EXHIBIT W

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

DAWN CURRY PAGE, et al. Plaintiffs, vs. VIRGINIA STATE BOARD OF ELECTIONS, et al. Defendants	Civil Action No.: 3:13-cv-678

CERTIFIED COPY

DEPOSITION OF JAMES M. FARKAS

March 31, 2014

10:15 a.m.

Taken at:

OFFICE OF THE ATTORNEY GENERAL
900 East Main Street
Richmond, Virginia 23219

REPORTED BY: HELEN B. YARBROUGH, RPR, CCR, CLR

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2 (Off-the-record discussion.)

3

4 BY MR. MELIS: (Continuing)

5 Q Mr. Farkas, I'm going to show you what's

6 been marked as Farkas Exhibit 1. Have you seen that

7 document before?

8 **A Hang on just a minute, please.**

9 Q Sure. Take your time.

10 **A (Witness reviewing document.)**

11 **It seems as though I've seen the first part**

12 **here but not this part.**

13 Q For the record, what you're holding up, when

14 you say "not this part" --

15 **A I'm sorry. Exhibit A. It's labeled as**

16 **Exhibit A. I have not seen that. I have seen this**

17 **part, the first part, the first 11 pages.**

18 Q Let's just make sure we're clear here for

19 the record. If I understand your testimony correctly,

20 you've indicated that you have seen the first 11 pages

21 of Farkas Exhibit 1.

22 **A Yes.**

23 Q Prior to today?

24 **A Yes.**

25 Q And the part that you have not seen of

1 Farkas Exhibit 1 would be from page 12, which is
2 labeled Exhibit A, onward; is that correct?
3 **A That's correct.**
4 Q So it's fair to say you have not previously
5 reviewed the exhibits to the document labeled Farkas
6 Exhibit 1?
7 **A That's correct.**
8 Q And for the record, what we're looking at as
9 Farkas Exhibit 1, would you agree that's the complaint
10 that's been filed in this case on your behalf?
11 **A Yes.**
12 Q Did you participate in preparing that
13 complaint?
14 MR. ROCHE: I'm going to instruct the
15 witness, you can answer "yes" or "no" to that
16 question. You can't provide any further detail.
17 **A No.**
18 Q Did you review the complaint prior to it
19 being filed on your behalf?
20 MR. ROCHE: I think we are getting too
21 close to the line of attorney-client communications,
22 work product.
23 MR. MELIS: I don't think we are there
24 yet. I haven't asked him what communications he's had
25 with any attorney. I just want to know if he looked

at the complaint before it was filed. That's a fact question.

MR. ROCHE: You can answer "yes" or "no" to that.

A No.

Q When was the first time that you reviewed that complaint? I'm asking for a date or at least an estimate of a date.

MR. ROCHE: You can answer.

A March 28th.

Q March 28th of this year, 2014?

A 2014.

Q And is that a document you reviewed in preparation for the depositions today?

MR. ROCHE: You can answer "yes" or "no."

A Yes.

Q Did you review any other documents in preparation for the deposition today?

A No.

MR. MELIS: Madam Court Reporter, if we could have those marked as Farkas 2 and Farkas 3, please.

(Farkas Deposition Exhibits 2 and 3 are