

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NO. 1:15-CV-00399

SANDRA LITTLE COVINGTON,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
)
THE STATE OF NORTH CAROLINA,)
et al.,)
)
Defendants.)
_____)

DEPOSITION OF ROSA MUSTAFA

(Taken by Defendants)

Charlotte, North Carolina

Thursday, February 4, 2016

1 Democratic primary?

2 A. It was, yes.

3 Q. And what is Ms. Waddell's race?

4 A. She's African American.

5 Q. How about, like, in council district five
6 or six? Do you think a candidate of choice in the
7 African American community could win in one of those
8 districts?

9 A. I can't say. I don't know.

10 Q. And Ms. Mustafa, how did you become a
11 plaintiff in this case?

12 A. A member from the North Carolina Democratic
13 Party had asked me if I would consider being a
14 plaintiff in the case, and I told him to let me
15 review the documents to see, and I would let him
16 know, and that's how I became involved.

17 Q. So you said a member of the North Carolina
18 Democratic Party?

19 A. Uh-huh.

20 Q. Who was that?

21 A. Doug Wilson.

22 Q. Who is Mr. Wilson?

23 A. He's at the state level for the Democratic
24 Party.

25 Q. What is his position?

1 A. I don't know what his role is now. I know
2 he worked with Kay Hagan's campaign, too.

3 Q. Where does Mr. Wilson live?

4 A. I think he lives in Charlotte.

5 Q. Do you know if he's an employee of the
6 State Democratic Party?

7 A. He is.

8 Q. You don't know what his position is?

9 A. I don't know. That, I do not keep up with
10 very well. Chief executive -- I have no idea. Chief
11 financial officer. I have no idea.

12 Q. Do you know if he has an office here in
13 Charlotte?

14 A. I don't think he does, no.

15 Q. You've never met with him at an office in
16 Charlotte?

17 A. No.

18 Q. Well, tell me about when Mr. Wilson first
19 approached you about becoming a plaintiff in this
20 lawsuit. When did that happen?

21 A. Maybe a year, year and a half.

22 Q. So you're thinking sometime in 2014?

23 A. I think, or maybe '13. It's hard to say.
24 Shortly after Kay Hagan's campaign. I can say that.

25 Q. You mean shortly after Kay Hagan's

1 Commissioner District 2?

2 A. Maybe 40. I would say 40 percent,
3 something like that.

4 Q. Now, going back to Mr. Wilson and when you
5 were asked to join this lawsuit, was Mr. Wilson the
6 only person who approached you about joining the
7 lawsuit?

8 A. Yes.

9 Q. And I know you can't put a time frame on
10 it, but you think maybe 2013, 2014 was the first
11 conversation that you had with Mr. Wilson about
12 joining the lawsuit?

13 A. Yes.

14 Q. And do you remember specifically what
15 Mr. Wilson told you the first time he spoke with you
16 about that?

17 A. I can't be specific, no. I mean, vaguely
18 regarding the district, and a court case that was
19 coming up regarding the lines, and that's it.

20 Q. You said he vaguely talked to you about the
21 district. What district are you talking about?

22 A. I'm not sure which district, whether it's
23 congressional. I don't know, really.

24 Q. He just talked to you about a district that
25 you lived in?

1 A. Yes, one I actually lived in. I used to be
2 in 12, and then I was moved.

3 Q. You're talking now about the congressional
4 district?

5 A. Yes. I'm not real clear on what's
6 congressional or a different level. I'm not sure.

7 Q. Do you remember when you first had a
8 conversation about suing over the legislative
9 district that you live in, the Senate District,
10 specifically?

11 A. I'm sorry, ask your question again.

12 Q. Do you remember when you first had a
13 conversation with anyone about suing over the State
14 Senate District that you live in?

15 A. No, I don't have any -- no.

16 Q. When did you first learn that the State
17 Senate District you live in was a subject of this
18 lawsuit?

19 A. Well, in the conversation with Mr. Wilson.

20 Q. Okay. Well, after your initial
21 conversation with Mr. Wilson, where you think you
22 talked about a district, may have been a
23 congressional district, when was your next
24 conversation with Mr. Wilson?

25 MS. MACKIE: Objection to the form. You

1 can answer.

2 BY MR. MCKNIGHT:

3 Q. Let me ask the question a different way...
4 How many conversations do you recall having
5 with Mr. Wilson about this lawsuit?

6 A. Two.

7 Q. When did the second conversation occur?

8 A. Either the same day or the day after. Very
9 brief conversation. It was, like, is that
10 something -- would I be willing to participate, and I
11 said, "Sure. I would be willing to participate in
12 it."

