

# **EXHIBIT 36**



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# Transcript of O. John Benisek

**Date:** February 3, 2017

**Case:** Benisek, et al. -v- Lamone, et al.

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<p style="text-align: center;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF MARYLAND</p> <p>3 -----x</p> <p>4 O. JOHN BENISEK, et al., :</p> <p>5 Plaintiffs, :</p> <p>6 -v- : Case No.</p> <p>7 LINDA H. LAMONE, et al., : 13-CV-3233</p> <p>8 Defendants. :</p> <p>9 -----x</p> <p>10 Deposition of O. JOHN BENISEK</p> <p>11 Baltimore, Maryland</p> <p>12 Friday, February 3, 2017</p> <p>13 1:06 p.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No. 133655</p> <p>21 Pages 1 - 44</p> <p>22 Reported by: Tina D. McComb</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS:</p> <p>4 E. BRANTLEY WEBB, ESQUIRE</p> <p>5 KATHERINE MONKS, ESQUIRE</p> <p>6 MAYER BROWN, LLP</p> <p>7 1999 K Street, NW</p> <p>8 Washington, DC 20006</p> <p>9 (202) 263-3188</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANTS:</p> <p>12 JENNIFER L. KATZ, ESQUIRE</p> <p>13 OFFICE OF THE ATTORNEY GENERAL</p> <p>14 200 St. Paul Place</p> <p>15 20th Floor</p> <p>16 Baltimore, Maryland 21202</p> <p>17 (410) 576-6324</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: center;">2</p> <p>1 Deposition of O. JOHN BENISEK, held at the</p> <p>2 offices of:</p> <p>3</p> <p>4 OFFICE OF THE ATTORNEY GENERAL</p> <p>5 200 St. Paul Place</p> <p>6 20th Floor</p> <p>7 Baltimore, Maryland 21202</p> <p>8 (410) 576-6324</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 Pursuant to Notice, before Tina D. McComb,</p> <p>15 Reporter and Notary Public of the State of</p> <p>16 Maryland.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S</p> <p>1</p> <p>2 EXAMINATION OF O. JOHN BENISEK PAGE</p> <p>3 By Ms. Katz 5</p> <p>4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 (Exhibit attached)</p> <p>8 BENISEK DEPOSITION EXHIBIT PAGE</p> <p>9 14 Notice of Deposition 5</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

5	<p>1 PROCEEDINGS</p> <p>2 O. JOHN BENISEK</p> <p>3 having been duly sworn, testified as follows:</p> <p>4 EXAMINATION BY COUNSEL FOR THE DEFENDANTS</p> <p>5 BY MS. KATZ:</p> <p>6 Q. Good afternoon. Again, I'm Jennifer Katz.</p> <p>7 I'm an assistant attorney general with the State of</p> <p>8 Maryland. I represent the defendants in this</p> <p>9 matter.</p> <p>10 MS. KATZ: I'm going to ask your counsel</p> <p>11 to introduce themselves for the record.</p> <p>12 MS. WEBB: Brantley Webb from Mayer Brown</p> <p>13 on behalf of plaintiffs.</p> <p>14 MS. MONKS: Katherine Monks, Mayer Brown.</p> <p>15 BY MS. KATZ:</p> <p>16 Q. Can you please state your full name.</p> <p>17 <b>A. O. John Benisek.</b></p> <p>18 Q. I'm going to give this to you.</p> <p>19 (Deposition Exhibit Number 14 was</p> <p>20 marked for identification.)</p> <p>21 BY MS. KATZ:</p> <p>22 Q. Just take a look and tell me if you</p>	7	<p>1 ask you, please tell me. I'm happy to rephrase it</p> <p>2 or give you a different question. If you don't ask</p> <p>3 me to rephrase something, I'll assume that you</p> <p>4 understand the question. Okay?</p> <p>5 <b>A. Okay.</b></p> <p>6 Q. Great. We're going -- this shouldn't take</p> <p>7 very long. Try to make it through without a break.</p> <p>8 But if you need a break for any reason, please let</p> <p>9 me know and we'll find a good place to stop.</p> <p>10 <b>A. Okay.</b></p> <p>11 Q. Are you taking any medication today that</p> <p>12 might affect your ability to recall events or to</p> <p>13 testify today?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Thank you. Where do you live?</p> <p>16 <b>A. Right. As the Notice of Deposition</b></p> <p>17 <b>states, 11237 Kemps Mill Road, Williamsport,</b></p> <p>18 <b>Maryland.</b></p> <p>19 Q. How long have you lived there?</p> <p>20 <b>A. 1990.</b></p> <p>21 Q. What is the highest level of schooling you</p> <p>22 attained?</p>
6	<p>1 recognize this document.</p> <p>2 <b>A. I do.</b></p> <p>3 Q. Was this the Deposition Notice that you</p> <p>4 were served with?</p> <p>5 <b>A. I do not recall getting it by mail. Okay?</b></p> <p>6 Q. Sure.</p> <p>7 <b>A. But I have seen it.</b></p> <p>8 Q. Okay. Great. Your lawyer showed it to</p> <p>9 you?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Have you ever been deposed before?</p> <p>12 <b>A. I don't think so, no.</b></p> <p>13 Q. I'm just going to go through a few</p> <p>14 housekeeping rules. This court reporter is trying</p> <p>15 to take down everything we say. So we should be</p> <p>16 careful not to try to talk over one another.</p> <p>17 I will wait for you to finish an answer</p> <p>18 before I ask a question. And I'll ask you to wait</p> <p>19 until I finish a question to give an answer. Also</p> <p>20 to give verbal answers for the benefit of the court</p> <p>21 reporter.</p> <p>22 If you do not understand a question that I</p>	8	<p>1 <b>A. That would be an MBA.</b></p> <p>2 Q. Where did you attend high school?</p> <p>3 <b>A. Aberdeen High School.</b></p> <p>4 Q. Near the Proving Grounds?</p> <p>5 <b>A. Yes. Aberdeen High School is the only</b></p> <p>6 <b>one.</b></p> <p>7 Q. Where did you attend college?</p> <p>8 <b>A. University of Maryland, College Park. I</b></p> <p>9 <b>missed the riots.</b></p> <p>10 Q. Okay. It's a beautiful campus. Was it</p> <p>11 beautiful when you were there?</p> <p>12 <b>A. Oh, yes.</b></p> <p>13 Q. Where did you attend graduate school?</p> <p>14 <b>A. George Washington University.</b></p> <p>15 Q. Just to be clear, that's where you got</p> <p>16 your MBA?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. What year was that?</p> <p>19 <b>A. Do I have to answer that?</b></p> <p>20 Q. If you can't remember, that's fine. No</p> <p>21 problem.</p> <p>22 <b>A. Maybe '72 I think.</b></p>

