
11 Defendants' 2 at 29 and 30, you have the two sets of four  
12 districts that you looked at?

13 A. Yes.

14 Q. And you don't show the lines for the other districts in  
15 the area, so we can't see if the districts that you didn't  
16 select are more or less compact?

17 A. No. That's correct.

18 Q. And I think you mentioned already, but these are not  
19 congruent?

20 A. That's correct.

21 Q. In turning to paragraph 53 and 54 of your report, you  
22 say, "In the Cooper 1205 House plan the engineering of a new  
23 majority Black district is accomplished by elongating the  
24 districts to connect Clayton and Fulton Counties to more white  
25 areas of Fayette and Spalding Counties"?

1 A. Yes. And so I see -- I observe that in the map on  
2 page 30 of my report connects the -- illustrative District 69  
3 connects a portion of Fulton through the central part of  
4 Fayette County to portions of Peachtree City. And the  
5 adjacent district is elongated District 77 connecting portions  
6 of Clayton to more distant white population in Southern  
7 Fayette County, yes.

8 Q. And you would agree that in some cases the enacted map  
9 also joins higher BVAP areas of Fulton County with  
10 comparatively whiter areas of neighboring Fayette County?

11 A. Yes. I observe that in the discussion of the  
12 illustrative plan that I drew comparing it to the enacted  
13 plan. There are cases where the enacted plan uses this  
14 technique.

15 Q. Well, it makes sense that that would happen because this  
16 is a diverse area in the Atlanta Metro region?

17 A. I don't know that it would make sense. It's done in  
18 these maps.

19 Q. Looking at chart 8 on page 31 of your report --

20 A. Yes.

21 Q. -- you take a look at these four districts. And you  
22 calculate the mean compactness.

23 A. Yes, I do.

24 Q. This morning when we were discussing the Senate, you  
25 testified that mean compactness is not a particularly useful

1 metric for comparing two noncongruent sets of districts?

2 A. That is correct. Generally, I would view that the  
3 clusters in Mr. Esselstyn's report would be a better way to  
4 compare because it's exactly the same geographic territory.  
5 In this case, I am looking at a slightly different area. It's  
6 still useful. I don't think it is as useful.

7 Q. The analysis you did here, which is the only such  
8 analysis, is not as useful?

9 A. It's not as useful as it is in the Esselstyn report  
10 because, again, in that case he's got exactly congruent  
11 districts and I'm comparing exactly the same region. It's --  
12 and, again, to be clear, there are different philosophies, if  
13 you will, between Mr. Cooper's plan drawing and  
14 Mr. Esselstyn's plan drawing that are apparent to me as a map  
15 drawer.

16 Q. And in terms of how you calculate mean compactness, you  
17 add up all four scores and divide by four; right?

18 A. Yes, that's right.

19 Q. Now, if you had chosen other districts, a different set  
20 of four districts, the mean compactness for the group you've  
21 chosen would change; right?

22 A. Yes. And, again, I'm illustrating two points here. The  
23 first, as I mentioned, elongation, which clearly that is the  
24 case, that two districts, 69 and 70, are elongating.

25 And then the other thing I would say is that a lot of the

1 population overlaps. But, to be clear, the area that does not  
2 overlap is the panhandle of Clayton County. And that is true,  
3 it doesn't overlap that area exactly.

4 Q. So you chose a set of districts that proved your point  
5 and didn't choose a set of districts where there would be more  
6 elongation and lower compactness for the enacted plan?

7 A. In this case I'm trying to show instances that it can be  
8 illustrative of these techniques of elongating the districts  
9 and their effect on compactness.

10 Q. And if you had chosen a different set of districts, then  
11 it might illustrate that those techniques that you purport to  
12 observe are more present in the enacted plan?

13 A. I'm not sure I understand that.

14 Q. If you had chosen a different set of districts, then the  
15 enacted plan Senate districts might have been more elongated  
16 and better representative of these techniques that you're  
17 purporting to observe?

18 MR. TYSON: And, Your Honor, just object. It calls  
19 for speculation in terms of knowing all the compactness scores  
20 of all the areas around to know what that effect might have  
21 been.

22 MR. SAVITZKY: Your Honor, the witness is testifying  
23 about elongation more than just compactness scores. And he's  
24 obviously on the stand as an expert in mapping. This is the  
25 analysis that he did.

1 THE COURT: Repeat your question again. I was trying  
2 to analyze your question.

3 BY MR. SAVITZKY:

4 Q. Mr. Morgan, if you had chosen a different set of  
5 districts to compare between the two plans, it might be that  
6 the enacted plan would have more elongated districts?

7 A. I suppose that's possible. I just --

8 MR. TYSON: Well, okay. That's -- same objection.

9 THE COURT: You're asking him to speculate without  
10 hearing more. I sustain that objection.

11 MR. SAVITZKY: And, Your Honor, I can ask in a more  
12 concrete fashion.

13 THE COURT: Thank you.

14 BY MR. SAVITZKY:

15 Q. So, for example, if you chose to compare House  
16 Districts 74, 115, 116 and 117, and we can pull those up in  
17 Alpha's cross 29, page 1, then the mean compactness would be  
18 higher for the illustrative plans as opposed to the enacted  
19 plans? And you can see it on the screen there as well.

20 A. Well, what I would observe is that the only area that  
21 overlaps in this is maybe District 74. So I don't know.  
22 Those are areas that are not looking -- I mean, the enacted  
23 District 74 overlaps. And then looking at 15, 16 and 117,  
24 yeah. I mean, I guess you could look at it that way.

25 But in terms of populations that are shifted, these areas

1 don't shift the same population. In the other group, while  
2 they're not congruent, clearly, they're not exactly the same  
3 clusters as in Mr. Esselstyn's plan, I would say that the  
4 enacted District 74 has a portion of the illustrative  
5 District 74, but the 117, 116 and 115 don't interchange  
6 population with District 74 at all.

7 Q. If you had chosen this cluster instead, the result of  
8 your analysis would be different?

9 A. I guess so, yeah.

10 Q. And just to look at another one, Alpha's cross 29 at 2,  
11 if you had chosen to compare House District 74, 75, 77, 78,  
12 again in the Metro Atlanta area and including a tail of  
13 Clayton County that you mentioned before, the mean compactness  
14 of that set of four districts would be higher for the  
15 districts in the illustrative plan?

16 A. Okay.

17 Q. So if you had chosen this set of four districts, the  
18 result of your analysis would be different.

19 A. Okay.

20 Q. And I won't belabor the point, but we can look at Alpha's  
21 cross 29 at 3, one more set of districts. Mean compactness,  
22 higher for the Cooper plan.

23 A. Okay.

24 Q. The only cluster you looked at was the one in your  
25 report.

1 A. Okay.

2 Q. And just with that understanding, let's look at House  
3 District 74. Alpha's cross 30 at 45. Visually District 74 is  
4 a compact district?

5 A. Which district are you referring to?

6 Q. Illustrative District 74 on the left side.

7 A. Yes, it is.

8 Q. And visually you can tell that in the illustrative plan  
9 District 74 is more compact than the enacted plan?

10 A. Yes. It's a smaller geographic area and it contains the  
11 panhandle of Clayton, which is not included in the enacted  
12 District 74.

13 Q. Okay. Let's move on to your discussion of House  
14 District 17. Pulling up Alpha cross 30 at 47.

15 In paragraph 56 of your report on page 32, you say, "The  
16 Cooper 1205 House plan splits Spalding County such that the  
17 high concentrations of Black population" is excluded -- "are  
18 excluded in House District 17 and predominantly white  
19 population is excluded from House District" 17 -- "117."

20 Excuse me.

21 A. Yes. And the predicate to that is in item -- sorry, it's  
22 paragraph 56 has the full discussion of that area about  
23 Spalding County.

24 Q. And you say, "Having separated the Black population in  
25 Griffin from the rest of Spalding County, the district then

1 connects two populous majority Black voting precincts in Henry  
2 County to yield a district that is 54.64 percent Black"?

3 A. Yes, that's correct.

4 Q. Is only the Black population of Griffin included in House  
5 District 117?

6 A. No.

7 Q. All of Griffin is included? Or I should say, all of that  
8 portion of Griffin is included?

9 A. Yeah. I don't know if Griffin's split. I'd have to look  
10 more carefully. On the map here, your number 46 map, I can't  
11 tell if Griffin, the municipality, is split. It appears to be  
12 on this map, but I can't tell.

13 Q. Griffin is the largest city and county seat of Spalding  
14 County?

15 A. Yes, that's correct.

16 Q. Griffin is where much of the Black population, although  
17 not all, lives?

18 A. Yes.

19 Q. And Spalding County is split in the House -- the 2021  
20 House map as well?

21 A. Yes, that's correct.

22 Q. In fact, Spalding County has to be split in the House  
23 plan given its population size?

24 A. Yes. Actually, I detailed that specific point in  
25 paragraph 56, talking about first principles; Spalding County

1 has a population such that it would need to be split.

2 Q. So if you're going to keep the municipality of Griffin  
3 whole or close to whole and you want to minimize splits to  
4 Spalding County, then whatever part of the split includes  
5 Griffin will probably have most of the Black population in  
6 Spalding County; right?

7 A. Yes. And it -- sometimes it could depend on where you  
8 assign that district. And, again, it does look like Griffin  
9 is split here in this map.

10 Q. And it's also split in the enacted plan?

11 A. I believe so.

12 Q. And you would agree that the enacted plan also combines  
13 VTDs in Spalding with adjacent areas in South Henry, like  
14 Locust Grove?

15 And that's the map on the right if you want to look at  
16 the screen.

17 A. Yes, there's one precinct -- I believe it's one precinct  
18 of Spalding County is included in enacted District 17 -- 117,  
19 that's correct.

20 Q. And illustrative 117 and enacted 117 are similarly  
21 compact?

22 A. On compactness scores or just looking at it?

23 Q. Both.

24 A. I mean, it's hard to say whether it would be that way on  
25 compactness scores. But looking at it, they're both fairly

1 compact, yes. They're not a great distance between anything.

2 Q. And now let's talk about your analysis of the eastern end  
3 of the Black Belt in the House map there, focusing on  
4 paragraph 61 of your report, which deals with illustrative  
5 House District 133. This is on Defendants' 2, 36, 37.

6 A. Okay.

7 Q. You say House District 133 has nine VTD splits; right?

8 A. I believe so.

9 Q. And you say in paragraph 62 that, "The split voting  
10 precincts in Baldwin County sort the population along racial  
11 lines such that higher concentrations of Black population are  
12 included in House District 133 and lower concentrations are  
13 outside the district."

14 Do I have that right?

15 A. Yes.

16 Q. And just pulling up Alpha's cross 30 at 51.

17 You recall Mr. Cooper testified how he drew the  
18 boundaries of House District 133 in this area due to the  
19 presence of an incumbent in the area, as well as the irregular  
20 boundaries of the VTDs and municipal lines in Milledgeville?

21 A. Yes.

22 Q. You recall that Cooper explained the district would have  
23 been less compact if he had followed the VTD lines in this  
24 area?

25 A. That's what he said.

1 Q. But you contend that this boundary sorts the population  
2 along racial lines?

3 A. Well, again, Mr. Cooper presumes that the VTDs would have  
4 been more compact. I don't know if he tested that and then  
5 changed his map drawing based on that.

6 Q. You didn't test that?

7 A. I didn't test the compactness scores of following VTDs in  
8 this area, no.

9 Q. Turning to Defendants' 2 at 342, this is your shading map  
10 in the area.

11 MR. SAVITZKY: You can zoom in as much as possible on  
12 Baldwin County, on the center left of the image.

13 BY MR. SAVITZKY:

14 Q. And we can see Cooper's lines create a more regular shape  
15 for the line around Milledgeville compared to the  
16 noncontiguous thin black lines that we can see in there for  
17 the VTD and municipal lines; right?

18 A. Generally I'd say it's -- there are fewer crenellations,  
19 so that would make a more compact district.

20 Q. And we can see that the illustrative plan here places  
21 some precincts with higher BVAP outside of District 133, such  
22 as those on the west side of the county and the west side of  
23 Milledgeville?

24 A. In some cases, that's true. It's harder to see this on  
25 your Exhibit 51 that shows a little piece of Milledgeville.

1 And then this blown-up map, the word "Baldwin" is obscuring  
2 that area.

3 Q. And some of the precincts with lower BVAP in the county  
4 are included in Cooper's District 133?

5 A. Yeah. And, again, I'm looking at this on page 51. I  
6 think it's the courthouse precinct that I'm looking at in  
7 Milledgeville. There's a little notch there in the map on  
8 151.

9 Q. And I'm looking at the shading map that you put --

10 A. Yeah, I understand. Sure.

11 So there are some of the light blue. It looks like a  
12 portion of one of those is included in the illustrative 133 in  
13 the south. And a portion is also in the north, but I don't  
14 know what the split is -- the split is on that here.

15 Q. And you claim that drawing this more compact boundary  
16 around the City of Milledgeville constitutes racial sorting?

17 A. When I looked at the precincts, I did notice that, yes.

18 Q. And Mr. Cooper wasn't using the shading maps that you use  
19 here, so he couldn't have actually known the BVAP levels of  
20 these different VTDs?

21 A. I would assume that. I mean, he did indicate that he  
22 would know if it's over 30 percent or not. And perhaps all of  
23 them are except for two or three.

24 Q. And he left some of those out of House District 133?

25 A. Of the ones that are less than 30 percent?

1 Q. Or over 30 percent.

2 A. Some of the ones that are over 30 percent?

3 Q. Are not included in the --

4 A. Yeah. The one -- it looks like the precinct on the  
5 west side and maybe portions of the precinct closer in  
6 Milledgeville.

7 Q. And we talked yesterday --

8 MR. SAVITZKY: And we can move away from this image.

9 BY MR. SAVITZKY:

10 Q. We talked yesterday about some of the county splits in  
11 that eastern end of the Black Belt around House District 133.  
12 And you testified the number of counties are split under the  
13 illustrative plan in this area.

14 Do you recall that testimony?

15 A. Yes.

16 Q. You would also agree, though, that other counties in the  
17 area of the new majority Black district are also made whole in  
18 the illustrative as compared to the enacted plan?

19 A. Let me look at that. I believe so, but I'll have to look  
20 at that.

21 Q. We can look at Defendants' 2 at 47 for your list of  
22 counties, if that's helpful.

23 A. Sure.

24 Q. And just going down the list, I notice McDuffie County,  
25 right by Wilkes and Taliaferro, is made whole in the House

1 illustrative plan as compared to the enacted plan; is that  
2 right?

3 A. Yes, that's right. McDuffie is made whole in that area.

4 Q. And I notice that Jones County, right next door to  
5 Baldwin County, is made whole in the illustrative plan as  
6 opposed to the enacted plan?

7 A. Yes.

8 Q. And I see that Oconee County, one county over from  
9 Wilkes, is also made whole in the illustrative plan as opposed  
10 to the enacted plan?

11 A. Okay. Yes.

12 Q. And you also noted that Mr. Cooper's plan unites Gordon  
13 County and a few VTDs in Northwest Georgia?

14 A. Yes, I reported on that directly in my report.

15 Q. And you agree that keeping counties whole is a  
16 traditional districting principle?

17 A. Yes, generally.

18 Q. You agree that keeping VTDs whole is a traditional  
19 districting principle?

20 A. Yes, generally, that's true.

21 Q. Let's talk about your analysis of the western end of the  
22 Black Belt of Georgia and illustrative District 171, moving to  
23 Defendants' 2 at 38, 39, pages 38 and 39.

24 A. Okay.

25 Q. I'm looking at paragraph 65, page 38.

1           You say, "In order to create an additional majority Black  
2 district in the southwest region, the Cooper 1205 House plan  
3 splits Colquitt and Lee Counties."

