

VIDEOTAPE DEPOSITION OF TAD M. OTTMAN (VOLUME II) 2/2/2012

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALVIN BALDUS, CINDY BARBERA,  
CARLENE BECHEN, RONALD BIENDSEIL,  
RON BOONE, VERA BOONE, ELVIRA BUMPUS,  
EVANJELINA CLEEREMAN, SHEILA COCHRAN,  
LESLIE W. DAVIS III, BRETT ECKSTEIN,  
MAXINE HOUGH, CLARENCE JOHNSON,  
RICHARD KRESBACH, RICHARD LANGE,  
GLADYS MANZANET, ROCHELLE MOORE,  
AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS,  
JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP,  
and TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,  
and RONALD KIND,

Intervenor-Plaintiffs,

v. File No. 11-CV-562

Members of the Wisconsin Government  
Accountability Board, each only in  
his official capacity:  
MICHAEL BRENNAN, DAVID DEININGER,  
GERALD NICHOL, THOMAS CANE,  
THOMAS BARLAND, and TIMOTHY VOCKE,

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[Caption Continued]

**VIDEOTAPE DEPOSITION - VOLUME II**

**TAD M. OTTMAN**

Madison, Wisconsin  
February 2, 2012

Brandé A. Browne, RPR, CRR  
Registered Professional Reporter

1 and KEVIN KENNEDY, Director and  
2 General Counsel for the Wisconsin  
3 Government Accountability Board,

4 Defendants,

5 F. JAMES SENSENBRENNER, JR.,  
6 THOMAS E. PETRI, PAUL D. RYAN, JR.,  
7 REID J. RIBBLE, and SEAN P. DUFFY,

8 Intervenor-Defendants.

9 -----

10 VOCES DE LA FRONTERA, INC.,  
11 RAMIRO VARA, OLGA VARA,  
12 JOSE PEREZ, and ERICA RAMIREZ,

13 Plaintiffs,

14 v. Case No. 11-CV-1011

15 JPS-DPW-RMD

16 Members of the Wisconsin Government  
17 Accountability Board, each only in  
18 his official capacity:  
19 MICHAEL BRENNAN, DAVID DEININGER,  
20 GERALD NICHOL, THOMAS CANE,  
21 THOMAS BARLAND, and TIMOTHY VOCKE,  
22 and KEVIN KENNEDY, Director and  
23 General Counsel for the Wisconsin  
24 Government Accountability Board,  
25

26 Defendants.

27 -----

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24		
25	(The original deposition transcript was filed with Attorney Douglas M. Poland)	

1 VIDEOTAPE DEPOSITION of TAD M. OTTMAN,

2 a witness of lawful age, taken on behalf of the

3 Plaintiffs, wherein Alvin Baldus, et al., are

4 Plaintiffs, and Members of the Wisconsin Government

5 Accountability Board, et al., are Defendants, pending

6 in the United States District Court for the

7 Eastern District of Wisconsin, pursuant to subpoena,

8 before Brandé A. Browne, a Registered Professional

9 Reporter and Notary Public in and for the State of

10 Wisconsin, at the offices of Godfrey & Kahn, S.C.,

11 Attorneys at Law, One East Main Street, Suite 500,

12 City of Madison, County of Dane, and State of

13 Wisconsin, on the 2nd day of February 2012,

14 commencing at 9:23 in the forenoon.

15

16

17 style="text-align: center;">A P P E A R A N C E S

18

19 DOUGLAS M. POLAND, Attorney,

20 for GODFREY & KAHN, S.C., Attorneys at Law,

21 One East Main Street, Suite 500, Madison,

22 Wisconsin 53703, appearing on behalf of

23 Plaintiffs Alvin Baldus, et al.

24

25 PETER G. EARLE, Attorney,

26 for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,

27 839 North Jefferson Street, Suite 300,

28 Milwaukee, Wisconsin 53202, appearing

29 telephonically on behalf of Plaintiffs

30 Voces De La Frontera, Inc., et al.



1 A I did not.  
 2 Q Sitting in front of you are two exhibits that are  
 3 marked as Exhibit Nos. 88 and 89. I'd like you to  
 4 take a look at those, please. Have you seen  
 5 Exhibits 88 or 89 before?  
 6 A Yes.  
 7 Q And is it your understanding that those exhibits  
 8 consist of letters from Mr. McLeod to myself  
 9 attaching either CDs or DVDs that contain  
 10 documents?  
 11 A Yes.  
 12 Q Is it your understanding that between the  
 13 documents that were produced at the time of your  
 14 first deposition in December and then the  
 15 documents that are included with -- on the CDs or  
 16 DVDs attached to Exhibits 88 and 89, that all  
 17 documents that you have in your possession,  
 18 custody, or control that are responsive to  
 19 Exhibit A, your subpoena, have now been produced?  
 20 MR. MCLEOD: Object to the form of  
 21 the question. Free to answer.  
 22 A That's my understanding.  
 23 Q Thank you. Now, at your last deposition, we had  
 24 documents that we marked as Exhibit 33A that were  
 25 documents you produced; do you recall that?

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1 Q There's a stack of exhibits in front of you there.  
 2 We can set these to the side. I don't think we're  
 3 going to need to refer back to those, but I'd like  
 4 to ask you to take a look at Exhibit No. 93 that's  
 5 in the stack in front of you. Do you have Exhibit  
 6 No. 93 in front of you?  
 7 A Yes.  
 8 Q Do you see at the top of the Exhibit No. 93  
 9 there's an e-mail from Mr. Handrick to you; do you  
 10 see that?  
 11 A Yes.  
 12 Q And there's a reference to a meeting that  
 13 apparently it looks like you were going to have  
 14 with Mr. Handrick; is that correct?  
 15 A That's correct.  
 16 Q Did that meeting occur on January 25th?  
 17 A I don't recall. I assume so.  
 18 Q What was discussed at that meeting with  
 19 Mr. Handrick?  
 20 A Just general redistricting principles, kind of  
 21 what he did 10 years ago.  
 22 Q Had you participated in redistricting previously?  
 23 A Yes.  
 24 Q Why were you asking Mr. Handrick for redistricting  
 25 principle --

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1 A Yes.  
 2 Q I'm going to hand a copy of 33A to you because  
 3 we're going to take a look at some of those  
 4 documents.  
 5 MR. POLAND: I'm going to have to  
 6 go off the record for just a minute.  
 7 THE VIDEOGRAPHER: The time is  
 8 9:28. We are off the record.  
 9 (Recess taken)  
 10 THE VIDEOGRAPHER: The time is  
 11 9:35. We are back on the record.  
 12 Q Mr. Ottman, when did you begin working with  
 13 Mr. Handrick on the redistricting?  
 14 A Sometime late 2010, early 2011.  
 15 Q Can you peg the date a little bit more precisely  
 16 for me when you actually began doing the work on  
 17 redistricting with Mr. Handrick?  
 18 A I'm not sure I understand the question.  
 19 Q You knew Mr. Handrick before 2010; is that  
 20 correct?  
 21 A Correct.  
 22 Q So when did you first start working with him on  
 23 the maps or on the plans that eventually became  
 24 Acts 43 and 44?  
 25 A I don't recall exactly when.

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1 MR. MCLEOD: Object to the form of  
 2 the question.  
 3 Q Or what had happened 10 years before in  
 4 redistricting?  
 5 MR. MCLEOD: Object to the form.  
 6 A He was more principally involved 10 years ago, so  
 7 I wanted to see kind of how he approached it.  
 8 Q Was this the first time that you had met with  
 9 Mr. Handrick about redistricting?  
 10 A I don't recall.  
 11 Q You think you might have met with him earlier than  
 12 January 25th to discuss the redistricting?  
 13 A Possibly.  
 14 Q Do you recall with any more specificity as you  
 15 look at this when you and Mr. Handrick actually  
 16 started to work on the maps that eventually became  
 17 Acts 43 and 44?  
 18 A I don't.  
 19 Q Did you ever have any meetings with Mr. Handrick  
 20 where you talked about meeting with legislators?  
 21 A I don't recall.  
 22 Q Would you take a look at Exhibit 95, please. Do  
 23 you see that Exhibit No. 95 is an e-mail exchange  
 24 between you and Mr. Handrick?  
 25 A Yes.

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1 Q That occurred on February 14th of 2011, correct?  
 2 A Yes.  
 3 Q If you look at the e-mail, the second one, it  
 4 appears to be an e-mail from you to Mr. Handrick;  
 5 is that right?  
 6 A Yes.  
 7 Q The e-mail states *Joe, you should be getting the*  
 8 *contract assigned from Troupis hopefully today or*  
 9 *tomorrow. Is there a time you can sit down with*  
 10 *Adam and I later this week. And then you go on to*  
 11 *say We'd like to get going on legislator meetings*  
 12 *next week, and it would be helpful to see what you*  
 13 *included in your packet; do you see that?*  
 14 A Yes.  
 15 Q What are the legislator meetings that are referred  
 16 to in your e-mail with Mr. Handrick?  
 17 A Those are the meetings with individual  
 18 legislators.  
 19 Q When did those meetings occur?  
 20 A I don't recall exactly.  
 21 Q Did you attend meetings with Mr. Handrick and  
 22 Mr. Foltz and legislators?  
 23 A Yes.  
 24 Q When did you -- how many times did you -- strike  
 25 that question. Which legislators did you meet

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1 with where Mr. Foltz and Mr. Handrick were both  
 2 present?  
 3 A That would have been the meetings with legislative  
 4 leadership, Senator Fitzgerald, Senator Zipperer,  
 5 Representatives Fitzgerald, Vos, and Suder.  
 6 Q And those are the legislator meetings that are  
 7 referred to in this e-mail?  
 8 A No.  
 9 Q What are the -- what are the meetings that are  
 10 referred to in this e-mail?  
 11 A Those are individual legislator meetings.  
 12 Q Did you participate in those individual legislator  
 13 meetings?  
 14 A With senators.  
 15 Q With senators, so not with any members of the  
 16 Assembly; is that correct?  
 17 A Correct.  
 18 Q When did those individual legislator meetings with  
 19 senators occur?  
 20 A In the spring. I don't recall exactly when.  
 21 Q Who was present at the individual meetings with  
 22 legislators?  
 23 A Myself and the individual legislators.  
 24 Q It was just you and the individual legislators?  
 25 A Senator Zipperer may have sat in on some of those.

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1 Q Do you recall whether those meetings occurred  
 2 before the census data were released or after?  
 3 A I believe after.  
 4 Q Do you recall whether you had any draft maps at  
 5 that time that you were showing to any of the  
 6 individual legislators that you met with?  
 7 A I did not.  
 8 Q How many of the meetings with -- how many senators  
 9 did you meet with?  
 10 A I believe I met with all 19 republican senators.  
 11 Q Did you have individual meetings with any of the  
 12 democrat members of the Senate?  
 13 A I only met with Senator Miller's chief of staff.  
 14 None of the other democrat senators requested me.  
 15 Q Did all 19 republican senators request a meeting  
 16 with you and Senator Zipperer?  
 17 A I believe so, yes.  
 18 Q Do you recall how many of the meetings with the 19  
 19 republican senators Senator Zipperer participated  
 20 in?  
 21 A I don't recall.  
 22 Q Was it more than half, ballpark guess?  
 23 A Maybe around that.  
 24 Q Mr. Foltz testified yesterday that he participated  
 25 in meetings with republican members of the

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1 Assembly and Representative Vos, and that there  
 2 were two sets of meetings that they had. Did you  
 3 have two sets of meetings with the republican  
 4 senators?  
 5 A Yes.  
 6 Q When did the second senator meetings occur?  
 7 A Early -- I think they occurred in June.  
 8 Q At the time that that second set of meetings  
 9 occurred, did you have draft maps that you had  
 10 prepared to show the republican senators that you  
 11 were meeting with?  
 12 A Yes.  
 13 Q Do you know whether the draft maps that you showed  
 14 at that time in those meetings have been produced  
 15 in this litigation?  
 16 A Yes, I believe so.  
 17 Q Show you something that was marked yesterday. Can  
 18 you find Exhibit No. 100 in the stack? Exhibit  
 19 No. 100 is a document that we marked as an exhibit  
 20 yesterday, and what we've done with the production  
 21 of documents that we've received since the  
 22 beginning of the year is we've put what we call a  
 23 Bates number on the document. It just makes it  
 24 easier to identify during a deposition where they  
 25 came from. On this document, you'll see a Bates

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1 number on the front of Exhibit No. 100 that says  
 2 Foltz 000689; do you see that?  
 3 A Yes.  
 4 Q And that simply indicates that it came from  
 5 Mr. Foltz's file when it was produced, and I note  
 6 that your name isn't on this. What I wanted to  
 7 ask you about this particular document is to ask  
 8 whether there were similar memorandums prepared  
 9 that were given to any of the republican senators?  
 10 You can take a minute to look at the document.  
 11 A There was something not identical but in a similar  
 12 vein shown to republican senators.  
 13 Q I don't recall seeing documents like this among  
 14 the production that was given to us. Do you know  
 15 whether the memorandums that were prepared for the  
 16 republican senators were produced?  
 17 A I believe so, yes.  
 18 Q Have you seen Exhibit 100 before or anything  
 19 similar that was prepared for members --  
 20 republican members of the Assembly?  
 21 A I have not, no.  
 22 Q You didn't participate at all in the drafting of  
 23 any of these memorandums from Mr. Foltz?  
 24 A I did not.  
 25 Q The memorandums that were prepared for republican

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1 senators that you met with, were those documents  
 2 that you personally prepared?  
 3 A Yes.  
 4 Q And they were given to the individual republican  
 5 members of the Senate, correct?  
 6 A They were shown to them.  
 7 Q Shown. Did anyone else receive copies of those  
 8 memorandums?  
 9 A No.  
 10 Q Did Senator Zipperer participate in the second  
 11 round of meetings with the republican senators?  
 12 A Some of them.  
 13 Q Any idea how many?  
 14 A I don't recall.  
 15 Q Again, about half or so, can you ballpark it?  
 16 A I really don't recall.  
 17 Q More than one?  
 18 A More than one.  
 19 Q But less than all?  
 20 A Correct.  
 21 Q Did any -- anyone else participate in that second  
 22 round of meetings with the republican senators  
 23 other than you and Senator Zipperer, at least at  
 24 some of them?  
 25 A I don't believe so.

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1 Q Where did those meetings -- the first set of  
 2 meetings going back to the early ones in the  
 3 spring, where did those occur?  
 4 A At Michael Best & Friedrich.  
 5 Q What about the second set of meetings?  
 6 A Also at Michael Best & Friedrich.  
 7 Q Were any of the legal counsel present when the  
 8 meetings were occurring?  
 9 A Not that I recall, no.  
 10 Q Was anyone on the telephone during those meetings?  
 11 A No.  
 12 Q The memorandums that you showed to the republican  
 13 senators, did they contain a comparison of key  
 14 races similar to what's depicted in Exhibit 100?  
 15 A Some of the races, yes.  
 16 Q And why were only some of the races depicted?  
 17 A I just chose to go over different data than Adam  
 18 apparently did.  
 19 Q I see. So the past races you're referring to that  
 20 were depicted on those memorandums?  
 21 A Correct.  
 22 Q You simply selected past races as a basis of  
 23 comparison?  
 24 A That's correct.  
 25 Q Why did you prepare memorandums similar to

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1 Exhibit 100 and show them to the individual  
 2 members, republican members, of the Senate?  
 3 A It was part of the process of getting votes for  
 4 the redistricting plan.  
 5 Q And when you say *part of the process of getting*  
 6 *votes for the redistricting plan*, what do you mean  
 7 by that?  
 8 A We were asking legislators to vote for the  
 9 redistricting plan showing them their district and  
 10 kind of giving them an idea of what some of the  
 11 past races that had occurred in there would have  
 12 been.  
 13 Q Did you get any feedback from any of the  
 14 individual members, republican members, of the  
 15 Senate in these meetings about the proposed new  
 16 districts?  
 17 A I don't recall.  
 18 Q Did you, as a result of the meetings that you had  
 19 with the republican members of the Senate, did the  
 20 proposed districts change at all?  
 21 A I don't believe any of the Senate districts  
 22 changed.  
 23 Q I should be more specific. Did any of the  
 24 boundaries of the Senate districts change?  
 25 A I don't believe so.

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1 Q What about Assembly districts; did any of the  
 2 boundaries of the Assembly districts change as a  
 3 result of the meetings that you had with the  
 4 individual republican members of the Senate?  
 5 A No.  
 6 Q Mr. Foltz had testified yesterday that the members  
 7 of the Assembly who participated in the meetings  
 8 with he and Representative Vos signed a  
 9 confidentiality agreement before the meetings.  
 10 Did you have a similar confidentiality agreement  
 11 that the individual republican members of the  
 12 Senate had to sign before the meetings you held  
 13 with them?  
 14 A Yes.  
 15 Q Has that confidentiality agreement been produced?  
 16 A I'm not sure.  
 17 Q Do you know whether it still exists?  
 18 A I don't know.  
 19 Q Do you recall seeing it when you were looking for  
 20 documents?  
 21 A I don't recall.  
 22 Q Was that confidentiality agreement something that  
 23 you personally drafted?  
 24 A No.  
 25 Q Do you know who did draft it?

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1 Q Did you prepare any talking points for your  
 2 meetings with the individual republican members of  
 3 the Senate?  
 4 A Yes.  
 5 Q Do you know whether those talking points are  
 6 anything that have been produced to us?  
 7 A I believe so, yes.  
 8 Q Did the talking points that you prepared have  
 9 any of the same points or language as are in  
 10 Exhibit 113?  
 11 A I don't recall.  
 12 Q Did anyone else work on the talking points with  
 13 you?  
 14 A I don't believe so.  
 15 Q Have you seen the talking points that you prepared  
 16 recently?  
 17 A Not recently.  
 18 Q When is the last time that you saw the talking  
 19 points that you prepared?  
 20 A I don't recall.  
 21 Q Have you seen them since -- since you received  
 22 your deposition subpoena?  
 23 A Yes.  
 24 Q You saw them specifically when you were going  
 25 through looking for documents?

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1 A It was prepared by counsel.  
 2 Q And when you say *counsel*, you mean legal counsel?  
 3 A Correct.  
 4 Q Do you know who, which of the legal counsel  
 5 prepared it?  
 6 A I believe Attorney McLeod.  
 7 Q Were the confidentiality agreements that were  
 8 signed, were they returned to you or given to you?  
 9 A I believe so, yes.  
 10 Q And so you had, at least at some point in time,  
 11 you were the one who had custody of them?  
 12 A At some point.  
 13 Q What did the confidentiality agreements provide?  
 14 A I don't recall.  
 15 Q Take a look at Exhibit No. 113 that's in that  
 16 stack. Exhibit 113 is a document we marked  
 17 yesterday during Mr. Foltz's deposition, and I'd  
 18 like you to -- well, up at the top, you see it  
 19 states general talking points; do you see that?  
 20 A Yes.  
 21 Q Is this a document that you've seen before?  
 22 A I don't recall.  
 23 Q Do you recall working on any kind of set of  
 24 talking points with Mr. Foltz?  
 25 A No.

