

EXHIBIT 4

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 DAVID MANN

4:09 P.M.

FRIDAY, FEBRUARY 12, 2016

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

4208 SIX FORKS ROAD

SUITE 1100

RALEIGH, NORTH CAROLINA

By: Tammy Johnson, CVR-CM-M

1 A. Sometimes I'll contribute money to a
2 candidate, not large sums.

3 Q. Okay. Mr. Mann, how did you become a
4 plaintiff in this case?

5 A. We were at a precinct meeting in the spring of
6 2015 and I was present with four other
7 individuals, one of whom was Margaret Dickson,
8 and another of whom was the precinct chair by
9 the name of Lockett Tally.

10 Q. Can you spell that?

11 A. L-O-C-K-E-T-T, last name, T-A-L-L-Y.

12 Q. Okay.

13 A. And we had a discussion about the last state
14 senatorial race. Lockett lived across the
15 street from me at the time, and I mentioned
16 that we were all -- all of us were in the same
17 general vicinity. We're in the same precinct.

18 And I said, "Well, going to the -- when
19 you go to vote, it's like Wheel of Fortune
20 because the districts are always changing,"
21 and the discussion involved the last
22 senatorial race, and I mentioned to Margaret
23 that I was not in Billy Richardson's -- when I
24 went to the polls, I did not vote for Billy
25 Richardson. She said, "Well, you're in" --

1 she said, "Well, you're in this district." I
2 said, "No, I'm not in that district."

3 So I went home last night and she looked
4 it up on the Internet and she discovered that
5 the Senate district line had been drawn
6 straight down our street and that Lockett
7 Tally, the precinct chair, who lived across
8 the street from me, and I were in two separate
9 Senate districts.

10 And I made the comment to Margaret in an
11 e-mail that this was about race, and the
12 reason I made that comment was because my side
13 of the street is adjacent to a primarily
14 African-American community. And some time
15 later I received a call on my cell phone from
16 Eddie Speas, who is the plaintiff attorney,
17 and asked me if I would be willing to be --
18 that I had -- Margaret had mentioned my name
19 to him and she -- he asked me if I would be
20 willing to participate in a lawsuit, and I
21 agreed.

22 Q. You said this is in the spring of 2015, about?

23 A. Yes.

24 Q. Okay.

25 A. Approximately May. I think we had a precinct

1 A. Yes.

2 Q. -- explaining why --

3 A. Yes.

4 THE COURT REPORTER: If you could,
5 let him finish his question --

6 THE WITNESS: Okay.

7 THE COURT REPORTER: -- because
8 y'all are talking over each other.

9 MR. LAWLER: Human nature, I guess.

10 Q. But so she -- you all had this discussion and
11 Ms. Dickson followed it up with an e-mail
12 explaining how the line was drawn down the
13 street and then you responded to that with
14 your e-mail mentioning race?

15 A. Yes.

16 Q. Okay. And then you mentioned Eddie Speas got
17 in contact with you sometime after that?

18 A. Eddie called me on my cell phone sometime
19 months or weeks after that precinct meeting,
20 the day of the precinct meeting.

21 Q. You said months or weeks after. Do you have
22 any idea, any ballpark timeframe?

23 A. I'm guessing approximately a month.

24 Q. Okay. And at that point, he asked you if you
25 would like to participate in this lawsuit?

1 A. Yes.

2 Q. And did you immediately say yes?

3 A. Yes.

4 Q. Did you ask him anything else about the
5 lawsuit?

6 A. I do not recall asking him anything else.

7 Q. Okay. Did the topic of the point of the
8 lawsuit come up or anything like that, the
9 goal of the lawsuit?

10 A. I'm certain that he mentioned that it was --
11 that they were challenging the districts. I'm
12 certain that he mentioned that.

13 Q. Okay.

14 A. Or he -- generally speaking, that he
15 referenced that.

16 Q. Okay. Do you know if any of the other folks,
17 Mr. Tally, Ms. Tippett, Mr. Goodson or
18 Ms. Dickson was approached by Mr. Speas?

19 A. I do not know, no.

20 Q. Okay. Have you discussed this with any of
21 these four, your involvement in the lawsuit?

22 A. I've discussed it with Margaret, and our
23 discussion centered around her appreciation
24 for the fact that I was participating, and
25 later we had a discussion regarding the

1 deposition and when that was going to occur.

2 Q. This deposition?

3 A. Yes.

4 Q. What did she tell you about this deposition?

5 A. She said that sometimes they -- it will take
6 time to -- it may take a long time before
7 you're called for the deposition.

8 Q. Okay. Did she discuss with you this -- her
9 expected substance of this deposition,
10 anything like that?

11 A. No.

12 Q. Have you discussed with Ms. Dickson the merits
13 of the lawsuit, so to speak?

14 A. Other than the e-mail -- well, I will say --
15 I'll give you -- I'll give you that answer,
16 no.

17 Q. Okay. So did Mr. Speas get your name from
18 Ms. Dickson?

19 A. Yes.

20 Q. Do you know if Ms. Dickson gave him anyone
21 else's name?

22 A. I do not know.

23 Q. So when Mr. Speas called you, why did you
24 agree to join this lawsuit?

25 A. Because I felt that the lines were

1 responses brought in on your behalf. We sent
2 you all a number of questions or a request for
3 production of documents. Do you recognize
4 this document?