4           Did I get that right?

5   A.   Yes.

6   Q.   And neither Colquitt nor Lee County is in illustrative  
7 District 171; right?

8   A.   That's right.

9   Q.   The Cooper plan also unites, makes whole, Cook County,  
10 doesn't it? You can look at Defendants' 2 at 47 again,  
11 page 47. That's your list that we were referring to.

12   A.   Yes.

13   Q.   Cook County is whole in the illustrative plan and not in  
14 the enacted plan?

15   A.   Yes.

16   Q.   Cook County is right next to Colquitt County, isn't it?

17   A.   Yes.

18   Q.   And Cooper illustrative plan also makes whole Ben Hill  
19 County; right?

20   A.   Yes.

21   Q.   Ben Hill County is two counties over from Lee County,  
22 isn't it?

23   A.   Yes.

24   Q.   And looking at the plans again --

25           MR. SAVITZKY: Turn to Alpha's 30, 54. There we go.

1 BY MR. SAVITZKY:

2 Q. The Cooper plan has three splits of Dougherty County and  
3 the enacted plan has four?

4 A. Yes, that's correct.

5 Q. And you say in your report that the Cooper plan  
6 "strategically utilizes Black population in Albany to connect  
7 to distant enclaves of additional Black populations such as  
8 Thomasville and Thomas County."

9 Did I get that right?

10 A. Yes, that's correct.

11 Q. You referred to Albany and Thomasville as enclaves of the  
12 Black population?

13 A. Yes. Albany in Dougherty County has a lot of Black  
14 population. I'm very familiar with that area being heavily  
15 Black concentration.

16 Q. Is the majority Black community of Camilla, the county  
17 seat of Mitchell County, also an enclave of Black population?

18 A. It could be. And in this case the entire county is  
19 there, so the entire county is in. It's not separated from  
20 its surrounding material the way it is separated in  
21 Thomasville.

22 Q. Is Pelham in Mitchell County an enclave of Black  
23 population?

24 A. In Mitchell County?

25 Q. Correct.

1 A. It's a very small populated area.

2 Q. You know the population of Pelham?

3 A. Not directly. I know it's small.

4 Q. Mitchell County's plurality Black by total population as  
5 of the 2020 census?

6 A. Yes. One of the maps would show what the population is  
7 by county, yes.

8 Q. Now, you also used the word "distant."

9 MR. SAVITZKY: Let's pull up Alpha's 1 at 529.

10 BY MR. SAVITZKY:

11 Q. This should be a view of the enacted map. And I'm  
12 looking at this pink district, District 151. It's one of the  
13 four districts that divides Dougherty County under the enacted  
14 House plan.

15 Now, this district runs up from Dougherty County to  
16 distant Chattahoochee County, bordering on Muscogee and  
17 Columbus; right?

18 A. Yes. And, again, I point out that these are whole  
19 counties and there's a split in Dougherty County and Sumter  
20 County.

21 MR. SAVITZKY: And going back just two pages, 527.  
22 Go back -- go over three pages, sorry. One more. Got it.

23 BY MR. SAVITZKY:

24 Q. Looking at enacted 171, it extends from the line between  
25 Dougherty and Mitchell County down to distant Lake Seminole in

1 the very southwestern corner of the state; right?

2 A. Yes. And, again, I point out that in the case of  
3 Thomasville, there's a separation of the Black community from  
4 the surrounding territory. And that's not occurring in this  
5 situation.

6 Q. Now, you've said you think Thomasville doesn't really  
7 associate with Albany very much?

8 A. Did I say that in my plan? In my report, rather?

9 Q. You've said it before?

10 A. I didn't say that.

11 Q. You didn't say that you think Thomasville doesn't really  
12 associate with Albany very much?

13 A. Okay. I -- I mean, that's my experience. They are  
14 fairly far apart. They could associate. I -- when I think of  
15 Thomasville, I know it's out of the state, but I think it's  
16 closer -- more closely associated with Tallahassee in some  
17 ways, but that's just my personal experience.

18 Q. So, on reflection perhaps they do associate?

19 A. I don't know. I mean, like I said, my experience with  
20 Thomasville is, in really thinking about it, more oriented  
21 towards Tallahassee. That's my experience.

22 Q. In terms of whether those two municipalities associate  
23 very much --

24 MR. SAVITZKY: And we can take this down and go back  
25 to Alpha's 30 at 54 while we chat.

1 BY MR. SAVITZKY:

2 Q. In terms of whether those two municipalities associate  
3 very much, you didn't consider, in comparing these two plans,  
4 transportation corridors between Albany and Thomasville  
5 through Mitchell County?

6 A. No. We talked about that and it's been talked about in  
7 the Highway 19.

8 Q. You didn't consider socioeconomic commonalities between  
9 these areas, like the relative prevalence of Black poverty?

10 A. Not specifically, not -- no. No, I did not.

11 Q. You didn't consider whether the governments in this area,  
12 Albany, Camilla, Pelham, Thomasville, coordinate and cooperate  
13 together in the Southwest Georgia Regional Commission?

14 A. No. I didn't look at regional commissions in any way.

15 Q. You didn't consider whether they share any regional  
16 culture?

17 A. I mean, it's South Georgia --

18 MR. TYSON: Your Honor, I'll just object to vagueness  
19 of the term "regional culture." I'm not sure what that refers  
20 to.

21 THE COURT: Yeah. You need to be more specific.

22 MR. SAVITZKY: I'll withdraw that one.

23 BY MR. SAVITZKY:

24 Q. You didn't consider whether their high school football  
25 teams compete together in the 1-AAA region?

1 A. No.

2 MR. SAVITZKY: And briefly we can just pull up  
3 Alpha's cross 30 at 56.

4 BY MR. SAVITZKY:

5 Q. This is illustrative House District 145 in the 2021 plan.  
6 This is the Macon metro area; right?

7 A. Yes.

8 Q. The word "Macon" doesn't appear in the report that you  
9 wrote responding to Mr. Cooper's illustrative plans, does it?

10 A. I don't believe so.

11 Q. The words "Bibb County" are not in the report that you  
12 wrote responding to Mr. Cooper's illustrative plans, are they?

13 A. I'll look at my report for a moment, but that's -- if  
14 you're representing that, it's probably true.

15 Q. I am representing, but feel free to look if you'd like.

16 A. Just one moment. I'll be brief.

17 Yeah, that's correct.

18 Q. You don't have a sentence of text in your report about  
19 this district?

20 A. Which district?

21 Q. District 145, House District 145.

22 A. The illustrative one?

23 Q. Yes.

24 A. I don't believe so.

25 Q. You're not now saying this district is insufficiently

1 compact.

2 A. No, I didn't say that. And I'm not saying that now.

3 Q. You testified yesterday about the division of Bibb County  
4 in the illustrative plan on the House side.

5 Do you recall that?

6 A. Yes.

7 Q. And just looking at the right-hand side of the enacted  
8 plan, it looks like Bibb County is split four times; is that  
9 right?

10 A. Yes.

11 Q. Same number as the illustrative plan?

12 A. Yes.

13 MR. SAVITZKY: So, Your Honor, I'm done talking about  
14 the January 23rd report.

15 THE COURT: All right.

16 MR. SAVITZKY: If it's -- if it makes sense to keep  
17 going at this point, I would conduct some questioning  
18 regarding Mr. Morgan's December 5th report.

19 THE COURT: Okay.

20 MR. SAVITZKY: Which was served on all the parties in  
21 the cases. And I do so on behalf of all the plaintiffs.

22 THE COURT: All right.

23 MS. KHANNA: Just to clarify, Your Honor, I believe  
24 that report was served in both Alpha and Grant, not  
25 Pendergrass.

1 MR. SAVITZKY: Ms. Khanna is correct.

2 THE COURT: So noted for the record.

3 MR. TYSON: And, Your Honor, just to clarify, I know  
4 Ms. Khanna asked a couple of questions about Mr. Morgan's  
5 October 5th report during her Grant questions. What extent  
6 are we going to be able to explore that report with -- for  
7 Grant and Alpha Phi Alpha here?

8 MR. SAVITZKY: Your Honor, I intend to conduct  
9 general questioning on the basis of Mr. Morgan's conclusions.  
10 As I recall, Ms. Khanna's questioning was very focused on the  
11 use of the term "elongated" in Mr. Morgan's report. So I  
12 think that was a pretty specific set of questions. I won't  
13 revisit the question of elongation in my questioning.

14 MS. KHANNA: And to clarify, I did not ask him any  
15 questions about the illustrative map that he drew in that  
16 report.

17 THE COURT: Let's do this, Mr. Tyson. If he starts  
18 coming over, just object and I'll rule.

19 MR. TYSON: Thank you, Your Honor.

20 BY MR. SAVITZKY:

21 Q. And, Mr. Morgan, we're looking at Defendants' 1, your  
22 December 5th report.

23 A. Yes, I have that.

24 Q. Okay. So let's just get one thing out of the way at the  
25 outset. It may seem obvious, but you wrote your December 5th

1 report before reviewing the plaintiffs' illustrative plans  
2 that were submitted on December 5th?

3 A. My understanding was that that date was the deadline for  
4 both reports. So they were ships passing in the night, so to  
5 speak.

6 Q. So the December 5th report that you wrote doesn't contain  
7 any analysis, couldn't contain any analysis of the plaintiffs'  
8 December 5th reports or illustrative maps?

9 A. That's right.

10 Q. So let's talk about what you did with your December 5th  
11 report.

12 You say on page 3, and now we're at Defendants' 1, 3, you  
13 were asked to "draw a blind plan that did not consider race or  
14 incumbency or past redistricting plans for the State of  
15 Georgia"; is that right?

16 A. Yes.

17 Q. So you say the plans you drew did not consider race?

18 A. I didn't have racial data when I drew these plans, that's  
19 correct.

20 Q. They didn't consider incumbency?

21 A. Yes, that's correct.

22 Q. It didn't consider past redistricting plans?

23 A. I was aware of past redistricting plans. I may have  
24 looked at them a little bit, but I didn't rely on those  
25 redistricting plans.

1 Q. And then you say you compared your so-called blind  
2 illustrative plans to the enacted plans, and you drew  
3 conclusions about what you say are the potential impact of  
4 racial considerations on the enacted plans?

5 A. Yes, that's correct.

6 Q. And just to be clear, you drew one set of illustrative  
7 maps, a House map, Senate map?

8 A. Yes.

9 Q. You didn't do computational analysis to draw a large  
10 number of plans and analyze them in the aggregate?

11 A. No. I followed -- I described the process I followed,  
12 but generally -- and to be clear, I was consistent throughout  
13 the drafting of all the things that I used in one area I used  
14 in all the areas of the map.

15 Q. You don't contend that the illustrative plans that you  
16 drew are statistically typical in some way?

17 A. No, of course not.

18 Q. Let's talk about the factors you considered in drawing  
19 your so-called blind plans.

20 You say you considered population equality?

21 A. Well, yes, I did.

22 Q. And you used that 1 percent deviation for the Senate and  
23 1.5 percent for the House?

24 A. Yes.

25 Q. And you say you considered compactness?

1 A. Yes.

2 Q. And you say you considered county and VTD lines?

3 A. Yes.

4 Q. You didn't look at municipal splits or run any reports on  
5 municipalities?

6 A. No. But I think I was clear that I did consider those in  
7 my drafting of the plan. I did look at -- using my knowledge  
8 and the presence of the boundaries on the maps while drawing,  
9 yes.

10 Q. And with respect to communities of interest, you agree  
11 socioeconomic factors can be the basis for a community of  
12 interest?

13 A. They can be, yes.

14 Q. You didn't consider those in drawing your illustrative  
15 plans?

16 A. Not in a statistical or quantitative effort. To the  
17 extent that I understand my own knowledge of Georgia, having  
18 been a redistrictor in Georgia 20 years ago, I have knowledge  
19 of Georgia and I applied that.

20 Q. So you did consider socioeconomic commonalities when you  
21 created your illustrative maps?

22 A. To the extent that I personally understand some things,  
23 and if you could characterize them as socioeconomic, then I  
24 could say. But I didn't quantitatively look at that clearly.

25 Q. You agree that a community of interest can be based on

1 the urban or suburban or rural nature of an area?

2 A. Yes.

3 Q. And you agree that it can be based on school attendance  
4 zones?

5 A. Yes.

6 Q. You didn't consider those things?

7 A. Not generally, no. You know, I definitely looked at the  
8 city boundaries and that was definitely a factor while I was  
9 drawing the plan. What I didn't do, clearly, is I didn't show  
10 a report of the splits of those areas. But as I've testified  
11 to, when a map drawer draws maps, we have layers of  
12 information. And I definitely was looking at the city  
13 boundaries and they informed my decisions.

14 In some cases I am aware that some of the decisions I  
15 make would not be the type of decisions the legislature would  
16 make. And what comes to mind, for example, is in Gwinnett  
17 County where I chose to follow the municipal boundaries. And  
18 even in my experience with the legislature, that's not always  
19 what they do in Gwinnett County. They tend to follow the  
20 precinct boundaries. So I'm aware of that. And that is  
21 something that is different from even my understanding of what  
22 the legislature would have done.

23 Q. You would say that your consideration of communities of  
24 interest for these maps was mostly based on the geography in  
25 the maps?

1 A. Mostly on the geography, yes. But, again, I'm a map  
2 drawer from Georgia. I have some awareness of Georgia, yes.

3 Q. Did you say you're a map drawer from Georgia?

4 A. I didn't mean to say that if I did. I am a map drawer  
5 who has worked in Georgia. I am not from Georgia.

6 Q. Are you familiar with the Georgia redistricting  
7 guidelines that were released in 2021?

8 A. Yes.

9 Q. The redistricting guidelines state the map drawer should  
10 adhere to Section 2 of the Voting Rights Act?

11 A. Yes.

12 Q. The guidelines also state that map drawers should try to  
13 avoid unnecessary incumbent pairings?

14 A. Yes.

15 Q. You haven't considered whether the illustrative plans  
16 that you drew comply with the Georgia guidelines?

17 A. I think that would be interesting to look at. No, I  
18 didn't look at that.

19 Q. You agree that continuity of district representation is a  
20 traditional districting principle?

21 A. As I view it, yes.

22 Q. You didn't consider continuity of district representation  
23 with your December 5th illustrative plans?

24 A. No, I really didn't. I would say that in a few instances  
25 where a district was contained wholly within a county, there

1 were a couple instances where the district that I drew was  
2 very similar to an enacted district in -- contained within a  
3 county.

4 Q. So is it your testimony that you did consider continuity  
5 of district representation a little bit or that you didn't?

6 A. No. But I would say if you were to evaluate that, there  
7 would be a handful of districts that would show being very  
8 similar to the enacted districts, particularly in areas within  
9 county boundaries, because I tried, in drawing these plans,  
10 to, again -- again, let me point to the specific example of  
11 Fayette County.

12 Fayette County has enough population for two ideal House  
13 seats. I drew one district to the north and one district to  
14 the south. And I believe I put Fayetteville in the northern  
15 district, I think.

16 Q. So just want to be clear about this, you didn't consider  
17 continuity of district representation?

18 A. Generally, I didn't, no. Because I didn't -- I wasn't  
19 really looking at the existing districts while drafting this.  
20 And if I may, this is something that people do. I did hear  
21 Ms. Wright's testimony. And I would say when I heard that, I  
22 was interested because those are the sort of things that I  
23 would have done. I would have drawn a districting plan for a  
24 state, particularly if it's a new state to me that I haven't  
25 worked in before. It's very useful to understand the

1 population distribution by putting them into well-formed  
2 districts within county boundaries generally.