9	<p>1 Q. What kind of work do you do?</p> <p>2 <b>A. I do property management.</b></p> <p>3 Q. Are you self-employed?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. How long have you been self-employed by</p> <p>6 property management?</p> <p>7 <b>A. Over 20 years.</b></p> <p>8 Q. Oh, wow. Okay. Great. Prior to that,</p> <p>9 what did you do?</p> <p>10 <b>A. I worked for different contractors, at</b></p> <p>11 <b>times state inspector, State of Maryland, building</b></p> <p>12 <b>project in Hagerstown. And at the same time, self-</b></p> <p>13 <b>employed during that time too.</b></p> <p>14 Q. Is it sort of all involving different</p> <p>15 areas of real estate?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Have you ever been employed in any other</p> <p>18 field?</p> <p>19 <b>A. Just about a year and a half in</b></p> <p>20 <b>engineering.</b></p> <p>21 Q. Oh, okay.</p> <p>22 <b>A. My major was in civil engineering, so I</b></p>	11	<p>1 Q. Is that where you grew up?</p> <p>2 <b>A. Yes, Aberdeen, Belcamp.</b></p> <p>3 Q. Do you recall the first election you voted</p> <p>4 in?</p> <p>5 <b>A. I think so. It was probably Nixon.</b></p> <p>6 Q. It would have been a presidential</p> <p>7 election?</p> <p>8 <b>A. Oh, yes.</b></p> <p>9 Q. That would be the first time he ran? Do</p> <p>10 you recall what year it was when you first voted?</p> <p>11 <b>A. No.</b></p> <p>12 Q. After you registered to vote --</p> <p>13 <b>A. We can figure it out if you want to. Like</b></p> <p>14 <b>Kennedy took over -- Johnson was back in '64, so it</b></p> <p>15 <b>would have been the election of '68 probably,</b></p> <p>16 <b>presidential election. McGovern was running at the</b></p> <p>17 <b>time. He got plowed under. Enough. Go ahead.</b></p> <p>18 Q. Do you recall if when you voted in that</p> <p>19 presidential election you also voted for your</p> <p>20 congressional representative?</p> <p>21 <b>A. I do not recall.</b></p> <p>22 Q. Do you have any reason to believe that you</p>
10	<p>1 <b>gave it a try.</b></p> <p>2 Q. Understood. Do you recall when you first</p> <p>3 registered to vote?</p> <p>4 <b>A. It was probably when I was 21 years old.</b></p> <p>5 <b>Okay?</b></p> <p>6 Q. Uh-huh. Do you recall what year that</p> <p>7 would have been?</p> <p>8 <b>A. I'm like a woman who doesn't want to</b></p> <p>9 <b>divulge her age. 1965, '66 maybe.</b></p> <p>10 Q. In the mid '60s. Where were you living at</p> <p>11 that time?</p> <p>12 <b>A. College Park. I was a student.</b></p> <p>13 Q. Were you registered to vote in College</p> <p>14 Park or where your home was? Or were they one in</p> <p>15 the same?</p> <p>16 <b>A. I don't recall.</b></p> <p>17 Q. Do you recall what congressional district</p> <p>18 you were in at that time?</p> <p>19 <b>A. Whatever College Park is in perhaps. If</b></p> <p>20 <b>not that, it would have been Harford County.</b></p> <p>21 Q. Harford?</p> <p>22 <b>A. Yes.</b></p>	12	<p>1 wouldn't have voted for every office?</p> <p>2 <b>A. No. Because the ballot has a lot of</b></p> <p>3 <b>candidates on it. I probably voted for the rest of</b></p> <p>4 <b>them too.</b></p> <p>5 Q. Is that how you tend to vote, vote for all</p> <p>6 the choices on the ballot?</p> <p>7 <b>A. I try to stay informed of the candidates</b></p> <p>8 <b>and vote for the different candidates. But don't</b></p> <p>9 <b>take me back 40 years, 45 years.</b></p> <p>10 Q. How about just -- if we talk somewhat</p> <p>11 generally about your voting habits at the time. Do</p> <p>12 you recall being a regular voter during the 19 --</p> <p>13 <b>A. I voted pretty consistently for the major</b></p> <p>14 <b>office, yes.</b></p> <p>15 Q. That would have been true from the time</p> <p>16 you registered up through the present day?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Do you recall when you first moved to a</p> <p>19 residence that would have been in the Sixth</p> <p>20 Congressional District?</p> <p>21 <b>A. It would have been in 19 -- well, I</b></p> <p>22 <b>started working in the Hagerstown area, Sixth</b></p>