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1 A That's correct.  
 2 Q And those are documents that you provided to  
 3 counsel?  
 4 A Yes.  
 5 Q There is, the last bullet point as you'll see on  
 6 Exhibit 113 refers to the confidentiality  
 7 agreement; do you see that?  
 8 A Yes.  
 9 Q And it says this -- recognizing again this came  
 10 from Mr. Foltz's file, that states that previously  
 11 signed agreement applies to this meeting.  
 12 Question for you, do the confidentiality  
 13 agreements that you had presented and obtained  
 14 from the individual members, republican members,  
 15 of the Senate, pertain to both meetings that you  
 16 held with them?  
 17 A That's my recollection.  
 18 Q Did Senator Zipperer also sign a confidentiality  
 19 agreement?  
 20 A Yes.  
 21 Q Did you have to sign a confidentiality agreement  
 22 as well?  
 23 A Yes.  
 24 Q The bullet points that Mr. Foltz prepared has a  
 25 reference to the map that was being shown as a

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1 placeholder map, and it states if the Senate comes  
 2 back in the majority, we may come back and adjust,  
 3 and that's one of the bullet points that's on  
 4 Exhibit 113. Is that a principle or a sentiment  
 5 that was expressed in the talking points that you  
 6 prepared as well?  
 7 A I don't recall.  
 8 Q Was there a discussion that you had with any of  
 9 the members, the individual republican members of  
 10 the Senate, about the proposed map being a  
 11 placeholder map?  
 12 A We may have talked about it.  
 13 Q Did you talk about the potential impact of any of  
 14 the Senate recall elections in these meetings?  
 15 A Not that I recall.  
 16 Q What was discussed generally in the meetings that  
 17 you had with the individual members of the  
 18 republican Senate, in the first set of meetings?  
 19 A Talked about census data, the changes that were  
 20 required to occur in their district, but mostly,  
 21 it was just to get their impressions of their  
 22 district.  
 23 Q What kinds of impressions were you obtaining from  
 24 them?  
 25 A It was pretty much an open-ended question and

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1 however they chose to describe it.  
 2 Q Were you asking them about information they were  
 3 providing to you for the purpose of assisting you  
 4 in drafting the new districts?  
 5 A Yes.  
 6 Q And did any of them provide you with information  
 7 about their existing districts that assisted you  
 8 in drafting the new districts?  
 9 A I don't recall.  
 10 Q What about the second set of meetings; you  
 11 mentioned that you did have proposed maps at that  
 12 second set of meetings?  
 13 A Yes.  
 14 Q Do you recall how long before the legislation was  
 15 introduced those meetings occurred?  
 16 A I don't recall exactly.  
 17 Q There is a reference in Exhibit 113, you'll see  
 18 there's a bullet that says timeline and process,  
 19 it's the second one, and then the second bullet  
 20 down from there says set of plans to introduce the  
 21 bill late next week, and the one after that says  
 22 for action by the middle of next -- the middle of  
 23 the month. Do you know whether the second set of  
 24 meetings that you had with the individual  
 25 republican members of the Senate were around the

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1 same time as Mr. Foltz was meeting with the  
 2 republican members of the Assembly?  
 3 A His meetings spread out over a much greater time  
 4 than my meetings just based on the number of  
 5 members. So it was over a number of days. I'm  
 6 not sure the exact timelines.  
 7 Q How many days did your meetings with the  
 8 individual republican senators last?  
 9 A I don't recall.  
 10 Q Were they -- did they take place within a week,  
 11 within three weeks; do you remember?  
 12 A Probably within three, three to four weeks.  
 13 Q Did Mr. Foltz give you any input into the talking  
 14 points that you prepared?  
 15 A I don't believe so.  
 16 Q Did Senator Zipperer give you input into the  
 17 talking points that you prepared?  
 18 A No.  
 19 Q Do you remember whether anyone else gave you any  
 20 input into the talking points that you prepared?  
 21 A Not that I recall.  
 22 Q You prepared them entirely on your own?  
 23 A Yes.  
 24 Q Did you get any guidance from anyone on what to  
 25 include in the talking points?

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1 A Not that I recall.  
 2 Q Other than those two sets of meetings with  
 3 republican members of the Senate that you just  
 4 testified about, were there any other meetings  
 5 that you had other than with the legislative  
 6 leadership regarding redistricting?  
 7 A Yes.  
 8 Q What other meetings did you have?  
 9 A We had meetings with counsel and meetings with  
 10 consultants.  
 11 Q And there were members of the legislature who were  
 12 present at those meetings as well?  
 13 MR. MCLEOD: Object to the form of  
 14 the question. You can answer if you're able  
 15 to.  
 16 A I don't recall.  
 17 Q So before going on and asking you about those, I  
 18 wanted to limit the question just to meetings with  
 19 actual legislators as opposed to meetings where  
 20 they weren't present, okay?  
 21 A Okay.  
 22 Q And I understand there were meetings that you  
 23 attended where the legislative leadership was  
 24 present, and there were some other members of the  
 25 legislature were present. And I also understand

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1 from your testimony that there were these two sort  
 2 of sets of meetings that you and Senator Zipperer  
 3 had with individual members of the --  
 4 THE VIDEOGRAPHER: Mr. Poland, I'm  
 5 sorry.  
 6 Q Strike the question. I'll just ask it again. I  
 7 understand there were meetings that you had with  
 8 the legislative leadership, and I understand that  
 9 there were these two sets of meetings that you've  
 10 testified to where you and Senator Zipperer met  
 11 with individual republican members of the  
 12 legislature, and I want to ask whether beyond  
 13 those meetings you had meetings with any of the  
 14 legislators regarding redistricting?  
 15 A Not that I recall.  
 16 Q Now, did you have any meetings with legislative  
 17 leadership where legal counsel was also present?  
 18 A Yes.  
 19 Q How many times did you meet with legislative  
 20 leadership where legal counsel was also present?  
 21 A I don't recall.  
 22 Q Was it more than 10?  
 23 A I don't believe so.  
 24 Q Were those meetings all over at Michael Best &  
 25 Friedrich?

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1 A I believe so.  
 2 Q And what was discussed at those meetings that you  
 3 had?  
 4 MR. MCLEOD: Object to the form.  
 5 Let me back up. If you're asking for the  
 6 content of discussions that occurred between  
 7 legal counsel and Mr. Ottman or Mr. Foltz or  
 8 the client here, legislative leaders, I think  
 9 that falls squarely within the scope of  
 10 attorney-client privilege. If the question  
 11 relates to a meeting where the privilege  
 12 doesn't apply because others that the Court  
 13 has held are outside of the scope of the  
 14 privilege that were present, that's a  
 15 different matter.  
 16 But to our understanding, the Court has  
 17 not held that there is no longer an  
 18 attorney-client privilege that applies to  
 19 communications between counsel and the  
 20 client. So to the extent the question, Doug,  
 21 seeks the content of communications between  
 22 attorney and client that are privileged,  
 23 we're going to assert the objection, and  
 24 we're going to have to instruct Mr. Ottman  
 25 not to answer the question.

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1 MR. POLAND: All right. Let's take  
 2 a break and go off the record then because I  
 3 want to take a look again at the January 3rd  
 4 order. I don't want to waste anybody's time.  
 5 So I want to look at that order. We need to  
 6 get clarification on the scope of the Court's  
 7 holding. If we feel we need to call  
 8 Judge Stadtmueller, let's do that. But we're  
 9 just running out of time with the discovery  
 10 schedule, so we just need to clear it up.  
 11 MR. MCLEOD: Okay.  
 12 THE VIDEOGRAPHER: The time is  
 13 10:05. We are going off the record.  
 14 (Recess taken)  
 15 THE VIDEOGRAPHER: The time is  
 16 11:24. We are back on the record.  
 17 MR. POLAND: Brandé, could you read  
 18 maybe the last two questions.  
 19 (Question read)  
 20 MR. MCLEOD: And are you asking for  
 21 the topic of what was discussed, or are you  
 22 asking for --  
 23 MR. POLAND: I'm going to rephrase  
 24 the question. I'm going to come back and I'm  
 25 going to ask for the topics.

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1 Q Can you identify for me, Mr. Ottman, what the  
 2 topics were that you discussed with legislative  
 3 leadership and then legal counsel?  
 4 A We discussed general redistricting topics.  
 5 Q What were the general redistricting topics you  
 6 discussed?  
 7 A I don't recall specifically.  
 8 Q Did you discuss, for example, the layout of maps  
 9 that were part of the redistricting process that  
 10 led to the creation of Acts 43 and 44?  
 11 MR. MCLEOD: I'm going to object to  
 12 the form of the question. If you can answer,  
 13 please do so.  
 14 A I don't believe so.  
 15 MR. POLAND: Peter, we're getting  
 16 some pretty loud noise coming from your  
 17 microphone, and it's interfering. Thank you.  
 18 Q You did not discuss with legal counsel present  
 19 specific maps?  
 20 A Not at those meetings.  
 21 Q Did you discuss with legal counsel general  
 22 redistricting principles?  
 23 A I believe so, yes.  
 24 Q Did you discuss a topic of what redistricting  
 25 principles ought to guide the efforts to draw the

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1 maps that resulted in Acts 43 and 44?  
 2 A I believe so.  
 3 Q I'm looking back at your previous deposition  
 4 because there were some specific objections that  
 5 were raised at that time, and there were some  
 6 specific instructions not to answer. What I'm  
 7 trying to do is go back and look at those  
 8 questions in the context of the discussion we have  
 9 here. This might not be perfectly -- the  
 10 questions might be over some disparate topics. I  
 11 asked you at your deposition --  
 12 MR. POLAND: And Peter, for your  
 13 information, I'm looking at pages 38 and 39  
 14 of Mr. Ottman's first deposition.  
 15 Q And this was a discussion about Assembly  
 16 Districts 8 and 9 and MALDEF's consideration of  
 17 maps for Assembly Districts 8 and 9. And the  
 18 question that I asked was in relation to e-mail  
 19 correspondence back and forth between you,  
 20 Mr. Ottman, and Mr. Troupis relating to MALDEF.  
 21 Do you recall that discussion that we had at your  
 22 deposition in December on that topic?  
 23 A I do.  
 24 Q I asked a question, the following question, What  
 25 did Mr. Troupis say about MALDEF's review of

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1 proposed districts, Assembly District 8 and 9? At  
 2 that point, there was a privilege that was  
 3 asserted and an instruction not to answer. I'd  
 4 like to pose that question to you again now. What  
 5 did Mr. Troupis say to you about MALDEF's review  
 6 of proposed Assembly Districts 8 and 9?  
 7 A I don't recall anything more than what was in the  
 8 e-mails that were produced.  
 9 Q So let's take a look at those, and that's  
 10 Exhibit 33A.  
 11 MR. POLAND: Did I hand that out  
 12 before?  
 13 MS. LAZAR: Yes.  
 14 Q Unfortunately, these pages were not Bates stamped,  
 15 and so this is the *confituration* one. Was the  
 16 nonredacted version of this e-mail produced?  
 17 That's not going to be clear on the record. Let  
 18 me withdraw that question and ask a different  
 19 question.  
 20 MR. EARLE: Exhibit 33A you're  
 21 talking about?  
 22 MR. POLAND: Exhibit 33A, for the  
 23 record. And these documents were not Bates  
 24 stamped, and so we can't refer to a Bates  
 25 number.

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1 Q In the copy that I had, there were two different  
 2 stapled packets of e-mails, and one was an e-mail  
 3 communication, that alternative *confituration* of  
 4 ADs 8 and 9. It was a typo, but it was dated  
 5 July 8th, 2011, and I believe that we were talking  
 6 about that page.  
 7 MR. POLAND: You know what will be  
 8 easier, let's go off the record so I can make  
 9 a separate copy of these, and we'll just file  
 10 them separately.  
 11 THE VIDEOGRAPHER: The time is  
 12 11:31. We are going off the record.  
 13 (Recess taken)  
 14 THE VIDEOGRAPHER: The time is  
 15 11:40. We are back on the record.  
 16 MR. POLAND: Brandé, I'm going to  
 17 ask you to mark that as whatever the next  
 18 exhibit number is.  
 19 (Exhibit No. 115 marked for  
 20 identification)  
 21 Q Mr. Ottman, the court reporter has handed you a  
 22 document that has been marked as Exhibit No. 115;  
 23 do you have that in front of you?  
 24 A Yes.  
 25 Q I'm going to represent for the record that this is

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1 a portion of what we previously had marked as  
 2 Exhibit 33A, and 33 were the documents that were  
 3 marked at your first deposition as the documents  
 4 you produced, okay?  
 5 A Okay.  
 6 Q Now, looking at Exhibit No. 115, if you just page  
 7 through it, you'll see there are portions of that  
 8 that were redacted?  
 9 A Yes.  
 10 Q Do you know whether the unredacted version of  
 11 Exhibit No. 115 was among the materials that you  
 12 produced?  
 13 A I don't know.  
 14 Q Now, the top part of Exhibit 115, that first  
 15 message which has an attachment to it, alternative  
 16 ADs 8 and 9, do you see that that portion is  
 17 redacted right there?  
 18 A Yes.  
 19 Q Do you know what that discussion was?  
 20 A I don't recall.  
 21 Q Do you know whether that discussion was with any  
 22 counsel?  
 23 A I believe this was the e-mail that we -- that  
 24 Attorney McLeod provided you after the break last  
 25 time with the attorney's name on the top of this

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1 message that was inadvertently redacted.  
 2 Q Oh, that's right. Let me look back at the  
 3 transcript and see. Do you recall who the  
 4 communication was with?  
 5 A I believe it was Jim Troupis.  
 6 Q Do you recall what Mr. Troupis said about the  
 7 alternative configuration of ADs 8 and 9?  
 8 A I don't recall.  
 9 Q Did you ever discuss with Mr. Troupis generally  
 10 the topic of the alternative configuration of  
 11 Assembly Districts 8 and 9?  
 12 A Yes.  
 13 Q What did you and Mr. Troupis discuss with respect  
 14 to the configuration of Districts 8 and 9?  
 15 A I don't recall.  
 16 Q You talked to Mr. Jensen about the configuration  
 17 of these two districts, 8 and 9; is that correct?  
 18 A No.  
 19 Q There is a mention in Exhibit 115, on the very  
 20 first page of Exhibit 115.  
 21 A Okay.  
 22 Q There's an e-mail that you sent to Mr. Jensen,  
 23 correct?  
 24 A Yes.  
 25 Q And you mentioned a conversation that between

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1 Senator Zipperer and Mr. Jensen relating to  
 2 Hispanic districts in Milwaukee, correct?  
 3 A Correct.  
 4 Q So did you ever have any discussions directly with  
 5 Mr. Jensen about the configuration of Districts 8  
 6 and 9?  
 7 A I did not.  
 8 Q Do you know why you were speaking with Mr. Troupis  
 9 about the configuration of Districts 8 and 9 with  
 10 respect to the issues raised in your e-mail to  
 11 Mr. Jensen?  
 12 A I don't recall.  
 13 Q Why did you forward the -- your communication with  
 14 Mr. Jensen to Mr. Troupis?  
 15 A I don't recall.  
 16 Q I'd like you to --  
 17 (Exhibit No. 116 marked for  
 18 identification)  
 19 Q Mr. Ottman, the court reporter has handed you a  
 20 document that we've marked as Exhibit 116; do you  
 21 have that in front of you?  
 22 A Yes.  
 23 Q And again, I will represent for the record that  
 24 this is a portion of what previously had been  
 25 marked as Exhibit 33A at your deposition in

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1 December, okay?  
 2 A Okay.  
 3 Q Do you see, paging through Exhibit No. 116, that  
 4 there are several areas where the text of the  
 5 e-mail has been redacted?  
 6 A Yes.  
 7 Q Do you know whether this particular e-mail chain  
 8 that's contained within Exhibit 116 was -- strike  
 9 that question. Do you know whether the unredacted  
 10 version of this e-mail chain contained in  
 11 Exhibit 116 was among the documents that you  
 12 produced?  
 13 A I don't know.  
 14 Q The first e-mail, it appears it's in reverse chron  
 15 order here, or at least some portions of it are.  
 16 The very first e-mail is from Mr. Troupis to you  
 17 and Mr. Foltz, copies to Mr. McLeod and then  
 18 Mr. Taffora, correct?  
 19 A Yes.  
 20 Q And the header says MALDEF; do you see that?  
 21 A Yes.  
 22 Q Do you know what Mr. Troupis -- do you recall what  
 23 Mr. Troupis was saying in this e-mail  
 24 communication?  
 25 A I don't recall.

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1 Q Did you ever communicate with Mr. Troupis directly  
 2 about MALDEF's proposals for Assembly Districts 8  
 3 and 9?  
 4 A By e-mail, yes.  
 5 Q Did you ever speak with Mr. Troupis directly about  
 6 MALDEF's proposals for Assembly Districts 8 and 9?  
 7 A I don't recall.  
 8 Q There is, if you turn to the second page of  
 9 Exhibit 116, and if you look at the bottom, you'll  
 10 see an e-mail from Elisa Alfonso to Mr. Troupis;  
 11 do you see that?  
 12 A Yes.  
 13 Q And then if you continue over to the next page, it  
 14 appears that there is an area there that's  
 15 redacted; do you see that?  
 16 A What area are you referring to?  
 17 Q I'm right below the signature that says Elisa?  
 18 A Okay.  
 19 Q It appears there's an area that's redacted. Do  
 20 you know whether there was commentary there that  
 21 was redacted?  
 22 A I'm not sure if that's redacted, or if that was  
 23 just blank space.  
 24 Q Okay. If you look below that, there is an e-mail  
 25 dated Monday, July 11th, and that's from you to

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1 Mr. Troupis, Mr. Foltz, and Mr. McLeod and  
 2 Mr. Taffora, correct?  
 3 A Yes.  
 4 Q And that has been redacted, correct?  
 5 A Yes.  
 6 Q Do you know what the substance of that  
 7 communication was?  
 8 A I don't recall.  
 9 Q Did you ever have any communications with --  
 10 with Mr. Troupis about the MALDEF map that is  
 11 attached to that Monday, July 11th e-mail from  
 12 Elisa Alfonso to Mr. Troupis?  
 13 A Yes.  
 14 Q And what did you discuss about that map?  
 15 A I don't recall.  
 16 Q Did you ever personally review the map that MALDEF  
 17 proposed?  
 18 A I did.  
 19 Q Do you know whether that map was considered in  
 20 formulating Districts 8 and 9?  
 21 A The MALDEF map?  
 22 Q Yes.  
 23 A Yes.  
 24 Q How was it considered?  
 25 A We looked at what they had proposed and then used

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1 that as a starting point for an amendment that was  
 2 eventually adopted and signed into law.  
 3 Q Why didn't you use the map that MALDEF proposed?  
 4 A The boundaries of the district that MALDEF had  
 5 proposed would have required revising several  
 6 other Assembly districts. The alternative we sent  
 7 back to them confined the changes to two Assembly  
 8 districts.  
 9 Q Why did it confine the changes to two Assembly  
 10 districts?  
 11 A Because that was all that was necessary.  
 12 Q Necessary for what?  
 13 A To make the changes.  
 14 Q Well, MALDEF's proposal would have required  
 15 changes to the outer bounds of existing -- of  
 16 Districts 8 and 9 as they had been proposed as of  
 17 that time; is that correct?  
 18 A MALDEF's proposal would have required alterations  
 19 to those boundaries as well as to other Assembly  
 20 districts.  
 21 Q And so why was that not done?  
 22 A It appeared that we could accomplish what we  
 23 thought MALDEF was trying to do and not require  
 24 extensive revisions to the maps outside of those  
 25 two Assembly districts.

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1 Q And who communicated to you what MALDEF was trying  
 2 to do?  
 3 A The -- it was communicated through this e-mail  
 4 change with their proposed map.  
 5 Q Did they ever -- did MALDEF ever characterize for  
 6 you or did you ever learn of their  
 7 characterization of what they were trying to  
 8 accomplish with their proposed map?  
 9 A Not outside of these e-mail communications.  
 10 Q Did you ever talk with Mr. Troupis about what  
 11 MALDEF was trying to do?  
 12 A I don't recall.  
 13 Q I had asked you also at the deposition in December  
 14 a question that relates directly to a statement  
 15 made in one of the e-mails in Exhibit No. 116. So  
 16 if you turn to the one, two, three, four, fifth  
 17 page, and there is a statement in the paragraph  
 18 under the Monday, July 11th, 2011 e-mail where  
 19 Mr. Troupis appears to be saying to Elisa Alfonso  
 20 and Alonzo Rivas, the quote is "I like your  
 21 proposal. We've taken it a bit further. Here is  
 22 a comparison of MALDEF's proposal to a suggestion  
 23 we think might work a bit better." Do you see  
 24 that?  
 25 A Yes.