3 Q. And just to be clear, your December 5th illustrative  
4 plans don't consider all of what you say are the traditional  
5 districting principles?

6 A. No.

7 Q. You say the illustrative plans that you drew are blind;  
8 right?

9 A. I didn't have racial data when I drew the map. So in the  
10 sense that they're race blind, that's what I mean.

11 Q. To be clear, though, you don't actually contend that you  
12 drew these maps without any awareness of Georgia's racial  
13 demographics?

14 A. Well, that's interesting because, on the one hand, yes,  
15 I'm aware of different areas of Black population, clearly, but  
16 I didn't look at the individual data. And I found it  
17 interesting to see what districts develop as a result of  
18 looking at it that way.

19 Q. So you had some awareness --

20 A. Yes.

21 Q. -- of Georgia's racial demographics?

22 A. Yes. I have some awareness of the racial makeup of some  
23 areas, yes.

24 Q. And you've drawn districting plans in Georgia before?

25 A. Yes, I have.

1 Q. You have some knowledge of Georgia geography in places?

2 A. Yes. I've been to every county in Georgia.

3 Q. You generally know which areas of the state have large  
4 Black populations?

5 A. Yes.

6 Q. You have some knowledge of the racial demographics of  
7 counties in the Metro Atlanta area, like Clayton and Henry and  
8 Newton?

9 A. Yes.

10 Q. You know that Southern DeKalb County has some highly  
11 concentrated African-American population centers?

12 A. Yes.

13 Q. And looking at chart 1 on page 17 of your report,  
14 Defendants' 1 at 17.

15 MR. SAVITZKY: And pull up Defendants' 1 at 17.

16 BY MR. SAVITZKY:

17 Q. The illustrative plans that you drew have 14 fewer Black  
18 majority House districts than the 2021 plans?

19 A. In the House? Yes, that's correct.

20 Q. That's a decrease of almost 30 percent of the Black  
21 majority districts in Georgia?

22 A. Yeah. You could characterize it that way, yes.

23 Q. And six of the districts in your illustrative House plan  
24 are over 90 percent BVAP.

25 A. Yes, that's right.

1 Q. And another four over 80 percent BVAP.

2 A. That's correct.

3 Q. And looking at the chart on page 36 of your report,  
4 Defendants' 1 at 36, your illustrative Senate plan eliminates  
5 three Black majority Senate districts?

6 A. Well, you're using the term "eliminate." I would say  
7 that they were not drawn when compared to the enacted plan,  
8 yes.

9 Q. So that's a decrease of about 20 percent the number of  
10 Black majority Senate districts --

11 A. Yes, it is definitely a decrease.

12 Q. And you add two districts that are over 90 percent Black?

13 A. That's right, two districts that are over 90 percent  
14 Black.

15 Q. And you would agree that your plans concentrate the Black  
16 population into fewer Black majority districts that are more  
17 homogeneously Black?

18 A. Generally that's true, yes.

19 Q. And you testified yesterday that these districts that are  
20 more than 80 or 90 percent Black are "naturally occurring"?

21 A. In the sense that I drew them without any concern about  
22 race. These are districts that I drew in that area. They're  
23 generally compact. They don't cross county lines very much.  
24 And they also generally respect the municipalities in the  
25 area, yes.

1 Q. You drew this map?

2 A. Yes.

3 Q. It's the result of your individual mapping decisions that  
4 you made?

5 A. Yes, that's right.

6 THE COURT: Why did you draw this map?

7 THE WITNESS: Well, Your Honor, going back to the  
8 PI discussion you had with me a little bit, there's some  
9 discussion about -- and I've heard you ask why are some of  
10 these districts so high. So I thought -- to the extent that I  
11 had any input in the actual decision to draw this, I thought  
12 it would be instructive to show plans that were drawn in this  
13 way to get an idea of what the Black community is like in  
14 those districts.

15 And, again, I didn't know what it would turn out  
16 with. And I didn't adjust anything based on the racial  
17 considerations. I drew the plan, I followed consistent  
18 criteria, you know, throughout the state, and these are the  
19 districts.

20 So, Your Honor, I think it helps to answer maybe the  
21 question why are some of these districts so high. The enacted  
22 plan doesn't have any districts that are as high as what I  
23 drew in this illustrative plan, not at all.

24 THE COURT: But in drawing this map did you follow  
25 common principles? In other words, you just drew the map how

1 you thought it should look?

2 THE WITNESS: I follow a lot of common principles.  
3 And, again, I started with the population, and I looked at the  
4 counties. And, you know, again, I point to like Richmond,  
5 which has enough population. I have one district entirely in  
6 Richmond County. And then I put the fraction that's left  
7 over, and I paired it with Columbia, and that's another Senate  
8 district.

9 And I understand that that's not necessarily what the  
10 General Assembly would do. More to the point, I split Oconee  
11 and Clark Counties. And I don't think they would do that.  
12 That is a community that I recognize. But I did that in this  
13 map.

14 THE COURT: I hate to split Oconee and Clark  
15 Counties.

16 THE WITNESS: Yeah, sometimes. But, anyway, I hope  
17 that answers your question to some extent.

18 THE COURT: Thank you.

19 THE WITNESS: Yes.

20 THE COURT: Go ahead.

21 BY MR. SAVITZKY:

22 Q. And just to be clear, your testimony is that drawing  
23 plans that decrease the number of Black majority House  
24 districts by 14, by almost 30 percent, is a natural  
25 occurrence?

1 A. Well, I didn't look at it that way of decreasing. I drew  
2 the plan completely, and this is the plan result. I didn't  
3 set out to increase or decrease. I didn't know how it would  
4 turn out. And I think it's interesting to see how it does  
5 turn out. In some areas the numbers are close and some  
6 they're not in terms of the total number of districts that are  
7 majority Black.

8 Q. You created these plans in order to illustrate what you  
9 claim are the effects of racial considerations?

10 A. I think it is instructive. And when I compared it to the  
11 enacted plan, what I do point out in this illustrative plan is  
12 that when you look visually, and to some extent you can see  
13 this in the compactness scores too, you can see that the  
14 enacted plan elongates districts. And it seems that, for  
15 example, in the area of DeKalb County the enacted plan  
16 elongates districts. And many of these districts cross out of  
17 DeKalb. And the concentration of Black population is much  
18 lower in the enacted plan.

19 THE COURT: I guess what kind of concerns me and I  
20 have a question about, you were hired to work for the State;  
21 right? State of Georgia?

22 THE WITNESS: Yes.

23 THE COURT: And your plan contradicts the plan they  
24 passed, the enacted plan.

25 THE WITNESS: Yes, in some sense it does. But I

1 think to some extent it may help explain some of the things  
2 that the legislature did do in these highly concentrated  
3 African-American Black areas.

4 THE COURT: But does that also not create problems of  
5 how the factfinder, then, would look at the enacted plan? In  
6 other words -- I'm not speaking for Mr. Tyson, Mr. Tyson does  
7 an excellent job speaking for himself, but he's here defending  
8 the State's enacted plan. And you're testifying or you're  
9 saying, well, that plan has holes here, here, here, based on  
10 what I just drew up. So how should I receive it?

11 I guess what I'm trying to ask, if I'm looking at  
12 your plan and I'm looking at their plan, how should I consider  
13 their plan?

14 THE WITNESS: Well, again --

15 THE COURT: The plaintiffs are saying the enacted  
16 plan is not a good plan. So how should I look at your plans  
17 based on what they have?

18 THE WITNESS: Okay, Your Honor. So we've established  
19 clearly that I didn't have access to the illustrative plans,  
20 so I was comparing this illustrative plan that I drew to the  
21 enacted plan.

22 What I do think is it shows that in the enacted plan  
23 there -- what I would describe, that there were efforts taken  
24 to lower the Black population of these highly Black  
25 concentrated areas like Southern DeKalb. The enacted plan

1 crosses out of DeKalb County in many areas.

2 THE COURT: Is it your testimony that the State  
3 enacted plan was to eliminate Black representation?

4 THE WITNESS: Oh, no, Your Honor. That's not at all  
5 what I'm saying.

6 All I'm saying is that the districts -- when you see  
7 these elongated districts and the percentage of Black  
8 population in the district is lower, that the -- the -- having  
9 another plan to compare that to, to at least look and say, if  
10 I drew a compact district in DeKalb County, it would be high  
11 concentration. Well, now I have, to some extent, evidence of  
12 that. I've shown you that if you drew a compact district in  
13 Stonecrest area, this is what you would look like.

14 So in that sense it's evidence and it shows that the  
15 State did not do that. So it's -- it's not what the State  
16 did. I hope that helps.

17 THE COURT: It helps. Thank you.

18 BY MR. SAVITZKY:

19 Q. So, Mr. Morgan, we're talking about the conclusions you  
20 draw in your report. You mentioned you didn't consider  
21 incumbents or avoiding incumbent pairings in drafting these  
22 plans?

23 A. No, I did not.

24 Q. And looking at the chart on Defendants' 1, at page 36,  
25 you -- your plan pairs 17 incumbents in the Senate out of 56;

1 is that right?

2 A. Yes, that's right. And to be clear, you know, if I were  
3 to look at incumbents, the districts might change, but this is  
4 what I drew for this illustrative plan, yes.

5 Q. Probably change a lot given that you paired a third of  
6 the State Senate?

7 A. Yes.

8 Q. And just looking at the chart on Defendants' 1 at  
9 page 17, in considering incumbent pairings there you pair 74  
10 members of the Georgia House?

11 A. Yes.

12 Q. I think that's more than 40 percent of the House members.

13 THE COURT: I have a question for you. What  
14 relevance is it to me in looking at Dr. Morgan's plan?

15 MR. SAVITZKY: If it's a question for me, Your Honor,  
16 I think there's very little relevance at all, but because the  
17 plan's been submitted into evidence --

18 THE COURT: I'm not trying to cut off your cross.  
19 I think -- Ms. Khanna talked about it a little bit, too.  
20 Dr. Morgan's plan, as I understand, the State didn't even ask  
21 him to do this plan.

22 So I'm not -- I'm not saying your -- don't take this  
23 the wrong way. All right? I'm sitting here trying to see,  
24 well, what relevance do I see in looking at what he drew up  
25 when it's not really something that -- Mr. Tyson's not really

1 even defending it in a sense. In other words, tell me -- I  
2 may be missing something here. I've been known to mishear  
3 every once in a while, right?

4 (Inaudible comment.)

5 THE COURT: Right answer.

6 So tell me.

7 MR. SAVITZKY: Your Honor, as I understand it,  
8 Mr. Morgan concludes that he observed some effect from racial  
9 considerations, in the consideration of race in the 2021 plan.  
10 And I think the question is whether he can even come to that  
11 conclusion and to what extent he can --

12 THE COURT: Ms. Khanna, I'll hear from you next. Let  
13 him finish, though.

14 MR. SAVITZKY: I think we would only question him on  
15 that and whether he can reach that conclusion based on this  
16 exercise, which as we've been discussing, has significant  
17 limitations in terms of its probative power.

18 THE COURT: Okay.

19 MS. KHANNA: Yeah, Your Honor, I would agree with all  
20 that. And just note that Mr. Tyson asked extensively about  
21 that report on direct examination. I have to say, I don't  
22 understand the relevance either, but for some reason the  
23 defendants seem to believe it's relevant. So I think that's  
24 the basis of the questioning, to find out what's going on with  
25 it.

1 THE COURT: To be fair, let me hear from Mr. Tyson.

2 MR. TYSON: And, Your Honor, I think I maybe can  
3 clear this up. So Mr. Morgan has explained this map is not a  
4 map the State is offering as something we would use in an  
5 election. This is an analytical tool. You have to consider  
6 the question of what does Section 2 require. And I think  
7 everybody agrees it requires at least some elongation of  
8 districts; you have to avoid packing, you have to avoid having  
9 these very high concentration districts.

10 What we've heard from and we'll talk about is the  
11 State has taken steps to comply with Section 2 on its plans,  
12 but the plaintiffs are saying there's more there. And so the  
13 how much is enough, how much is too much, having an additional  
14 metric to help you help compare if you're not really looking  
15 at a racial question, what do the districts look like? If  
16 you're looking at some racial considerations, what does that  
17 look like? But race consciousness, race predominance, where  
18 do we cross the line in terms of that analytical process? So  
19 that's the purpose of this particular part of Mr. Morgan's  
20 efforts.

21 THE COURT: Mr. Tyson, the part that concerns me,  
22 though, is that I'm trying to make a decision of whether the  
23 State of Georgia, in putting together these maps, followed the  
24 requirements of Section 2, and not -- in other words, I may  
25 have heard Dr. Morgan wrong, but I think the Supreme Court has

1 said race cannot be the predominant matter in drawing these,  
2 but you can consider race. He's saying he didn't consider it  
3 at all. So that practically, you know, makes this irrelevant.

4 MR. TYSON: And, Your Honor, we would say --

5 THE COURT: As the State did.

6 MR. TYSON: Yes, Your Honor. I guess that's the  
7 thing for us. You said in your summary judgment orders we  
8 have to find the line. If the plaintiffs' plans are racially  
9 predominant, we have a problem. If they're race conscious, we  
10 may not necessarily have a problem.

11 THE COURT: I agree.

12 MR. TYSON: So how do we find that line?

13 And, again, having -- the point of Mr. Morgan's  
14 report on this particular district was what would it look like  
15 if we didn't consider race, then where do we kind of get  
16 this -- this is a spectrum at some level of how much the  
17 State has to do to reach the point of equal openness on its  
18 redistricting plans. So that's the point of trying to help  
19 understand those pieces.

20 THE COURT: I'll allow you-all to continue to ask the  
21 questions, but you-all know how I'm thinking. I'm like -- in  
22 the Allen case, you know, it came up a lot. And it's just,  
23 look, race, as you put it, can be consciously considered, it  
24 just can't be the predominant matter. You can't say I'm  
25 drawing this up to find -- I'm taking all these Black people,

1 or whatever race -- well, Blacks, and put them here and make  
2 sure we come -- you've got to think of all the other factors.

3 And no disrespect to Dr. Morgan, but he -- I see your  
4 point. I see your points. Go ahead. You-all know how I'm  
5 thinking. And, you know, I'm trying to come to my  
6 conclusions. But your brilliant minds will guide me the right  
7 way, I'm sure.

8 Go ahead.

9 MR. SAVITZKY: Yes, Your Honor. Thank you.

10 BY MR. SAVITZKY:

11 Q. And, Mr. Morgan, let's turn to the conclusions of your  
12 report.

13 And we were talking about the number of incumbents that  
14 you paired. You mention on the Senate side that if you  
15 were to try to --

16 THE COURT: Keep in mind now, intent is not something  
17 in this case. Intent is not in this courtroom. You don't  
18 have to show intent in drawing these maps, it's just the  
19 results. Okay?

20 MR. SAVITZKY: Yes, Your Honor.

21 BY MR. SAVITZKY:

22 Q. So, Mr. Morgan, if you had tried to avoid all the  
23 incumbent pairings that you have in your State House  
24 illustrative map, it would have had a significant impact on  
25 the configuration of your map.

1 MR. TYSON: And, Your Honor, I object. I just think  
2 that calls for speculation. I don't -- I think he testified  
3 he didn't consider that, so how would he know what would  
4 happen if he did?

5 MR. SAVITZKY: Your Honor, if I could be heard.

6 THE COURT: Yeah.

7 MR. SAVITZKY: He answered the same exact question on  
8 the Senate. He volunteered that it would have had an impact.

9 THE COURT: Say that again.

10 MR. SAVITZKY: When we were just discussing the  
11 Senate side, Mr. Morgan testified that it would have had a  
12 significant impact if he had considered avoiding incumbent  
13 pairings. I'm asking him the same question on the House side  
14 of things.