13

**1 Congressional in 1976. And I moved into that area**  
**2 in '78.**  
 3 Q. Do you recall who your congressional  
 4 representative was at that time?  
**5 A. Probably Goodloe Byron. Then he passed**  
**6 away. Then Beverly took over. Roscoe Bartlett**  
**7 might have been in at the time too. I do not**  
**8 recall.**  
 9 Q. Do you recall ever voting for Goodloe  
 10 Byron?  
**11 A. I don't recall. Just trying to think.**  
 12 Q. Do you recall ever voting for Beverly  
 13 Byron?  
**14 A. I don't think I voted for Beverly. I**  
**15 think I voted for the opponent.**  
 16 Q. When you say opponent, do you mean the  
 17 Republican candidate?  
**18 A. I kind of was -- grew up in a Republican**  
**19 philosophy. I would question the reasoning of it.**  
**20 I found the candidates were solid for the most part**  
**21 and I voted in that direction. So predominantly**  
**22 Republican.**

14

 1 Q. Do you recall ever voting for a candidate  
 2 who was not a Republican?  
**3 A. I certainly did. Over recent times,**  
**4 especially in the local elections where I -- when I**  
**5 study the candidates and I perhaps know them from**  
**6 their activity or their success, if it's LeRoy**  
**7 Myers down in Annapolis or some other. And they're**  
**8 candidates with a good solid philosophy,**  
**9 conservative, I would vote for the democratic**  
**10 candidate. Yes.**  
 11 Q. Who is LeRoy Myers?  
**12 A. LeRoy Myers is a contractor/builder in the**  
**13 Clear Spring area who was also a delegate in the**  
**14 Maryland General Assembly.**  
 15 Q. So you recall voting for him to be a state  
 16 delegate?  
**17 A. I think he was in my election district.**  
**18 Okay?**  
 19 Q. Okay. Sure.  
**20 A. It's amazing you see all these people on**  
**21 the ballot. All the sudden you go to your precinct**  
**22 to vote and they're not in there because they're**

15

**1 not in your precinct. They're in your district.**  
 2 Q. Do you recall ever voting for any other  
 3 democratic candidates?  
**4 A. No.**  
 5 Q. So he would be the only one you think?  
**6 A. One or two local candidates if it was a**  
**7 school board or county commissioner or something**  
**8 like that. The party affiliation didn't matter.**  
**9 It was what they represented that mattered.**  
 10 Q. We spoke a little bit about this, but can  
 11 you go into more detail about when you say what  
 12 they represented that mattered, what does that  
 13 mean?  
**14 A. I find on a local level, you get to know a**  
**15 person if he is BS'ing you. If he wants to loot**  
**16 the local treasury for a lot of frivolous things,**  
**17 which I would call frivolous.**  
**18 Case in point, we have a lot of public**  
**19 housing in Washington County. We have several**  
**20 prison systems too. And a lot of the prisoners and**  
**21 their families will tend to stay there. And they**  
**22 are on the public dole.**

16

**1 I in my property management have to buy**  
**2 property, maintain it, rent it out and compete with**  
**3 tenants who get subsidized into public housing. I**  
**4 pay for that public housing. That's what I call**  
**5 just bad politics to me.**  
**6 Why should I be competing with people,**  
**7 political people who want to spend our money on**  
**8 something that I don't agree with?**  
 9 Q. Can you think of other examples of I think  
 10 you used the word "frivolous" --  
**11 A. Yeah. Sure.**  
 12 Q. -- frivolous spending?  
**13 A. They were going to tear down the municipal**  
**14 stadium in Hagerstown a few years ago and spend**  
**15 close to \$15 million, most of it would have been**  
**16 taxpayer's money, to put up a new one.**  
**17 And luckily they decided to interest the**  
**18 public in what their project was going to be, so**  
**19 they ran tourists through the existing city and**  
**20 they had a big campaign to show you what they were**  
**21 going to build in its place.**  
**22 And those of us who had any common sense**

17

1 realized that was a waste of money. Sure enough,  
 2 they didn't get their funding. The administration  
 3 was voted out of office, partially because of that.  
 4 And the state of its standing, it's still used by  
 5 the Hagerstown sons, things we don't feel should be  
 6 wasted -- money wasted on.  
 7 Q. When you say the administration was voted  
 8 out of office, who were you referring to  
 9 specifically?  
 10 A. Well, Bob Bruchey and several members of  
 11 the city council. Also some of the Washington  
 12 County representatives were voted out.  
 13 Q. Local politicians?  
 14 A. Uh-huh. But you know, this also works on  
 15 a state level. When we have money that is not  
 16 allocated based on the -- they have to use a parity  
 17 to allocate money, and we do not get a parity of  
 18 100 percent, but rather a 70 or 60 percent of  
 19 money, tax money that was put out comes back to  
 20 Washington County.  
 21 Our voice, our elected power, doesn't have  
 22 a chance to bring back the appropriations that