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1 Q And did you have any discussions with Mr. Troupis  
 2 about why he believed that that suggestion might  
 3 work a little bit better?  
 4 A I don't recall.  
 5 Q Did you ever have any discussions with Mr. Troupis  
 6 where you made any evaluation of MALDEF's proposal  
 7 versus the map that you had drawn for Districts 8  
 8 and 9 at the time?  
 9 A Yes.  
 10 Q And what did you say?  
 11 A I don't recall.  
 12 Q Did you have any discussions with Mr. Troupis  
 13 about having a representative of MALDEF testify at  
 14 the July 13th, 2011 hearing?  
 15 A I don't recall.  
 16 Q Did you ever speak with anybody at MALDEF about  
 17 testifying at the July 13th, 2011 committee  
 18 hearing?  
 19 A I did not.  
 20 Q You can set that document to the side.  
 21 Mr. Ottman, you testified earlier that you had  
 22 prepared some talking points for meetings that you  
 23 had with individual members, republican members of  
 24 the Senate, correct?  
 25 A Yes.

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1 MR. POLAND: Let's mark this.  
 2 (Exhibit No. 117 marked for  
 3 identification)  
 4 Q Mr. Ottman, the court reporter is handing you a  
 5 document that has been marked as Exhibit 117; do  
 6 you have that in front of you?  
 7 A Yes.  
 8 Q Is Exhibit 117 a document that you have seen  
 9 before?  
 10 A Yes.  
 11 Q If you look in the lower right-hand corner of the  
 12 document, you'll see that there's a Bates number  
 13 that identifies it as coming from your files,  
 14 correct?  
 15 A I do.  
 16 Q Is that a document that you prepared?  
 17 A It is.  
 18 Q Is this the document -- is this document the  
 19 talking points that you referred to before?  
 20 A No.  
 21 Q What is this document?  
 22 A This document is talking points I prepared for my  
 23 testimony before the committee, the public  
 24 hearing.  
 25 Q That was on July 13th, 2011?

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1 A Some of it is.  
 2 Q And did you receive any assistance from anyone  
 3 else in preparing those analyses?  
 4 A No.  
 5 Q Did you ever have any communications with  
 6 Mr. Handrick about those analyses?  
 7 A I don't recall.  
 8 Q What about Dr. Gaddie, did you have any  
 9 communications with Dr. Gaddie about those  
 10 analyses?  
 11 A Yes.  
 12 Q What did you and Dr. Gaddie discuss about those  
 13 analyses?  
 14 A We discussed what races we were looking at, and  
 15 whether it might approximate reliable measurement  
 16 of how those districts may have performed in the  
 17 past.  
 18 Q Did Dr. Gaddie provide you with any data or any  
 19 analyses that you used to prepare your own  
 20 analysis that you provided to the republican  
 21 members of the Senate?  
 22 A No.  
 23 Q I'd like you to take a look at -- this will be in  
 24 the stack of exhibits over to your right. Exhibit  
 25 No. 67 should be in there. Have you seen Exhibit

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1 A Yes.  
 2 Q Set that to the side. Did you ever have any  
 3 conversations with anyone about how districts that  
 4 you were drawing might perform based on past  
 5 election results?  
 6 A I don't -- I don't recall.  
 7 Q In the -- we were looking before at Exhibit 100,  
 8 which was the memorandum that Mr. Foltz had  
 9 prepared for his meetings with the republican  
 10 members of the Assembly; do you recall that?  
 11 A Yes.  
 12 Q And you testified that there was a similar  
 13 memorandum that you had prepared for your meetings  
 14 with republican members of the Senate, correct?  
 15 A Right.  
 16 Q And that did have performances of old district  
 17 configurations versus new district configurations  
 18 based on past races, correct?  
 19 A Yes.  
 20 Q Where did you get the information, the data, that  
 21 you used to prepare those comparisons?  
 22 A It was from the elections data provided to us by  
 23 the Legislative Technology Services Bureau.  
 24 Q Is that a comparison or an analysis that you  
 25 performed on your own?

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1 No. 67 before?  
 2 A Yes.  
 3 Q So you'll see at the top, there is an e-mail from  
 4 Mr. Handrick to you and to Mr. Foltz dated  
 5 Wednesday, April 20th; do you see that?  
 6 A Yes.  
 7 Q And Mr. Handrick is forwarding to you and  
 8 Mr. Foltz an e-mail from Dr. Gaddie, correct?  
 9 A Yes.  
 10 Q Why did Mr. Handrick forward this to you?  
 11 A I don't know.  
 12 Q Did you ask Mr. Handrick to forward it to you?  
 13 A I did not.  
 14 Q Did you make any use of the information that is  
 15 provided in Dr. Gaddie's e-mail?  
 16 A I don't believe so.  
 17 Q Did you ever talk with Dr. Gaddie about the  
 18 information contained in his April 20th, 2011  
 19 e-mail?  
 20 A Not that I recall.  
 21 Q I'd like to you look at the first paragraph of  
 22 Dr. Gaddie's e-mail right after he says *Hey Joe,*  
 23 *it says I went ahead and ran the regression models*  
 24 *for 2006, 2008, 2010 to generate open seat*  
 25 *estimates on all of the precincts; do you see*

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1 that?  
 2 A Yes.  
 3 Q Did you ever review or use the regression models  
 4 that Dr. Gaddie ran?  
 5 A No.  
 6 Q Dr. Gaddie also refers in that same e-mail, and  
 7 this is the second line from the bottom of this  
 8 e-mail, he says *This seems to pretty much wraps*  
 9 *up, I think it's a typo there, the partisanship*  
 10 *measure debate; do you see that?*  
 11 A Yes.  
 12 Q Do you know what Dr. Gaddie meant by the  
 13 partisanship measure debate?  
 14 A I'm not sure.  
 15 Q Did you ever talk to Dr. Gaddie about that term?  
 16 A I don't believe so.  
 17 Q Did you ever talk to Mr. Handrick or Mr. Foltz  
 18 about that term?  
 19 A I don't believe so.  
 20 Q The last sentence has a reference to Dr. Gaddie  
 21 tweaking the polarization analysis; do you see  
 22 that?  
 23 A Yes.  
 24 Q Do you know what Dr. Gaddie means by polarization  
 25 analysis?

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1 was not the witness's answer.  
 2 A I believe so.  
 3 Q Can you identify this document for me,  
 4 Exhibit 111?  
 5 A I'm not sure I understand the question.  
 6 Q What is it?  
 7 A It is a comparison of how districts may have  
 8 performed in the past under the old configuration  
 9 and under the new configuration.  
 10 Q And both for Assembly and Senate districts,  
 11 correct?  
 12 A Correct.  
 13 Q Did you prepare Exhibit 111?  
 14 A I did not.  
 15 Q I note on the bottom of the page that it came from  
 16 Mr. Foltz's files; do you see that from the Bates  
 17 number?  
 18 A Yes.  
 19 Q Did you contribute at all to the preparation of  
 20 Exhibit 111?  
 21 A I don't believe so.  
 22 Q Is Exhibit 111 a document that you referred to or  
 23 considered in any way when you were preparing  
 24 memorandums that you gave to or showed to the  
 25 individual republican members of the Senate?

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1 A I don't know.  
 2 Q Did you ever look at any polarization analysis  
 3 that Dr. Gaddie prepared?  
 4 A I don't believe so.  
 5 Q Did you ever prepare any polarization analysis  
 6 yourself?  
 7 A I did not.  
 8 Q Did you use any polarization analysis in any of  
 9 the work that you did on the redistricting  
 10 program?  
 11 A I don't believe so.  
 12 Q Nothing that Dr. Gaddie provided to you then  
 13 figured into the analysis that you prepared that  
 14 was reflected in the memorandums that you gave to  
 15 the individual republican members of the Senate?  
 16 A It did not.  
 17 Q You can set that document to the side. I'd like  
 18 you to -- there are two documents in the stack  
 19 there I'd like you to pull out, Exhibit 111 and  
 20 Exhibit 112. I'd like you to take a look at  
 21 Exhibit 111 first, please. Is Exhibit 111 a  
 22 document that you have seen before?  
 23 MS. LAZAR: No. Sorry, I was  
 24 looking at something else.  
 25 MR. POLAND: For the record, that

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1 A No.  
 2 Q If you look at the second page of Exhibit 111,  
 3 you'll see a reference at the top of the page, it  
 4 says *Milwaukee Gaddie 4/16/11*; do you see that?  
 5 A Yes.  
 6 Q Do you know what that refers to?  
 7 A I do not.  
 8 Q Do you know when you would have looked at  
 9 Exhibit 111, when you would have seen it  
 10 previously?  
 11 A Sometime after the map was, I believe, finished or  
 12 sent to drafting.  
 13 Q What purpose did you use Exhibit 111 for when you  
 14 saw it previously?  
 15 A Just to -- just to look at analysis of how the  
 16 districts, old and new, may have performed.  
 17 Q Is that information that you conveyed to any of  
 18 the members of the legislative leadership?  
 19 A I don't recall.  
 20 Q Is that information that you would have -- that  
 21 you conveyed to any of the individual republican  
 22 senators?  
 23 A I may have conveyed it to Senator Fitzgerald and  
 24 Senator Zipperer.  
 25 Q This would have been information that the

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1 individual republican senators would have been  
 2 interested in in determining whether to support  
 3 the proposed Act 43, correct?  
 4 A I don't know.  
 5 Q Was the performance of the newly configured  
 6 district something that you discussed with the  
 7 individual republican senators in your meetings  
 8 with them?  
 9 A Yes.  
 10 Q I'd like you to look at paragraph -- Exhibit  
 11 No. 112, please. Have you seen Exhibit 112  
 12 before?  
 13 A I don't believe so.  
 14 Q Have you seen documents that look like Exhibit 112  
 15 before?  
 16 A Similar, yes.  
 17 Q Do you know the software program that Exhibit 112  
 18 was created on?  
 19 A I believe it's Excel, Microsoft Excel.  
 20 Q Did you ever create any document similar to  
 21 Exhibit 112?  
 22 MR. MCLEOD: Object to the form of  
 23 the question. Please answer if you're able  
 24 to.  
 25 A I did.

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1 go into the composite?  
 2 A Yes.  
 3 Q And did you apply that to Senate districts?  
 4 A Yes.  
 5 Q Did you run analyses that are similar to the ones  
 6 that are portrayed in Exhibit 112?  
 7 A Yes.  
 8 Q Was that solely for the Senate districts or also  
 9 for Assembly districts?  
 10 A Both.  
 11 Q And who did you -- strike that question. Why did  
 12 you prepare those analyses?  
 13 A It was part of the analysis of how different  
 14 districts may have performed in using past  
 15 election data.  
 16 Q Attempting to project how the districts that you  
 17 were creating might perform in the future based on  
 18 past election data?  
 19 A I don't know that you can project future  
 20 performance, but it was used to analyze how past  
 21 elections may have performed.  
 22 Q Under the new --  
 23 A Under different configurations.  
 24 Q Did anybody ask you to prepare that analysis?  
 25 A I don't recall.

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1 Q Did you create any for Senate districts?  
 2 A Yes.  
 3 Q If you look at the middle of the page in  
 4 Exhibit 112, you'll see that there are, at the top  
 5 column in the middle, left to right, you'll see  
 6 there are two columns. There is one that has a  
 7 heading 3RaceAve, and then another one that says  
 8 ALL0410; do you see those headings?  
 9 A Yes.  
 10 Q Do you know what those refer to?  
 11 A I believe those refer to different composite  
 12 measurements.  
 13 Q What do you mean by *different composite*  
 14 *measurements*?  
 15 A Averages composed of different races.  
 16 Q Those would have been past elections, past races;  
 17 is that correct?  
 18 A Yes.  
 19 Q Did you work at all with Mr. Foltz on creating any  
 20 composites of previous races?  
 21 A Yes.  
 22 Q For Assembly districts?  
 23 A The composite was just a general composite, and  
 24 then it could be applied to different districts.  
 25 Q Did you make a determination in what races would

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1 Q Did you provide this analysis that you created to  
 2 anyone?  
 3 A Yes.  
 4 Q Who did you -- did you transmit or give that  
 5 analysis to?  
 6 A I gave it to Senator Fitzgerald and  
 7 Senator Zipperer.  
 8 Q Did you ever give that information to any of the  
 9 individual republican senators?  
 10 A I did not.  
 11 Q Was that conveyed to them in the meetings that you  
 12 had with them and Senator Zipperer?  
 13 A It was not.  
 14 Q Senator Zipperer didn't convey that to the  
 15 individual republican senators in those meetings?  
 16 A No.  
 17 Q Do you know what Senator Fitzgerald and  
 18 Senator Zipperer did with that, with the analysis  
 19 of the information when you gave it to them?  
 20 A I do not.  
 21 Q At the time that you conveyed the information  
 22 about these analyses to Senator Fitzgerald and  
 23 Senator Zipperer, did you discuss the analysis  
 24 with them?  
 25 A Yes.

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1 Q What was the substance of the discussions that you  
 2 had with them?  
 3 A Basically, it was a description of what races we  
 4 used for the composite and an explanation of what  
 5 the data on the chart represented.  
 6 Q Did they tell you how they intended to use that  
 7 information or what they intended to do with it?  
 8 A No.  
 9 Q Did you make any suggestions to them about what it  
 10 might be used for, or could they provide it to  
 11 you?  
 12 A No.  
 13 Q Did you have any conversations with anyone about  
 14 how the districts that you were drawing that ended  
 15 up in Act 43 might perform based on the past  
 16 election results?  
 17 A I don't know that it's possible to predict future  
 18 performance.  
 19 (Exhibit No. 118 marked for  
 20 identification)  
 21 Q Mr. Ottman, the court reporter has handed you a  
 22 copy of a document that has been marked  
 23 Exhibit 118; do you have that in front of you?  
 24 A Yes.  
 25 Q If you look in the lower right-hand corner of the

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1 document, you'll see each of the pages has a Bates  
 2 number on it indicating that it came from your  
 3 files; do you see that?  
 4 A Yes.  
 5 Q And this is the way that these documents were  
 6 produced to us. Do you know -- do you know what  
 7 Exhibit 118 is?  
 8 A Yes.  
 9 Q What is it?  
 10 A It is a printout of an Excel sheet with analysis  
 11 of how the -- I believe it's the current districts  
 12 would perform using past election formula.  
 13 Q And by current districts, you mean the districts  
 14 at the court during 2002?  
 15 A Yes, at the time, yes, the court map.  
 16 MR. EARLE: I can't find it on my  
 17 directory here. Which document is that  
 18 coming from? Do you have that handy? Is it  
 19 by 2000?  
 20 MR. POLAND: I don't, Peter. It's  
 21 not on the top of the document itself. We  
 22 have them Bates labeled, but I believe that  
 23 we Bates labeled them as they came in.  
 24 MR. EARLE: There are four or five  
 25 Excel sheets there. It would be helpful to

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1 me if you could have him describe the  
 2 document so I can click on it because there's  
 3 only four or five of them here. There's one,  
 4 for example, that's called Senate final  
 5 political numbers, and on the top it has old  
 6 district Walker, McCain, Van Hollen, Bush.  
 7 Is that the one?  
 8 MR. POLAND: I will say for the  
 9 record, the titles for the columns across the  
 10 top says TA persons, difference, black 18  
 11 percent, Hispanic 18 percent --  
 12 MR. EARLE: I got it. That was the  
 13 one that was -- okay.  
 14 Q Mr. Ottman, why did you prepare the table that's  
 15 on the first page of Exhibit 118?  
 16 A It was part of the analysis that we prepared.  
 17 Q And why did you engage in that analysis?  
 18 A It was just an indicator of how elections, using  
 19 the measurement that we were using may have been  
 20 reflected in the old districts.  
 21 Q Was there any comparison that was made between  
 22 those and then the districts that you were  
 23 creating under Act 43?  
 24 A The same analysis was prepared for the new  
 25 districts, yes.

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1 Q And then was there a comparison of those two?  
 2 A Yes.  
 3 Q Was that included in the memorandums that were  
 4 shown to the individual republican senators when  
 5 you met with them?  
 6 A No.  
 7 Q What was the comparison used for?  
 8 A Comparison was used for analysis of map  
 9 alternatives for meetings with the leadership.  
 10 Q Were any decisions made based on those  
 11 comparisons?  
 12 A Not that I am aware of.  
 13 Q Were you present for any discussion where the map  
 14 alternatives were discussed with respect to a  
 15 comparison between performance of 2002 districts  
 16 and performance of the newly-configured districts?  
 17 A Yes.  
 18 Q And what was the substance of those discussions?  
 19 A It was an explanation of what the races we were  
 20 measuring were and an explanation of what the  
 21 document represented.  
 22 Q Who did you have those conversations with?  
 23 A With Senators Fitzgerald, Zipperer, and  
 24 Representatives Fitzgerald, Vos, Suder.  
 25 Q There has been testimony, both by Mr. Handrick and

313

1 Mr. Foltz, about meetings where there were  
 2 regional options that were presented where  
 3 legislative leadership was present for those; do  
 4 you recall any such meetings?  
 5 A Yes.  
 6 Q When did those meetings occur?  
 7 A I don't recall exactly.  
 8 Q How many days did those meetings last?  
 9 A I don't -- I don't recall how many days.  
 10 Q Was it at those meetings to consider regional  
 11 options that you discussed comparisons between  
 12 2002 districts and newly-configured districts with  
 13 Senators Fitzgerald and Zipperer and  
 14 Representatives Fitzgerald and Vos and Suder?  
 15 A I believe so.  
 16 Q When did you have the discussions with  
 17 Senators Fitzgerald and Zipperer and  
 18 Representatives Fitzgerald, Vos, and Suder about  
 19 the comparisons between the 2002 district  
 20 performance and new districts?  
 21 A I believe it was after the map had been put  
 22 together for submittal to the LRB.  
 23 Q But before it was actually tendered to the LRB?  
 24 A No, I believe it had already been tendered to the  
 25 LRB at that point.

314

1 Q Did you have any discussions on that topic with  
 2 any of the legislative leadership or individual  
 3 legislators before the time the map was tendered  
 4 to the LRB?  
 5 A I don't recall.  
 6 Q Going back to the question I asked about meetings  
 7 where regional options were discussed. Can you  
 8 identify for me who was present at those meetings?  
 9 A At various points, Senator Fitzgerald,  
 10 Senator Zipperer, Representative Fitzgerald,  
 11 Representative Vos, Representative Suder,  
 12 Joe Handrick, Adam Foltz, myself, and counsel may  
 13 have been present for some portion of them.  
 14 Q Do you remember how many -- well, strike that  
 15 question. You don't recall when exactly those  
 16 meetings occurred; is that correct?  
 17 A Not off the top of my head.  
 18 Q Was it over more than one day?  
 19 A Yes.  
 20 Q It was before the maps were submitted to the LRB;  
 21 is that correct?  
 22 A That's correct.  
 23 Q This was to make a final decision, at least about  
 24 the regional maps that would be proposed to the  
 25 legislature?