15 THE COURT: He did.

16 MR. TYSON: Okay. Your Honor, I apologize. I missed  
17 that question, then. I'll withdraw.

18 THE COURT: All right.

19 THE WITNESS: Okay. So what's the question, please?

20 BY MR. SAVITZKY:

21 Q. Well, you pair 74 incumbents, more than 40 percent of the  
22 House. If you had tried to avoid incumbent pairings, it would  
23 have had a significant effect on the plan that you drew.

24 A. Yes, I believe so. And also, as far as the incumbents  
25 go, you could look at that as a separate step in the process.

1 I didn't do that here. But, if, for example, you wanted to  
2 start with a plan like this and then account for incumbents,  
3 you could do that.

4 Q. Your report, despite not including incumbent pairings and  
5 then drawing many incumbent pairings -- or, excuse me, not  
6 consider avoiding the pairings and then pairing many  
7 incumbents, your report doesn't contain any conclusions about  
8 the effect of incumbency on your enacted plans -- or your,  
9 excuse me, illustrative plans?

10 A. That's correct.

11 Q. But you do draw conclusions about the effect of what you  
12 call racial considerations?

13 A. Yes.

14 Q. And you also testified earlier that you didn't consider  
15 continuity with past districting plans in drawing your  
16 illustrative plans?

17 A. That's correct.

18 Q. And you also agree that considering continuity with past  
19 districting plans had an impact -- or would have an impact on  
20 the enacted -- excuse me, had an impact on the enacted plans?

21 A. Yes. And also the previous districting plans would have  
22 majority Black districts in them. And so I didn't reference  
23 them directly, and I drew the plan following the criteria  
24 consistently across the state.

25 Q. In your report you don't draw any conclusions about the

1 effect of considering continuity with previous districting  
2 plans on the enacted plans?

3 A. No. I believe there would be -- it would be a different  
4 exercise. And, again, I do have the benefit of having heard  
5 Ms. Wright's testimony. And I do believe that, you know, that  
6 is something that if she had drawn a plan, she might have  
7 drawn a complete plan and added more considerations down the  
8 road. So I drew a base plan that doesn't split a lot of  
9 counties, it doesn't split a lot of precincts. And to my  
10 understanding, I kept municipalities whole generally and I --  
11 you know, I drew consistently throughout the state using that  
12 process.

13 Q. And just to be clear, you didn't draw any conclusions  
14 about the effect of considering continuity with previous  
15 districting plans on the enacted plans?

16 A. No. And, again, I guess I -- I'm only looping  
17 Ms. Wright's considerations here because she did testify that  
18 when she drew a plan, not exactly like this, clearly, but she  
19 didn't consider the incumbency and the -- she specifically  
20 said she didn't draw based on the enacted plans. She said  
21 that she drew what she described from a blank plan.

22 So in that sense, I was doing some of the same things  
23 that Ms. Wright did. I drew from a blank plan. I did not  
24 look at the existing districts. If I had, it would have been  
25 a different plan.

1 THE COURT: Did you say she did not consider  
2 incumbents?

3 THE WITNESS: It isn't so much that she said she  
4 didn't consider incumbents. But what I am saying is that she  
5 did say she started with a blank map. And at least at that  
6 level, that is consistent and similar to what I have done.

7 And in my practice I would have done something like  
8 this in other states. And you can look at things and say,  
9 well, we can't do that. But at least I would have a basis to  
10 say, well, these are population combinations that are valid  
11 and you can look at them.

12 THE COURT: Because I thought she did say that they  
13 changed, adjusted things to accommodate incumbents.

14 THE WITNESS: Absolutely. And she clearly did that  
15 in the process. But I do recall she specifically said at the  
16 beginning of the process -- and if I may, in my own  
17 experience, one of the things legislatures have to grapple  
18 with at the beginning is the change in population. Ms. Wright  
19 testified about how they had to collapse a district in  
20 Southern Georgia.

21 The politicians have a hard time understanding that  
22 that's got to happen. So these types of maps help them  
23 understand what the population reality is. So when I present  
24 them these sorts of things, they can see, wow, there's a lot  
25 of changes coming, and it helps them understand what's going

1 to happen. And then they go and do their legislative stuff.  
2 And, you know, whatever they do, they do.

3 THE COURT: Thanks.

4 Go ahead.

5 BY MR. SAVITZKY:

6 Q. The only factor among the ones you didn't consider about  
7 which you draw conclusions was what you call racial  
8 considerations?

9 A. Well, and to be clear, I drew this without looking at  
10 race and that's the thing that I considered. After I  
11 completed the plan, then I loaded the racial data and I said  
12 here are these districts. And then I compared them to the  
13 enacted plan. And I could see that in the same areas the  
14 enacted plan had lower concentrations of Black population in  
15 those areas. And so I did draw some conclusions based on  
16 that, yes.

17 Q. Your report also contains some analysis of some different  
18 clusters of House and Senate districts?

19 A. Yes.

20 Q. Did you look at the compactness of those districts?

21 A. Yes.

22 Q. And then you conclude, I'm looking at page 23 of  
23 Defendants' 1, "The House enacted plan has more majority  
24 Black districts and they are less compact than the House  
25 illustrative plan. In my opinion, the creation of additional

1 Black majority districts in region 1 led to lower compactness  
2 scores in this region."

3 That's your conclusion?

4 A. Yes.

5 Q. But you agree there may be many causes for the  
6 differences in compactness between the districts that you look  
7 at?

8 A. Well, yes. And then -- and when you consider the  
9 continuity of districts, and as we are aware and I have said  
10 and I am aware of, the preexisting districts do have districts  
11 that are majority Black and that are drawn that way.

12 So, you know, considering the continuity of districts  
13 would also have -- it would introduce another element of  
14 racial considerations in just the actual, physical existence  
15 of those districts. So I didn't really look at the continuity  
16 of districts when drawing this plan.

17 Q. And you would agree that continuity of representation in  
18 districting plans is different from racial considerations;  
19 right?

20 A. Yes, but they can be, and I believe are, linked to some  
21 extent.

22 Q. So in terms of the causes for the differences between the  
23 map that you drew and the map enacted by the State of Georgia,  
24 one of those causes could be considering avoiding pairing  
25 incumbents?

1 A. I'm sure that's possible, yes.

2 Q. One of the causes could be this question of continuity of  
3 representation?

4 A. Yes.

5 Q. One of the causes could be communities of interest  
6 factors that you didn't consider when you were drawing your  
7 plan?

8 A. That could be. I did consider communities of interest,  
9 mostly geographically defined and also, you know, relying on  
10 my own knowledge.

11 Q. But you didn't consider the same communities of interest  
12 factors as the State of Georgia?

13 A. I don't believe so, no.

14 Q. One of the causes for differences that you say you  
15 observed could be constituent feedback that the State got  
16 during the districting process?

17 A. Absolutely. I mean, that's exactly what I was  
18 describing. As part of this process, even if you start with a  
19 map that's just very basic population, when it gets to the  
20 legislators, they're going to do a lot of things to a basic  
21 population-driven map, of course.

22 Q. One of the causes could be political directives or  
23 desires of legislators?

24 A. Yes.

25 Q. One of the causes could be the individual balancing

1 decisions of different map drawers?

2 A. Okay.

3 Q. But you only drew conclusions about the effect of racial  
4 considerations?

5 A. Yes. And I was clear on that point. Having not looked  
6 at race and then looking at race, that's what I really wanted  
7 to look at, is I just wanted to say, what is the impact of  
8 what I believe are racial considerations in the sense that in  
9 these highly concentrated areas in particular, what -- what in  
10 the enacted plan, how are these areas treated differently.

11 And I think that it's illustrative to a point. Maybe  
12 it's limited. I think we've heard maybe it's a little more  
13 limited, but it's still something that's there.

14 Q. You don't know whether the claimed effect, if any, from  
15 racial considerations on the enacted map is greater than the  
16 effect from considering incumbent pairings?

17 A. I believe there is an effect. And as whether it's  
18 greater or not, I don't know. I did not look at that clearly.

19 Q. You don't know whether the effect of what you call racial  
20 considerations is greater than the effect of considering  
21 district continuity and preserving district cores?

22 A. No, I didn't look at that.

23 Q. You don't know whether the claimed effect from racial  
24 considerations is greater than the potential effect of  
25 considering communities of interest, facets of communities of

1 interest that you didn't consider?

2 A. Well, again, I did consider communities of interest  
3 mostly defined on geography. So I did consider that some.  
4 And I drew on my own experience in Georgia, which I have some  
5 of. And are there other communities of interest that I didn't  
6 consider? Of course. There are many communities of interest.  
7 We've heard testimony from other map drawers that there are  
8 many, many communities of interest.

9 Q. And you don't know whether different approaches to this  
10 complex question of communities of interest had a greater  
11 effect on the differences you purport to observe between the  
12 illustrative and enacted plans than racial considerations?

13 A. I don't know what effects would be comparatively in that  
14 manner.

15 Q. And you don't know how many Black majority districts a  
16 plan that did consider avoiding incumbents and continuity of  
17 district representation and communities of interest factors  
18 that you may not have considered would have?

19 A. I guess not. I'm -- I don't know. I mean, I did compare  
20 this plan to the enacted plan, which I believe accounts for  
21 those factors.

22 Q. When you say you believe that it accounts for those  
23 factors, the factors that you didn't consider?

24 A. Some of the factors I didn't consider I believe are  
25 present in the enacted plan. You mentioned communities of

1 interest that the legislature may have taken into account,  
2 which I didn't do, obviously.

3 Q. But you don't know whether a plan that did consider  
4 avoiding incumbent pairings and that did consider continuity  
5 of representation and that did consider communities of  
6 interest factors that you left out, of which there are some,  
7 would have had more Black majority districts?

8 A. I don't know for certain. I didn't look at that.

9 Q. Just two more questions about this report.

10 In assessing the 2021 enacted Senate and House plans, you  
11 don't conclude that the 2021 plan districts are insufficiently  
12 compact?

13 A. I'm sorry? Are not considered what?

14 Q. You don't conclude that the enacted districts are  
15 insufficiently compact?

16 A. No, I didn't really discuss compactness in that -- I  
17 mean, I do discuss compactness in my report, but I didn't draw  
18 any conclusions about sufficient compactness, no.

19 Q. Okay. Actually, it's one more question. I'm done with  
20 that report.

21 MR. SAVITZKY: Your Honor, I have one more section.  
22 I can keep going but --

23 THE COURT: How much more time do you have for cross?

24 MR. SAVITZKY: Fifteen minutes, twenty minutes.

25 THE COURT: Let's take a break right now. We'll come

1 back at 3:30.

2 (After a recess, the proceedings continued at  
3 3:16 p.m. as follows:)

4 THE COURT: You-all can be seated.

5 You can proceed.

6 MR. SAVITZKY: Yes, Your Honor. And, Your Honor,  
7 I'll now be asking some questions of general application on  
8 behalf of all the plaintiffs.

9 THE COURT: Okay.

10 BY MR. SAVITZKY:

11 Q. Mr. Morgan, I'd like to talk a bit about your  
12 professional background. And I'm starting with your CV,  
13 Defendants' 2, on page 52.

14 And just looking at the bottom of the page, I see that in  
15 the mid '90s you began working for GOPAC?

16 A. One minute. Bottom of the page. Sorry, microphone.  
17 Right.

18 Okay. So bottom of the page, employment history. And  
19 you're singling -- yes, I worked for GOPAC during that time  
20 period as the national field director under Congressman John  
21 Shadegg.

22 Q. And you were also the executive director of GOPAC for  
23 three years?

24 A. Yes. That was under former Congressman J.C. Watts who  
25 was from Oklahoma. Also a football player, but obviously was

1 a congressman -- or former congressman by that time.

2 Q. Your job at GOPAC was generally to help Republicans win  
3 elections?

4 A. Generally, yes. We did a lot of training for candidates  
5 and activists all across the country. There are different  
6 types of training that were done. And during that time period  
7 when I was executive director, we had -- one of our focal  
8 points was on helping to recruit Black and more female  
9 candidates to run for office. So I've met with thousands of  
10 activists. I've done teaching to thousands of activists and  
11 candidates across the country.

12 Q. In service of the general goal of helping Republicans win  
13 elections?

14 A. So, yes. The -- GOPAC was founded by Governor Pete  
15 duPont, I believe in 1978. And it was his kind of reaction  
16 to the Watergate era where Republicans had lost a lot of  
17 elections. And it was his contention that the Republicans  
18 needed to build a farm team of candidates that run and win in  
19 lower offices so that they would have a stable of candidates  
20 to draw from in the future, so that's part of what GOPAC did,  
21 yeah.

22 Q. Lower offices like state legislative office?

23 A. Yes. State legislative, school boards, there were --  
24 yeah, all kinds of offices.

25 Q. And you do mapping and redistricting work?

1 A. I do mapping and redistricting work. And as I've  
2 discussed earlier, I also work on campaigns sometimes.

3 Q. And just in terms of that mapping and redistricting work,  
4 you worked on state legislative plans in New Mexico after the  
5 2010 census cycle?

6 A. Yes, in New Mexico.

7 Q. And in that case you were working on behalf of the  
8 state's Republican governor?

9 A. Yeah. Governor Susana Martinez, I draw maps on her  
10 behalf. And we -- there was -- to clarify, there was an  
11 impasse between the legislature and the governor and it was  
12 going to go to court in an impasse situation, so the  
13 governor's team needed to draft some maps. And I was one of  
14 the principal map drawers for that process.

15 Q. And you helped draft the state legislative maps in  
16 Virginia following the 2010 census?

17 A. I helped draft the legislative maps in Virginia in  
18 2021 -- sorry -- 2001 and in 2011. And then I also served as  
19 a map drawer for the Virginia Redistricting Commission in  
20 2020. So to answer your question, yes, in 2011.

21 Q. And in 2011 you were working with Republican Delegate  
22 Chris Jones?

23 A. Yes. I worked with Delegate Chris Jones.

24 Q. And you worked on state legislative plans in North  
25 Carolina after the 2010 census?

1 A. Yes.

2 Q. You helped draw the State Senate plan there?

3 A. Yes. The -- in 2011 -- I drew some plans in the previous  
4 decade that were used in some court exhibits in 2003  
5 litigation, which I guess it became the *Strickland* case  
6 ultimately. But in 2011, yes, I drew some State Senate  
7 districts in North Carolina.

8 Q. And you drew those State Senate plans for Republican  
9 State Senator Bob Rucho?

10 A. Yeah. Senator Rucho is one of the people I worked with,  
11 yes.

12 Q. And you consulted with map drawers in Ohio in the 2010  
13 cycle?

14 A. Yes. I wouldn't say in the 2010 cycle that I drew maps.  
15 I was much more, in that case, of a technical consultant in  
16 Ohio.

17 Q. And a three-judge court -- do you dispute that a  
18 three-judge court reviewing the plans that Ohio passed found  
19 that you were a national Republican operative?

20 A. I don't know. I don't remember seeing anything like  
21 that.

22 MR. SAVITZKY: And we can pull up Alpha's cross 2.  
23 Just look at page 3.

24 BY MR. SAVITZKY:

25 Q. This is from Ohio, A. Philip Randolph Institute against

1 Householder, 373 F.Supp 3d, 978, Southern District of Ohio,  
2 2019.

3 And in terms of national Republican involvement, looking  
4 at the last sentence, the last full paragraph, do you dispute  
5 that three-judge panel there characterized you as a national  
6 Republican operative?

