

EXHIBIT 3

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 ANTOINETTE MINGO

(Taken by Defendants)

Charlotte, North Carolina

Friday, February 5, 2016

1 two.

2 A. No. Just what's shown on the document.

3 Q. Ms. Mingo, how did you become a plaintiff
4 in this case?

5 A. Well, someone actually called me to ask me
6 if I would agree to be a plaintiff.

7 Q. Who was that?

8 A. Doug Wilson.

9 Q. And how do you know Mr. Wilson?

10 A. I know him through the Democratic Party.

11 Q. And does Mr. Wilson currently work for the
12 Democratic Party?

13 A. Yes, I believe he does.

14 Q. Ms. Mingo, what is Mr. Wilson's title with
15 the Democratic Party, if you know?

16 A. I do not know.

17 Q. But he's an employee of the North Carolina
18 Democratic Party?

19 A. Yes, I think so. I'm not sure about that,
20 but I think so.

21 Q. At the time that he called you to ask you
22 about being a plaintiff in this case, was he an
23 employee of the Democratic Party?

24 A. I believe so.

25 Q. And you said you know him through the

1 Democratic Party?

2 A. Yes, I do.

3 Q. Tell me how that is.

4 A. Let me say this: I am known for fighting
5 for what is right. So a lot of people know me. And
6 I will fight at issue to the last iota.

7 And I've had the opportunity I think last
8 year -- he wasn't always an employee, if he's an
9 employee now, and I've called him for advice or
10 whatever in the past about precinct information, et
11 cetera.

12 Q. Now, what is your involvement in the
13 Democratic Party?

14 A. I am, first of all, a registered Democrat,
15 and I vote. Secondly, I am a member of the state
16 executive committee, which comprises three or 400
17 people and I'm also a precinct chair.

18 Q. And you're the chair of your precinct?

19 A. Absolutely.

20 Q. And when Mr. Wilson called you, what did he
21 say?

22 A. He just asked me if I would -- he said that
23 there was a suit that would be filed and would I want
24 to be a part of it, and I said "most certainly,"
25 about redistricting. He did say that.

1 Q. Did he say specifically what about
2 redistricting it involved?

3 A. No, because I already knew that there was
4 some redistricting because it affected me directly.
5 I was in one -- my precinct number changed. I was in
6 one congressional district, and now I'm in another.

7 Q. Did Mr. Wilson tell you that he had been
8 involved in a lawsuit involving redistricting?

9 A. No.

10 Q. Does Mr. Wilson live here in Charlotte?

11 A. I think he does, yes.

12 Q. And you see him at Democratic Party events
13 here in Charlotte sometimes?

14 A. Mostly in state party meetings, but I
15 rarely see him here in the city. I have seen him,
16 but it's rare.

17 Q. Sure. And he told you there would be a
18 suit that was going to be filed about redistricting.
19 Did he tell you what district, specifically?

20 A. I don't remember, but I know that I'm in
21 the 12th. I don't remember what he, you know, said
22 specifically.

23 Q. And when you say "the 12th," you're talking
24 about your congressional district now?

25 A. Right.

1 Q. Do you know if this lawsuit involves any
2 congressional districts?

3 A. That was my assumption. So I really don't
4 know.

5 Q. And did Mr. Wilson send you any information
6 about the lawsuit after you spoke with him?

7 A. No. Actually, that's the only time I spoke
8 to him or with him about it. He asked me. I agreed.
9 And that was the end of it. I have not heard from
10 him regarding that since.

11 Q. So he never sent you a copy of the lawsuit,
12 a draft or anything like that?

13 A. No.

14 Q. Did he ever send you any e-mails about
15 being involved in the lawsuit?

16 A. No. He simply called and I agreed.

17 Q. To your knowledge, you two were the only
18 people on the phone when he called?

19 A. As far as I know. On my end I was the only
20 person. He didn't indicate that there was someone
21 else on the phone. I would hope that he would have
22 done so.

23 Q. You said it was a single phone conversation
24 with him that you had?

25 A. Yes.

1 A. Yes.

2 Q. Now, did you ask Mr. Wilson about whether
3 it would cost you anything to be involved in a
4 lawsuit?

5 A. No, I didn't.

6 Q. And why not?

7 A. Because I was willing to pay whatever my
8 portion was to be in it.

9 Q. And are you responsible for paying any
10 portion of the legal fees?

11 A. No, I'm not.

12 Q. And how do you know that?

13 A. Because nobody has billed me, nobody has
14 asked me for money and nobody has said anything to me
15 about money.

16 Q. Has anyone told you that you're not
17 responsible for paying any attorneys' fee or costs in
18 this lawsuit?

19 A. Yes.

20 Q. Yes?

21 A. Yes.

22 Q. Who told you that?

23 A. Mr. O'Hale.

24 Q. And have you received any sort of document
25 or contract or agreement that states that you are not

1 responsible for the payment of any attorneys' fees?