5 A. I do not, no.

6 Q. Okay. I'm just going to walk through some of
7 the interrogatories really quickly. Mr. Mann,
8 could you turn to page 12, please?

9 A. Yes.

10 Q. Do you see interrogatory number 2? It asks
11 you to identify any political party
12 organization, political committee, candidate
13 campaign committee, or related organization
14 for which you have worked, volunteered, or
15 held any position with since January 1st,
16 2004. Do you see that?

17 A. Yes.

18 Q. And if you could please turn to page 16, do
19 you see towards the bottom it has your
20 response?

21 A. Any political party or -- that's my response?

22 Q. Well, that's what we're going to -- we're
23 going to talk about and make sure --

24 A. Okay. Okay.

25 Q. -- make sure it's not incorrect. So is --

1 from the tone of your last response, I'm
2 gathering that you might want to add something
3 to this answer?

4 A. I have held a position with the Cross Creek 8.

5 Q. Is that the secretary-treasurer?

6 A. Yes.

7 Q. Okay. And that's the Cross Creek 8 precinct
8 Democratic Party?

9 A. Yes.

10 Q. All right. Did your attorneys ever question
11 you about your response to these questions?

12 A. Not that I recall, no.

13 Q. Okay. Are there any other positions that you
14 think are responsive to this interrogatory
15 number 2? This is just that you've --
16 positions you've held since 2004.

17 A. Positions I have held, however, --

18 Q. Or any -- oh, I apologize.

19 A. -- I have not worked or volunteered for any
20 organization. I have held a political -- I
21 have held a precinct position for the Cross
22 Creek 8 Democratic Party.

23 Q. All right. And there's nothing else?

24 A. No.

25 Q. Okay. Now, if you could turn to page 24,

1 for the lawsuit.

2 Q. Okay. Who were these e-mails with?

3 A. The law firm of Poyner & Spruill.

4 Q. Okay. And so you signed an engagement letter?

5 A. Yes.

6 Q. About when was that?

7 A. That would've been in 2015, probably sometime
8 in May.

9 Q. Would this have been after your initial phone
10 call with --

11 A. Yes, it would have.

12 Q. -- Mr. Speas? Okay. Do you have a copy of
13 that letter?

14 A. I probably have a copy on my e-mail.

15 Q. Okay. If you had not been approached about
16 this, would you have challenged these lines on
17 your own?

18 A. No.

19 Q. Okay. Mr. Mann, did you have any involvement
20 in the 2011 redistricting process?

21 A. No.

22 Q. Did you attend any public hearings or anything
23 of that sort?

24 A. No.

25 Q. Did you discuss the process with any of your

1 was involved with the lawsuit regarding voter
2 -- voter registration.

3 Q. Okay.

4 A. That's what I thought.

5 Q. Okay.

6 A. I didn't know that it was redistricting. I
7 thought that it was voter registration.

8 Q. Okay. All right. If you could turn back to
9 the complaint in this case. I believe it's
10 that one. Do you know any of those
11 co-plaintiffs of yours in this complaint -- in
12 this action?

13 A. I'll read these.

14 Q. Yeah, I was going to say these are a little
15 bigger print.

16 A. (Witness reviews document.) Other than
17 myself, no.

18 Q. Okay. Mr. Mann, are you responsible for any
19 attorneys' fees in this case?

20 A. No.

21 Q. Have you had any discussions about attorneys'
22 fees?

23 A. I think there was some communication in the
24 e-mails stating that I would not be
25 responsible, I think, in the engagement letter

1 local politicians or representatives?

2 A. No.

3 Q. Okay. After you originally spoke with
4 Mr. Speas, did you circle back with
5 Ms. Dickson about moving forward with the
6 lawsuit?

7 A. I did.

8 Q. And what did you say?

9 A. I believe that Eddie may have mentioned that I
10 may need to contact her, and I basically just
11 telephoned Margaret and said that I was
12 involved in the lawsuit.

13 Q. And what did she say when you gave her that
14 information?

15 A. She -- it was basically she thanked me for
16 talking to Eddie and agreeing to participate
17 in the lawsuit.

18 Q. Have you received any status updates on this
19 case throughout the length of this litigation
20 process?

21 A. Not really, no.

22 Q. Okay. In your original e-mail that you sent
23 to Ms. Dickson about your thoughts on the
24 racial aspect of the way the lines are drawn,
25 do you still have that e-mail?

- 1 A. I certainly have it saved someplace.
- 2 Q. Okay. Was there any response to that e-mail?
- 3 A. I don't recall any, no.
- 4 Q. If there was, would you have that?
- 5 A. Yes.
- 6 Q. Okay. Do you know who is paying for this
- 7 lawsuit?
- 8 A. I do not know.
- 9 Q. Have you ever looked at any legislative maps
- 10 other than the ones that are being challenged
- 11 in this lawsuit?
- 12 A. I have seen legislative maps, yes.
- 13 Q. For North Carolina?
- 14 A. Yes, for North Carolina.
- 15 Q. Which -- which year or which --
- 16 A. I don't recall what particular year. I have
- 17 seen very odd-shaped drawn districts,
- 18 Congressional district, U.S. Congressional
- 19 district maps.
- 20 Q. Okay. Have you seen North Carolina House
- 21 district maps or Senate district maps other
- 22 than the ones that are being challenged in
- 23 this lawsuit?
- 24 A. I'm sure I have at some point --
- 25 Q. Okay.