18

1 should be coming back to Washington County.  
 2 Q. What upsets you about that?  
 3 A. What's that?  
 4 Q. What upsets you about that circumstance?  
 5 A. If I'm paying taxes, the money we pay  
 6 should be coming back to our area, and it isn't.  
 7 It's going perhaps to the urban areas, Rapid  
 8 Transit in Baltimore, something like that,  
 9 Montgomery County.  
 10 Q. Are you registered as a member of a  
 11 political party?  
 12 A. I am.  
 13 Q. Which one?  
 14 A. Republican.  
 15 Q. Have you ever registered with a different  
 16 party?  
 17 A. Yes, independent.  
 18 Q. When were you registered as an  
 19 independent?  
 20 A. Probably just prior to the election of  
 21 1984. Do you remember that one by any chance?  
 22 Q. Sure. I was 10, but I definitely remember

19

1 it.  
 2 A. And the candidate was --  
 3 Q. In 1984, it would have been Reagan and  
 4 Mondale.  
 5 A. Right.  
 6 Q. Yeah.  
 7 A. And I wanted to vote for -- they were  
 8 having a runoff between Reagan and Anderson I  
 9 think. So I changed party affiliations then to  
 10 independent.  
 11 Q. I see. So you became an independent then?  
 12 A. Uh-huh. And then back.  
 13 BY MS. KATZ:  
 14 Q. And then back?  
 15 MS. WEBB: Objection; mischaracterizes his  
 16 testimony.  
 17 BY MS. KATZ:  
 18 Q. When did you become an independent?  
 19 A. Probably 1984.  
 20 Q. And when did you then return to being  
 21 registered as a Republican?  
 22 A. Prior to 2011.

20

1 Q. So you were an independent from about 1984  
 2 to 2011?  
 3 A. Yeah. Voting Republican.  
 4 Q. Sure. But you were registered as an  
 5 independent?  
 6 A. Uh-huh, for a good while.  
 7 Q. I know we've talked about local  
 8 politicians that you -- or one local democratic  
 9 politician that you voted for. Do you recall ever  
 10 voting for a democratic candidate on the state  
 11 level?  
 12 MS. WEBB: Objection; asked and answered.  
 13 A. I don't recall.  
 14 BY MS. KATZ:  
 15 Q. You don't recall? Or on the federal  
 16 level?  
 17 MS. WEBB: Same objection.  
 18 A. I'll go with the objection.  
 19 BY MS. KATZ:  
 20 Q. No. You have to answer the question,  
 21 unless she directs you not to answer.  
 22 A. On a state level? No, I don't recall.

21

1 Q. On the federal level?

2 **A. Well, that would probably be Goodloe**

3 **Byron, right? He was a democrat.**

4 Q. Right. So do you remember voting for

5 Goodloe Byron?

6 **A. I think so.**

7 Q. Do you remember if you ever voted for

8 Beverly Byron?

9 **A. I think I said I didn't.**

10 Q. Do you recall if you voted for Goodloe

11 Byron more than once?

12 **A. No. I think he passed away shortly**

13 **thereafter. So I think I would have had only one**

14 **election cycle.**

15 Q. Did you vote for Roscoe Bartlett when he

16 first ran for office?

17 **A. I did, several times.**

18 Q. Did you ever vote for someone other than

19 Roscoe Bartlett when he was on the ballot?

20 **A. I don't think so. There weren't any good**

21 **alternative candidates.**

22 Q. Did you vote for him because of the lack

22

1 of other good alternative candidates?

2 MS. WEBB: Objection; vague.

3 BY MS. KATZ:

4 Q. Well, let me rephrase. You just noted

5 that you thought there were a lack of other good

6 alternative candidates. Are there other reasons

7 that you voted for Roscoe Bartlett?

8 **A. I think he represented western Maryland**

9 **very well.**

10 Q. How is that?

11 **A. In trying to get, I'll call them earmarks**

12 **or capital spending to go towards western Maryland.**

13 **And I could contact him through the correspondence**

14 **or phone calls. Of course, you get somebody**

15 **besides him on the phone. But they dealt with you**

16 **decently. I found that acceptable.**

17 Q. Do you recall when you contacted Roscoe

18 Bartlett's office, were you calling to talk about a

19 political issue?

20 MS. WEBB: Objection; vague.

21 **A. I don't know exactly what a political**

22 **issue would be. If you have -- you want a**

23

1 **Congressman to look into somebody's Social Security**

2 **check not coming through, you know, for him to look**

3 **into it. Because they do a good job of pushing**

4 **that bureaucracy sometimes. That's probably the**

5 **kind of stuff I would call on behalf of perhaps**

6 **tenants.**

7 BY MS. KATZ:

8 Q. Do you recall with any specificity why you

9 would have contacted his office?

10 **A. That would be one reason.**

11 Q. So you said you would call on behalf of a

12 tenant regarding a Social Security check?