13 Q. And did he tell you what the lawsuit was
14 about?

15 A. Gerrymandering on the drawing of lines.

16 Q. In the second conversation, did he mention
17 any specific district to you?

18 A. I can't recall. I knew my district was
19 involved, yes.

20 Q. You said your district. Which one are you
21 talking about?

22 A. I'm thinking on my congressional district.
23 I'm thinking -- that's hard to answer. I don't know.
24 I wouldn't say I have a complete knowledge of the
25 district. I know it's where I live.

1 A. I think so. Some kind of coverage.

2 Q. Do you remember when you first heard about
3 that?

4 A. No.

5 Q. Now, in your conversation with Mr. Wilson
6 about this lawsuit, did Mr. Wilson tell you what the
7 goals of the lawsuit were?

8 A. No.

9 Q. And I think you said you told him that you
10 would be willing to be involved; is that right?

11 A. Yes.

12 Q. How did you make the decision to be
13 involved in a lawsuit if you didn't know what the
14 goals of the lawsuit were?

15 A. Well, I knew that our district was -- the
16 district that I lived in -- my belief was that our
17 district had been split up and that our -- for one,
18 we were traveling further for meetings, which I did
19 not like. And I felt very unfamiliar with the new
20 district and the people that were in our new
21 district. I didn't want change. Put it like that.

22 Q. So I want to ask you about that. You
23 mentioned "my district" again, and specifically, what
24 district are you talking about?

25 A. I am probably speaking of the congressional

1 wanted to participate in the lawsuit?

2 A. Probably the second conversation, I said I
3 would participate in a lawsuit.

4 Q. I want to understand, I guess, what kind of
5 motivated you to participate in the lawsuit because a
6 lot of people don't want to get involved in lawsuits.

7 A. I know.

8 Q. Tell me a little bit about what your
9 thinking was there.

10 A. My thinking was that because gerrymandering
11 and changing of the districts dilute and change the
12 strength of the vote a lot of times for my community,
13 other communities, I think it was something -- I knew
14 it was something that I wanted to be involved in
15 because it affected us.

16 Q. And you said that gerrymandering could
17 dilute and change the strength of the vote?

18 A. Yes.

19 Q. What do you mean by that?

20 A. It can strengthen, sometimes it can dilute.
21 It depends on what the particular demographics or
22 that particular section is made up of, who it's made
23 up of.

24 You have people who have like minds, maybe
25 not. But most of the time people with similar

1 Q. So did Mr. Wilson ever tell you that the
2 lawsuit would or could help more Democrats be
3 elected?

4 A. No, he didn't.

5 Q. Did you ask Mr. Wilson any questions about
6 what the aims of the lawsuit were?

7 A. No.

8 Q. Were you concerned about who was paying for
9 it?

10 A. No.

11 Q. Did he tell you that you would have to --

12 A. As long as I wasn't paying for it.

13 Q. So you didn't care otherwise who was paying
14 for it?

15 A. No, it wasn't a concern.

16 Q. Well, you're represented by attorneys in
17 this case, right?

18 A. Sure.

19 Q. What if someone didn't pay one of your
20 attorneys? Was that a concern for you?

21 A. It would be unfortunate, but that is not my
22 concern, no.

23 Q. But you didn't think you would be on the
24 hook for it?

25 A. No.

1 MR. MCKNIGHT: We can do that at any time.

2 MS. MACKIE: We can take a quick break to
3 get some air.

4 THE WITNESS: You know what? Let's do
5 that.

6 (RECESS TAKEN.)

7 BY MR. MCKNIGHT:

8 Q. We're back on the record after a short
9 break here. And during the course of the break, you
10 didn't discuss the substance of your testimony today
11 with your counsel, did you?

12 A. No.

13 Q. Ms. Mustafa, we were talking about when
14 Mr. Wilson recruited you for this lawsuit. You said
15 that at some point he sent you a document that you
16 reviewed and that after reading that document you
17 decided you wanted to join the lawsuit.

18 Can you tell me what you said to Mr. Wilson
19 when you told him that you wanted to join the
20 lawsuit?

21 A. I said, "Sure. I would help out in any way
22 that I could."

23 Q. And what happened next?

24 A. He just added my name. He said, "I'll put
25 your name in," and that was it. There was nothing

1 else to do.

