

EXHIBIT 6

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 MARK ENGLANDER

(Taken by Defendants)

Charlotte, North Carolina

Friday, February 5, 2016

1 Q. You have no idea?

2 A. No.

3 Q. Was it a male or female?

4 A. I think it was a woman.

5 Q. And do you know if he or she was a lawyer
6 or was not a lawyer?

7 A. I don't know.

8 Q. Okay. Well, what did that person tell you
9 about the lawsuit?

10 A. That there was a lawsuit, to my best
11 recollection, concerning gerrymandering, and asked me
12 if I wanted to be involved.

13 Q. And did you ask any questions about
14 specifically what the lawsuit was about?

15 A. Well, I wanted to know what the goal was
16 for the lawsuit, whether I wanted to be involved.

17 Q. And what did that person tell you?

18 A. Well, to tell you the truth, I don't recall
19 other than it would have had to have been something I
20 agreed with or I wouldn't have agreed to be a part of
21 the suit.

22 Q. And do you remember how you would have
23 received the complaint initially?

24 A. I would imagine e-mail.

25 Q. What e-mail address would it have gone to?

1 A. Mark@Charlotteenergysolutions.com.

2 Q. And were you aware that the defendants in
3 this case had asked you to produce documents that
4 were relevant to this lawsuit?

5 A. No.

6 Q. So no one asked you for any documents in
7 your possession that were related to this lawsuit?

8 A. No, that I recall.

9 Q. All right. Do you believe that you would
10 still have a copy of the lawsuit, if it was e-mailed
11 to you, in your e-mail box?

12 A. Probably not.

13 Q. Why is that?

14 A. I purge.

15 Q. It's possible it could be in your trash
16 bin?

17 A. Sure.

18 Q. Just haven't looked?

19 A. No. And I've had numerous computer
20 crashes. I've had probably -- at least one new
21 computer since then. You lose stuff when you move
22 stuff around.

23 Q. But your e-mail address hasn't changed?

24 A. No.

25 Q. As you sit here today, what do you

1 organizations or individuals.

2 A. No one.

3 Q. All right. Now, with respect to Ms. Leak,
4 who we spoke about a moment ago, have you had any
5 conversations with Ms. Leak at any time?

6 A. No.

7 Q. So if you will please, sir, I want you to
8 turn back to Exhibit 3, and I have a couple more
9 questions for that -- for you on that exhibit.

10 My next question comes from page 17, which
11 is interrogatory six, and it asked you to describe
12 your responsibility, if any, for the payment of any
13 attorneys' fees or costs incurred by your counsel or
14 any attorneys' fees or costs that might be awarded
15 against you in this lawsuit.

16 It goes on to say that if you are not
17 responsible for such fees or costs, to identify the
18 persons or entities who are responsible by stating
19 their name and address and describe your relationship
20 with them.

21 Mr. Englander, what is your understanding
22 about who is responsible for the payment of any
23 attorneys' fees and costs in this case?

24 A. I have not a clue.

25 Q. And when you were asked to be a plaintiff

1 in this lawsuit, is that not something that you asked
2 about?

3 A. No.

4 Q. And why were you not concerned about being
5 on the hook for any attorneys' fees or costs?

6 A. I guess I was familiar with class-action
7 suits, and I know that that wasn't really an issue.

8 Q. So you believe this was a class-action
9 suit?

10 A. Yes. What is it called?

11 Q. Did someone tell you that it was a
12 class-action suit?

13 A. I might have -- I just -- I don't know.
14 I'm just inventing that. It's not a class-action
15 suit?

16 Q. Well, no, sir, it's not been certified as a
17 class-action suit.

18 A. Is it fair, though, to describe it as that?

19 Q. I can't make any representations to you
20 either way about --

21 A. Well, I'm incorrect by saying that?

22 Q. Well, it's not certified as a class-action
23 suit under the federal rules, which is normally how
24 you would certify a class-action suit --

25 A. Okay.

1 Q. -- but that addresses your question.

2 A. How should I call it? What should I call
3 it?

4 Q. We just call it the Covington lawsuit. And
5 you can, you know, that is a question you can ask
6 your counsel if you have questions about what it is
7 and how to refer to it and that sort of thing, but we
8 just call it the Covington case, and there are 31
9 plaintiffs, including you, in that case.

10 A. Okay. I certainly want to be correct. I
11 don't want to call it something that it isn't.

12 Q. Well, so you've never inquired, though,
13 about who is responsible for the payment of any
14 attorneys' fees and costs that might be incurred by
15 you or your attorneys or that might be awarded
16 against you?

17 A. No.

18 Q. And if no one had asked you to join this
19 lawsuit, would you have filed a lawsuit related to
20 gerrymandering in House District 102?

21 A. Personally, just me, no.

22 Q. So this lawsuit was not something that you
23 had thought about until someone contacted you?

24 A. Specifically, correct. But I would want to
25 be involved in something like this. If it wasn't