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1 A It was to get some general direction, yes.  
 2 Q I'd like you to take a look at Exhibit No. 101.  
 3 It's in the stack there. Have you seen  
 4 Exhibit 101 before?  
 5 A Yes.  
 6 Q What is Exhibit 101?  
 7 A I believe it's headers for different regional  
 8 areas of the state.  
 9 Q Are these the regional maps that were presented at  
 10 the meeting we were just discussing or meetings  
 11 where regional options were considered?  
 12 A This is just the headers.  
 13 Q And when you say it's *just the headers*, what do  
 14 you mean by just the headers?  
 15 A It contains no more information other than what  
 16 districts are included in each region.  
 17 Q So it simply identifies the region; it doesn't,  
 18 for example, contain any other information about  
 19 them other than identify which districts are  
 20 contained within the regions?  
 21 A That's correct.  
 22 Q Did you go through at these meetings and make a  
 23 determination on a region-by-region basis of  
 24 which maps would be advanced and included in  
 25 Wisconsin -- 2011 Wisconsin Act 43?

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1 A We got some general guidance from legislative  
 2 leaders on a region-by-region basis.  
 3 Q So there were various options for each region that  
 4 were presented to the people who assembled at  
 5 these meetings, correct?  
 6 A For some regions, yes.  
 7 Q And there were regions where there weren't  
 8 multiple options presented; is that correct?  
 9 A That's correct.  
 10 Q Which regions didn't have multiple options  
 11 presented?  
 12 A Milwaukee.  
 13 Q So as I look at the -- as I look at Exhibit 101, I  
 14 see the heading, it says Milwaukee, and it says  
 15 Senate Districts 3, 4, 6, 7, 5, and 8, correct?  
 16 A Correct.  
 17 Q That would include the Assembly Districts 7, 8,  
 18 and 9?  
 19 A That's correct.  
 20 Q Was there only one regional map that was presented  
 21 for the Milwaukee region?  
 22 A There was only one map presented for, I believe,  
 23 Senate Districts 4 and 6. Senate District 3 was  
 24 presented as one Senate district with two  
 25 alternatives for Assembly district configurations,

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1 both of which were introduced.  
 2 Q Alternatives for Assembly Districts 8 and 9?  
 3 A 8 and 9.  
 4 Q And from those alternatives that were presented  
 5 for Assembly Districts 8 and 9, one was selected  
 6 at that point in time?  
 7 A No.  
 8 Q There were two options presented, correct?  
 9 A Two options were presented to the legislature --  
 10 legislators, and both options were introduced.  
 11 One is part of the bill. One is a separate  
 12 amendment.  
 13 Q Did this meeting occur before the time that the  
 14 communications with MALDEF occurred?  
 15 A Yes.  
 16 Q And did this also occur before any communications  
 17 with Zeus Rodriguez happened?  
 18 A Yes.  
 19 Q At the time that these options were presented to  
 20 the legislative leadership, had there been any  
 21 communications with any members of the Latino  
 22 community in Milwaukee about the makeup of  
 23 Assembly Districts 8 or 9?  
 24 A I don't recall.  
 25 Q At the time that these regional options were

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1 presented to legislative leadership, had there  
 2 been any communications with any leaders of the  
 3 African-American community in Milwaukee about the  
 4 makeup of the African-American majority districts?  
 5 A I don't recall.  
 6 Q Did you ever discuss the composition of the  
 7 African-American majority districts in Milwaukee  
 8 with anyone during the redistricting process?  
 9 A Yes.  
 10 Q Who did you discuss it with?  
 11 A We discussed it with counsel.  
 12 Q And when you say *counsel*, who was the counsel you  
 13 discussed it with?  
 14 A I believe Attorney McLeod, Attorney Troupis,  
 15 possibly Attorney Taffora.  
 16 Q And what was the subject matter of the discussions  
 17 that you had with Mr. McLeod, Mr. Troupis, or  
 18 Mr. Taffora about the African-American districts?  
 19 A We talked about what the appropriate legal  
 20 guidelines were for those districts.  
 21 Q Would that be legal guidelines under the  
 22 Voting Rights Act?  
 23 A I believe so.  
 24 Q When did those discussions occur?  
 25 A I don't recall.

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1 Q Did you ever talk with anyone other than legal  
 2 counsel about the makeup of the African-American  
 3 districts in Milwaukee?  
 4 A I don't recall.  
 5 Q Did you ever talk to Mr. Handrick about it?  
 6 A Possibly.  
 7 Q What about Mr. -- Dr. Gaddie?  
 8 A I don't recall.  
 9 Q Was Mr. Handrick ever involved in the discussions  
 10 that you had with Mr. McLeod or Troupis or Taffora  
 11 about the African-American districts in Milwaukee?  
 12 A I don't recall.  
 13 Q What about the Latino districts, did you talk with  
 14 Mr. McLeod, Mr. Troupis, or Mr. Taffora about the  
 15 makeup of the Latino districts in Milwaukee?  
 16 A Yes.  
 17 Q And again, did you talk about the appropriate  
 18 legal guidelines?  
 19 A That's correct.  
 20 Q Under the Voting Rights Act?  
 21 A I believe so.  
 22 Q Did you talk with Mr. Handrick at all about the  
 23 makeup of the Latino districts?  
 24 A I believe so.  
 25 Q Was Mr. Handrick involved in any discussions that

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1 you had about the Latino districts with  
 2 Mr. McLeod, Mr. Troupis, or Mr. Taffora?  
 3 A I don't recall.  
 4 Q Did you talk to Dr. Gaddie about the makeup of the  
 5 Latino districts?  
 6 A I don't recall.  
 7 Q Now, there are also references in Exhibit 101 to  
 8 other districts. One of them I'd like to focus on  
 9 for a minute is the Racine/Kenosha region; do you  
 10 see that reference?  
 11 A Yes.  
 12 Q There were options that were considered for Racine  
 13 and Kenosha; is that correct?  
 14 A That's correct.  
 15 Q Was there one option that was chosen from those  
 16 presented that was included in what eventually  
 17 became Act 43?  
 18 A I don't recall what the exact option that was  
 19 discussed there was identical to what turned up in  
 20 Act 43.  
 21 Q Do you know how many options were presented at  
 22 these meetings for Racine/Kenosha area?  
 23 A I don't recall.  
 24 Q Did you personally draw up any options for  
 25 Racine/Kenosha?

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1 A I did.  
 2 Q Was the option that you -- strike that question.  
 3 How many options did you prepare for Racine and  
 4 Kenosha?  
 5 A I don't recall how many.  
 6 Q Did Mr. Handrick and Mr. Foltz also prepare  
 7 options for districts covering Racine and Kenosha?  
 8 A I believe so.  
 9 Q Do you know whether all of them were presented at  
 10 this meeting where legislative leadership was  
 11 considering the regional options?  
 12 A I don't know.  
 13 Q Before the time that the options for Racine and  
 14 Kenosha were presented to legislative leadership,  
 15 had you ever had any discussions with any of the  
 16 members of the legislature from the Racine or  
 17 Kenosha areas about the configuration of those  
 18 districts?  
 19 A Yes.  
 20 Q Who did you speak with?  
 21 A I spoke with Senator Wanggaard.  
 22 Q What was the substance of those discussions?  
 23 A That discussion was just a discussion with him  
 24 about the changing demographics of his district in  
 25 terms of where I needed to gain or lose population

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1 had already prepared an option for the Assembly  
 2 and Senate districts encompassing the  
 3 Racine/Kenosha areas?  
 4 A No.  
 5 Q It was before the time that you actually drew a  
 6 map to cover those areas?  
 7 A That's correct.  
 8 Q Did he give you any guidance on how those  
 9 districts should be configured?  
 10 A Not that I recall.  
 11 Q Did you ever speak with about how the Racine and  
 12 Kenosha districts should be configured?  
 13 A Discussed it with Adam Foltz.  
 14 Q What did you and Mr. Foltz discuss with respect to  
 15 the configuration of the Assembly and Senate  
 16 districts encompassing Racine and Kenosha?  
 17 A We just discussed different options for  
 18 configuration, different ways to draw that area.  
 19 Q Do you know who drew the configuration that ended  
 20 up being included in Act 43?  
 21 A I don't.  
 22 Q Would it have been either you or Mr. Foltz?  
 23 A Yes.  
 24 Q But you just don't recall whether you were the  
 25 person whose configuration was included in Act 43?

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1 and to hear from him his impressions of the  
 2 district as well as to verify exactly where his  
 3 house was.  
 4 Q Did that discussion take place in one of the  
 5 meetings that you had with Mr. Vos and then the  
 6 individual members of the Senate?  
 7 A No.  
 8 Q That was outside of that meeting?  
 9 A I never had any meetings with Vos and members of  
 10 the Senate other than those leadership meetings.  
 11 Q The ones that you testified to earlier?  
 12 A Correct.  
 13 Q All right. So just trying to understand whether  
 14 that, the meeting you were referring to, was one  
 15 of the meetings that you had along with, I thought  
 16 it was Senator Zipperer that you had testified  
 17 before?  
 18 A Yes.  
 19 Q All right. Was that at that same meeting with  
 20 Senator Zipperer?  
 21 A I can't recall if Senator Zipperer was there, but  
 22 it was at that meeting with Senator Wanggaard that  
 23 I discussed earlier.  
 24 Q All right. Did that meeting with  
 25 Senator Wanggaard take place at the time that you

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1 A That's right.  
 2 Q You understand how Act 43 configures Racine and  
 3 Kenosha in terms of the Assembly and Senate  
 4 districts?  
 5 A Yes.  
 6 Q You understand that there are parts of Racine and  
 7 Kenosha there included within one Assembly  
 8 district?  
 9 A Yes.  
 10 Q By that I mean in the same Assembly district?  
 11 A Yes.  
 12 Q Do you know whose decision it was to include parts  
 13 of Racine and Kenosha in the same Assembly  
 14 district?  
 15 A I don't.  
 16 Q Did you ever speak with anyone from Racine or  
 17 Kenosha or who represents Racine or Kenosha about  
 18 including parts of both of those cities in the  
 19 same Assembly district?  
 20 A I don't believe so.  
 21 Q I've heard reference to reuniting communities of  
 22 interest in drawing some of the districts in  
 23 Act 43. Have you heard those references as well?  
 24 A I've heard the term.  
 25 Q Do you know whether drawing the parts of Racine

325

1 and Kenosha in the same Assembly district was an  
 2 attempt to reunite communities of interest?  
 3 A I don't know.  
 4 Q Did you ever any communications with anybody about  
 5 that?  
 6 A Not that I recall.  
 7 Q Are there any areas state-wide in Wisconsin that  
 8 you can identify as having been reunited  
 9 communities of interest under Act 43?  
 10 A I don't recall.  
 11 Q Do you recall ever drawing any districts that you  
 12 believed were reuniting communities of interest?  
 13 A I don't recall specifically.  
 14 Q What about generally?  
 15 A We drew different variations of different maps  
 16 that combined or split up all kinds of different  
 17 communities, so I can't remember anything specific  
 18 that jumps to mind, no.  
 19 Q As you sit here today, do you recall any  
 20 communities of interest that were reunited under  
 21 Act 43?  
 22 A I don't recall.  
 23 Q Did you ever have any conversations with anyone  
 24 about dividing communities of interest?  
 25 A Yes.

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1 feedback that you received from any members of the  
 2 legislature?  
 3 A Yes.  
 4 Q What changes were made in response to feedback you  
 5 received?  
 6 A There was some changes made, I believe, to the  
 7 55th and 56th Assembly District.  
 8 Q Who were the representatives of those districts?  
 9 A Representatives Kaufert and Litjens.  
 10 Q Did representatives Kaufert and Litjens request  
 11 that you make those changes?  
 12 A I'm not sure.  
 13 Q Did the request -- did you ever receive any  
 14 request from Senator Ellis to make any changes to  
 15 those districts?  
 16 A He asked us to look at some different options  
 17 there.  
 18 Q Could you take a look at Exhibit No. 105, please.  
 19 Have you seen Exhibit 105 before?  
 20 A Parts of it.  
 21 Q What parts have you seen?  
 22 A I've seen the attachment.  
 23 Q I'd like you to look at -- there's an e-mail  
 24 dated Thursday, July 7th from Adam Foltz to  
 25 Michelle Litjens; do you see that?

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1 Q Which communities of interest did you discuss  
 2 being divided?  
 3 A Nothing specific, just kind of an analysis of the  
 4 splits, community splits.  
 5 Q Which community splits did you discuss?  
 6 A We discussed all of the community splits that were  
 7 generated by the Autobound report.  
 8 Q And that was discussions that you had with  
 9 Mr. Foltz and Mr. Handrick?  
 10 A With Mr. Foltz certainly. I can't remember if  
 11 Mr. Handrick was part of any discussion.  
 12 Q Did you and Mr. Foltz ever talk with any  
 13 individual legislators about splits of communities  
 14 of interest?  
 15 A I don't recall.  
 16 Q Did you and Mr. Foltz ever discuss with anyone  
 17 outside of the legislature splits of communities  
 18 of interest?  
 19 A I don't recall.  
 20 Q Did you attempt to seek or obtain any feedback  
 21 from any members of communities of interest that  
 22 were split under Act 43?  
 23 A I don't recall.  
 24 Q Do you recall making any changes to configurations  
 25 of senator Assembly districts in response to

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1 A Yes.  
 2 Q Have you seen that document -- that e-mail before?  
 3 A I don't believe so.  
 4 Q Did you speak with Michelle Litjens at all about  
 5 the attachments that are attached to this e-mail?  
 6 A I did not.  
 7 Q Why did you forward these attachments or send  
 8 these attachments to Mr. Foltz?  
 9 A So that he could have discussions with Assembly  
 10 republicans in those areas.  
 11 Q Did you ever discuss Districts 55 and 56 with  
 12 Senator Ellis?  
 13 A Yes.  
 14 Q What was the substance of those discussions?  
 15 A We discussed different ways to configure those  
 16 districts.  
 17 Q Was this before the time -- before July 7th, 2011?  
 18 A I'm not sure exactly when I spoke with him.  
 19 Q You don't know if it was before or after  
 20 Mr. Foltz's communication with Michelle Litjens?  
 21 A I don't recall.  
 22 Q Were there any other changes that were made to  
 23 proposed districts based on communications that  
 24 you had with any members of the Senate or the  
 25 Assembly?

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1 A Outside of this, not that I can.  
 2 (Exhibit No. 119 marked for  
 3 identification)  
 4 Q Mr. Ottman, the court reporter has handed you a  
 5 document that has been marked as Exhibit 119; do  
 6 you have that in front of you?  
 7 A Yes.  
 8 Q And I note that the Bates stamp indicates that  
 9 this came from your files; do you see that?  
 10 A Yes.  
 11 Q Can you identify Exhibit No. 119, please?  
 12 A It's an e-mail from Senator Vukmir to me.  
 13 Q Now, Senator Vukmir -- this is dated May 4th,  
 14 2011, correct?  
 15 A Yes.  
 16 Q And Senator Vukmir says in the first sentence of  
 17 her e-mail, "Thanks for the meeting today." Do  
 18 you see that?  
 19 A Yes.  
 20 Q Do you know what meeting she's referring to?  
 21 A This is one of those legislator meetings that I  
 22 had described earlier.  
 23 Q Would this have been before the time that you had  
 24 prepared any proposed maps?  
 25 A Yes.

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1 Q This was a meeting that Senator Zipperer attended  
 2 as well; is that correct?  
 3 A I'm not sure if he attended that one or not.  
 4 Q Do you recall whether you met alone with  
 5 Senator Vukmir or if anyone else was at that  
 6 meeting?  
 7 A Senator Zipperer may have been there. He would  
 8 have been the only other one that might have been  
 9 there.  
 10 Q Where did these meetings occur?  
 11 A In the offices of Michael Best & Friedrich.  
 12 Q Senator Vukmir includes a summary, she says, of  
 13 what you talked about and a few other things that  
 14 she thought about, correct?  
 15 A Yes.  
 16 Q And you see the references to a number of  
 17 different areas?  
 18 A Yes.  
 19 Q Do you know why she was providing you with that  
 20 feedback?  
 21 A I don't know.  
 22 Q Did you use that feedback in any way to configure  
 23 Senator Vukmir's district?  
 24 A No.  
 25 Q Now, Senator Vukmir has, after each area, she has

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1 some comments. So for example, she says  
 2 *Brookfield, yes, my hometown.* What does she mean  
 3 by that?  
 4 A I believe she had indicated to me that she was  
 5 born there.  
 6 Q All right. And why does it say yes after  
 7 Brookfield?  
 8 A I don't know.  
 9 Q Does that mean that was an area she wanted  
 10 included in her district?  
 11 A I don't know.  
 12 Q The next line down, first, *Elm Grove*, and again,  
 13 it says *yes*; do you see that?  
 14 A Yes.  
 15 Q Do you know what she meant by yes next to  
 16 Elm Grove?  
 17 A I don't know.  
 18 Q And it goes on and says in parenthesis *Brookfield*  
 19 *and Elm Grove have combined schools, joint holiday*  
 20 *parades, et cetera*; do you see that?  
 21 A Yes.  
 22 Q Why was she mentioning that fact in her e-mail to  
 23 you?  
 24 A I'm not sure. Part of the discussion was for an  
 25 open-ended question to describe your district. So

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1 it may have been in response to that portion of  
 2 our discussion at the meeting.  
 3 Q But she has the words *yes* next to these; that  
 4 doesn't indicate that these are areas she wanted  
 5 included in her district?  
 6 A I don't know.  
 7 Q Was there a significance that you ascribed to the  
 8 fact that she said Brookfield and Elm Grove have  
 9 combined schools, joint holiday parades, et  
 10 cetera?  
 11 A I'm sorry, what was the question?  
 12 Q Was there any significance you ascribed to her  
 13 inclusion of that statement in her e-mail to you?  
 14 A No.  
 15 Q Is that an indication to you or did you interpret  
 16 it as meaning that Brookfield and Elm Grove ought  
 17 to remain in the same district?  
 18 A I don't know.  
 19 Q The next line down, Senator Vukmir says *Western*  
 20 *Wauwatosa*, and again she says *yes* after that, and  
 21 then in parens it says *More GOP*; do you see that?  
 22 A Yes.  
 23 Q Do you know what she's referring to there?  
 24 A No.  
 25 Q By more GOP, would you understand that reference

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1 to be to the republican party?  
 2 A I assume that's what GOP stands for.  
 3 Q But you don't know why she was mentioning western  
 4 Wauwatosa in the context of more GOP?  
 5 A I don't know.  
 6 Q Next line down says *West Allis*, and again says *yes*  
 7 next to; do you see that?  
 8 A Uh-huh, yes.  
 9 Q Do you know what the reference to *yes* next to  
 10 *West Allis* means?  
 11 A I don't.  
 12 Q And then in parens it says *Western more GOP, but I*  
 13 *am okay with all of it*; do you see that?  
 14 A Yes.  
 15 Q Do you know what that means?  
 16 A I don't know.  
 17 Q Did you have a discussion about that in your  
 18 meeting with Senator Vukmir?  
 19 A I don't recall.  
 20 Q The next line down says *West Milwaukee*, and then  
 21 it says *no*; do you see that?  
 22 A Yes.  
 23 Q Do you know what she meant by *no* after *west*  
 24 *Milwaukee*?  
 25 A I don't know.