13 **A. Yeah.**

14 Q. Any other specific things you can recall?

15 **A. I cannot recall any specific things**

16 **besides that.**

17 Q. Anything specific to yourself?

18 **A. I generally didn't ask anything of myself.**

19 Q. Do you remember who you voted for in 2014

20 to be your congressional representative?

21 **A. I think -- I'm not sure about this, if Dan**

22 **Bongino was on the ballot at the time. I would**

24

1 **have voted for him. I'm pretty sure I didn't vote**

2 **for John Delaney.**

3 Q. Why are you pretty sure of that?

4 **A. Because I don't think he was reflecting**

5 **the values we have in western Maryland. He's more**

6 **for Frederick and Montgomery County philosophy.**

7 Q. What does that mean to you --

8 MS. WEBB: Objection; vague.

9 BY MS. KATZ:

10 Q. -- that he's more for Frederick and

11 Montgomery County values? What does that mean?

12 MS. WEBB: Same objection.

13 **A. Well, originally he wasn't in our**

14 **district. Okay. Do you recall the way the Sixth**

15 **District was changed?**

16 BY MS. KATZ:

17 Q. Uh-huh.

18 **A. We have a population in Washington County**

19 **of approximately 220,000 people. So that when this**

20 **new redistricting occurred, 65,000 Republican --**

21 **registered Republican voters were taken out of our**

22 **district. And 30,000 democrats were brought in.**



25

1 That's 95,000 voters that we lost representing our  
 2 district.  
 3 Now, Delaney did not get the majority in  
 4 Washington County. I think he got everything else,  
 5 Montgomery County and the rest of the contiguous  
 6 areas. Okay. So that he didn't reflect our values  
 7 and conservatism.  
 8 Q. What does that mean that he didn't reflect  
 9 our values?  
 10 A. Well, let's face it, when a candidate is  
 11 representing maybe half a million people, voters,  
 12 he is going to be inclined to do a good  
 13 representation for the majority in that area. When  
 14 you take out all those registered voters out of our  
 15 area, he doesn't see much need to pay a lot of  
 16 attention to a smaller group of voters that  
 17 probably didn't vote for him.  
 18 Q. Have you ever --  
 19 A. My vote was watered down because of this.  
 20 Let's just put it plainly.  
 21 Q. Have you ever contacted Congressman  
 22 Delaney's office?

26

1 A. I did. I tried to on -- I know by an  
 2 email. And I got a response of like the pat  
 3 political thing. We're representing this and that.  
 4 We're doing this and that. It was, well, quite  
 5 frankly pretty much what you get from the Speaker  
 6 Boehner or somebody like that, which I've always  
 7 done in the past. You get just a little stereotype  
 8 answer.  
 9 Q. Do you recall what the subject matter of  
 10 your email that you sent to John Delaney's office?  
 11 A. I do not recall right now. I think I was  
 12 asking about one of the issues about the spending  
 13 for our area.  
 14 Q. Do you recall the specific issue about  
 15 spending?  
 16 A. No.  
 17 Q. Do you recall what your concern was about  
 18 spending, what prompted you to send the email?  
 19 MS. WEBB: Objection; asked and answered.  
 20 A. Huh-uh. A lot of things. It could be for  
 21 roads. It could be for schools, disagreement with  
 22 the common core, something like that, okay. Or if

27

1 they wanted to build another prison in our area, I  
 2 would have probably gotten in touch with them  
 3 objecting to that. Those things come to mind.  
 4 BY MS. KATZ:  
 5 Q. The qualities that you look for in a  
 6 political candidate?  
 7 A. How many do you want?  
 8 Q. Start from the top.  
 9 A. Okay. Let's just start with the major  
 10 one. If you're going to make some campaign  
 11 promises, stick by them. Don't get corrupted once  
 12 you get into office and do a self-serving just for  
 13 perpetuating your stay in office.  
 14 I'd like to see the quality in a candidate  
 15 that lives by the same rules we have to live by.  
 16 Okay. If we have to pay for our insurance, let  
 17 them have the same insurance that we have, same  
 18 insurance plan.  
 19 If they get a high pay based on -- maybe  
 20 the pay should be according to their productivity,  
 21 okay, like in business, civilian business. I don't  
 22 see that happening.

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1 A lot of perks that they get that we do  
 2 not, and I'm not going to name them. I think  
 3 you're aware of them, perks that are bestowed upon  
 4 the political arena.  
 5 Q. What sorts of perks?  
 6 A. Huh?  
 7 Q. What sorts of perks?  
 8 A. Well, perhaps a certain amount of  
 9 immunity, being able to use state or federal  
 10 transportation. It could be even having  
 11 bodyguards, then telling us we don't have a right  
 12 to protect ourselves, First Amendment. Second  
 13 Amendment rights, right to own a gun. Okay. They  
 14 try to breach that from us. Yet they have  
 15 bodyguards to protect them. That's a perk. Okay.  
 16 Q. Before we were talking about candidates,  
 17 you mentioned the word "conservatism." What does  
 18 that mean?  
 19 A. It's a belief. Anytime you have an "ism,"  
 20 it's a belief.  
 21 Q. What does that mean to you as a belief?  
 22 A. I'm glad you asked what it means to me.

