

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. And could you provide your full name for
2 the record?

3 A. Mark Robert Englander.

4 Q. Have you ever gone by any other names?

5 A. No.

6 Q. What is your date of birth?

7 A. 10/28/52.

8 Q. Are you married?

9 A. No.

10 Q. Does anyone else live in your household?

11 A. Yes.

12 Q. Who is that?

13 A. Elaine Cahn.

14 Q. How do you spell that last name?

15 A. C-a-h-n.

16 Q. And what is Ms. Cahn's relationship to you?

17 A. Partner.

18 Q. And what do you do for a living,

19 Mr. Englander?

20 A. I own a store, retail store.

21 Q. Are you in the energy business?

22 A. I'm now in kind of like the bike business,
23 electric bike business. It's always morphing.

24 Q. How about Ms. Cahn? What does she do?

25 A. Retired.

1 A. The NAACP and the League of Women Voters.

2 Q. How are you familiar with them?

3 A. The news and League of Women Voters used to
4 be the ones holding debates. Not anymore. I guess
5 that's how I --

6 Q. You mean candidate debates?

7 A. Yes.

8 Q. Was that here locally?

9 A. Uh-huh.

10 Q. Are you on a mailing list for any of those
11 groups?

12 A. No.

13 Q. You said you got a lot of e-mails. You
14 don't get any e-mails from any of those groups?

15 A. No, I don't.

16 MR. MCKNIGHT: I want to hand you another
17 document that I'm going to mark as Exhibit 4.

18 (EXHIBIT NO. 4 MARKED FOR IDENTIFICATION.)

19 BY MR. MCKNIGHT:

20 Q. I want you to take a look at those names at
21 the top. This Exhibit 4, Mr. Englander, is a cover
22 page of a complaint for a lawsuit that's known as
23 Dickson versus Rucho. And at the top of that page
24 there is a list of plaintiffs in that lawsuit.

25 A. Yes.

1 Q. Could you look at that list of names that
2 is listed there and let me know if you know or are
3 familiar with any of those people who are listed.

4 A. I'm familiar with one name.

5 Q. Which one is that?

6 A. Vilma Leak.

7 Q. How are you familiar with Ms. Leak?

8 A. She's an elected official in this county.

9 Q. Is she a commissioner?

10 A. Yes.

11 Q. Are there any other names that you are
12 familiar with?

13 A. No.

14 MR. MCKNIGHT: I'm going to hand you
15 another document now that I'm going to mark as
16 Englander Exhibit 5.

17 (EXHIBIT NO. 5 MARKED FOR IDENTIFICATION.)

18 BY MR. MCKNIGHT:

19 Q. And this is a document from a companion
20 case, the Dickson case. It's called North Carolina
21 State Conference of the NAACP versus the State of
22 North Carolina, and there are some plaintiffs listed
23 in the top left-hand corner of the page there.

24 Will you look at that list of plaintiffs
25 and let me know if you're familiar with any of those

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 costs in this lawsuit?

2 A. No.

3 Q. And do you have an engagement letter with
4 your counsel in this lawsuit?

5 A. What's an engagement letter?

6 Q. Did you ever get a letter from your
7 attorneys, stating the terms under which they would
8 represent you in this lawsuit?

9 A. Not that I recall.

10 Q. And you didn't receive anything like that
11 from any attorney?

12 A. Not that I recall.

13 Q. Were you ever aware that there had been
14 other lawsuits about redistricting and specifically
15 about legislative districts in North Carolina in this
16 latest round of redistricting?

17 A. No.

18 Q. You had never heard about any other
19 lawsuit?

20 A. No.

21 Q. I think you said that this issue came to
22 your attention in 2011 or 2012 time frame after the
23 latest round of redistricting occurred.

24 Did you not seek anybody out or make any
25 attempt to make a legal challenge to the districts