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1 she's referring to when she makes that statement?  
 2 A I'm not sure.  
 3 Q Next line down says *Menomonee Falls* and then *no*,  
 4 do you see that?  
 5 A Yes.  
 6 Q Do you know what she meant by including *no* after  
 7 *Menomonee Falls*?  
 8 A I don't know.  
 9 Q Was *Menomonee Falls* included within  
 10 Senator Vukmir's Senate district under Act 43?  
 11 A I don't recall.  
 12 Q Do you see after that she states *Fits* better with  
 13 *Germantown, Sussex, Lannon, and Butler*; do you see  
 14 that?  
 15 A Yes.  
 16 Q Did you discuss at all with Senator Vukmir in her  
 17 meeting whether *Menomonee Falls* ought to be in her  
 18 district or in a different district?  
 19 A I don't recall.  
 20 Q Below that is *Greenfield*, and then it says *Please*  
 21 *no*; do you see that?  
 22 A Yes.  
 23 Q Do you know what she meant by *please no*?  
 24 A I don't know.  
 25 Q Was *Greenfield* included within Senator Vukmir's

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1 Q Do you know whether *west Milwaukee* was included  
 2 within the reconfigured Senate district that  
 3 Senator Vukmir represents?  
 4 A I don't recall.  
 5 Q In parens, after the word *no*, it says *Forgot to*  
 6 *mention this part of current district, VERY dem,*  
 7 and the *very* is in all caps; do you see that?  
 8 A Yes.  
 9 Q And by *dem*, do you understand her to mean  
 10 democrat?  
 11 A That's my understanding.  
 12 Q That paren where she says *forgot to mention this*  
 13 *part of district*, do you know whether that refers  
 14 to a discussion you had with her in your meeting?  
 15 A I don't know.  
 16 Q The next line down says *Milwaukee, cop wards if*  
 17 *needed*; do you see that?  
 18 A Yes.  
 19 Q There's no *yes* or *no* after *Milwaukee*; do you see  
 20 that?  
 21 A Yes.  
 22 Q Do you know why she did not include a *yes* or a *no*  
 23 after *Milwaukee*?  
 24 A I don't know.  
 25 Q She says *cop wards if needed*. Do you know what

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1 Senate district?  
 2 A I don't recall.  
 3 Q Then in parens after the *please no*, it says *It*  
 4 *hates West Allis*; do you see that?  
 5 A Yes.  
 6 Q Do you know what she meant by *it hates West Allis*?  
 7 A Other than what it means on its face, I don't  
 8 know.  
 9 Q Did you and Senator Vukmir discuss at all whether  
 10 *Greenfield* and *West Allis* ought to be within the  
 11 same Senate district or Assembly district?  
 12 A I don't recall.  
 13 Q After that paren, it says *Stone owns Greenfield*  
 14 *and I think that really helps him*; do you see  
 15 that?  
 16 A Yes.  
 17 Q What is the reference to *Stone*?  
 18 A I believe that's to Representative Stone.  
 19 Q Do you know why Senator Vukmir says *Stone owns*  
 20 *Greenfield*?  
 21 A I don't know.  
 22 Q Do you know what her reference to *I think that*  
 23 *really helps him* means?  
 24 A I don't know.  
 25 Q Did you have a discussion at all with

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1 Senator Vukmir about Representative Stone?  
 2 A I don't recall.  
 3 Q And then under that, there's a reference to  
 4 New Berlin, and Senator Vukmir says *Sure, parts of*  
 5 *it work okay with West Allis and Brookfield;* do  
 6 you see that?  
 7 A Yes.  
 8 Q Do you know whether parts of New Berlin were  
 9 included within Senator Vukmir's Senate district?  
 10 A I believe so, yes.  
 11 Q Do you know what she meant there when she said  
 12 parts of it work okay with West Allis and  
 13 Brookfield?  
 14 A I don't know.  
 15 Q Did you have a discussion with Senator Vukmir  
 16 about that topic when you met with her?  
 17 A Not that I recall.  
 18 Q And then the parenthetical at the end of that says  
 19 *Also, the West Allis School District oddly*  
 20 *includes a small part of NB;* do you see that?  
 21 A Yes.  
 22 Q And that NB is a reference to New Berlin?  
 23 A I don't know. I assume so.  
 24 Q Is that a topic you discussed with Senator Vukmir?  
 25 A Not that I recall.

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1 A I don't know.  
 2 Q Was that a topic you discussed with  
 3 Senator Vukmir?  
 4 A Not that I recall.  
 5 Q The final sentence, which is in parentheses  
 6 states *The previous Duff seat had parts of*  
 7 *New Berlin, Elm Grove, BKFD and West Allis;* do you  
 8 see that?  
 9 A Yes.  
 10 Q Do you know what she meant by the previous Duff  
 11 seat?  
 12 A I believe that's a reference to former  
 13 Representative Mark Duff.  
 14 Q And what's the seat she's referring to there?  
 15 A I believe that was the Assembly seat he held when  
 16 he was in the legislature.  
 17 Q Do you know why she's including that statement  
 18 there?  
 19 A I don't know.  
 20 Q Did you talk with her about that at the meeting  
 21 you had with her?  
 22 A No.  
 23 Q The end, the last statement she makes in the  
 24 e-mail, *Hope that helps;* do you see that?  
 25 A Yes.

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1 Q Do you know why she is including that in her  
 2 e-mail to you?  
 3 A I don't know.  
 4 Q The next paragraph down Senator Vukmir says *If you*  
 5 *need a way to take,* and I'm going to butcher the  
 6 names, *Staskunas;* did I get that wrong?  
 7 A No, I think that's pretty close.  
 8 Q *Put a little bit of my Senate seat into New Berlin*  
 9 *(2-3 wards could make that a GOP Assembly seat);*  
 10 do you see that?  
 11 A Yes.  
 12 Q Did you put a little bit of Senator Vukmir's  
 13 Senate seat into New Berlin?  
 14 A I don't recall.  
 15 Q Did you discuss that topic with Senator Vukmir  
 16 when you met with her?  
 17 A I did not.  
 18 Q The next sentence states *Western*  
 19 *West Allis/Eastern BKFD and New Berlin are areas*  
 20 *of like interest;* do you see that?  
 21 A Yes.  
 22 Q Do you know whether by BKFD, she meant Brookfield?  
 23 A I don't know.  
 24 Q Do you know what she meant, they are of light  
 25 interest?

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1 Q Having gone through this now, do you know why  
 2 Senator Vukmir sent this e-mail to you?  
 3 A I don't.  
 4 Q Did you use any of the information that she  
 5 provided in drawing a map or configuring the  
 6 Senate district that Senator Vukmir represents or  
 7 any of the Assembly districts included within?  
 8 A I did not.  
 9 Q One other question about that document. Did you  
 10 forward Exhibit 119 to anyone?  
 11 A I don't believe so.  
 12 Q Did you show it to Mr. Foltz at all?  
 13 A No.  
 14 Q Did you and Mr. Foltz discuss any of the comments  
 15 Senator Vukmir made -- strike that question. Did  
 16 you and Mr. Foltz discuss any of the comments that  
 17 Senator Vukmir made in Exhibit 119 in the process  
 18 of drawing Assembly or Senate districts?  
 19 A Not that I recall.  
 20 (Exhibit No. 120 marked for  
 21 identification)  
 22 Q Mr. Ottman, the court reporter has put in front of  
 23 you an exhibit numbered 120; do you see this  
 24 document?  
 25 A Yes.

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1 Q And you'll note for the record, it has a Bates  
 2 number in the lower right-hand corner indicating  
 3 it came from your file, correct?  
 4 A Correct.  
 5 Q What is Exhibit No. 120?  
 6 A This is a comparison of the old map versus a draft  
 7 map and how many seats would fall into various  
 8 statistical categories based on the measurement we  
 9 were using.  
 10 Q By old map, you mean the map that was configured  
 11 in 2002 by the Court?  
 12 A That's correct.  
 13 Q So the existing districts even as they exist  
 14 today, correct?  
 15 A The existing districts today are the Act 43  
 16 districts.  
 17 Q Is it your testimony that the Act 43 districts  
 18 have gone into effect for the purpose of  
 19 elections?  
 20 A It's my understanding that the GAB has said that  
 21 they are the existing districts for  
 22 representation.  
 23 Q That's a debate we can have later. Let me ask  
 24 you, the draft map, do you know which draft map  
 25 this is referring to here?

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1 A I don't know which one.  
 2 Q All right. There's a title, *MayQandD*; do you see  
 3 that?  
 4 A Yes.  
 5 Q Does that help you to recall what draft map you're  
 6 talking about in Exhibit 120?  
 7 A Other than it's something I started working on in  
 8 May. I'm not sure which of those maps it is.  
 9 Q If we take the table that's on the top, it says  
 10 *Safe GOP 55 plus*; do you see that?  
 11 A Yes.  
 12 Q What does the safe GOP 55 plus mean?  
 13 A It simply means a seat under which using the  
 14 election data that we were using would return a 55  
 15 percent or greater republican number.  
 16 Q Does this analysis stem from the same kind of  
 17 procedure you went through with some of the  
 18 exhibits we had looked at earlier; for example,  
 19 looking at Exhibit 118?  
 20 A I believe so, yes.  
 21 Q And then right under that line that states  
 22 *Lean GOP*; do you see that?  
 23 A Yes.  
 24 Q What does lean GOP refer to?  
 25 A It refers to any district in which the percentage

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1 would be between 52 and 55.  
 2 Q And then *Toss-up* below that, that's the percentage  
 3 that would range between 48 and 52 percent?  
 4 A That's correct.  
 5 Q And *Lean Dem*, under that is where 45 to 48 percent  
 6 of the percentage of the vote would have been for  
 7 republican candidates in previous elections?  
 8 A That's correct.  
 9 Q And then finally *Safe Dem*, 45 less means elections  
 10 where 45 percent of the vote or less would have  
 11 gone to republican candidates in previous  
 12 elections, correct?  
 13 A That's correct.  
 14 Q What use did you make of the analysis in  
 15 Exhibit 120?  
 16 A Basically to produce documents like this, to  
 17 compare different map alternatives.  
 18 Q And when you created an analysis like this and a  
 19 district would have been identified as being safe  
 20 dem or lean dem or toss-up, how did that inform  
 21 the process of drawing the maps?  
 22 A It was used for analysis after the fact.  
 23 Q Did there ever come a time where you ran an  
 24 analysis after the fact, and based on that  
 25 analysis, you went back and altered a district

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1 that you had drawn?  
 2 A Not that I recall.  
 3 THE VIDEOGRAPHER: The time is  
 4 12:58. We are going off the record,  
 5 concluding Disk No. 1 of the continuation of  
 6 the video deposition of Tad Ottman, No. 4 in  
 7 the series.  
 8 (Recess taken)  
 9 THE VIDEOGRAPHER: We are on the  
 10 record. The time is 2:25 p.m. This marks  
 11 the beginning of Disk No. 2 in the  
 12 continuation of Mr. Tad Ottman and Disk No. 5  
 13 in the series of deposition DVDs. We are on  
 14 the record.  
 15 MR. MCLEOD: Doug, before we begin,  
 16 can I just for the record say we, in response  
 17 to the request that was made by Mr. Earle  
 18 concerning the confidentiality agreements  
 19 that were testified to by Adam Foltz  
 20 yesterday and Tad Ottman today, we provided  
 21 copies of those confidentiality agreements  
 22 that had been previously executed. It's our  
 23 position that those documents are not  
 24 particularly responsive to the subpoenas that  
 25 were previously issued. But rather than have

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1 an argument about that, we're producing them  
 2 now. We would note for the record that each  
 3 of the confidentiality agreements, at the top  
 4 it states privilege, attorney-client  
 5 communication. We do not take the position  
 6 that these documents are privileged  
 7 attorney-client communications.  
 8 MR. EARLE: What was that you just  
 9 said, Eric?  
 10 MR. MCLEOD: It is our position  
 11 that these specific documents do not fall  
 12 within the scope of privileged  
 13 attorney-client communications because they  
 14 do not convey legal advice. They were  
 15 executed in the context of the engagement  
 16 that existed at the time and that is ongoing.  
 17 They are not privileged in the same sense  
 18 that an engagement letter itself is not  
 19 privileged. It, again, does not constitute  
 20 the dissemination of information for the  
 21 purposes of providing legal advice. So we're  
 22 providing those here and you're welcome to  
 23 make use of them at today's depositions. I  
 24 would note that to the extent you think it's  
 25 necessary, rather than reconvene at another

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1 date, that if you have questions of  
 2 Adam Foltz about any of these documents, I  
 3 can't imagine what they would be, but if you  
 4 did, we could make him available yet today  
 5 for the convenience of everybody involved so  
 6 that we don't have to further delay the  
 7 conclusion of these -- these particular  
 8 depositions.  
 9 MR. EARLE: Eric, I'm handicapped  
 10 by not being there.  
 11 MR. MCLEOD: Yep, sure is.  
 12 MR. EARLE: You're producing a  
 13 signed copy of each agreement?  
 14 MR. MCLEOD: I am.  
 15 MR. POLAND: Peter, what I can do  
 16 is I can take it over to my assistant right  
 17 now, have her scan it and e-mail copies to  
 18 you.  
 19 MR. EARLE: That would be fabulous.  
 20 MR. POLAND: Let me do that.  
 21 Before I leave, is there anything else that  
 22 needs to be put on the record at this point?  
 23 No, all right. Let's go off the record for a  
 24 moment.  
 25 THE VIDEOGRAPHER: The time is

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1 2:28. We are going off the record.  
 2 (Recess taken)  
 3 THE VIDEOGRAPHER: The time is  
 4 2:30. We are back on the record.  
 5 Q Mr. Ottman, do you recall this morning we were  
 6 talking about meetings that you had with  
 7 Senator Zipperer and with individual republican  
 8 members of the Senate to discuss the draft  
 9 districts or proposed districts for Act 43?  
 10 A Yes.  
 11 Q Do you recall that you testified to talking points  
 12 that you had created for those meetings?  
 13 A Yes.  
 14 Q And I asked you whether those were produced or  
 15 among the materials that you had produced to us;  
 16 do you recall that?  
 17 A Yes.  
 18 Q It was your recollection that they were produced?  
 19 A I thought they were, yes.  
 20 Q Okay. I went back through the produced documents  
 21 at lunch time, trying to see if I can identify  
 22 what those were. So I'm going to have a document  
 23 marked for the record and let's see if we can see  
 24 what you were talking about.  
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1 (Exhibit No. 121 marked for  
 2 identification)  
 3 Q Mr. Ottman, the court reporter has handed you a  
 4 document that has been marked as Exhibit 121. As  
 5 you'll see from the Bates label on the lower  
 6 right-hand, this came from your files. Can you  
 7 identify 121 for me?  
 8 A Yes.  
 9 Q What is Exhibit 121?  
 10 A It's some talking points that I had worked on.  
 11 Q These are the talking points that we were  
 12 discussing this morning?  
 13 A No.  
 14 Q What are these talking points?  
 15 A These are talking points that I prepared. It may  
 16 have been in preparation for discussion with the  
 17 full caucus or with legislative leadership. I  
 18 can't recall what specific meeting this was  
 19 prepared for.  
 20 Q Taking a look at the -- at the -- there are three  
 21 pages to this document, correct?  
 22 A Correct.  
 23 Q Paging through all three, is there anything that  
 24 you can identify in Exhibit 121 that gives you an  
 25 indication about when this document might have

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1 been prepared?  
 2 A I'm not sure that this was prepared as a single  
 3 document.  
 4 Q Oh, you think this might have been three separate  
 5 pages?  
 6 A Yes.  
 7 Q I will just note for the record, it's the way it  
 8 was produced to us. I'm not going to say it was  
 9 stapled, but at least in this page order. When we  
 10 printed it out, it was in this page order.  
 11 A Okay.  
 12 Q You don't see anything, though, that gives you an  
 13 indication whether one document or separate  
 14 documents might have been prepared?  
 15 A I'm not certain when the first page of the  
 16 document was prepared. The second and third  
 17 pages, at least portions of them, were prepared, I  
 18 believe, after the map had been submitted to LRB.  
 19 Q I'd like you to turn to the third page of  
 20 Exhibit 121, and you see there's a Roman Numeral 1  
 21 there, and then it goes on to state, "Currently,  
 22 the urban areas of Racine and Kenosha are paired  
 23 in two Senate districts with the more rural parts  
 24 of each county. This map pairs the two urban  
 25 areas in one Senate district, and the more rural

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1 parts of each county together in another Senate  
 2 district. This results in two districts which  
 3 each share more in common throughout the Senate  
 4 seat." Do you see that?  
 5 A Yes.  
 6 Q Do you know who wrote that?  
 7 A I wrote that.  
 8 Q What's the basis for your statement in the last  
 9 sentence, *This results in two districts, which*  
 10 *each share more in common throughout the Senate*  
 11 *seat*?  
 12 A The basis is the previous two sentences.  
 13 Q All right. The fact that Racine and Kenosha  
 14 contain urban areas, and other parts of the county  
 15 are more rural areas?  
 16 A That's correct.  
 17 Q And that was an observation that you made?  
 18 A That's correct.  
 19 Q Did anyone else tell you that the map should be  
 20 paired in that way for these reasons?  
 21 A Not that I recall.  
 22 Q This is something that you yourself came up with?  
 23 A Yes.  
 24 Q So these are not the talking points in Exhibit 121  
 25 that you prepared for your meetings with the

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1 republican members of the Senate?  
 2 A Not the meetings to discuss the map, no.  
 3 Q The individual meetings?  
 4 A Correct.  
 5 Q Let me try another document and see if this is it.  
 6 (Exhibit No. 122 marked for  
 7 identification)  
 8 Q Mr. Ottman, the court reporter has handed you a  
 9 copy of a document that has been marked as  
 10 Exhibit 122. It consists of a number of different  
 11 pages. Again, they were produced from your file  
 12 in this order, and each sheet, I should say,  
 13 refers to a specific Senate district; do you see  
 14 that?  
 15 A Yes.  
 16 Q Is Exhibit 122 a document that you prepared?  
 17 A It is.  
 18 Q And what is Exhibit 122?  
 19 A This is a description of the proposed map that was  
 20 used for meeting with individual legislators prior  
 21 to introduction.  
 22 Q Is this the -- are these the talking points that  
 23 we were discussing before?  
 24 A Yes.  
 25 Q They are, all right. So we hit on the right

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1 document. So let's take a look at the first one,  
 2 the very first page of Exhibit 122. For the  
 3 record, the Bates number is Ottman 000145. This  
 4 pertains to Senate District 11, correct?  
 5 A Correct.  
 6 Q And there's a statement in there where you  
 7 identify the district being 9,039 people over the  
 8 ideal population, correct?  
 9 A Yes.  
 10 Q And then there's a description of the new  
 11 constituents?  
 12 A Yes.  
 13 Q Is that data that came right out of the census?  
 14 A That is data that was produced from an Autobound  
 15 report.  
 16 Q And that was based on census data that was  
 17 received from the LTSE?  
 18 A Yes.  
 19 Q The next sentence states, "Southern Milwaukee  
 20 County held its population fairly well compared to  
 21 central and northern Milwaukee County. This  
 22 pushed Milwaukee-based districts north and west."  
 23 Do you see that statement?  
 24 A Yes.  
 25 Q Was that your observation?