29

1 **Okay. I feel we are being overtaxed. I feel this**  
 2 **tax money is being wasted. Like I mentioned,**  
 3 **public housing building, which competes with my**  
 4 **private business. Okay. I don't like that.**  
 5 **I feel that when a person makes certain**  
 6 **kinds of statements when electioning, they ought to**  
 7 **go and stick by them. Call it profiles and courage**  
 8 **to be able to stand up beyond what the general**  
 9 **modality of opinion is and stick with the**  
 10 **convictions. Have some ethics.**  
 11 Q. Are you thinking of anything specific when  
 12 you're talking about sticking by campaign promises?  
 13 A. **Sure. I just mentioned taxing, spending.**  
 14 **Can you be more specific than that?**  
 15 Q. I'm sorry, I meant specific to a  
 16 particular candidate who may have made a campaign  
 17 promise that you feel he or she then abandoned.  
 18 A. **To a degree, a lot of them. Perhaps most**  
 19 **of them have done that to get elected. I don't**  
 20 **think that Republicans, nor Democrats are immune**  
 21 **from this. So therefore, you have to pick very**  
 22 **specifically certain ones. Perhaps Neil Parrott,**

30

1 **delegate from our area and the Maryland**  
 2 **legislature, has these characteristics, these**  
 3 **traits, okay, good ones.**  
 4 Q. Thank you. Have you ever attended an  
 5 event held by your congressional representative  
 6 that you recall?  
 7 A. **Yes.**  
 8 Q. Can you tell me what those were?  
 9 A. **Are you talking about the federal**  
 10 **congressional?**  
 11 Q. Yes.  
 12 A. **Probably just get together like where they**  
 13 **meet the candidate or a debate, okay. That would**  
 14 **be a congressional event. We've had debates in the**  
 15 **Washington County. The Congressmen have been there**  
 16 **to debate, given questions, how they answered them.**  
 17 **Of course, that helps us make up our minds.**  
 18 Q. Do you recall when that was?  
 19 A. **Well, there would have been one two years**  
 20 **ago when Dan Bongino ran. At the time, Delaney**  
 21 **didn't bother showing up. I think I've seen**  
 22 **several others before that. Yeah.**

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1 Q. Do you recall who you voted for in 2016 to  
 2 be your congressional representative?  
 3 A. **That would have been Dan Bongino. Am I**  
 4 **right on that?**  
 5 Q. I think you said you voted for him in  
 6 2014. Do you recall who you would have voted for  
 7 in 2016?  
 8 A. **Who ran? I'm so infused with the**  
 9 **presidential election that I lose track of the**  
 10 **congressional ones. I'm pretty sure he didn't win**  
 11 **because Delaney is in our area. He got it.**  
 12 Q. So you recall that you did not vote for  
 13 John Delaney?  
 14 A. **Yeah.**  
 15 Q. Do you think you would have voted for the  
 16 Republican candidate in that race?  
 17 A. **Yes.**  
 18 Q. Have you ever volunteered on a campaign  
 19 for a political candidate?  
 20 A. **Just local, Washington County**  
 21 **Commissioners and the state delegate, like Neil**  
 22 **Parrott. Hillary didn't ask me, neither did**

32

1 **Donald.**  
 2 Q. Did you vote in the general election for  
 3 President in 2016?  
 4 A. **I did. And I would like to make America**  
 5 **great again.**  
 6 Q. Does that indicate that you voted for  
 7 Donald Trump?  
 8 A. **Isn't it obvious?**  
 9 Q. I'm asking.  
 10 A. **Yes.**  
 11 Q. When was the first time you became  
 12 interested in the topic of redistricting?  
 13 A. **When I first got wind of it, that the**  
 14 **state of Maryland wasn't going to do this, I**  
 15 **volunteered for the petition for a referendum to**  
 16 **that. And I think I managed to get about 100th of**  
 17 **the total votes signing on that petition. And some**  
 18 **friends of ours got equal amounts. Seriously think**  
 19 **that this is a joke, this redistricting, after I**  
 20 **saw the maps.**  
 21 Q. So that was after the law was passed?  
 22 A. **Actually the law was passed, but it had to**

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1 **be voted on still.**  
 2 Q. Right. So it was petitioned to  
 3 referendum?  
 4 **A. Yeah.**  
 5 Q. So you became involved -- I just want to  
 6 be clear. You became involved or interested in the  
 7 issue after the governors had signed the bill into  
 8 law?  
 9 **A. Yeah. Because you know it didn't get much**  
 10 **attention. There was a committee elected, I think**  
 11 **five, four Democrats, one Republican, Kane, who was**  
 12 **a one-term Republican who was not in office at the**  
 13 **time the governor appointed. Kane never checked**  
 14 **with the representatives, the Republican party to**  
 15 **get their point of view on this.**  
 16 Q. How do you know that?  
 17 **A. I stay informed a little bit perhaps.**  
 18 Q. How were you informed of that?  
 19 **A. Well, once you start associating with**  
 20 **people who are wanting to challenge this**  
 21 **gerrymandering and you are out garnering votes,**  
 22 **signatures for the referendum, you start to meet**