2 Q. After he put your name in, did anyone
3 contact you?

4 A. The law firm contacted me months and months
5 and months later. I had almost forgotten about it.

6 Q. And what law firm was that? Is it the law
7 firm that Mr. O'Hale and Ms. Mackie work for?

8 A. Spruill.

9 Q. Poyner and Spruill?

10 A. Yeah.

11 Q. Okay. There are several law firms involved
12 in this, which is why I'm asking. I'm not trying to
13 quiz you or anything like that, but there is a group
14 called the Southern Coalition for Social Justice
15 that's involved.

16 A. No, not that.

17 Q. And another lawyer, I think, named Adam
18 Stein, who is involved.

19 A. No.

20 Q. So you were contacted by Poyner and Spruill
21 you said months after that initial conversation with
22 Mr. Wilson?

23 A. I think that's right. It was a few months
24 later. I had forgotten about it. Life moved on.

25 Q. Did you have any more conversations with

1 listed on it as a plaintiff.

2 A. Yes, I've seen this.

3 Q. Okay. So you've seen at least the first
4 page before?

5 A. I've probably -- yeah, this first couple of
6 pages. Maybe one through five or so.

7 Q. So I'll represent to you, ma'am, that this
8 is a copy of the complaint that was filed by your
9 counsel in this matter.

10 You're saying that you think that you have
11 seen perhaps the first five pages of this before
12 today?

13 A. Yes.

14 Q. And do you remember the first time that you
15 ever saw this complaint?

16 A. Not 100 percent sure, but this appears to
17 be the document that Doug Wilson sent to me.

18 Q. And how long ago did you say that you
19 thought Mr. Wilson had sent you this document?

20 A. Year and a half, two years ago, something.

21 Q. Ms. Mustafa, if you will turn with me to
22 page 45 of this complaint, I want to direct your
23 attention to a map that appears at the bottom of that
24 page. Do you see that?

25 A. Yes.

1 Q. And Mr. Love, you said they were both
2 precinct chairs; is that right?

3 A. Yes.

4 Q. By that, you mean they're precinct chairs
5 for the Mecklenburg County Democratic Party?

6 A. Yes.

7 Q. And does Mr. Meachem have a position in the
8 Democratic Party?

9 A. No.

10 Q. Do you know anyone named David Harris?

11 A. No.

12 Q. I think you mentioned you knew a Samuel
13 Love?

14 A. Yes.

15 Q. That's through, again, your involvement in
16 the Democratic Party?

17 A. (Witness nods head in agreement.)

18 Q. So turning back to Exhibit 4.

19 A. Okay.

20 Q. I want to look at page 17.

21 A. Okay.

22 Q. And this just touches on what we talked
23 about a minute ago. This is interrogatory six that I
24 wanted to ask you about. It asks you to describe
25 your responsibility, if any, for the payment of any

1 attorneys' fees or costs incurred by your counsel or
2 any attorneys' fees or costs that might be awarded
3 against you in this lawsuit.

4 And it asks you that if you're not
5 responsible for the payment of such fees or costs, to
6 identify the person or entities who are responsible.
7 And your answer is on page 18.

8 In your answer you say you do not have any
9 responsibility for paying attorneys' fees in
10 connection with this litigation and that you do not
11 know who is responsible for paying them; is that
12 correct?

13 A. Yes, that's correct.

14 Q. You testified earlier that you hadn't asked
15 anybody who is responsible?

16 A. No.

17 Q. Okay. I want to look back at Exhibit 3
18 just briefly here, and then we'll be done.

19 I want to turn your attention to page 45 of
20 Exhibit 3. You'll see there's a request for
21 production number one. It asked you to produce
22 copies of any letters, contracts or other documents
23 and explain who was responsible for the payment of
24 legal fees and costs in this litigation, including
25 any documents, contracts or letters that state

1 whether you were responsible for paying any fees and
2 costs.

3 And I believe it was your testimony earlier
4 that you didn't have any document like this; is that
5 right?

6 A. I didn't have any document talking about
7 fees and costs at all.

8 Q. You don't have any document like that in
9 your possession?

10 A. Not that I know of. If it's there, I
11 didn't read it. This is quite a thick document. I
12 haven't signed anything saying I have to pay
13 anything. I don't know anything about the fees and
14 the costs.

15 Q. Okay. And do you think you have any other
16 documents related to this lawsuit other than the
17 document that you mentioned that you received from
18 Mr. Wilson that has not been produced to your
19 attorneys in the course of this lawsuit?

20 A. Help me. Ask me that again.

21 Q. Have you gotten any e-mails from anybody
22 other than an attorney about this lawsuit?

23 A. No, I have not.

24 Q. The e-mail from Mr. Wilson is the only
25 person or the only e-mail that you've received