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1 A It was.  
 2 Q Was it an observation that you discussed with  
 3 anyone else before you had the meeting with who  
 4 represents District 11?  
 5 A Not that I recall.  
 6 Q What's the significance of including that fact in  
 7 the talking points for the meeting with the  
 8 individual senator?  
 9 A It was, in part, to explain why his district  
 10 changed in the way that it did.  
 11 Q And then you continue on in the next sentences  
 12 down, and you identify results of previous races,  
 13 correct?  
 14 A That's correct.  
 15 Q And these were -- these were results from that  
 16 particular Senate district in those races?  
 17 A That's correct.  
 18 Q In the last line, you state, "Added East Troy and  
 19 part of the town, as well as Mukwonago." Do you  
 20 see that?  
 21 A Yes.  
 22 Q What does that refer to?  
 23 A That refers to portions that were added to the  
 24 Senate district.  
 25 Q Is it added as a result of annexation, or this is

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1 in the new district versus the old district?  
 2 A The new district versus the old.  
 3 Q When you met with the individual senators, did you  
 4 explain why you had added new areas or taken areas  
 5 away from the districts?  
 6 A No, not in particular.  
 7 Q When you prepared for the meetings with the  
 8 individual senators and Senator Zipperer, who did  
 9 you consult with?  
 10 A I don't know that I consulted with anyone.  
 11 Q You believe that you prepared these on your own  
 12 from your own analysis or investigation?  
 13 A That's correct.  
 14 Q When I say *this*, I mean the talking points?  
 15 A Correct.  
 16 Q Did you talk with Senator Zipperer before you held  
 17 these meetings with the individual senators about  
 18 the meetings themselves?  
 19 A Only briefly.  
 20 Q Was there some preparation that occurred for the  
 21 meetings?  
 22 A Not that I recall.  
 23 Q Did you discuss these talking points with  
 24 Senator Zipperer before you met with the  
 25 individual republican senators?

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1 A No.  
 2 Q Did Mr. Handrick or Mr. Foltz assist you in  
 3 preparing these talking points?  
 4 A No.  
 5 Q Did any legal counsel assist you in preparing the  
 6 talking points?  
 7 A No.  
 8 Q If my count is right, I think there are -- are  
 9 there 17 pages, or we have 16 here?  
 10 A I count 17.  
 11 Q Okay, 17. And are there currently 17 republican  
 12 senators?  
 13 A Yes.  
 14 Q Strike that. Let me ask you the question. Were  
 15 there, at the time that you created these talking  
 16 points, 17 republican senators?  
 17 A No.  
 18 Q How many were there at the time?  
 19 A 19.  
 20 Q All right. Which republican senators had  
 21 districts that you did not prepare talking points  
 22 for?  
 23 A I believe Senator Zipperer and Senator Fitzgerald.  
 24 Q I assume that means then that you and  
 25 Senator Zipperer did not sit down with

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1 Senator Fitzgerald and have an individual meeting  
 2 with him like you did with the other republican  
 3 senators, correct?  
 4 A That's correct.  
 5 Q We're going to set that to the side for now. I'm  
 6 going to have some questions for you once we get  
 7 the other documents that are being scanned right  
 8 now. Mr. Ottman, you recall this morning I had  
 9 questions for you about Exhibits 115, 116; should  
 10 be there in your stack. Those were the printouts  
 11 of e-mail communications from July 2011. Do you  
 12 have those in front of you?  
 13 A Yes.  
 14 Q And do you recall, there was some conversation or  
 15 discussion about the fact that there had been some  
 16 redaction, and then later on, there was a new copy  
 17 that Mr. McLeod provided that identified the  
 18 recipients --  
 19 A Yes.  
 20 Q -- of those e-mails? And I believe that Ms. Lazar  
 21 even mentioned it was Exhibit 36. I'm going to  
 22 hand a copy of Exhibit 36 to you. And if you look  
 23 at Exhibit 115 and then Exhibit No. 36, does it  
 24 appear that Exhibit 36 is the -- at least a  
 25 portion of Exhibit 115 identifies the parties to

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1 the e-mail, at least on the first page of  
 2 Exhibit 115?  
 3 A Yes, it appears so.  
 4 Q Now, I note on Exhibit 36, as it was produced to  
 5 us, that there was a redaction certainly on the  
 6 first page at least; do you see that?  
 7 A Yes.  
 8 Q Is it your understanding that the unredacted  
 9 version of Exhibit 36 was produced in your  
 10 subsequent production?  
 11 A I don't know.  
 12 MR. POLAND: I'm going to ask,  
 13 Mr. McLeod, do you know -- I looked through  
 14 the documents. It's possible it's there. I  
 15 didn't see it. Do you know whether an  
 16 unredacted version of Exhibit 36 is being  
 17 withheld from production for any reason?  
 18 MR. MCLEOD: On the grounds that it  
 19 contains attorney-client communications,  
 20 which was the reason why it was redacted in  
 21 the first instance.  
 22 MR. POLAND: So it still is being  
 23 withheld on attorney-client communication  
 24 grounds?  
 25 MR. MCLEOD: Uh-huh.

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1 MR. POLAND: I assume then the  
 2 assertion of attorney-client privilege over  
 3 other documents exists as well. Are there  
 4 other documents that are being withheld on  
 5 attorney-client privilege grounds?  
 6 MR. MCLEOD: I'd have to check to  
 7 see.  
 8 MR. POLAND: There was in the  
 9 response to the subpoena, which was marked as  
 10 an exhibit we talked about this morning,  
 11 there was an identification of documents then  
 12 that had originally been withheld.  
 13 MR. MCLEOD: Uh-huh.  
 14 MR. POLAND: And one of the grounds  
 15 that was identified in that response was  
 16 attorney-client privilege. Yeah, that was  
 17 it. So it was Exhibit 33. Actually, could  
 18 you get Exhibit 33 out? I know it's getting  
 19 harder to find these.  
 20 MS. LAZAR: 33A?  
 21 MR. POLAND: No, 33. It was the  
 22 response to the subpoena.  
 23 Q Mr. Ottman, I note on the first page, on the first  
 24 paragraph -- first numbered paragraph refers to an  
 25 e-mail, and there's a grounds for privilege

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1 identified as legislative privilege; do you see  
 2 that?  
 3 A Yes.  
 4 Q There's not the assertion of attorney-client  
 5 privilege over that document, correct?  
 6 A Correct.  
 7 Q All right. And if I look at paragraph number 2,  
 8 there's a ground asserted for privilege,  
 9 legislative privilege; do you see that?  
 10 A Yes.  
 11 Q All right. And if we continue down the list, and  
 12 we look at paragraph 3, paragraph 4, paragraph 5,  
 13 6, 7, 8, and 9, I see that there is a legislative  
 14 privilege that's asserted as to all of those  
 15 specific documents, correct?  
 16 A Yes.  
 17 Q All right. I don't see a specific assertion of  
 18 attorney-client privilege as to any of those  
 19 documents.  
 20 MR. MCLEOD: Doug, can I just  
 21 interject here?  
 22 MR. POLAND: Yeah.  
 23 MR. MCLEOD: Which is as we  
 24 discussed at the last deposition, these  
 25 portions of these documents that have been

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1 redacted were redacted on the grounds that  
 2 they contain attorney-client communications  
 3 evidenced by the to and the from lines on the  
 4 documents themselves.  
 5 MR. POLAND: Right.  
 6 MR. MCLEOD: So that we've made a  
 7 part of the record. So I don't know if  
 8 there's some other --  
 9 MR. POLAND: Well, I'm just trying  
 10 to find -- this was in the formal response  
 11 to -- IN the privilege log in the formal  
 12 response. I'm looking for the assertion of  
 13 the attorney-client privilege in any of these  
 14 numbered paragraphs. I understand there was  
 15 an assertion of the attorney-client  
 16 privilege, but that was back in December, and  
 17 that was before the Court ruled. Again, they  
 18 have different interpretations of the Court's  
 19 ruling, but I wasn't sure whether that  
 20 privilege was still being asserted, and  
 21 apparently it is with respect to the  
 22 document.  
 23 MR. MCLEOD: It is, and we had a  
 24 lengthy conversation off the record obviously  
 25 earlier today, but we do take the position

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1 that the attorney-client privilege exists and  
 2 applies to communications made between  
 3 counsel and our client here that involves the  
 4 delivery of legal advice. We maintain that  
 5 that privilege applies, and we don't think  
 6 that the Court in any way has eviscerated the  
 7 attorney-client privilege to that extent.  
 8 MR. POLAND: All right.  
 9 Q Looking at Exhibit 36, Mr. Ottman, that very first  
 10 e-mail, the caption is *Alternative Confituration*,  
 11 which I think we can probably agree is supposed to  
 12 be configuration of Assembly Districts 8 and 9; is  
 13 that correct?  
 14 A That's correct.  
 15 Q And it actually says ADs 8 and 9, but that  
 16 indicates Assembly districts, correct?  
 17 A That's correct.  
 18 Q And that is a document that Mr. Foltz created on  
 19 July 8th, correct?  
 20 A Yes.  
 21 Q He sends it to Mr. Taffora and Mr. McLeod and a  
 22 copy to you, correct?  
 23 A Correct.  
 24 Q There's an attachment to that document, and it's  
 25 identified as *Alternative ADS 8 and 9*; do you see

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1 A That's correct.  
 2 Q And it sends the same PDF file that Mr. Foltz had  
 3 sent to Mr. Taffora, McLeod and copied you on,  
 4 correct?  
 5 A Right. I believe that is the portion of the  
 6 e-mail from Adam that I forwarded.  
 7 Q Generally speaking, what is the subject matter of  
 8 the e-mail that Mr. Foltz sent to Mr. Taffora,  
 9 Mr. McLeod, and copied you?  
 10 A I believe it had to do with the configuration of  
 11 Assembly Districts 8 and 9.  
 12 Q Was there -- I want to word this carefully so  
 13 Mr. McLeod has an opportunity to raise an  
 14 objection if he feels it's appropriate. Was there  
 15 any particular aspect of the configuration of  
 16 Assembly Districts 8 and 9 that Mr. Foltz was  
 17 addressing in his e-mail?  
 18 A Not that I recall.  
 19 Q Do you know whether in his e-mail or do you recall  
 20 whether in his e-mail Mr. Foltz was asking that  
 21 the alternative be forwarded to Mr. Jensen?  
 22 A I don't believe so, no.  
 23 Q Can you be any more specific about the subject  
 24 matter of the configuration that Mr. Foltz was  
 25 addressing in his e-mail?

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1 that?  
 2 A Yes.  
 3 Q And it appears, in turn, if you look at the e-mail  
 4 directly below that, there's an e-mail from you to  
 5 Mr. Jensen, correct?  
 6 A Yes.  
 7 Q And that also attaches a document called  
 8 *Alternative ADS 8 and 9.PDF*, correct?  
 9 A Yes.  
 10 Q Is that the same document?  
 11 A I believe so, yes.  
 12 Q So you forwarded that document to Mr. Jensen,  
 13 correct?  
 14 A It appears so.  
 15 Q Did you forward the whole e-mail to Mr. Jensen?  
 16 A I don't believe so.  
 17 Q Do you know why it's printed out in this way if it  
 18 wasn't all forwarded to Mr. Jensen?  
 19 A I don't know. I believe by date and time the  
 20 Jensen e-mail precedes everything except the  
 21 Adam Foltz e-mail.  
 22 Q All right. So the Foltz e-mail is created on  
 23 Friday, July -- at 4:30 p.m. And the e-mail from  
 24 you to Mr. Jensen follows 37 minutes later,  
 25 correct?

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1 A I don't recall.  
 2 Q Can you look back at Exhibit 115, please? I'm  
 3 sorry, make that 116. Exhibit 116 also contains  
 4 redactions, and we've talked about that before,  
 5 correct?  
 6 A Correct.  
 7 Q If we look at the first e-mail from Mr. Troupis to  
 8 you and Mr. Foltz, with copies to Mr. McLeod and  
 9 Mr. Taffora. It's dated July 12th, 3:32; do you  
 10 see that?  
 11 A Yes.  
 12 Q Do you recall the subject matter of the discussion  
 13 or the wording that's in the e-mail that  
 14 Mr. Troupis sent to you and Mr. Foltz?  
 15 A I believe it had to do with MALDEF and their  
 16 consideration of the alternatives.  
 17 Q Can you be any more specific than simply that it  
 18 had to do with MALDEF and their consideration of  
 19 the alternatives? Was there some specific aspect  
 20 of MALDEF's consideration of the alternatives that  
 21 Mr. Troupis was addressing?  
 22 A I don't recall the specifics.  
 23 Q And this was the day before the public hearing on  
 24 July 13th, correct?  
 25 A That's correct.

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1 Q Do you know whether Mr. Troupis, in his e-mail,  
 2 was addressing potential testimony by MALDEF at  
 3 the hearing?  
 4 A It's possible.  
 5 Q Does the timing of the e-mail being on July 12th  
 6 refresh your recollection at all about the  
 7 specificity of the topic Mr. Troupis is discussing  
 8 in this e-mail?  
 9 A It does not.  
 10 Q Did you have further discussions or communications  
 11 with Mr. Troupis outside of these e-mail  
 12 communications in Exhibits 36, 115, and 116  
 13 regarding MALDEF or the configuration of Assembly  
 14 Districts 8 and 9 where other people were present?  
 15 A Not that I recall.  
 16 Q Did Mr. Handrick participate in any of these  
 17 discussions?  
 18 A Not that I recall.  
 19 Q Did Dr. Gaddie participate in any of these  
 20 discussions?  
 21 A No.  
 22 Q Shift gears slightly here and ask you to take out  
 23 three exhibits that are in front of you, 102, 103,  
 24 and 104. Do you have those documents in front of  
 25 you, Mr. Ottman?

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1 A Yes.  
 2 Q All right. Do you recall in your deposition in  
 3 December you testified about communications that  
 4 you had with Andy Speth?  
 5 A Yes.  
 6 Q And who is Mr. Speth?  
 7 A He's chief of staff for Congressman Paul Ryan.  
 8 Q And just generally speaking, I think that you  
 9 had -- please correct me if I'm wrong. I'm just  
 10 trying to summarize here. You had described your  
 11 role, I believe, as essentially facilitating the  
 12 transfer of maps, but that you did not participate  
 13 in preparing the map that ended up being Act 44;  
 14 is that correct?  
 15 A That's correct.  
 16 Q I'd like you to look at Exhibit 102, please. Have  
 17 you seen Exhibit No. 102 before?  
 18 A Yes.  
 19 Q And that's an e-mail communication you received  
 20 from Mr. Speth, correct?  
 21 A That's correct.  
 22 Q Mr. Speth refers in that e-mail to a call that  
 23 afternoon with the speaker of the majority leader  
 24 Congressman Ryan; do you see that?  
 25 A Yes.

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1 Q Did you participate in that call?  
 2 A I believe so, yes.  
 3 Q What was discussed in that call?  
 4 A As I recall, it was to discuss the timing for  
 5 legislative action on the congressional plan.  
 6 Q As of June 14th, had a time been fixed yet?  
 7 A I don't believe so.  
 8 Q Now, it also identifies in the e-mail Mr. Speth  
 9 states the purpose of the call is to get everyone  
 10 on the same page as far as the process and timing  
 11 of the congressional redistricting map is  
 12 concerned; do you see that?  
 13 A Yes.  
 14 Q Was there a discussion not only about the timing,  
 15 but also the process?  
 16 A I don't recall.  
 17 Q You don't recall any discussion in that call about  
 18 the process of the congressional redistricting  
 19 map?  
 20 A I don't recall what he's referring to by process.  
 21 Q Did you have a discussion with Mr. Speth at all  
 22 about the process of the preparation and passage  
 23 of the congressional redistricting map?  
 24 A Only to the extent of what software was used.  
 25 Q Did Mr. Speth ask you to provide any information

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1 to him to assist him in preparing the map that  
 2 resulted in Act 44?  
 3 A I believe he had requested some election data or a  
 4 reference to where the election data was.  
 5 Q Did you provide Mr. Speth with election data?  
 6 A I think I sent him a link to the GAB web page.  
 7 Q Look at Exhibit 103, please. Have you seen  
 8 Exhibit 103 before? You can take a minute to look  
 9 at it.  
 10 A Yes. Yes, I believe so.  
 11 Q This is an e-mail from Mr. Speth. Again, you're  
 12 one of the recipients, correct?  
 13 A That's correct.  
 14 Q And this is the day after the e-mail we saw in  
 15 Exhibit 102, correct?  
 16 A Yes.  
 17 Q I'd like you to take a look through this e-mail  
 18 just to see if it refreshes your memory at all  
 19 about the conversation of the previous day.  
 20 A I don't recall anything in addition.  
 21 Q All right. There is a statement by Mr. Speth in  
 22 this e-mail, in Exhibit 103, that says *Please let*  
 23 *me know what I can do to help execute the*  
 24 *legislative strategy*; do you see that?  
 25 A Yes.

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1 Q Did you have a discussion at all with Mr. Speth  
 2 about what he might be able to do to help execute  
 3 legislative strategy?  
 4 A The only thing recall I recall was discussing with  
 5 him whether he had talking points on a  
 6 congressional map.  
 7 Q Did he have talking points on the congressional  
 8 map?  
 9 A I believe so.  
 10 Q Did he provide those to you?  
 11 A Yes.  
 12 Q What did you do with those?  
 13 A I don't recall doing anything with them.  
 14 Q Did you use them in any way in preparing your own  
 15 talking points?  
 16 A No.  
 17 Q Did you provide them to anyone else?  
 18 A I don't recall.  
 19 Q You see in the next sentence, Mr. Speth states I  
 20 will be in Wisconsin all of next week, and I'm at  
 21 your disposal to assist in any way you deem  
 22 appropriate; do you see that?  
 23 A Yes.  
 24 Q Did you meet with Mr. Speth when he came back to  
 25 Wisconsin in June of 2011?

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1 A I don't.  
 2 Q Did you ever have any discussions with Mr. Speth  
 3 where he characterized the legislative agenda as  
 4 being aggressive?  
 5 A Not that I recall.  
 6 Q Did you ever discuss that with Mr. Foltz?  
 7 A No.  
 8 MR. POLAND: Peter, have you  
 9 received the scan yet?  
 10 MR. EARLE: No. Well, let me hit  
 11 send and receive again. It looks like I  
 12 might be receiving something. I have not  
 13 received it.  
 14 MR. POLAND: You have not received  
 15 it. Okay, that's fine. Come back to it.  
 16 Q There are a stack of documents in front of you.  
 17 There should be a document that's Exhibit No. 96.  
 18 Do you have that in front of you?  
 19 A Yes.  
 20 Q Have you seen Exhibit No. 96 before?  
 21 MR. EARLE: I just got them.  
 22 MR. POLAND: You just got them?  
 23 MR. EARLE: Yeah.  
 24 MR. MCLEOD: Could you hold on a  
 25 second?

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1 A I don't recall.  
 2 Q There is a reference, if you look down a couple  
 3 sentences further, that there will be talking  
 4 points that will be forwarded to you, correct?  
 5 A Yes.  
 6 Q And if you take a look at Exhibit 104, are those  
 7 the talking points that Mr. Speth provided?  
 8 A Yes.  
 9 Q Do you recall whether you sent those to anyone?  
 10 A I don't recall.  
 11 Q Did you ever discuss those talking points with  
 12 Mr. Foltz?  
 13 A I don't recall.  
 14 Q Do you recall discussing with anyone?  
 15 A I don't recall.  
 16 Q And back to Exhibit 103, Mr. Speth, he has a  
 17 statement where he says *Thanks for all the work*  
 18 *you were doing to accomplish a very aggressive*  
 19 *legislative agenda this month*; do you see that?  
 20 A Yes.  
 21 Q Do you know what he's referring to there?  
 22 A I assume it's generally working on the  
 23 redistricting for the State.  
 24 Q Do you know why he referred to it as very  
 25 aggressive legislative agenda?