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1 **people. And you see the different flavor of**  
 2 **western Maryland, what their values are.**  
 3 Q. What people informed you about James Kane  
 4 not talking with any Republicans?  
 5 **A. Should I have not known that?**  
 6 Q. I'm just trying to gauge the depth of your  
 7 knowledge.  
 8 **A. I don't know. But you start to wonder --**  
 9 **I don't believe if they had a -- for some things**  
 10 **like for the common core, they had public hearings**  
 11 **around the state of Maryland. If Columbia Gas**  
 12 **wanted to raise the rates, they had to have public**  
 13 **hearings, which came into our area.**  
 14 **I don't recall any public hearings on the**  
 15 **redistricting in our area. Do you recall? Were**  
 16 **there any in our area?**  
 17 Q. So are you telling me that you didn't know  
 18 about any public hearings?  
 19 **A. I don't think there was a good public**  
 20 **representation and disclosure about this prior to**  
 21 **the governor's enacting this.**  
 22 Q. So I take it then you did not testify

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1 before the Governor's Redistricting Advisory  
 2 Committee?  
 3 **A. No.**  
 4 Q. Did you post any public comments after the  
 5 plan was revealed to the public?  
 6 **A. I was willing to go ahead and take the**  
 7 **petition to garner signatures. It's a pretty**  
 8 **public comment.**  
 9 Q. Do you think that you were harmed by the  
 10 2011 congressional redistricting plan?  
 11 **A. Yes.**  
 12 Q. How so?  
 13 **A. Do you recall my mentioning 95,000 voters**  
 14 **that had switched? So if I was one of the voters,**  
 15 **Republican voters, and all of a sudden there are**  
 16 **four democratic votes, that's a dilution. I don't**  
 17 **have as much political sway in my opinion.**  
 18 **What is worse than that, once you get a**  
 19 **party entrenched in government after this**  
 20 **redistricting, what incentive have those**  
 21 **politicians to make a correction to this**  
 22 **redistricting? They don't have any incentive.**

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1 **They're in office. They're getting the benefits of**  
 2 **office, be it financial. You know, they can become**  
 3 **lobbyists afterwards and continue in their life**  
 4 **afterwards, and honor and everything else that is**  
 5 **bestowed upon a politician so to speak. Yeah. I**  
 6 **agree with your expression.**  
 7 **So there is no reason -- it's not self-**  
 8 **correcting once it's implemented. What's worse,**  
 9 **it's going to be almost impossible to make a**  
 10 **correction to it by the voters, because their vote**  
 11 **still is not there to count. It's been diluted.**  
 12 **So you have an issue that is bad. It's**  
 13 **not going to be corrected by the politicians. It's**  
 14 **going to be terribly hard for the people to make a**  
 15 **correction.**  
 16 **I'm harmed by that. It's awfully hard to**  
 17 **make a change, a correction. Do you follow that?**  
 18 Q. Sure.  
 19 **A. Okay.**  
 20 Q. If Governor Hogan is reelected and is  
 21 involved in this process, do you think that there  
 22 will be greater likelihood that you'd be pleased

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1 with the next round of redistricting?  
 2 MS. WEBB: Objection; vague.  
 3 **A. I'm kind of confused by that question.**  
 4 **That's kind of a speculative way of answering. Can**  
 5 **you make it more direct?**  
 6 BY MS. KATZ:  
 7 Q. Well, as you were talking about political  
 8 parties being entrenched as a result of  
 9 redistricting, and now Maryland has a Republican  
 10 governor, so I'm trying to gauge whether you would  
 11 be more likely to vote for Governor Hogan so that  
 12 he will be involved in the redistricting, the next  
 13 round of redistricting?  
 14 MS. WEBB: Objection; calls for  
 15 speculation, vague.  
 16 THE WITNESS: Do you need me to answer?  
 17 MS. WEBB: Yeah, you should answer.  
 18 **A. Listen. If it's a Democrat or Republican**  
 19 **and they start to gerrymander and take away the**  
 20 **value of a citizen's vote, then I'm against it. I**  
 21 **don't care what party they are. They're**  
 22 **scoundrels.**

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1 **But right now, Hogan stands for something**  
 2 **that Candidate Brown did not. Plus he had an**  
 3 **albatross around his neck O'Malley. If he was**  
 4 **going to follow O'Malley's track record in what he**  
 5 **had started, no wonder he lost. We had enough of**  
 6 **tax and spend.**  
 7 **I believe -- I was against starting the**  
 8 **casinos in Maryland. I thought it brought a lot of**  
 9 **heartache and grief for people to just gamble away**  
 10 **thinking that they'll make it, spend their money**  
 11 **that's supposed to go for medicine, food, rent,**  
 12 **housing. And that money was supposed to go to**  
 13 **schools.**  
 14 **Where did the money go? O'Malley put it**  
 15 **in a general fund to spend to try to balance the**  
 16 **budget. He didn't spend it for schools. So if**  
 17 **that's the ilk of a politician, he should be out of**  
 18 **office, and he was; not eligible to run again**  
 19 **probably. But his protege Brown was. We saw**  
 20 **through that.**  
 21 BY MS. KATZ:  
 22 Q. How did you become involved in this