7 A. Yes, they characterized it that way.

8 Q. You and Mr. Tyson talked about your working with the  
9 Michigan Independent Citizens Redistricting Commission?

10 A. Yes.

11 Q. And you worked with a firm called Election Data Services  
12 on that project?

13 A. Yes. The principal there was a Democratic map drawer and  
14 consultant named Kim Brace. And I worked with him, and we  
15 submitted a joint bipartisan, if you will, proposal to the  
16 Independent Michigan Redistricting Commission.

17 Q. Do you dispute that the proposal you submitted to the  
18 commission presented your firm as a top Republican map drawing  
19 firm?

20 A. Probably so. I believe Mr. Brace wanted to indicate that  
21 he had -- obviously I'm somebody who works primarily with  
22 Republicans, but I also work with people as directed during  
23 the process.

24 Q. You don't dispute that that was how you were presented to  
25 the commission?

1 A. I believe Mr. Brace represented it that way, yes.

2 Q. I want to talk about some of the political maps that  
3 you've drawn. You mentioned that you were recognized as a  
4 mapping expert by a state trial court in New Mexico after the  
5 2010 redistricting there?

6 A. Yes.

7 Q. And you say in your CV, and this is Defendants' 2 at 52,  
8 that the state court adopted a state legislative plan  
9 principally drafted by you?

10 A. Yes. In this case I'm talking mostly about the House,  
11 but also the Senate. I drafted a plan which the Senate  
12 ultimately ended in a compromise and was removed from the  
13 Court proceedings.

14 Q. Well, and you know that portions of the plan you drew  
15 didn't go into effect?

16 A. I'm sorry?

17 Q. You know that portions of the plan that you drew didn't  
18 go into effect?

19 A. Yes. I've discussed this before. But basically in  
20 working for Governor Martinez in that impasse lawsuit, I  
21 presented a plan and the judge in the trial made some changes  
22 to the plan during the trial. And then -- you know, so the  
23 plan that began was not the plan that exited the trial. And  
24 so the judge used the plan that I drew as a basis, he  
25 introduced some other districts into it. And then that plan I

1 think was challenged and changes were made to that, yes.

2 Q. And do you dispute that an appellate court reviewing the  
3 plan in the case *Maestas v. Hall*, 274 P3d. 66 2012, of the  
4 New Mexico Appellate Court said that your plan drew an  
5 oddly-shaped district that seemed to have been created to give  
6 political advantage to one party?

7 A. I don't remember seeing that language. I do know that  
8 some districts were changed. In my recollection there were a  
9 handful of districts that were changed as a result of that.

10 Q. Do you dispute that the appellate court in New Mexico  
11 said the plan you drew was not politically neutral and raised  
12 questions as to whether it was fair to both sides?

13 A. Again, I know there were changes made. I don't remember  
14 reviewing that decision in terms of a court decision.

15 MR. SAVITZKY: And we can bring up Alpha's cross 5 at  
16 11.

17 THE WITNESS: Is that in the PowerPoint here or --  
18 okay.

19 BY MR. SAVITZKY:

20 Q. It's the PowerPoint. And the binder I handed you, it's  
21 tab 11 if you want to look at it yourself. Excuse me, tab 5.

22 A. Okay. Is it in this PowerPoint?

23 MR. SAVITZKY: Can I approach, Your Honor?

24 THE COURT: Yes, please.

25 THE WITNESS: It's only in the binder? Okay.

1 THE COURT: Thank you.

2 BY MR. SAVITZKY:

3 Q. And it's on the screen as well if you look up there,  
4 Mr. Morgan.

5 And just turning to page 11 of this document.

6 A. Okay.

7 Q. You don't dispute that the appellate court said the plan  
8 you drew was not politically neutral and raised questions as  
9 to whether it was fair to both sides?

10 A. What paragraph are you referencing?

11 Q. First paragraph, middle of the paragraph.

12 A. Middle.

13 THE COURT: Highlight it if you can.

14 THE WITNESS: Okay. Thank you.

15 THE COURT: Thank you.

16 BY MR. SAVITZKY:

17 Q. Do you dispute that that's how the appellate court  
18 characterized the plans that you worked on?

19 A. Yeah. And I think that's -- that meets with my  
20 recollection, that there was one district, I think it was on  
21 the Senate -- it was on the Rio Grande River in Albuquerque.  
22 I think that was the one that they're talking about in this.

23 Q. And turning to the plans that you mentioned you drew in  
24 Virginia following the 2010 census. Those Virginia districts  
25 challenge in a federal lawsuit called Bethune-Hill against

1 Virginia State Board of Elections, 326 F.Supp 3d 128, Eastern  
2 District of Virginia. You testify as a fact witness about  
3 your role in drawing those maps?

4 A. Yes.

5 Q. And do you dispute that in that case a federal court  
6 ended up invalidating 11 districts in the House of Delegates  
7 maps you helped draw on the ground that the map drawer's  
8 subordinated traditional districting criteria to racial  
9 considerations?

10 A. That's my understanding, yes.

11 Q. We discussed already that you worked for Republicans in  
12 North Carolina drawing part of the State Senate plan there  
13 following the 2010 census?

14 A. Yes. I drew some alternate plans. And some of the  
15 alternate plans they ended up including in the map that they  
16 passed in the legislature.

17 Q. Would you dispute that a three-judge federal court in a  
18 case called Covington against North Carolina, 316 F.R.D. 117,  
19 the Middle District, 2016, later held that nine State Senate  
20 districts in the plan that you helped work on were illegal  
21 racial gerrymanders?

22 A. I think that's correct. There have been a lot of changes  
23 in North Carolina, but I believe that was -- the one you're  
24 referring to is from 2011, that districting plan, with Senator  
25 Rucho?

1 Q. Correct.

2 A. Or Rucho.

3 Q. You don't dispute that?

4 A. No. I believe that's true.

5 Q. And just going back to your work in Ohio after the 2010  
6 cycle -- 2010 census, excuse me, you mentioned the A. Philip  
7 Randolph against Householder case already. Do you dispute  
8 that the three-judge federal court in that case found that you  
9 advised and collaborated with map drawers during the map  
10 drawing process?

11 A. I completely disagree with that. I was a technical  
12 advisor in that case.

13 Q. Do you dispute the three-judge federal court's finding  
14 that you gave a presentation on map drawing, advising map  
15 drawers to keep the process secret and to score the maps to  
16 determine the likely partisan outcome?

17 A. So I would dispute that. What I had was the tag line  
18 from the movie the Lord of the Rings. And what I was  
19 referring to was security of offices. So what I was saying  
20 was to keep security and like, you know, to have a lock on the  
21 door and to have passwords on your computer. And in those  
22 days I thought humor would be appropriate in discussing  
23 redistricting, so I put a picture of the Lord of the Rings  
24 where the protagonists in that movie say, Keep it secret, keep  
25 it safe, about the Lord of the Rings, the ring.

1 Q. And I take it that doesn't have to do with whether you  
2 advised map drawers to score the maps to determine the likely  
3 partisan outcome?

4 A. I'm sure I would have said something like that. I mean,  
5 I think it's important that the map drawers be aware of  
6 whatever metrics they're going to be either evaluated on or  
7 whatever metrics they want to use. And that can be -- it can  
8 be very different from place to place what an individual map  
9 drawer would use to evaluate plans. I don't know -- in some  
10 states they have very clear guidelines that will be used and  
11 they're very open about what that is. In other cases, there  
12 will be informal evaluations that people will make. And, you  
13 know, I certainly would advise people to know what you're  
14 going to be evaluated on.

15 Q. And you dispute that the three-judge federal court in  
16 that Ohio case invalidated the Congressional map that you  
17 consulted on as an unconstitutional partisan gerrymander?

18 A. Again, I did not draw that map. And the only technical  
19 consulting was very much arm's length from the actual map  
20 drawing process. I helped them set up the software, and I  
21 answered technical questions that they had about how to run  
22 the software.

23 Q. Do you dispute that you taught the person who drew the  
24 maps how to use Maptitude?

25 A. Generally I worked with -- Ray DiRossi was the principal

1 map drawer, and Heather Mann was the map drawer for the House.  
2 And I worked with them, teaching them how to use Maptitude,  
3 which was the software package that they used.

4 Q. And the plans that were drawn there were  
5 ultimately invalidated as an unconstitutional partisan  
6 gerrymander?

7 A. In 2018?

8 Q. Yes.

9 A. Okay.

10 Q. And in the 2020 census cycle, you again worked with Ohio  
11 Republicans in the State legislative districting process?

12 A. Yes. I was a technical advisor. Ray DiRossi was there  
13 and there was another fellow that was a new person. And,  
14 again, I helped them access the data that they had and use the  
15 software. And, again, to be clear, I did not draw any plans  
16 in Ohio in that circumstance.

17 Q. Do you dispute that the Ohio Supreme Court in a case  
18 called League of Women Voters of Ohio against Ohio  
19 Redistricting Commission, 192 NE 3d 379, it's a 2022 case,  
20 invalidated the maps that you consulted on for violating a  
21 state constitutional requirement that redistricting plans  
22 can't be drawn primarily to favor one political party?

23 A. Again, I would not characterize me as having consulted on  
24 the plans. I had no hand in the drafting of the plans during  
25 the process. I was a technical advisor on the use of the

1 software.

2 Q. But all in all, that's five different districting plans  
3 that you've drawn or advised on that have been struck down as  
4 unlawful?

5 MR. TYSON: Your Honor, I'll just object.

6 Mr. Morgan's testified he wasn't advising on the drafting of  
7 the plans. I understand Mr. Savitzky can ask questions about  
8 bias and that's fine, but Mr. Morgan's testified on several of  
9 these he had no hand in drawing these plans.

10 THE COURT: I'm taking this that he was involved in  
11 some way, maybe not drawing, maybe not -- he was there. And  
12 I've heard the question and answer, so...

13 BY MR. SAVITZKY:

14 Q. Would you like me to repeat the question?

15 A. Please.

16 Q. So, all in all, that's at least five different  
17 districting plans that you've either drawn or otherwise been  
18 involved with that have been struck down as unlawful?

19 A. I believe so. Again, I didn't draw the Ohio plan, as  
20 we've discussed.

21 Q. Mr. Morgan, yesterday you told Mr. Tyson that you've been  
22 proposed as a special master by the parties in four  
23 redistricting cases.

24 A. That's what I recall.

25 Q. Have you been appointed as a special master in any of

1 those cases?

2 A. No. Sometimes you don't get approved for the first time  
3 around.

4 Q. And let's talk about your work as an expert in  
5 on-the-stand testimony.

6 Looking back at your resume, again, it's Defendants' 2 at  
7 page 52, you report working here, middle of the page, on a  
8 case called Georgia State Conference of NAACP against Fayette  
9 County Board of Commissioners?

10 A. Yes.

11 Q. And I'll read the cite. It's 950 F.Supp 2d. 1294 here in  
12 the Northern District of Georgia. That was a federal case?

13 A. Yes, that's correct.

14 Q. And you were working on behalf of the defendant, Fayette  
15 County, in that case?

16 A. Yes.

17 Q. And Fayette County was defending its continued use of an  
18 at-large system of elections for county commission?

19 A. Generally I believe that's correct.

20 Q. And the plaintiffs were challenging that at-large system  
21 for diluting the votes of Black Georgians under Section 2 of  
22 the Voting Rights Act?

23 A. That's my understanding, yes.

24 Q. And as an expert you wrote a report on behalf of Fayette  
25 County?

1 A. Yes.

2 Q. And the district court in that case found your report  
3 unpersuasive?

4 A. I believe so, yeah.

5 Q. And it found that the at-large system of county  
6 commission elections in Fayette County violated the Voting  
7 Rights Act?

8 A. I believe so, yes.

9 Q. So other than this time now, you've testified in federal  
10 court three times other than this one?

11 A. Testified in federal court? Here, Virginia -- I'm sorry,  
12 I testified in Virginia as a fact witness, so I testified  
13 there, but I also -- so it's more than that, I think.

14 Q. Tell me if I have it right.

15 A. Sure.

16 Q. Expert witness in the Page case, fact witness in the  
17 Bethune-Hill case, and, of course, you also testified in the  
18 preliminary injunction hearing in this case.

19 A. Those are all federal, so that's the testifying part.  
20 Yes.

21 And I'm trying to think if there's anything else. I was  
22 deposed in North Carolina, didn't testify. Yeah. I think  
23 that covers it, yeah.

24 Q. And just starting with the Page case, Page against  
25 Virginia State Board of Elections, that's 2015, Westlaw

1 3604029 Eastern District of Virginia. You were an expert  
2 witness in that case?

3 A. Yes.

4 Q. Case involved congressional districts in Virginia?

5 A. Yes.

6 Q. Those districts were being challenged as a racial  
7 gerrymander?

8 A. Yes.

9 Q. And in Page the federal court didn't credit your  
10 testimony?

11 A. I believe that's the case, yes.

12 Q. Do you dispute that the Court said that your analysis was  
13 based on several pieces of mistaken data, a critical error?

14 A. I know they said that. And as far as learning from that,  
15 I -- next time an attorney asks me to prepare an exhibit on  
16 the day of the trial, I think I will decline that.

17 Q. And just moving to the Bethune-Hill case, you testified  
18 as a fact witness, as I think we discussed, in that case?

19 A. Yes.

20 Q. Because you helped draw the maps in that case?

21 A. Yes. I worked with Delegate Jones on the maps as part of  
22 his map drawing processing team.

23 Q. And those maps were also being challenged as racial  
24 gerrymanders?

25 A. Yes.

1 Q. And you testified in court there that you really didn't  
2 take race into account in splitting certain VTDs in the  
3 challenged districts?

4 A. In certain splits, that's correct.

5 Q. And the three-judge federal court there found that your  
6 explanation was not credible?

7 A. In some instances, I believe so.

8 Q. Do you dispute that the Court found that your explanation  
9 that you didn't take race into account in making those splits  
10 was not credible?

11 A. That's what they concluded.

12 Q. Do you dispute that the Court found your testimony was  
13 wholly lacking in credibility?

14 A. I don't have that in front of me, but if you represent  
15 that, then okay.

16 Q. We can look. It's Alpha's cross 7, page 24. The  
17 citation has been read into the record already. I'm looking  
18 at page 24, second paragraph, first sentence.

19 MR. SAVITZKY: That's the wrong paragraph that's  
20 being shown.

21 THE WITNESS: Yes.

22 MR. SAVITZKY: Page 24 of Alpha's cross 7. There we  
23 go. Sorry, the second paragraph in section E.

24 THE WITNESS: Okay.

25 BY MR. SAVITZKY:

1 Q. And do you dispute that the federal court in that case  
2 found that your testimony was wholly lacking in credibility?

3 A. Okay.

4 Q. Is that a "no"?

5 A. That's what they found.

6 Q. And you testified in the preliminary injunction hearing  
7 in this case?

8 A. Yes.

9 Q. And while sitting there, you claimed that you didn't  
10 recall that your credibility had been undermined in a prior  
11 case?

12 A. In this Virginia case as a fact witness?

13 Q. When you testified at the preliminary injunction hearing,  
14 when you were asked about some of these prior cases, you said  
15 you didn't recall those credibility findings.

16 A. I think we talked about them in the PI case. And I was  
17 aware of some of the credibility findings, yes, at the time,  
18 but I -- not necessarily all of them in this manner.

19 Q. The Court in this case found that your testimony lacked  
20 credibility.

21 A. Yes.

22 Q. So in all the times you've testified in federal court as  
23 a fact witness or as an expert witness, you've never been  
24 found to be wholly credible?

25 A. In federal court testimony, in these instances, yes.

1 MR. SAVITZKY: Your Honor, I have no further  
2 questions.

3 THE COURT: Redirect?

4 MR. TYSON: Yes, Your Honor.

5 THE COURT: Proceed, sir.

6 MR. TYSON: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. TYSON:

9 Q. Mr. Morgan, I know it's been a long afternoon yesterday  
10 and day today. I think you win the endurance award so far.  
11 I'm going to try to just do some very limited questions for  
12 you to get you set here.