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1 MR. POLAND: Yeah.  
 2 MR. MCLEOD: I can't find 96.  
 3 MR. POLAND: Peter marked it  
 4 yesterday.  
 5 MR. EARLE: What are you talking  
 6 about?  
 7 MR. POLAND: This is an exhibit you  
 8 marked yesterday, Peter, 96.  
 9 MR. KELLY: What is 96?  
 10 MR. POLAND: Eric can show it to  
 11 you.  
 12 Q You have 96 in front of you?  
 13 A Yes.  
 14 Q Have you seen Exhibit No. 96 before?  
 15 A Yes.  
 16 Q And that's an e-mail from Mr. Troupis to various  
 17 people, and you are copied on it, correct?  
 18 A That's correct.  
 19 Q All right. And do you see that the subject line  
 20 says *The Hispanic Community Speaks in Milwaukee*?  
 21 A Yes.  
 22 Q If you turn to the second page, you'll see that  
 23 there is a wispolitics.com press release?  
 24 A Yes.  
 25 Q Do you know whether that is -- well, actually, let

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1 me turn back to the first page -- strike that last  
 2 question. If you look at the second e-mail in the  
 3 chain on the first page, there's an e-mail from  
 4 Adam Foltz sent to various people, including you,  
 5 on June 6th, 2011?  
 6 A Yes.  
 7 Q And there is a link there in that e-mail; do you  
 8 see that?  
 9 A Yes.  
 10 Q And if you turn the page now, you see there is a  
 11 wispolitics press release?  
 12 A Yes.  
 13 Q I should say a Voces de la Frontera press release  
 14 that is printed in wispolitics?  
 15 A Yes.  
 16 Q Do you recall receiving this e-mail from Mr. Foltz  
 17 containing this link?  
 18 A Yes.  
 19 Q And then above is an e-mail from Mr. Troupis; do  
 20 you see that?  
 21 A Yes.  
 22 Q Do you recall receiving this e-mail?  
 23 A Yes.  
 24 Q Now, Mr. Troupis states in his e-mail, *The problem*  
 25 *here is that the group want*, and I think it's

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1 Q Mr. Troupis says *This is classic overkill*. Do you  
 2 know what he meant when he says this is classic  
 3 overkill?  
 4 A I do not.  
 5 Q Did you ever have a discussion with Mr. Troupis  
 6 about that statement, this is classic overkill?  
 7 A Not that I recall.  
 8 Q Did you ever talk to Mr. Handrick about that or  
 9 Mr. Foltz?  
 10 A Not that I recall.  
 11 Q Mr. Troupis goes on to say *I am already very*  
 12 *worried about the 65 percent*; do you see that?  
 13 A Yes.  
 14 Q Do you know what Mr. Troupis meant by that  
 15 statement?  
 16 A I do not.  
 17 Q Did you ever have any discussions with Mr. Troupis  
 18 where he talked about 65 percent figure?  
 19 A I don't recall.  
 20 Q Do you know what 65 percent figure he's referring  
 21 to in that statement?  
 22 A I'm not certain.  
 23 Q Now, Mr. Troupis goes on to say *Can we see what*  
 24 *that would look like*; do you see that?  
 25 A Yes.

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1 probably a typo, *70 percent*; do you see that?  
 2 A Yes.  
 3 Q Do you know what Mr. Troupis meant when he said  
 4 the group wants 70 percent?  
 5 A I believe it's referring to something in the  
 6 attached article.  
 7 Q What is it referring to in the attached article?  
 8 A I believe it was to a local Milwaukee  
 9 redistricting plan.  
 10 Q When you say local Milwaukee redistricting plan,  
 11 are you referring to a particular district?  
 12 A No.  
 13 Q Did it pertain to -- is it your understanding that  
 14 he was referring to an Assembly district?  
 15 A I don't believe so.  
 16 Q Do you know what district he was referring to?  
 17 A I don't.  
 18 Q Did you ever have any discussions with Mr. Troupis  
 19 where he referred to 70 percent -- well, strike  
 20 that question. Do you know what population he's  
 21 referring to when he refers to 70 percent?  
 22 A I believe it's to Hispanic population.  
 23 Q Do you know whether that's total population, a  
 24 voting age population, or something different?  
 25 A I don't know.

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1 Q And then it says *I assume it makes the 2nd*  
 2 *Assembly District not much better than the 55*  
 3 *percent*, correct?  
 4 A Yes.  
 5 Q I'd like to focus on the first part of that  
 6 sentence first, *Can we see what that would look*  
 7 *like*; do you see that?  
 8 A Yes.  
 9 Q Did you ever prepare any maps in response to  
 10 Mr. Troupis's statement *Can we see what that would*  
 11 *look like*?  
 12 A I don't believe so.  
 13 Q Did you talk with Mr. Troupis or anyone else about  
 14 possibly preparing a map that would show what that  
 15 would look like?  
 16 A Not that I recall.  
 17 Q Mr. Troupis then goes on to state *I assume it*  
 18 *makes the 2nd Assembly District not much better*  
 19 *than 50 to 55 percent*; do you see that statement?  
 20 A Yes.  
 21 Q Do you know what he means by the 2nd Assembly  
 22 District?  
 23 A I'm not sure.  
 24 Q Do you know if that's a reference to Assembly  
 25 Districts 8 and 9?

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1 A It's possible.  
 2 Q And there is also reference to 50 to 55 percent;  
 3 do you see that?  
 4 A Yes.  
 5 Q Do you know what the 50 to 55 percent is that he's  
 6 referring to there?  
 7 A I'm not certain.  
 8 Q Did you ever have any follow-up discussions with  
 9 Mr. Troupis about that request to see what that  
 10 would look like?  
 11 A Not that I recall.  
 12 MR. POLAND: Peter, you said you  
 13 did get --  
 14 MR. EARLE: I just got them.  
 15 MR. POLAND: Let's go ahead and  
 16 mark them. Peter should have them as scans.  
 17 Let's mark them. They can just be marked  
 18 consecutively. Why don't you go ahead and  
 19 mark these, Brandé. Let's go off the record,  
 20 and I'll go retrieve my other set.  
 21 THE VIDEOGRAPHER: The time is  
 22 3:10. We are going off the record.  
 23 (Recess taken)  
 24 (Exhibit Nos. 123 and 124 marked for  
 25 identification)

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1 THE VIDEOGRAPHER: The time is  
 2 3:12. We are back on the record.  
 3 Q Mr. Ottman, the court reporter has given you two  
 4 documents that have been marked as Exhibit  
 5 Nos. 123 and 124; do you have those in front of  
 6 you?  
 7 A Yes.  
 8 Q I'd like to draw your attention to Exhibit  
 9 No. 123, please?  
 10 A Yes.  
 11 Q Can you identify that for the record?  
 12 A Yes, it's a privileged attorney-client  
 13 communication document.  
 14 Q Who prepared Exhibit 123?  
 15 A Attorney McLeod.  
 16 Q And what was the purpose in preparing Exhibit 123?  
 17 A This was prepared in anticipation of meetings with  
 18 individual legislators.  
 19 Q And those are meetings that you've testified to  
 20 here in your deposition today?  
 21 A That is correct.  
 22 Q So those are the meetings that you had with the  
 23 individual republican senators and at least in  
 24 some of those meetings, Senator Zipperer too,  
 25 correct?

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1 A That's correct.  
 2 Q Did you ask to have Exhibit 123 -- the documents  
 3 that are contained within Exhibit 123 prepared?  
 4 A I don't recall.  
 5 Q Do you know whether Senator Zipperer made that  
 6 request?  
 7 A I don't believe so.  
 8 Q When were the pages, each of the individual pages,  
 9 that make up Exhibit 123 signed?  
 10 A I believe they're all dated when they were signed.  
 11 Q And I should have asked the question a different  
 12 way. Were they dated on the dates when the  
 13 confidentiality and nondisclosure agreements were  
 14 given to each of the individual senators to sign?  
 15 A That's my recollection, yes.  
 16 Q So as I flip through the documents, it looks like  
 17 they range between April and May; is that correct?  
 18 A Largely, yes.  
 19 Q Some of the dates, it's a little hard to tell is  
 20 the reason I ask. The first page, it looks like  
 21 that first number of the date could be a 7; it  
 22 could be a 4. I just can't quite tell. Do you  
 23 know whether that is a 7 or a 4?  
 24 A I believe that's a 4.  
 25 Q Did you participate at all in the drafting of any

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1 of the documents in Exhibit 123?  
 2 A I do not.  
 3 Q Do you know who did participate in drafting them?  
 4 A I don't.  
 5 Q Were these agreements given to the senators to  
 6 sign at the first of the two meetings that you had  
 7 with them individually?  
 8 A Yes.  
 9 Q After the senators signed them, they gave the  
 10 documents back to you; is that correct?  
 11 A That's correct.  
 12 Q And then you held them after that point in time?  
 13 A That's correct.  
 14 Q There was some testimony yesterday by Mr. Foltz  
 15 about where the signed confidentiality agreements  
 16 were maintained. I believe he testified they were  
 17 maintained in a file cabinet at the Michael Best &  
 18 Friedrich offices in Madison. Is that where the  
 19 documents that make up Exhibit 123 -- Exhibit 123  
 20 were maintained?  
 21 A I don't believe so.  
 22 Q Do you know where they were maintained after they  
 23 were signed?  
 24 A I believe they were on my desk.  
 25 Q And that was over at the -- over at the Capitol

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1 building?  
 2 A No, in the office provided to the state  
 3 legislature by Michael Best & Friedrich.  
 4 Q In the second sentence of -- we'll just look at  
 5 the first page of Exhibit 123. Is the substance  
 6 of all of the agreements the same?  
 7 A I believe so.  
 8 Q The only thing that should be different is the  
 9 signatures and the dates; is that correct?  
 10 A It looks like there's a typo on the top of the  
 11 first one. I don't know if any of the others  
 12 contain that typo as well.  
 13 Q I see. So clients is CLEI in the first page and  
 14 on some of the pages and not others?  
 15 A Yes.  
 16 Q Let's just take the first page as an example. The  
 17 second sentence, do you see that it states, "In  
 18 connection with the representation, we have  
 19 instructed certain individuals, working at our  
 20 direction, to meet with certain members of the  
 21 Senate for the purpose of discussing matters  
 22 within the scope of the representation." Do you  
 23 see that?  
 24 A Yes.  
 25 Q Do you know who it is who has been instructed to

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1 meet with members of the Senate?  
 2 A I'm not -- I'm not certain exactly who that refers  
 3 to.  
 4 Q All right. Were you ever instructed by anyone to  
 5 meet with certain members of the Senate for the  
 6 purpose of discussing matters within the scope of  
 7 Michael Best & Friedrich's representation?  
 8 A Not that I recall.  
 9 Q Now, the agreement goes on to state "Such  
 10 discussions shall be conducted for the sole  
 11 purpose of assisting MB&F in rendering legal  
 12 advice to the Senate, and therefore, are subject  
 13 to the attorney-client and attorney work product  
 14 privileges. Consistent with those privileges,  
 15 such discussions are and shall remain  
 16 confidential." Do you see that?  
 17 A Yes.  
 18 Q When you provided these agreements to each of the  
 19 senators when you met with them, did you have a  
 20 discussion about keeping those discussions  
 21 confidential?  
 22 A Yes.  
 23 Q Did they agree to keep them confidential?  
 24 A Yes.  
 25 Q And to the best of your knowledge, did they keep

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1 them confidential?  
 2 A I don't know.  
 3 Q Did you sign a confidentiality agreement?  
 4 A Yes.  
 5 Q And is that confidentiality agreement in this  
 6 stack; do you know?  
 7 A I don't believe so.  
 8 Q Did you keep confidential the substance of the  
 9 discussions that you had with individual members  
 10 of the Senate?  
 11 A Yes.  
 12 Q And by keep confidential, I don't -- I mean  
 13 disclose to anyone other than counsel?  
 14 A Right.  
 15 Q And then other in this deposition and discussions  
 16 with counsel, did you not disclose the fact and/or  
 17 contents of those discussions or any draft  
 18 documents with anyone outside of the privilege  
 19 that applies -- that was asserted to apply?  
 20 A I believe so, yes.  
 21 Q Do you know whether this, the agreements that are  
 22 contained within Exhibit 123 remain in effect  
 23 today?  
 24 A I don't know.  
 25 Q Have you discussed the agreement, this

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1 confidentiality and nondisclosure agreement with  
 2 any of the senators after the time that you met  
 3 with them last year as part of the redistricting?  
 4 A I don't recall now.  
 5 Q I'd like you to look at Exhibit 124, please. Can  
 6 you identify Exhibit 124 for the record?  
 7 A Yes. It's a identical confidentiality agreements  
 8 with signatures from state representatives.  
 9 Q And you did not participate in the meetings with  
 10 the state representatives; is that correct?  
 11 A That's correct.  
 12 Q Mr. Foltz met with the state representatives?  
 13 A Yes.  
 14 Q Did you at any time take possession of the  
 15 documents that are contained within Exhibit 124?  
 16 A I don't believe so, no.  
 17 Q Do you know where the documents contained in  
 18 Exhibit 124 were maintained?  
 19 A I don't.  
 20 Q Turning back again to Exhibit 123, or at least to  
 21 the topic of those meetings themselves, I just  
 22 want to make sure that I understand. Those  
 23 meetings were solely between you, the individual  
 24 republican senators, and occasionally  
 25 Senator Zipperer; that's correct?

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1 A That's correct.  
 2 Q And no one else was physically present for those  
 3 meetings?  
 4 A That's correct.  
 5 Q And nobody was participating by telephone in those  
 6 meetings?  
 7 A I did have a telephone discussion with  
 8 Senator Ellis.  
 9 Q Was that just between you and Senator Ellis, or  
 10 was anybody else involved in that discussion?  
 11 A There was nobody else on my end.  
 12 Q What about senator -- well, do you know whether  
 13 anybody else was on Senator Ellis's end?  
 14 A I don't know.  
 15 Q I'd like you to take a look at Exhibits 107, 108,  
 16 and 109. They're in the stack.  
 17 MR. MCLEOD: Could you say those  
 18 numbers again, please?  
 19 MR. POLAND: Sure, 107, 108, and  
 20 109.  
 21 Q Do you have those in front of you?  
 22 A I do.  
 23 Q Turning to Exhibit No. 107, looking at the first  
 24 e-mail, that's from you to Mr. Foltz; do you see  
 25 that, on Saturday, July 9th?

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1 Q Is that a document that you prepared?  
 2 A I don't know.  
 3 Q Do you know, if you turn to the second page, and  
 4 again, this is the order they were produced to us.  
 5 I don't know whether the e-mail is supposed to  
 6 come first or the map is supposed to come first,  
 7 but that's the way they were produced. Do you  
 8 believe that the heat map, that is the first page  
 9 of 108 was, in fact, attached to the e-mail that's  
 10 on the second page?  
 11 A I believe so, yes.  
 12 Q Do you know whether you had requested Mr. Foltz to  
 13 send this heat map to you?  
 14 A I may have.  
 15 Q Did you ask him to prepare this map in  
 16 Exhibit 108?  
 17 A I don't recall.  
 18 Q Do you recall just generally asking Mr. Foltz to  
 19 prepare any heat maps of the Hispanic districts in  
 20 Milwaukee?  
 21 A Yes.  
 22 Q And why did you do that?  
 23 A Because that was one of the areas that  
 24 Zeus Rodriguez had requested a heat map for.  
 25 Q Did Mr. Rodriguez tell you why he wanted the heat

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1 A Yes.  
 2 Q And you state in there that you spoke to Jensen's  
 3 Hispanic contact, Jesus Rodriguez; do you see  
 4 that?  
 5 A Yes.  
 6 Q Now, when did you speak to Jesus Rodriguez?  
 7 A I don't recall.  
 8 Q Was it on or around July 9th?  
 9 A It was shortly before then.  
 10 Q What did you and Mr. Rodriguez discuss in that  
 11 call?  
 12 A We discussed the alternatives we had drawn for  
 13 Assembly Districts 8 and 9, and he requested  
 14 information on -- or maps of the configuration  
 15 along with heat maps for those districts as well  
 16 as some other areas of the state.  
 17 Q Would you look at Exhibits 108 and 109, please,  
 18 just take a look at them, and I wanted to ask you  
 19 whether those relate to your conversations with  
 20 Mr. Rodriguez?  
 21 A Not specifically, but these are similar.  
 22 Q All right. And so can you identify Exhibit 108,  
 23 please?  
 24 A That is a heat map displaying Hispanic voting age  
 25 population in Milwaukee.

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1 maps?  
 2 A I don't recall.  
 3 Q Now, back to your e-mail in Exhibit 107, there is  
 4 a statement you make to Mr. Foltz. You say *Along*  
 5 *with the heat map from Milwaukee, he was*  
 6 *interested in heat maps at least from Racine and*  
 7 *maybe from Waukesha and Madison to show that those*  
 8 *communities aren't fractured; do you see that?*  
 9 A Yes.  
 10 Q Did the request regarding or the discussion  
 11 fracturing of communities come up with respect to  
 12 Districts 8 and 9 in Milwaukee in your  
 13 conversation with Mr. Rodriguez?  
 14 A Not that I recall.  
 15 Q Did you ever talk to Mr. Rodriguez about the  
 16 fracturing of any communities of interest in the  
 17 Latino districts in Milwaukee?  
 18 A Not that I recall.  
 19 Q Turning to Exhibit No. 109, that's another heat  
 20 map of the Hispanic voting age population in  
 21 Milwaukee, correct?  
 22 A Yes.  
 23 Q And this is a -- I'll just ask you to describe  
 24 what this heat map shows?  
 25 A This is a heat map of the Milwaukee County

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1 Hispanic voting age population with an overlay, I  
 2 believe, of the 2002 court districts.  
 3 Q So those are the districts that existed at the  
 4 time, correct?  
 5 A I believe so, yes.  
 6 Q What was the purpose of having the map in  
 7 Exhibit 109 prepared?  
 8 A I believe it was part of the request of what  
 9 Zeus Rodriguez wanted to look at.  
 10 Q Did he tell you why he wanted to see the 2002  
 11 districts versus the draft districts or proposed  
 12 districts at the time?  
 13 A I don't recall.  
 14 Q Once these -- strike that question. Did you send  
 15 these heat maps to Mr. Rodriguez?  
 16 A I don't know if I sent these heat maps. I sent  
 17 heat maps to Mr. Rodriguez.  
 18 Q And did you have discussions with Mr. Rodriguez  
 19 about the heat maps that you forwarded to him?  
 20 A I don't -- I don't believe so.  
 21 Q Did you have discussions with anyone other than  
 22 Mr. Rodriguez in the Latino community about the  
 23 proposed districts, the draft districts?  
 24 A I don't believe so.  
 25

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1 (Exhibit No. 125 marked for  
 2 identification)  
 3 Q Mr. Ottman, the court reporter has handed you a  
 4 document that we have marked as Exhibit No. 125.  
 5 I'll ask you just to flip through it, take a look  
 6 at the document. Have you seen Exhibit 125  
 7 before?  
 8 A I don't recall.  
 9 Q It consists of a number of pages. I'll just note  
 10 for the record that these were produced for  
 11 Mr. Troupis's files, and you can see that in the  
 12 Bates numbers in the lower right-hand corner. So  
 13 there are a number of different pages here. Have  
 14 you seen any of these pages individually?  
 15 A I'm not sure.  
 16 Q Do the printouts look at all familiar to you in  
 17 terms of their formatting and style?  
 18 A It's possible. It's hard to say because the  
 19 software often generates a different color every  
 20 time you pull it up.  
 21 Q Can you recognize the software that was used to  
 22 produce the documents that are contained within  
 23 Exhibit 125?  
 24 A I'm not sure.  
 25 Q Do you know whether it might have been produced by

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1 using Autobound?  
 2 A It may have been produced by Autobound or maybe a  
 3 PDF file. I'm not sure.  
 4 Q Looking at the very first page of Exhibit 125, can  
 5 you identify what that map shows?  
 6 A I believe it's an outline of the districts as it  
 7 existed under the 2002 court map.  
 8 Q And it states they're currently 65.5 percent  
 9 Hispanic voting age population; do you see that?  
 10 A Yes.  
 11 Q Do you know who, speaking just of this first page  
 12 now, who prepared this page?  
 13 A I don't.  
 14 Q Did you prepare it?  
 15 A I don't recall.  
 16 Q Do you recall ever being asked to prepare a map  
 17 like this?  
 18 A I don't recall.  
 19 Q If you flip to the second page, you'll see that  
 20 this also is, or purports to be at least a map of  
 21 the 8th Assembly District; do you see that?  
 22 A Yes.  
 23 Q And this one does not have most streets or any  
 24 streets actually depicted; do you see that?  
 25 A Yes.