2 A. No, I have not.

3 Q. And have you signed any sort of engagement
4 agreement with Mr. O'Hale or his law firm, to your
5 knowledge?

6 A. No. He sent me something, but I -- I think
7 I did sign something to say that I would be a part --
8 right. It was an agreement to be a part of the
9 lawsuit.

10 Q. Do you remember when you would have signed
11 that agreement?

12 A. No. It was an e-mail. Sent to me via
13 e-mail, and I don't remember.

14 Q. But you had to print it out and sign it and
15 return it?

16 A. I'm 70. I don't remember that either.
17 Maybe so. I really don't know. I don't remember.
18 It was just, to me, a minor thing.

19 Q. When Mr. Wilson talked to you about the
20 lawsuit, did he tell you what he thought the suit was
21 intended to accomplish?

22 A. No. No, he did not. My guess is he just
23 assumed that I would know, but he did not. Because
24 I'm involved, you know, so I don't think he gave it
25 another thought that I wouldn't know.

1 on. That's the reason for my questions. So don't
2 feel bad about that at all.

3 A. No, I'm not.

4 Q. Do you know how many African Americans --
5 and I guess I'm asking by percentage here -- would
6 need to be in a district for an African American
7 candidate of choice to win?

8 A. No, I do not. No, I don't. Leave it at
9 that.

10 Q. You don't have any idea about that?

11 A. I have no idea.

12 MR. MCKNIGHT: Ms. Mingo, I'm going to hand
13 you another document now that I'm going mark as
14 Mingo Exhibit 2.

15 (EXHIBIT NO. 2 MARKED FOR IDENTIFICATION.)

16 BY MR. MCKNIGHT:

17 Q. I want you to take a look at that document
18 and let me know when you're ready for some questions.

19 A. You mean read through this document?

20 Q. Just thumb through it and see if it's
21 something that you recognize.

22 A. I can tell you right now I don't recognize
23 it.

24 Q. Ms. Mingo, what I'll represent to you,
25 then, is this is a copy of the complaint that was

1 filed on your behalf in this lawsuit.

2 I think you testified a moment ago that you
3 had never seen this document before; is that right?

4 A. That's correct.

5 Mr. McKnight: Ms. Mingo, I'm going to hand
6 you another document, then, that I'm going to
7 mark as Exhibit 3.

8 (EXHIBIT NO. 3 MARKED FOR IDENTIFICATION.)

9 BY MR. MCKNIGHT:

10 Q. Ms. Mingo, is this a document that you
11 recognize?

12 A. No. Never seen it before.

13 Q. All right. Well, this is a copy of
14 responses to interrogatories that were served on your
15 counsel. And what these are is written questions
16 that --

17 A. I'm sorry. I'm just curious now.

18 Q. Sure. What these interrogatories are are
19 written questions that you are to respond to under
20 oath, and your counsel has provided responses on your
21 behalf to certain of these written questions. So I
22 want to ask you about some of your responses to these
23 questions.

24 So the first question that I want to ask
25 you about is on page two, and it's interrogatory two.

1 Q. And do you have any idea what that
2 percentage is now?

3 A. No, I don't.

4 Q. Do you -- strike that.

5 What do you think the number of percentage
6 of African Americans in Senate District 40 should be?

7 A. I don't want to venture a guess because I
8 do not know.

9 Q. Well, how do you know it's too high if you
10 don't have a number that you prefer it to be?

11 A. Because when I go to meetings, I can see.

12 Q. What meetings are you talking about?

13 A. I'm talking about district meetings, state
14 executive committee meetings, various meetings.

15 Q. Are those Democratic Party meetings?

16 A. Democratic Party. And I know there are
17 Republicans, but there are very few Republicans in
18 the district.

19 Q. Well, you said you go to those meetings and
20 you can see. What do you mean by that?

21 A. The makeup of the -- the racial makeup of
22 the people attending. I know what the makeup is
23 of -- I don't know the percentage offhand, but I know
24 the makeup of my own precinct is mostly African
25 American.