13 Beginning with the Grant case, Ms. Khanna asked you about  
14 analyzing Senate District 10. Why did you include an analysis  
15 of Senate District 10 in your report in the Grant case?

16 A. I just wanted to see if I can refer to the report here.

17 The area of Senate District 10 shows the technique of  
18 elongation, generally speaking.

19 Q. Was the adjustment to Senate District 10 in your view  
20 part of the creation of Senate District 25?

21 A. Yes.

22 Q. Ms. Khanna also asked you a series of questions about  
23 county populations. And I put on the screen for you the slide  
24 she had of having you add up different counties.

25 A. Yes.

1 Q. If one wanted to know the entire population affected by  
2 the changes in Mr. Esselstyn's districts, could you add up all  
3 the numbers on that column instead of just Baldwin, Greene,  
4 McDuffie and Wilkes?

5 A. The changes in the totality of the plan involving split  
6 counties?

7 Q. Yes.

8 A. Yeah. I, think you would look at additional information  
9 there.

10 Q. And would you have a reason to disagree if my math showed  
11 that adding up all the population of those counties listed,  
12 including Coweta, Rockdale and Wilcox is 342,405?

13 A. Yeah. About 350, yeah, from the top of my head.

14 Q. Thank you.

15 Ms. Khanna went through a number of different compactness  
16 scores with you for Southwest, South Metro. I'll put those  
17 back on the screen here.

18 Is enacted District 10 more compact on the Senate plan  
19 than illustrative District 10?

20 A. Yes.

21 Q. Is enacted District 34 more compact than illustrative  
22 District 34?

23 A. Yes.

24 Q. Is enacted District 17 more compact in at least one  
25 measurement than illustrative District 17?

1 A. Yes. On the Polsby-Popper, it's .17, and the  
2 illustrative is .16.

3 Q. Thank you.

4 Ms. Khanna asked you about the similarity of the  
5 compactness scores from the illustrative plan to the enacted  
6 plan on the Grant case.

7 Do you recall that?

8 A. Yes.

9 Q. Would you expect a map with 155 of 180 districts being  
10 the same to have similar compactness scores?

11 A. 155 out of 180, yes.

12 Q. Ms. Khanna asked you about the term you used "spin out"  
13 for the Macon districts in the Districts 145 and 149.

14 Do you recall that?

15 A. Yes.

16 Q. And what did you mean by the term "spin out"?

17 A. Sorry, I'm just looking for my report in this area.

18 So what I'm referring to here is that the districts are  
19 subdividing the African-American population in Macon into four  
20 different districts. And two of those districts are leaving  
21 the boundaries of Bibb County and connecting to other parts.  
22 So they're -- when I say "spin out," they're going out in four  
23 different directions.

24 Q. Ms. Khanna also reviewed with you a number of different  
25 compactness scores in this area for districts.

1 Do you recall that?

2 A. Yes.

3 Q. Do those various different compactness scores affect your  
4 conclusions about the configuration of the House districts in  
5 Macon?

6 A. No.

7 Q. And why not?

8 A. Because I'm looking at the treatment of the community  
9 here, and I'm describing what's being done, what techniques  
10 are being used in this plan.

11 Q. And I believe you had used a term of "sensitivity to  
12 race." Would that be related to compactness scores in this  
13 area?

14 A. Not specifically to compactness scores, no.

15 Q. Mr. Morgan, in the Grant case, is it still your belief  
16 that the illustrative State House and State Senate plans in  
17 Grant drawn by Mr. Esselstyn prioritize race to the detriment  
18 of traditional redistricting factors?

19 A. Yes.

20 MR. TYSON: Your Honor, at this time I'll move to the  
21 Pendergrass case.

22 THE COURT: Okay.

23 BY MR. TYSON:

24 Q. Mr. Morgan, Ms. Khanna gave you a list of different  
25 populations from the core constituencies report that I'll put

1 on the screen for you.

2 Do you recall this slide?

3 A. Yes. Yes, I do.

4 Q. Does this slide also show that more than 25 percent of  
5 the population of Georgia would be in new districts under the  
6 illustrative plan in Pendergrass?

7 A. Yes.

8 Q. Going to your Pendergrass report at paragraph 18. It  
9 would be under tab 4, Mr. Morgan. You might have gone past it  
10 there.

11 A. Okay. One moment. Okay.

12 Q. And in this paragraph Ms. Khanna asked you questions  
13 about the discontinuity between the 2021 enacted plan and the  
14 illustrative plan?

15 A. Yes.

16 Q. Looking back now at chart 1, one page back, does any  
17 district besides District 6 retain less than 55 percent of the  
18 prior district's geography?

19 A. On the -- I'm sorry, on which plan? I'm sorry, which are  
20 we looking at?

21 Q. On chart 1, page 6.

22 A. Yes. Okay.

23 Q. Looking at the districts in the 2021 adopted plan, did  
24 any district besides District 6 retain less than 55 percent of  
25 the prior district core?

1 A. No. Only District 6 is below that number. It's 52.86.

2 Q. You also talked with Ms. Khanna about the core  
3 constituencies report. And there was a distinction you made I  
4 think between a number of a district changing and a district  
5 changing.

6 Do you recall that?

7 A. Yes.

8 Q. Can you just explain what you meant by that for the  
9 Court?

10 A. So I believe we're comparing the core retention to a  
11 district that is numbered the same. And then in another case  
12 we're comparing to potentially the district with the most  
13 population from another district or any district.

14 Q. So in -- if a district was numbered District 6 and it  
15 consisted primarily of population from District 13, how would  
16 you explain what that district was?

17 A. Well, I would say that the district was much more of the  
18 previous District 13. Although, you know, again, if a  
19 numbered district, if you compare the numbers, it might be a  
20 different calculation, district to district.

21 MR. TYSON: Your Honor, at this time I'll move to the  
22 Alpha Phi Alpha case.

23 THE COURT: All right. Thank you.

24 BY MR. TYSON:

25 Q. Mr. Morgan, when you were discussing the top line

1 statistics of the State Senate plan drawn by Mr. Cooper in the  
2 Alpha Phi Alpha case, you said that the similarity of those  
3 statistics between the enacted plan and the illustrative plan  
4 was interesting.

5 Do you recall that?

6 A. Yes.

7 Q. And what did you mean by it was interesting?

8 A. That there were a lot of changes as I looked at specific  
9 parts of the plans, but the top line numbers were very  
10 similar. So although there's a lot of changes, at the end  
11 it's all coming back to being very close to matching to the  
12 enacted plan's statistics. So the statistics are very  
13 similar.

14 Q. And is it your understanding that Mr. Cooper had the  
15 enacted plan statistics available to him as he was drawing the  
16 illustrative plan?

17 A. Yes. And, by contrast, I believe during the PI time  
18 period he did not have those plans available.

19 Q. Mr. Savitzky asked you about Senate District 23 and had a  
20 measurement of 120 miles on one of his slides.

21 Do you recall that?

22 A. Yes.

23 Q. In your report, when you referenced 100 miles between  
24 Augusta and Milledgeville, is that the same direction  
25 Mr. Savitzky was measuring or a different direction?

1 A. A different direction.

2 Q. And what direction were you measuring?

3 A. I was measuring east to west.

4 Q. Mr. Savitzky also asked you for your State House  
5 analysis, and you had a discussion of which districts you  
6 selected for analysis on pages 29 and 30 of your report.

7 Do you recall that?

8 A. Yes.

9 Q. And what technique were you discussing in this part of  
10 your report?

11 A. I'm sorry. So we're looking at pages 20 --

12 Q. 29 and 30 of your Alpha Phi Alpha report, which is tab  
13 number 2.

14 And, Mr. Morgan, just to make this easier, I'll put this  
15 up on the screen for you.

16 A. Okay.

17 Q. Do you recall Mr. Savitzky asking you about this group of  
18 four districts in South Metro Atlanta?

19 A. I'm sorry, I was on a completely different page, which is  
20 why it wasn't syncing. So, yes. So District 4, I'm sorry,  
21 paragraph 54, yes. Okay.

22 Q. And what -- my question was, what technique were you  
23 discussing in this portion of your report?

24 A. I'm sorry. Please forgive me for just a moment. I'm  
25 looking at the wrong report in a similar area.

1 Q. You just want to go to tab number 2.

2 A. Thank you. I was in a different report.

3 Yes, I was talking generally about the elongation  
4 technique.

5 Q. And which districts are elongated in this area that you  
6 discussed with Mr. Savitzky?

7 A. District 69 and District 77.

8 Q. You also discussed with Mr. Savitzky Southwest Georgia  
9 and splits of Colquitt and Lee Counties.

10 Do you recall that?

11 A. Yes.

12 Q. As a map drawer do you often look at surrounding  
13 districts when you're evaluating a district on a plan?

14 A. Yes.

15 Q. Why do you do that?

16 A. It -- it's useful to see how a proposed change to a plan  
17 is affecting the entire area that you're looking at.

18 Q. And as a map drawer do you find that districts -- when  
19 you make a change in one district, it has effects in other  
20 districts?

21 A. Yes, that often happens.

22 MR. TYSON: And, Your Honor, at this point I'll move  
23 to just the general questions Mr. Savitzky asked for all three  
24 plans.

25 THE COURT: All right. Thank you.

1 BY MR. TYSON:

2 Q. Mr. Morgan, you were asked about your history working in  
3 Republican politics.

4 Do you recall those questions?

5 A. Yes, I do.

6 Q. In your time as a map drawer have you also worked with  
7 Democratic officials?

8 A. Yes, I have, many times.

9 Q. And can you give us some examples of that?

10 A. Sure. I worked in Florida with State House member  
11 Corrine Brown, who later became a congresswoman. She thanked  
12 me on the floor of the House for my work on her behalf.

13 I worked with Democratic officials in North Carolina in  
14 2001. I worked directly with Democratic members to help them  
15 design plans.

16 I've worked with Democrat legislators in New Mexico most  
17 recently directly. And Senator Ivey-Soto said he wished that  
18 I was working on his side.

19 And in Virginia I believe there was a similar comment  
20 publicly -- maybe not publicly -- made during the process. It  
21 was Delegate Simon, who was one of the two House members that  
22 were Democrats appointed, saying that he wished that I was on  
23 his side in the map drawing efforts.

24 I've worked with other interest groups that are often  
25 allied with Democratic lawmakers.

1 And in the commissions in New Jersey, I negotiated  
2 directly with the Democratic members of the commission who  
3 were also lawmakers.

4 And in New Jersey, this is the first time since  
5 New Jersey has gone to a commission system where they have  
6 equal representation between the parties on a commission and a  
7 tiebreaker. It's the first time in 20 years, I believe --  
8 '91, 2001, 2010, maybe 40 years, 30-plus years -- that they  
9 actually agreed, and the legislators did not need a  
10 tiebreaker. So I worked and negotiated literally down to the  
11 last minute to make that compromise happen.

12 I've worked with Democratic lawmakers in Virginia.

13 And I'm trying to think.

14 I worked in Georgia with Democratic-elected state  
15 senators directly to help them craft plans to be offered  
16 during the redistricting process.

17 Generally I was working with the Republican leaders,  
18 like State Senator Sonny Perdue and Representative Lynn  
19 Westmoreland in the House. But we worked directly with --  
20 there was a coalition of Republican and Democrat lawmakers  
21 that were trying to enact redistricting plans. And things  
22 didn't work out that way. And so they ultimately were not  
23 successful in holding that coalition together for  
24 redistricting.

25 I mentioned New Mexico. Yeah. Okay. I think that

1 covers it.

2 Q. That covers the question.

3 And just to be clear, the New Jersey reference to the  
4 commission this last cycle in 2021, you were a map drawer for  
5 that effort; right?

6 A. Yes, I was working on the commission. Again, I was hired  
7 by Republican members of the commission, but in the process we  
8 worked directly with the judge who was the tiebreaker. And he  
9 helped -- he was in the room during that process, and he  
10 helped forge a compromise between the parties. And ultimately  
11 they did not need his vote to get the plan enacted for the  
12 legislature.

13 Q. In the questions Mr. Savitzky asked, he made it sound  
14 like every plan you've worked on has been overturned. Have  
15 you had plans that you drew that were either upheld or were  
16 not challenged?

17 A. Yes. The House plan in Connecticut was upheld, I worked  
18 on that. This was a commission forum, but I worked, again,  
19 generally with Republicans, but it was a compromised  
20 commission that requires like probably two-thirds or  
21 75 percent of the commissioners to agree to it.

22 In Pennsylvania State Senate, the plan was challenged and  
23 upheld. I worked on that in the 2011 cycle. I also worked in  
24 the 1991 cycle in Pennsylvania. I think that one was  
25 challenged and upheld.

1 In Virginia the plans were challenged in 2021 and upheld  
2 in both -- certainly in the State House. I think it was also  
3 challenged in the State Senate. I also helped draft the  
4 congressional plan in 2021, which I believe was upheld.

5 In South Carolina I worked on the State House plan in  
6 2010, which was challenged and upheld.

7 In the State Senate, a little lesser in that, but I  
8 worked on the State Senate plan. And I believe that was  
9 challenged and upheld.

10 The congressional plan for South Carolina, I helped draft  
11 that to some extent, not as much as the State House plan, and  
12 I believe that was challenged and upheld.

13 We talked about Georgia. I worked in 2021 and those  
14 plans were not passed by the legislature.

15 I drew the Indiana congressional plan in 2011. Literally  
16 I was there when the Speaker of the House and the Senate  
17 President were working and from different positions. And I  
18 literally was in the back of the room listening to their  
19 discussion. And I had a compromised map that I showed to both  
20 of them. And that is the map that was enacted in the Indiana  
21 congressional districts.

22 I drew Indiana State Senate districts that are currently  
23 in force in Indiana.

24 And also, in 2010, the Indiana State Senate, I drew  
25 districts there.

1 I drew districts in 2010 in the Indiana House, but I  
2 didn't have as much agency, if you will, in that.

3 I drew Missouri congressional plans that were in force  
4 after the 2010 redistricting, where Missouri lost a  
5 congressional seat.

6 Q. Mr. Morgan, I don't mean to interrupt you, but it's safe  
7 to say you've drawn hundreds of plans, is that -- that have  
8 been used in elections?

9 A. Yes. I've drawn hundreds of plans, many of them have  
10 been used in elections, yes.

11 Q. Last question for me.

12 Based on all your experience in this space, is  
13 redistricting a very political process?

14 A. Yes. It's very much a political process. When I first  
15 started, my beginning years in redistricting in the 1980s, the  
16 *Gingles v. Thornburg* and the *Davis v. Bandemer* cases were new  
17 law and that was important. And some of the primers on  
18 redistricting talk about a political thicket, and so it's very  
19 well understood that politics has a lot to do with  
20 redistricting.

21 MR. TYSON: Thank you, Mr. Morgan. You've had a long  
22 day. I appreciate your time. That's all the questions I  
23 have.

24 THE COURT: Thank you, Mr. Tyson.

25 I think Ms. Khanna goes first. Redirect (sic)?

1 MS. KHANNA: No recross, Your Honor.

2 THE COURT: Thank you.

3 MR. SAVITZKY: No recross, Your Honor.

4 THE COURT: Dr. Morgan, what everybody likes to hear  
5 when they're a witness, you're excused.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: All right. It's 4:20.

8 MR. TYSON: So, Your Honor, just in terms of  
9 timing -- I'll let Mr. Morgan...

10 THE WITNESS: Sorry, I'll try to go faster.

11 (Witness excused.)