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1 lawsuit?  
 2 MS. WEBB: I just caution you not to  
 3 reveal any communications you may have had with  
 4 your attorneys. Other than that, you can answer.  
 5 **A. I had a chance -- I think Neil Parrott**  
 6 **passed around a paper saying that there is -- well,**  
 7 **after the initial petition for referendum, I was**  
 8 **incensed and feeling it sure would be a nice way to**  
 9 **get involved. What can I do to stop it. And then**  
 10 **Neil Parrott passed around a paper saying, Are**  
 11 **there any people who would like to represent**  
 12 **Washington County in this. I said, Yeah. I'll**  
 13 **stick my neck out.**  
 14 BY MS. KATZ:  
 15 Q. And that was when you originally filed the  
 16 lawsuit in November 2013?  
 17 **A. I think it was. I think it was.**  
 18 Q. Just to be clear, that was in response to  
 19 Neil Parrott soliciting your involvement?  
 20 **A. No. He passed around a flyer to different**  
 21 **groups saying, Anybody interested. He didn't come**  
 22 **out, speak to me directly or anything like that.**

40

1 Q. I see.  
 2 **A. No. I just picked up on the information**  
 3 **there and I called him back, said, Yeah. I'll sign**  
 4 **in on this. When you start to get incensed and**  
 5 **there is a deep burning anger in you with what's**  
 6 **going on in the federal and state legislatures,**  
 7 **some people just give up and accept it. My vote**  
 8 **doesn't count. Well, I don't feel that way. I**  
 9 **feel we can do something.**  
 10 Q. Do you recall the pleadings that were  
 11 first filed in this lawsuit in November 2013?  
 12 **A. I got copies of them sent to me because I**  
 13 **was on this. Yes.**  
 14 Q. So you weren't involved in drafting the  
 15 initial Complaint in this case?  
 16 **A. No.**  
 17 MS. WEBB: Objection. I'm not sure where  
 18 you're going with this.  
 19 MS. KATZ: Is that a -- not a valid  
 20 objection.  
 21 MS. WEBB: I don't want to get into any  
 22 attorney-client --

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1 MS. KATZ: They were pro se.  
 2 BY MS. KATZ:  
 3 Q. Were you represented by an attorney when  
 4 you first filed this lawsuit?  
 5 **A. Personally?**  
 6 Q. Any of the plaintiffs have a lawyer when  
 7 you first filed this lawsuit?  
 8 **A. I do not know.**  
 9 MS. WEBB: I'm unclear on the time frame.  
 10 MS. KATZ: November 2013.  
 11 BY MS. KATZ:  
 12 Q. Pro se lawsuit that was filed, do you  
 13 recall that?  
 14 **A. I remember the date because I was getting**  
 15 **the papers. I would read it and sign because I was**  
 16 **a plaintiff.**  
 17 Q. Do you recall who was responsible for  
 18 drafting those pleadings in November of 2013?  
 19 MS. WEBB: Objection. I think this is  
 20 calling for speculation and getting into legal  
 21 terms that he may not be familiar with.  
 22 MS. KATZ: He was a pro se plaintiff in --


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1 three pro se plaintiffs in a Complaint filed in  
 2 Federal District Court of Maryland.  
 3 BY MS. KATZ:  
 4 Q. I'm just asking about whether you were  
 5 involved in drafting those pleadings. But I think  
 6 you said no.  
 7 **A. No.**  
 8 Q. Do you recall the substance of those  
 9 pleadings? What was being alleged in that first  
 10 Complaint that was filed in November 2013?  
 11 **A. Basically they're taking away our rights**  
 12 **by diluting our votes, by having a thin thread of a**  
 13 **line -- making certain areas contiguous that were**  
 14 **not.**  
 15 MS. KATZ: We're going to take a short  
 16 break.  
 17 (A recess was taken.)  
 18 MS. KATZ: I don't have any further  
 19 questions for you. Thank you very much,  
 20 Mr. Benisek.  
 21 THE WITNESS: I wasn't sure if you were  
 22 agreeing with some of the stuff I had to say just

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1 on a personal basis or doing your job. I was  
 2 trying to read you on that, but that doesn't  
 3 matter.  
 4 MS. WEBB: Let me confer with Kate.  
 5 (A recess was taken.)  
 6 MS. WEBB: I don't have anything else, so  
 7 we're all done.  
 8 (Signature having been waived, the  
 9 deposition of O. JOHN BENISEK concluded at  
 10 2:05 p.m.)  
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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC  
 2 I, Tina D. McComb, Court Reporter, the officer  
 3 before whom the foregoing proceedings were taken,  
 4 do hereby certify that the foregoing transcript is  
 5 a true and correct record of the proceedings; that  
 6 said proceedings were taken by me stenographically  
 7 and thereafter reduced to typewriting under my  
 8 supervision; that review was not requested as  
 9 appropriate; and that I am neither counsel for,  
 10 related to, nor employed by any of the parties to  
 11 this case and have no interest, financial or  
 12 otherwise, in its outcome.  
 13 IN WITNESS WHEREOF, I have hereunto set my hand  
 14 and affixed my notarial seal this 6th day of  
 15 February 2017.  
 16 My commission expires:  
 17 November 14, 2017  
 18   
 19 \_\_\_\_\_  
 20 NOTARY PUBLIC IN AND FOR THE  
 21 STATE OF MARYLAND  
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Transcript of O. John Benisek  
Conducted on February 3, 2017

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<b>about</b>	37:20, 38:7	<b>anderson</b>	<b>approximately</b>
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Transcript of O. John Benisek  
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