

EXHIBIT 5

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 HERMAN LEWIS

11:29 A.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. No, I don't.

2 Q. Okay. Was he the only one who spoke on the
3 districts at that meeting?

4 A. Yeah.

5 Q. When did you find out that you had been named
6 as a plaintiff in this lawsuit?

7 A. About a month ago.

8 Q. And how did you find out?

9 A. Through Eppstein -- Eppsteiner.

10 Q. Okay. George Eppsteiner?

11 A. Yeah, George Eppsteiner.

12 Q. And do you understand that he's with an
13 organization called the Southern Coalition --

14 A. Yes.

15 Q. -- for Social Justice?

16 A. I do.

17 Q. Yes?

18 A. Yes.

19 Q. Okay. And I just asked you about that again
20 because if you'll wait for me to finish my
21 question before you start your answer, it'll
22 just keep everything clearer.

23 A. Okay.

24 Q. So you're saying Mr. Eppsteiner called you
25 about a month ago about this lawsuit?

1 A. He said I was -- yes, he called and said I was
2 named in the lawsuit.

3 Q. And that was the first time that you had heard
4 that you were named in the lawsuit?

5 A. That's correct.

6 Q. And before that conversation, you had not
7 agreed to join the lawsuit?

8 A. No, I hadn't.

9 Q. And you had never discussed the lawsuit with
10 anyone else?

11 A. No, I hadn't except for, you know, it came up
12 at that meeting. Not the lawsuit, no. The
13 district. I'm sorry.

14 Q. The districts came up?

15 A. Yeah, but not the lawsuit. Yes, sir.

16 Q. I'm going to hand you another document that
17 I'm going to mark as Exhibit 3.

18 (WHEREUPON, Defendant's Exhibit 3 was
19 marked for identification.)

20 Q. And, Mr. Lewis, will you take a minute and
21 just thumb through this document and let me
22 know if it's a document you think you've seen
23 before today?

24 A. No, I haven't.

25 Q. You haven't seen it before today?

1 A. (Shakes head negatively.)

2 Q. You don't think you've seen any other document
3 that might be similar to it before today?

4 A. No.

5 Q. And do you see your name listed on page 5?

6 A. Yes, I see it.

7 Q. Okay. That's not something you had seen
8 before today?

9 A. No.

10 Q. Mr. Lewis, do you believe that you've been
11 harmed by the way in which either your Senate
12 district or your House district were drawn?
13 And I'm referring to your State Senate
14 District 4 or your State House District 24
15 when I ask that.

16 A. Yes.

17 Q. Okay. And how do you believe you were harmed?

18 A. I believe that anytime you -- you -- we draw
19 districts to favor one minority's -- or, you
20 know, in one area or other, I think that's
21 harmful. Anytime you draw districts in favor
22 of minorities in one district and not in
23 another, separate a bunch of them in an area,
24 yeah, you're being harmed.

25 Q. Well, explain to me why you believe that.

1 A. Okay.

2 Q. Now, that map that we were just looking at a
3 moment ago in the complaint, is that something
4 that you think you've ever seen before?

5 A. No.

6 Q. So before today, you had not ever seen a map
7 of what either your State Senate or State
8 House district looks like?

9 A. It's been on TV, yeah.

10 Q. Okay. So other than seeing it on TV?

11 A. Huh?

12 Q. Other than seeing it on TV?

13 A. I've seen it -- I've seen it before in one of
14 the meetings I was at, but I didn't get
15 involved in it.

16 Q. Okay. Now, if your name had not been added to
17 this lawsuit, would you have sought out help
18 to file a lawsuit over your district, --

19 A. No.

20 Q. -- either of your districts?

21 A. No.

22 Q. Now, do you know who is responsible for the
23 payment of the lawyers who are representing
24 you in this lawsuit?

25 A. No.

1 Q. Do you know who is responsible for paying any
2 costs associated with your participation in
3 this lawsuit?

4 A. No.

5 Q. Is that anything that you've ever inquired
6 about?

7 A. No.

8 Q. Why is that not something that you've inquired
9 about?

10 A. Because it really don't make me any
11 difference. It don't make me any difference.
12 See, I'm paying -- see, I drove up here from
13 Wilson. I didn't ask for no pay and no gas
14 money. See, I really don't -- and -- and I
15 just asked for -- about the parking garage
16 because I ain't going to feel like I need to
17 pay for parking too, so he told me about that.
18 But, I mean, this is my time, my -- I ain't --
19 nobody asked me to do it. They called me
20 about it. I came, and nobody's asked me or
21 anything about it. I didn't ask anything.

22 Q. Well, but you're not responsible for the
23 payment of any attorneys' fees in this
24 lawsuit?

25 A. No.

1 Q. That's what I --

2 A. I couldn't afford it.

3 Q. Okay. I just want to hand you another
4 document that I'm going to mark as Exhibit 4.

5 (WHEREUPON, Defendant's Exhibit 4 was
6 marked for identification.)

7 Q. See if you recognize this document.

8 A. No, I don't.

9 Q. Is this a document you think you've seen
10 before, Mr. Herman?

11 A. No, I haven't.

12 Q. Okay. Well, what this is, is an amended set
13 of responses to some written questions we sent
14 to your attorneys and asked them to have you
15 answer for us, and I just want to ask you
16 about a couple of your responses. Earlier we
17 were talking about your role with
18 Congressional District 1, and I see on page 2
19 a response to a question about any political
20 activities that you've been engaged in since
21 2004. You listed that you are currently the
22 Vice Chair of the Congressional District 1
23 Democrats; is that right?

24 A. Right.

25 Q. All right. And then you mentioned earlier too