12 MR. TYSON: Your Honor, I just wanted to reference,  
13 in terms of timing, I know we're late in the day on Wednesday.  
14 Dr. Alford is our next witness; Mr. Jacoutot will be handling.  
15 We expect his direct is an hour or less.

16 MR. JACOUTOT: Hour or a little more.

17 MR. TYSON: Hour or a little more. And then --

18 THE COURT: Here's the thing. I have to stop today  
19 at 5:00. I'm in charge of a meeting that's going to start at  
20 5:30. If you-all want to do 40 minutes with him, I don't have  
21 any problem with that.

22 MR. TYSON: And, Your Honor, I think we're of a mind,  
23 we'll do as much as we can and just pause overnight and then  
24 continue.

25 Our last witness after Dr. Alford is Mr. Germany to

1 talk about some of the voting practice issues we've discussed.  
2 We expect he will be shorter than Dr. Alford. So that pushes  
3 us into Thursday. I know you wanted to have closing -- like  
4 an all-day closing argument situation, but I wanted to flag  
5 that for you.

6 THE COURT: Let me hear what the plaintiffs have to  
7 say. After lunch I kind of figured we weren't going to finish  
8 until tomorrow. So I have a plan for you-all, but let me hear  
9 what the plaintiffs say. But thank you.

10 MS. KHANNA: Well, maybe my plan is different than  
11 your plan, Your Honor, but I'm very hopeful that we can finish  
12 up the testimony by midmorning even tomorrow. And then we can  
13 proceed with closing arguments tomorrow and finish them over  
14 the afternoon.

15 MR. SAVITZKY: Your Honor, we're open to whatever  
16 makes sense for the Court.

17 MR. TYSON: I'm sorry, Your Honor. Could I ask one  
18 question?

19 THE COURT: Yes.

20 MR. TYSON: Are we not going to have a rebuttal case,  
21 then, after conclusion.

22 MS. KHANNA: We haven't discussed with the other  
23 plaintiffs groups. We don't anticipate anything lengthy at  
24 the very -- or at the most.

25 THE COURT: If I remember correctly, closing is going

1 to be an hour each for the plaintiffs; correct?

2 MS. KHANNA: I can be shorter than that, your Honor.

3 THE COURT: Well, I want -- as I keep telling  
4 you-all, once we finish and I go back to that chambers, it's  
5 based on what's on that transcript. So I don't want to cut  
6 you short.

7 I think we can finish it up tomorrow. Let's say we  
8 finish tomorrow with evidence at noon, and we'll probably  
9 finish earlier than that. And have an hour for lunch. And  
10 start closings at 1:00 -- 1:00-2:00, 2:00-3:00. I think you  
11 get an hour and a half or two hours?

12 MR. TYSON: I believe that's right, Your Honor. I  
13 don't expect to use two hours if we're allocated to that.

14 THE COURT: You're a smart man.

15 We can finish the case tomorrow. We can finish the  
16 case tomorrow, so...

17 MS. KHANNA: Thank you, Your Honor.

18 MR. SAVITZKY: Thank you, Your Honor.

19 THE COURT: Now, let me say, I'm not cutting you off  
20 on rebuttal. If you come in here tomorrow and say, Judge, I  
21 want rebuttal, you'll get rebuttal.

22 MS. KHANNA: I appreciate that, Your Honor.

23 MR. SAVITZKY: Thank you, Your Honor.

24 THE COURT: Your witness.

25 MR. JACOUTOT: Thank you, Your Honor. The State

1 defendants call Dr. John Alford.

2 THE COURT: Mr. Tyson, I excused Dr. Morgan. I  
3 assume you're not going to call him back for rebuttal?

4 MR. TYSON: We don't expect to call him back, Your  
5 Honor. I think he's been through enough.

6 THE COURT: All right. Thank you.

7 THE DEPUTY CLERK: Good afternoon.

8

9 

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JOHN R. ALFORD

10 a witness herein, being first duly sworn,

11 was examined and testified as follows:

12 

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13 THE DEPUTY CLERK: Have a seat. If you can please  
14 state and spell your name for the record.

15 THE WITNESS: John Richard Alford. John, J-O-H-N.  
16 Alford, A-L-F-O-R-D.

17 THE DEPUTY CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. JACOUTOT:

20 Q. I noticed I have "good morning" on my outline here. That  
21 was optimistic.

22 Good afternoon, Dr. Alford.

23 A. Good afternoon.

24 THE COURT: You were really optimistic.

25 BY MR. JACOUTOT:

1 Q. Dr. Alford, can you describe your educational background.

2 A. I have a bachelor's in political science, bachelor of  
3 science in political science from University of Houston; a  
4 master's in public administration from the University of  
5 Houston; master's and PhD in political science from University  
6 of Iowa.

7 Q. Since receiving your PhD from the University of Iowa, can  
8 you describe your professional experience.

9 A. I left Iowa with a tenured track job at Oakland  
10 University in Rochester, Michigan. Got into the middle of  
11 the winter and got an offer to come down for an interview at  
12 University of Georgia late February. Ice storm when I left  
13 Detroit. Beautiful day on the campus at the University of  
14 Georgia. I took the job before I even spoke -- my first  
15 interaction with the chairman was, if you offer me this job,  
16 I'm going to take it.

17 So I spent four years at -- as assistant professor at  
18 University of Georgia. And then was lured away to -- back  
19 home, basically, to Houston, with an offer to be an associate  
20 professor at Rice University.

21 I have been at Rice ever since then, 38 years.

22 Q. And do you have tenure at Rice University?

23 A. I do.

24 Q. For how long, approximately?

25 A. 35 years.

1 Q. And that is in the political science department?

2 A. It is in the political science department, yes.

3 Q. At Rice University do you teach any election or  
4 voting-related cases?

5 A. I teach some courses that are related. I teach, almost  
6 every year, at least one course in Introduction to American  
7 Politics, which has to do with voting and elections.

8 I teach -- every even numbered year in the fall, I teach  
9 an election course that's titled Election 2020 or Election  
10 2022, that's specifically about the election, about voting  
11 behavior in the election, about things we understand about  
12 election context. And more recently I would say about things  
13 we don't understand about American elections.

14 So I also teach courses on elections, on voting behavior.  
15 I've taught courses on political psychology, courses on --  
16 more institutional courses, like courses on the Presidency.  
17 And I teach a course also every year on the biology of  
18 politics.

19 Q. When was the first time you served as a testifying expert  
20 in a voting or elections-related case?

21 A. Shortly after I left University of Georgia, my longtime  
22 mentor, Dr. Chuck Bullock, who I had TA'd for at the  
23 University of Houston -- he briefly left Georgia, came to the  
24 University of Houston when I was a graduate student there. I  
25 was his TA for American politics. And he was part of the

1 reason that I ended up being lured to Georgia.

2 And then shortly after I left, he contacted me and said  
3 that he had been approached about serving as an expert in a  
4 case in Alabama, that he was -- didn't have time for or  
5 thought might be something I could do. And he then connected  
6 me with some lawyers. And that was my first experience as an  
7 expert witness in a federal trial.

8 Q. And so that was a little over 30 years ago, then?

9 A. Would have been, I believe, in 1985. So, yes, 30 -- over  
10 30 years ago.

11 Q. And in every case you've testified in since then, were  
12 you qualified by the Court?

13 A. Yes.

14 Q. Have you ever been disqualified to give expert testimony?

15 A. No.

16 Q. And you've been qualified in courts in six different  
17 cases involving *Gingles* 2 and 3 since 2022 alone; correct?

18 A. Unfortunately, the answer to that is yes.

19 MR. JACOUTOT: Your Honor, at this time we move to  
20 admit Dr. Alford as an expert in *Gingles* 2 and 3 and Senate  
21 Factor 2.

22 THE COURT: Any objection from the Alpha attorney.

23 MR. MILLER: No, Your Honor.

24 THE COURT: Any objection from Pendergrass/Grant?

25 MS. RUTAHINDURWA: No, Your Honor.

1 THE COURT: He is qualified to testify in that area.

2 MR. JACOUTOT. Your Honor, before we begin,  
3 defendants move to admit the report of Dr. Alford in this  
4 case, which is marked Defendants' Trial Exhibit 8 in the APA,  
5 Grant and Pendergrass cases.

6 THE COURT: All right. Any objection from Alpha?

7 MR. MILLER: No, Your Honor?

8 THE COURT: Pendergrass/Grant?

9 MS. RUTAHINDURWA: Your Honor, the Pendergrass and  
10 Grant plaintiffs don't object to the portions of Dr. Alford's  
11 report that relate to Dr. Palmer's analysis, but they do  
12 object to introducing the pages 5 through 9 of Dr. Alford's  
13 report that pertain solely to Dr. Handley and the data relied  
14 on by Dr. Handley in her analysis.

15 THE COURT: Why are you-all objecting to that part?

16 MS. RUTAHINDURWA: Because that evidence is not in  
17 the Grant or Pendergrass cases at this time.

18 MR. JACOUTOT: Well, Your Honor, we have certainly  
19 been overlapping these cases quite a bit as a matter of  
20 practice in the -- during this trial. So we would submit that  
21 in order to keep that consistent, that --

22 THE COURT: Well, really this week, though, I didn't  
23 allow them to put in evidence because I said one lawyer in  
24 Alpha did all the questioning. So what's good for the goose  
25 is good for the gander, so...

1 MR. MILLER: And, Your Honor, I apologize. My  
2 co-counsel reminds me, we have a similar issue regarding the  
3 overlap as to Dr. Handley's testimony. It's not as clean in  
4 the report. We can't give you a page range. We have the same  
5 objection as to the introduction of Defendants' Exhibit 8  
6 insofar as it relies on Dr. Palmer's analysis.

7 THE COURT: I'm going to overrule your objection, but  
8 the Grant/Pendergrass objection I'm going to sustain.

9 MR. JACOUTOT: May I approach?

10 THE COURT: Yes.

11 Thank you.

12 MR. MILLER: Your Honor, if I might clarify regarding  
13 the ruling that you just made. With respect to the section of  
14 the report from pages 2 to pages 5, there is analysis of  
15 Dr. Palmer's report there that does not reference anything to  
16 do with Dr. Handley's report.

17 So we have concerns about reliance on Dr. Palmer's  
18 analysis in the subsequent section of Dr. Handley's report.  
19 But at least as to those initial pages under the heading  
20 Dr. Palmer's reports, we would object to the inclusion of  
21 those into evidence in Alpha Phi Alpha. It assumes facts not  
22 in evidence in our case.

23 THE COURT: Do you want to respond?

24 MR. JACOUTOT: May I have one moment?

25 THE COURT: Yes.

1 (Pause in proceedings.)

2 MR. JACOUTOT: So I think we had agreed, Your Honor,  
3 that all reports come in. So how about, as sort of a solution  
4 to this issue, is anything that doesn't -- that specifically  
5 references Dr. Palmer can be sort of kept out of the Alpha  
6 case, anything that specifically references Dr. Handley can be  
7 kept out of Grant and Pendergrass.

8 MS. RUTAHINDURWA: Your Honor, on behalf of the Grant  
9 and Pendergrass plaintiffs, I believe that doesn't cover the  
10 data that Dr. Handley relies on that Dr. Alford uses as well,  
11 so...

12 THE COURT: Well, I'm going to sustain your  
13 objection.

14 MS. RUTAHINDURWA: Oh, okay. Well, thank you, Your  
15 Honor.

16 THE COURT: I'm more concerned with Alpha. Anything  
17 to do with Dr. Palmer they would not -- they would leave out.

18 MR. MILLER: So, Your Honor, the section of -- it's  
19 the same issue regarding the data provided by Dr. Palmer and  
20 the analysis provided by Dr. Palmer that Dr. Alford has relied  
21 on. And so we have the same concern that the analysis  
22 provided by the Palmer report cannot be relied on for  
23 conclusions about Dr. Handley's --

24 THE COURT: Your objection is like a moving target.  
25 It was like this a few minutes ago, and then you said, well,

1 just leave out pages 2 through 5. And now you're saying,  
2 well, no, we want more than 2 through 5 left out.

3 MR. MILLER: I apologize, Your Honor.

4 The portion that I'm referring to with the data and  
5 analysis from the Palmer report is the section 2 through 5.

6 THE COURT: Okay. Well, that's what they're offering  
7 to leave out. Anything to do with Palmer, they're offering to  
8 leave that out. So if that's all, 2 through 5, then you're  
9 covered.

10 But now let's make sure we talk about that, because  
11 you're offering anything to do with Dr. Palmer regarding Alpha  
12 you will not get into?

13 MR. JACOUTOT: Not get into or just have not applied  
14 to their case? Does the Court have a preference?

15 THE COURT: They're one and the same, aren't they?

16 MR. JACOUTOT: Yeah. Okay. Sure.

17 THE COURT: All right. Let's try that, then.

18 MR. JACOUTOT: And just one more housekeeping matter  
19 while we are on the reports.

20 Defendants would move to admit Dr. Alford's  
21 preliminary injunction expert report marked as Defendants'  
22 Trial Exhibit 97.

23 THE COURT: Any objection from Alpha?

24 MR. MILLER: That same objection, Your Honor,  
25 regarding distinguishing the Palmer and Handley references in

1 that.

2 THE COURT: What do you have to say about that?

3 MR. JACOUTOT: You know, I'm just thinking. We did  
4 exchange exhibits I believe beforehand and the chance for  
5 objections on those exhibits. And I don't recall receiving an  
6 objection on Dr. Alford's report from either party or any  
7 party. So I think that the objection to the extent it has any  
8 merit at all has been waived.

9 MR. MILLER: Your Honor, the manner in which evidence  
10 would be presented at trial and the manner in which testimony  
11 would be kept separate or the records would be kept separate  
12 was not apparent at the time the exhibit lists were exchanged.  
13 This relies on the rulings that Your Honor made over a series  
14 of orders and during trial itself.

15 THE COURT: Here's my question. Did you-all talk  
16 about it and leave the State under the impression that you  
17 weren't going to make any objections? That's what I'm hearing  
18 Mr. Jacoutot is saying, that that was their impression.

19 MR. MILLER: Your Honor, we do not have any objection  
20 to the use of Dr. Alford's report as to Dr. Handley when  
21 Dr. Alford is addressing Dr. Handley's opinions. Again, the  
22 issue regarding the overlap between the Palmer sections of the  
23 report and Dr. Alford's opinions about Dr. Handley has only  
24 really come to the fore during the course of the presentation  
25 of evidence at trial. That division was not apparent prior to

1 the Court's rulings on how evidence would come into the case.

2 MR. JACOUTOT: I think I can -- may I respond, Your  
3 Honor?

4 THE COURT: Yeah.

5 MR. JACOUTOT: I believe at the preliminary  
6 injunction hearing -- yeah. At the preliminary injunction  
7 hearing we had sort of flagged that these were being compared  
8 against one another. Now, that was a while ago, I'll grant  
9 it, but it's certainly not some sort of surprise that this one  
10 report that tackles all three cases, and it says so in the  
11 scope of inquiry in the first paragraph on the first page, and  
12 it has said so since February of 2023, that these were going  
13 to be somewhat interrelated, at least tackled in somewhat of  
14 an interrelated way.

15 We have e-mail correspondence with opposing counsel  
16 stating that we're fine with agreeing -- "we," being the  
17 defendants, are fine with the plaintiffs' suggestion to  
18 admit -- excuse me -- agreeing to all the expert reports for  
19 each expert witness being admitted at the start of the  
20 expert's testimony. That was yet another time that the  
21 plaintiffs could have suggested, you know, let's clear up the  
22 scope of this admission.

23 THE COURT: Read that again.

24 MR. JACOUTOT: E-mail correspondence dated -- yeah.  
25 Oh, excuse me. I apologize if I mischaracterized that.

1 Mr. Tyson just told me that it was our proposal to them.

2 But it states, in reference to another e-mail, "Thank  
3 you. We're fine with agreeing to all of the expert reports  
4 for each expert witness being admitted at the start of the  
5 expert's testimony."

6 And that has been the procedure for this trial up  
7 until now. And, again, this report has been in its current  
8 form for months. And I think the time to object to kind of  
9 the way it's structured has come and gone.

10 (Pause in proceedings.)

11 THE COURT: Go ahead.

12 MR. JACOUTOT: That was the conclusion of my point.

13 THE COURT: Okay.

14 MR. MILLER: Your Honor, the Palmer report is not in  
15 the Alpha evidence. And so our objection here is just that to  
16 the extent that an opinion relies on the Palmer report, which  
17 is the section that I identified previously, 2 through 5, that  
18 portion of this does not -- it assumes facts not in evidence  
19 and is not properly admitted in our case.

20 And this hasn't come up in the context of the other  
21 reports in the same way, given the nature of the data in  
22 Dr. Alford's report and the nature of Dr. Alford's report.  
23 This is not an issue that I think that we've had to confront  
24 before today.

25 MR. JACOUTOT: May I make a point of clarification,

1 maybe resolve this --

2 THE COURT: Yes.

3 MR. JACOUTOT: -- for Alpha Phi Alpha counsel?

4 Is the concern just page 5 where the subheading -- or  
5 excuse me, Dr. Handley's report -- you're concerned with pages  
6 2 through 5?

7 MR. MILLER: Dr. Palmer's report contains analysis of  
8 a different set of elections for a different set of areas in  
9 Georgia. And those -- that analysis, regarding those  
10 different elections, regarding those different areas of  
11 Georgia, is not in the record in the Alpha Phi Alpha case.

12 And so to the extent that Dr. Alford has relied on  
13 this analysis of different elections in different areas that's  
14 not in our record, that shouldn't be admissible in the Alpha  
15 case.

16 MR. JACOUTOT: And just to clarify that, for Grant  
17 and Pendergrass, the summary conclusions are still included,  
18 no objection to the summary conclusions being -- excuse me --  
19 summary conclusions being included?

20 MS. RUTAHINDURWA: Yes. No objection to the summary  
21 conclusions, just the -- up until table 1 -- up through  
22 table 1 of page 9. So page 5, starting with Dr. Handley's  
23 section, through table 1 on page 9.

24 THE COURT: All right. What do you offer -- you  
25 know, you've got 15 minutes basically to question Dr. Alford,

1 but let's get -- I don't know what to tell you. I don't know  
2 what you-all agreed to, what you didn't agree to. You didn't  
3 make any objections. I'm intending to let the preliminary  
4 injunction ones in over objection, to be quite frank with you.

5 MR. JACOUTOT: Thank you, Your Honor.

6 THE COURT: So make your objection for the record,  
7 but...

8 MR. MILLER: Your Honor, just to be clear, was this  
9 with respect to the PI report, the second of the reports we  
10 were talking to (sic)?

11 THE COURT: Yes. On the Defendants' Exhibit -- Trial  
12 Exhibit Number 8, I think I've already ruled, the Handley part  
13 will not come in regarding Pendergrass/Grant. And as far as  
14 Palmer is concerned, on that exhibit, they've already agreed  
15 they will not get into anything with Dr. Alford on Palmer.

16 On the preliminary injunction part, though, I'm  
17 allowing it in as whole.

18 MR. MILLER: Thank you, Your Honor.

19 MR. JACOUTOT: And, I'm sorry, just to make sure I  
20 have a clear picture of the ruling, the Alpha Phi Alpha  
21 plaintiffs' belated objection, after kind of waiving it, has  
22 been overruled regarding the full report?

23 Okay. Thank you.

24 THE COURT: On the preliminary injunction.

25 MR. JACOUTOT: I was talking about the report in this

1 case. Because as I understood the Court's ruling --

2 THE COURT: Here's what you handed me to begin with.

3 It says "Defendants' Trial Exhibit Number 8."

4 MR. JACOUTOT: Yes.

5 THE COURT: I ruled upon the objection of the  
6 Pendergrass/Grant people, that anything to do with Handley  
7 will not come in. Is that your understanding?

8 As far as Alpha's concerned, you-all offered in this  
9 report not to talk about anything to do with Palmer with  
10 Dr. Alford.

11 MR. JACOUTOT: Okay.

12 THE COURT: Now, you also had a second one, the  
13 preliminary injunction matter with Dr. Alford, I rule that all  
14 of that comes in.

15 MR. JACOUTOT: Okay. That's acceptable.

16 I appreciate that. Of course it's acceptable.

17 BY MR. JACOUTOT:

18 Q. All right, Dr. Alford. Sorry for the delay there.

19 Just to be clear, Dr. Alford, you have submitted one  
20 report that discusses all three cases in this action; is that  
21 correct?

22 A. That's correct.

23 Q. Is Trial Exhibit 8 the report you -- Defendants' Trial  
24 Exhibit 8 the report that you submitted?

25 A. Yes.

1 Q. In addition to the report that we just had admitted  
2 regarding the preliminary injunction hearing?

3 A. Yes.

4 Q. Okay. Before we get to the Trial Exhibit 8 report, I'm  
5 going to try to separate out these cases for the Court. But  
6 for the record, it's fair to say that when I'm referring to  
7 Dr. Handley, Handley's report on racial polarization, we're  
8 talking about the Alpha Phi Alpha case?

9 A. Yes.

10 Q. And when I refer to Dr. Palmer's report, we're talking  
11 about Grant and Pendergrass?

12 A. Yes.

13 Q. Okay. So, first, what were you tasked to do in this  
14 case?

15 A. I was asked to review the reports of Dr. Handley and  
16 to -- to address broadly the issues of *Gingles* 2 and 3 and  
17 Senate Factor 2, totality of the circumstances, to look at  
18 the -- in addition to Handley and Palmer's reports, to look at  
19 the supporting materials they supplied in disclosure, review  
20 those materials, and to write a report responsive to the  
21 reports of Dr. Palmer and Dr. Handley.

22 Q. Okay. Just kind of at the outset, obviously one of the  
23 key issues Judge Jones has to decide in this case is whether  
24 the bloc voting observed in plaintiffs' experts' data is  
25 racial polarization or partisan polarization.

1           Why do you conclude that evidence points to partisanship  
2 as the overarching explanation for voting patterns observed as  
3 distinct from race-based polarization?

4   A.   That's the pattern that's clear in the general election  
5 analysis. In the case of Dr. Palmer's report, there's only  
6 general election analysis. In the case of Dr. Handley's  
7 report, there's general election analysis, as well as some  
8 primary analysis, but she indicates that her conclusions about  
9 racial polarization are based entirely on the general election  
10 analysis.

11           And so in the case of both Dr. Handley's and Dr. Palmer's  
12 report, the evidence for the general elections very clearly  
13 demonstrates strong party polarization in those elections and  
14 provides no additional evidence of racial polarization beyond  
15 the party polarization that's evident in those elections.

16   Q.   So I'd like you to turn to Dr. Palmer's report, both  
17 in -- I want you to kind of get in your head that we're  
18 talking about the Pendergrass and Grant plaintiffs -- cases,  
19 excuse me.

20           And you can turn to --

21   A.   Is there somewhere here that I would have a copy of that?

22   Q.   I can provide a copy if there's not one in front of you.

23           This will be -- we're going to look at the Pendergrass  
24 report first. So this will be the Pendergrass Exhibit 2,  
25 Trial Exhibit 2.

1 MR. JACOUTOT: Sorry, Your Honor.

2 THE COURT: Yes, you may approach.

3 THE WITNESS: Thank you.

4 MR. JACOUTOT: Does anybody else need a copy of the  
5 Pendergrass report?

6 MS. KHANNA: The exhibits are all in the binder up  
7 there, too. Whatever's easier.

8 BY MR. JACOUTOT:

9 Q. Now, Dr. Alford, if you'll turn to page 2 of the report  
10 in Pendergrass, which deals with the congressional district  
11 claims.

12 A. Yes.

13 Q. Dr. Palmer offers his conclusion at the beginning of  
14 paragraph 7, saying, "I find strong evidence of racially  
15 polarized voting across the focused area, which is comprised  
16 of the 3rd, 6th, 11th, 13th and 14th congressional districts."

17 Do you see that?

18 A. Yes.

19 Q. First, as a general matter, having reviewed Dr. Palmer's  
20 report in its entirety, including the data he has provided, do  
21 you agree with that conclusion?

22 A. No.

23 Q. What about his statistical methods used in his analysis,  
24 do you find the statistical methods employed by Dr. Palmer to  
25 be acceptable based on your own experience?

1 A. Yes, I do.

2 Q. All right. Let's turn to the table -- table 1 located at  
3 page 10 of the report. And I'll put it up here on the  
4 projector for everyone's convenience. I do apologize in  
5 advance for including additional numbers today.

6 Table 1 shows the full results of the EI estimates for  
7 all 40 elections analyzed by Dr. Palmer; is that right?

8 A. That's correct.

9 Q. Do the results in table 1 indicate bloc voting occurring  
10 among Black voters?

11 A. They certainly indicate highly cohesive voting among  
12 Black voters.

13 Q. Do the results in table 1 indicate bloc voting among  
14 white voters?

15 A. Again, the voting is highly cohesive among white voters.  
16 Not quite as cohesive as Black voters, but still very  
17 cohesive.

18 Q. And looking at this table, what else can you tell from  
19 the data?

20 A. Well, we certainly note that that evidence of cohesion,  
21 whether it's among Black voters or white voters, is virtually  
22 uniform across the entire set of elections, which is, I think,  
23 fairly remarkable.

24 These elections vary not only in that they take place  
25 across a decade, from 2012 to 2022, but that within elections

1 you have -- we have elections here for offices, national  
2 offices, highly contested, like the President of the United  
3 States; at the state level, US senator, governor.

4 In some of those elections, though, we have -- down the  
5 ballot we have elections like school superintendent or public  
6 service commissioner, which I don't mean to denigrate the  
7 value of those offices, but they're quite -- as a matter of  
8 political contestation, those are quite different elections.

9 And despite that variety of time and the variety of  
10 ballot placement and nature of the offices, if we look down  
11 that list of the proportion of Black voters that Dr. Palmer  
12 estimates as voting in each of these contests for the  
13 Black-preferred candidate, it scarcely varies. It's basically  
14 98 percent without much variation at all. For white voters  
15 there's a little bit more variation, but it's essentially in  
16 the low teens across all of these selections.

17 Q. Is there anything specifically that you cannot tell from  
18 this -- from the data contained in table 1?

19 A. Well, I think there are two other things that we can see.  
20 One I think indicated, in part, by Dr. Palmer, we have  
21 contests that are racially contested and contests that aren't.  
22 And where he indicates with an asterisk that the candidate of  
23 choice of Black voters or the preferred candidate of Black  
24 voters is the candidate is themselves -- are themselves Black,  
25 we can see that that piece of information is not associated

1 with any variation, any substantial or symptomatic variation,  
2 in the level of Black cohesion or in the level of white  
3 cohesion.

4 So it's clear from this table that that piece of, like,  
5 information about the level or the time of the election,  
6 whether the preferred candidate is Black or white doesn't  
7 affect either the degree of Black preference for that  
8 candidate or the degree to which white voters are voting in  
9 opposition to that candidate.

10 A second thing that we can see in the table, if we just  
11 sort of add a little local knowledge or look at the supporting  
12 materials, is that, I think not coincidentally, although it's  
13 not indicated in this table, that every single one of these  
14 Black-preferred candidates is the Democrat in this contest.

15 So the -- we know that these can -- these -- he doesn't  
16 list the names of the candidates, but if we added in the names  
17 of the candidates and the party of the candidates, we would  
18 see that another thing that's uniform across this table is  
19 that these are all Democratic candidates.

20 So we have something that doesn't vary across this table,  
21 the party of the preferred candidate. We have something else  
22 that doesn't vary across this table, the level of Black  
23 cohesion or the level of white cohesion. So one thing -- that  
24 certainly is compatible.

25 We have other things that vary across this table fairly

1 clearly and don't produce any variation in either Black  
2 cohesion or white cohesion. And that would be the race of the  
3 candidate, the level of office, the time period of the  
4 election. Those variables are here in the table.

5 So, for example, if I wanted to argue that -- or -- not  
6 to argue, but if I wanted to assess whether Blacks are voting  
7 more or less cohesively by 2022 than they were a decade  
8 before, I have everything I need in this table to look at  
9 that.

10 If you wanted to assess whether white cohesion or white  
11 crossover voting levels had changed over the decade, you have  
12 variation in time, you can assess that.

13 So there -- the table demonstrates clearly that those  
14 kinds of things are not producing variation. And among those  
15 characteristics that does not produce variation in this table  
16 is the characteristic of the race of the candidate.

17 Q. Thank you, Dr. Alford.

18 Let's look briefly at Dr. Palmer's report in the Grant  
19 case, which deals with the legislative elections.

20 MR. JACOUTOT: Your Honor, may I approach?

21 THE COURT: Yes, sir.

22 Do you have an extra copy of what he was testifying  
23 from? I have this, but it didn't have the same information in  
24 it. At least I don't think it did.

25 MR. JACOUTOT: May I approach?

1 THE COURT: Yes, sir. Thank you.

2 MR. JACOUTOT: And, Your Honor, I'm noticing we've  
3 got about four minutes. Did you want me to get into this  
4 report?

5 THE COURT: How about we stop right now. I think  
6 it's a good stopping point, and you can start off with the  
7 report tomorrow. Four minutes, how much are you going to get  
8 done?

9 MR. JACOUTOT: Right. Yeah. Understood. Thank you,  
10 Your Honor.

11 THE COURT: Thank you. And everybody have a great  
12 evening. And we'll see you in the morning at 9:00. Thank  
13 you, all.

14 (Proceedings recessed at 4:57 p.m.)

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C E R T I F I C A T E

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true and correct transcript of the proceedings taken down by me in the case aforesaid.

This the 14th Day of September, 2023.

*Penny Pritty Couldriet*

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PENNY PRITTY COUDRIET, RMR, CRR  
OFFICIAL COURT REPORTER

	<p><b>19</b> [2] - 2030:24, 2061:7</p> <p><b>192</b> [1] - 2105:19</p> <p><b>1978</b> [1] - 2095:15</p> <p><b>1980S</b> [1] - 2125:15</p> <p><b>1985</b> [1] - 2132:9</p> <p><b>1991</b> [1] - 2123:24</p> <p><b>1:00</b> [1] - 2128:10</p> <p><b>1:00-2:00</b> [1] - 2128:10</p> <p><b>1:21-CV-5339-SCJ</b> [1] - 2020:10</p> <p><b>1:22-CV-00122-SCJ</b> [1] - 2020:15</p> <p><b>1:36</b> [1] - 2023:1</p>	<p><b>25</b> [2] - 2112:20, 2116:4</p> <p><b>26</b> [2] - 2024:22, 2040:23</p> <p><b>27</b> [2] - 2042:5, 2042:6</p> <p><b>274</b> [1] - 2100:3</p> <p><b>284</b> [1] - 2039:12</p> <p><b>29</b> [8] - 2035:13, 2043:10, 2043:11, 2047:17, 2048:10, 2048:21, 2119:6, 2119:12</p> <p><b>2:00-3:00</b> [1] - 2128:10</p> <p><b>2D</b> [1] - 2107:11</p>
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

_____	)	
	)	
Plaintiff(s)	)	
	)	Case No. _____
V.	)	
	)	
_____	)	
Defendant(s)	)	

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

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	)	
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	)	Case No. _____
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