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1 Q And it just has Menomonee River and  
 2 Kinnickinnic River and JoCasta Zamarripa's  
 3 residence identified, correct?  
 4 A Yes.  
 5 Q Do you know why this page would have been  
 6 produced?  
 7 A I don't.  
 8 Q Have you seen this before?  
 9 A I'm not sure.  
 10 Q Did you ever have a discussion with anyone about  
 11 any of the natural barriers or boundaries within  
 12 the 8th Assembly District as it existed under the  
 13 2002 court-drawn plan?  
 14 A Not that I recall.  
 15 Q Did you ever have a discussion with anyone about  
 16 the configuration of Assembly District 8 with  
 17 respect to where Representative Zamarripa resides?  
 18 A Not that I recall.  
 19 Q Flip to the next page, please. Can you identify,  
 20 this is the third page now of Exhibit 125, can you  
 21 identify what that map portrays?  
 22 A This is a heat map of Hispanic population in  
 23 southern Milwaukee.  
 24 Q And the key in the upper right-hand corner says  
 25 *Hispanic population, VTDS colored by Hispanic*; do

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1 you see that?  
 2 A Yes.  
 3 Q What does the VTDS stands for?  
 4 A I forget what the acronym stands for.  
 5 Q Do you know what it portrays or measures?  
 6 A I believe it portrays the wards from previous  
 7 decades.  
 8 Q Then under the color coding, it says  
 9 *Hispanic/TAPersons*; do you see that?  
 10 A Yes.  
 11 Q Is that total population within those wards?  
 12 A TA stands for total population, yes.  
 13 Q Do you know who prepared this third page of  
 14 Exhibit 125?  
 15 A I don't.  
 16 Q Did you ever prepare anything like this?  
 17 A I don't recall.  
 18 Q Do you know any of the circumstances about the  
 19 preparation of this particular map?  
 20 A I don't.  
 21 Q Turn to the fourth page, please. Do you know what  
 22 the map on the fourth page portrays?  
 23 A I believe it's similar to the previous map, except  
 24 it displays Hispanic voting age population.  
 25 Q And is this a document that you've seen before?

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1 A Yes.  
 2 Q Do you know, is that the residence of  
 3 JoCasta Zamarripa?  
 4 A I believe so, yes.  
 5 Q Do you know that's being portrayed on this page?  
 6 A I don't.  
 7 Q Then in the lower left-hand corner, there is  
 8 another text box and it says *Shaded Area's*  
 9 *Population is 114,479*. And then it states *409*  
 10 *people short of Two Assembly*; do you see that?  
 11 A Yes.  
 12 Q Do you know what that refers to?  
 13 A I believe it refers to the ideal population for  
 14 two Assembly seats.  
 15 Q Do you recall having a discussion with anyone  
 16 about that topic?  
 17 A I don't.  
 18 Q And then over in the lower right-hand corner,  
 19 there's a text box in a states *Current Assembly*  
 20 *District Lines*; do you see that?  
 21 A Yes.  
 22 Q And that was a reference to the Assembly district  
 23 lines as they existed under the 2000 court-drawn  
 24 plan; is that correct?  
 25 A That's how I interpret it, yes.

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1 A I'm not sure.  
 2 Q By *document*, I mean this particular page?  
 3 A I'm not sure if I've seen this particular page  
 4 before.  
 5 Q Were you -- did you ever participate in any  
 6 discussions where the Hispanic voting age  
 7 population in District 8 was broken out by ward?  
 8 A I don't recall.  
 9 Q Turn to the next page, please. Up at the top, you  
 10 see it says *Two District Hispanic Area*?  
 11 A Yes.  
 12 Q Is that your understanding that that refers to  
 13 Assembly Districts 8 and 9?  
 14 A I believe so, yes.  
 15 Q Have you seen this particular page before?  
 16 A I don't recall.  
 17 Q If you look at the black writing in the upper part  
 18 of the map, it says *57.25 Percent, Hispanic Voting*  
 19 *Age Population in Shaded Area*; do you see that?  
 20 A Yes.  
 21 Q Do you know what shaded area that refers to?  
 22 A I'm not certain.  
 23 Q If you look in the middle portion of the page,  
 24 there's a white box that says current Hispanic  
 25 Representative JoCasta Zamarripa; do you see that?

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1 Q Do you know who asked to have this particular page  
 2 prepared?  
 3 A I don't.  
 4 Q Did you ever have any discussions with anyone  
 5 about -- well, strike that question. Turn to the  
 6 next page, and this is the second to last page of  
 7 Exhibit 125, for the record. Up at the top, it  
 8 states *Balanced Hispanic Districts*; do you see  
 9 that?  
 10 A Yes.  
 11 Q Have you seen this page before?  
 12 A I don't recall.  
 13 Q Have you seen a layout of districts that is  
 14 similar to this?  
 15 A Yes.  
 16 Q And when did you see a layout of the districts  
 17 that is similar to this?  
 18 A I believe this layout is SB148 as introduced.  
 19 Q And the caption at the top that reads balanced  
 20 Hispanic districts, do you know what that  
 21 reference is to?  
 22 A I assume it's referencing the numbers in the map  
 23 below.  
 24 Q And so that's the 8th and 9th Districts, correct?  
 25 A Yes.

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1 Q And the population, the 57.25 percent HVAP and the  
 2 57.24 percent HVAP?  
 3 A I believe so, yes.  
 4 Q Then turn to the last page, please. And you see  
 5 that states *Unbalanced Hispanic Districts*,  
 6 correct?  
 7 A Yes.  
 8 Q And up at the top, it states 63.69 percent  
 9 Hispanic voting age population, correct?  
 10 A Yes.  
 11 Q Do you understand that to be -- that applies to  
 12 the green shaded area?  
 13 A That would be my interpretation, yes.  
 14 Q Do you know what area the green shaded area  
 15 covers?  
 16 A I believe that configuration looks similar to, I  
 17 believe it was Amendment 1 that was introduced  
 18 along with SB148.  
 19 Q And in the lower portion of the map is shaded red;  
 20 it states 50.96 Hispanic voting age population; do  
 21 you see that?  
 22 A Yes.  
 23 Q What does that red shaded portion refer to, if you  
 24 can discern from this?  
 25 A Again, I think that looks like the Amendment 1

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1 that was introduced along with SB148.  
 2 Q Do you know whether the -- strike that. You've  
 3 not seen any of the pages contained in Exhibit 125  
 4 before?  
 5 A I'm not certain.  
 6 Q Can you pull out Exhibit 110, please? Mr. Ottman,  
 7 can you identify Exhibit 110?  
 8 A It looks like a printout of a hotmail account.  
 9 Q Series of e-mail messages, correct?  
 10 A Yes.  
 11 Q If you look at the first page, the very first  
 12 e-mail that is on that page appears to be from  
 13 you, correct?  
 14 A Yes.  
 15 Q Now, I'd like you to turn to the last two pages,  
 16 start from the second to the last page. Do you  
 17 see there's an e-mail. It's an original message  
 18 from Chris Reader to a number of different people;  
 19 do you see that?  
 20 A Yes.  
 21 Q And then just above it, there's an e-mail it says  
 22 from Tad Ottman, dated Thursday, July 14th; do you  
 23 see that?  
 24 A Yes.  
 25 Q Then if you turn to the page just before that, so

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1 this is the page, it's Bates numbered 362, you'll  
 2 see at the very bottom of that page there's an  
 3 e-mail header from T. Ottman, sent Thursday,  
 4 July 14th, and it's to Ray Taffora, Jim Troupis,  
 5 Adam Foltz, Joe Minocqua, which I believe is  
 6 Mr. Handrick; do you see that?  
 7 A Yes.  
 8 Q Just trying to establish the chain here. And then  
 9 if you turn one page before that in the document,  
 10 you'll see an e-mail about the lower third of the  
 11 page or so. It says on Thursday, July 14th,  
 12 there's a reference to Mr. Troupis's e-mail  
 13 address, and then it states *Tad, could you resend*  
 14 *SB148, 149, 150*; do you see that?  
 15 A Yes.  
 16 Q If you look down below that, you'll see a  
 17 statement, *Also, based on discussions I had this*  
 18 *morning it appears the other side is going to*  
 19 *challenge based on the disenfranchisement*. Then  
 20 after that *Among other things they're tossing*  
 21 *around*; do you see that?  
 22 A Yes.  
 23 Q Did you have any discussions with Mr. Troupis  
 24 about disenfranchisement?  
 25 A I believe so.

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1 Q What did you discuss with Mr. Troupis about  
 2 disenfranchisement?  
 3 A We discussed what the disenfranchisement number  
 4 was on some of the draft maps and also discussed  
 5 about previous disenfranchisement numbers.  
 6 Q Did you ever have any discussions with Mr. Troupis  
 7 about a disenfranchisement percentage state-wide  
 8 overall?  
 9 A I don't recall.  
 10 Q Did you discuss disenfranchisement with him on a  
 11 district-by-district basis?  
 12 A I don't recall.  
 13 Q Did you ever participate in discussions about  
 14 disenfranchisement with Mr. Troupis and anyone  
 15 else who was on the redistricting team?  
 16 A Yes.  
 17 Q Who else was participating in those discussions?  
 18 A I believe Adam Foltz participated, other counsel  
 19 may have participated.  
 20 Q Did you ever have discussions, and this is in any  
 21 context, with Mr. Handrick about  
 22 disenfranchisement?  
 23 A Possibly.  
 24 Q Was there ever a discussion about the total number  
 25 of people on a percentage of the state population

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1 basis, or just an absolute number, of people who  
 2 are disenfranchised under Acts 43 and 44?  
 3 MR. MCLEOD: Could you read that  
 4 back.  
 5 (Question read)  
 6 MR. MCLEOD: I'm going to object to  
 7 the form. To the extent you can answer,  
 8 please do so.  
 9 A Yes.  
 10 Q And was there ever a discussion as to those number  
 11 of people who are disenfranchised in terms of --  
 12 strike that question. Did you ever have that  
 13 conversation in the context of the number of  
 14 people disenfranchised -- strike that question  
 15 too. Following that statement, there is a  
 16 statement where Mr. Troupis states *What is the*  
 17 *minority number of the new Racine/Kenosha seat*  
 18 *compared with the prior minority numbers of the*  
 19 *old Racine/Kenosha County-based seats; do you see*  
 20 *that?*  
 21 A Yes.  
 22 Q Do you recall Mr. Troupis making that request of  
 23 you to provide that information?  
 24 A Yes.  
 25 Q And if you look up at the e-mail that immediately

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1 Q And then if you look up, there is an e-mail from  
 2 you to Mr. Troupis, Mr. Taffora, Mr. Foltz, and  
 3 Mr. Handrick, correct?  
 4 A Yes.  
 5 Q And you provide Mr. Troupis with that information  
 6 that he requests?  
 7 A That's correct.  
 8 Q Turning back to Mr. Troupis's e-mail, he states *In*  
 9 *the past what has been considered minimum*  
 10 *"influence" on a percent basis, if you recall,*  
 11 *something to arm the senators with; do you see*  
 12 *that?*  
 13 A Yes.  
 14 Q And then in your e-mail responding to him you say  
 15 *My recollection is that 30 percent VAP is the*  
 16 *threshold for an influence district; do you see*  
 17 *that?*  
 18 A Yes.  
 19 Q Where did you get the 30 percent VAP number from?  
 20 A It's a number I recall being discussed from  
 21 previous redistricting efforts.  
 22 Q What does the VAP stand for?  
 23 A Voting age population.  
 24 Q And what is it specifically referring to? Is that  
 25 a minority percentage?

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1 precedes that just above it, it appears that you  
 2 are providing minority numbers, correct?  
 3 A That's correct.  
 4 Q Do you know why Mr. Troupis made that request?  
 5 A I don't know.  
 6 Q Did you discuss it at all with him?  
 7 A I don't believe outside of this e-mail, no.  
 8 Q You simply provided the numbers for him that he  
 9 asked about?  
 10 A Yes.  
 11 Q And then if you look on the front page of the  
 12 e-mail toward the bottom, there is an e-mail from  
 13 Mr. Troupis that says *That is much better than I*  
 14 *thought with HVAP of 21.71 for all minorities; do*  
 15 *you see that statement?*  
 16 A Yes.  
 17 Q Do you know what Mr. Troupis meant by that  
 18 statement?  
 19 A I do not.  
 20 Q Did you discuss it with him?  
 21 A I don't believe outside of these e-mails, no.  
 22 Q Mr. Troupis then goes on and asks what is the  
 23 total minority population for those districts; do  
 24 you see that?  
 25 A Yes.

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1 A I believe so, yes.  
 2 Q And you use the term there and Mr. Troupis does as  
 3 well, influence district; do you see that?  
 4 A Yes.  
 5 Q What does influence district mean?  
 6 A My understanding is that it means a district in  
 7 which a population can have an influence on their  
 8 election, if not directly control it.  
 9 Q Do you know what the significance of that --  
 10 Mr. Troupis's request is?  
 11 A I do not.  
 12 Q Do you know why he was asking you that question?  
 13 A I do not.  
 14 Q Did you have any other discussions with  
 15 Mr. Troupis about the threshold for an influence  
 16 district?  
 17 A Not that I recall.  
 18 Q Can you take a look at Exhibit No. 73? If it's  
 19 not -- it might not be, but I've got copies right  
 20 here. I'll give this to you. It's previously  
 21 marked. Mr. Ottman, I've handed you a document  
 22 that has been marked as Exhibit 73; do you see  
 23 that?  
 24 A Yes.  
 25 Q And do you see it's an e-mail from you to

405

1 Mr. Gaddie dated Sunday, July 17th?  
 2 A Yes.  
 3 Q Your e-mail starts out *Jim Troupis asked that I*  
 4 *have you take a look at the amendment that was*  
 5 *adopted in committee on the Hispanic districts,*  
 6 *and you provide a link to Mr. Gaddie, correct?*  
 7 A That's correct.  
 8 Q Why did Mr. Troupis ask you to provide the  
 9 amendment to Dr. Gaddie?  
 10 A I don't know.  
 11 Q Did you have a discussion with Mr. Troupis at all  
 12 about that request?  
 13 A Only his conveying the request to me.  
 14 Q He didn't tell you why he wanted Dr. Gaddie to  
 15 look at it?  
 16 A He did not.  
 17 Q Now, you -- the third paragraph down, you state  
 18 *There was testimony by two Hispanic groups in*  
 19 *favor of the configuration in Amendment 2; do you*  
 20 *see that?*  
 21 A Yes.  
 22 Q Who were the two Hispanic groups that you were  
 23 referring to there?  
 24 A I don't recall. I believe that Zeus Rodriguez was  
 25 one of them. I don't know if the other was

406

1 that?  
 2 A Yes.  
 3 Q Is that a group that you've heard of before?  
 4 A I believe so, yes.  
 5 Q What did you hear about it?  
 6 A I don't recall.  
 7 Q If you look at the second page of Exhibit 1002,  
 8 you'll see a number of names on that page; do you  
 9 see that?  
 10 A Yes.  
 11 Q There is a statement at the very top of the page  
 12 that states *The following is a bipartisan list of*  
 13 *individual Hispanic business owners, educators,*  
 14 *and community advocates who are in support of a 60*  
 15 *percent HVAP 8th District and 54 percent 9th*  
 16 *District, as well as the 40 percent HVAP currently*  
 17 *proposed for the 3rd Senate District; do you see*  
 18 *that?*  
 19 A Yes.  
 20 Q Did you speak with any of the people on this list,  
 21 whether they supported those percentages in the  
 22 districts?  
 23 A I spoke with Zeus Rodriguez.  
 24 Q So Mr. Rodriguez was the only one on the list; is  
 25 that correct?

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1 reference to testimony or the e-mail communication  
 2 from MALDEF.  
 3 Q Do you know which group Mr. Rodriguez represents?  
 4 A I don't know.  
 5 Q I'll hand you a copy of the document that has been  
 6 previously marked as Exhibit 1002. Are you  
 7 familiar with the testimony that Mr. Rodriguez  
 8 submitted that's referred to in Exhibit 73?  
 9 A I am not.  
 10 Q Have you seen Exhibit 1002 before?  
 11 A I don't believe so.  
 12 Q How did you know that there was testimony that  
 13 Mr. Rodriguez submitted in support or in favor of  
 14 the configuration in 1002?  
 15 A I believe I saw him in Wisconsin testify.  
 16 MR. EARLE: I'm sorry, I did not  
 17 hear that answer.  
 18 A I said I believe I saw him testify in Wisconsin.  
 19 Q Do you know whether he did testify live?  
 20 A I don't know if he testified or if it was  
 21 mentioned that there was testimony from him.  
 22 Q You have not seen Exhibit 1002 before?  
 23 A Not that I recall.  
 24 Q Do you see on the first page of Exhibit 1002,  
 25 refers to Hispanics for Leadership; do you see

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1 A That's my recollection.  
 2 Q Did Mr. Rodriguez tell that you all of these  
 3 people who were on this list supported the  
 4 percentages in the districts mentioned above?  
 5 A No.  
 6 MR. EARLE: What was that answer?  
 7 MR. POLAND: No.  
 8 THE WITNESS: No.  
 9 Q Did you see any statement or testimony, proposed  
 10 testimony, by Mr. Rodriguez before it was given?  
 11 A No.  
 12 Q And then you state that -- turning back to  
 13 Exhibit 73, you state in your e-mail *No one that*  
 14 *you are aware of testified in favor of either bill*  
 15 *configuration, and you give, in parens, the*  
 16 *percentages there, or in favor of Amendment 1; do*  
 17 *you see that?*  
 18 A Yes.  
 19 Q Did you tell -- strike that. Were you aware of  
 20 any testimony by any of the Hispanic groups that  
 21 was in opposition to any of the configurations for  
 22 Districts 8 or 9 under Act 43?  
 23 A I don't recall.  
 24 Q Did you ever have a conversation about that with  
 25 Dr. Gaddie?

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1 A I don't believe so.  
 2 Q Did you ever talk to any representatives of Latino  
 3 Districts 8 and 9 in Milwaukee that were opposed  
 4 to the configurations as adopted in Act 43?  
 5 A I don't recall, no.  
 6 Q The last statement that you make in your e-mail,  
 7 you say *Jim was gone*. I assume that was supposed  
 8 to go going?  
 9 A Yes.  
 10 Q To call you later today to get your thoughts. If  
 11 you have a chance, take a look at the amendment;  
 12 do you see that?  
 13 A Yes.  
 14 Q Does the Jim there refer to Mr. Troupis?  
 15 A Yes.  
 16 Q Do you know whether Mr. Troupis did call  
 17 Mr. Gaddie to talk to him about the amendment?  
 18 A I don't know.  
 19 Q You didn't participate in any such conversation?  
 20 A I did not.  
 21 Q Did you ever have any discussions with Mr. Troupis  
 22 about the African-American majority districts in  
 23 Milwaukee?  
 24 A Yes.  
 25 Q Was there -- did you ever have any discussions

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1 with anyone on the redistricting team about the  
 2 number of majority districts that could be  
 3 created?  
 4 A I don't recall exactly.  
 5 Q There are six African-American majority districts  
 6 under Act 43, correct?  
 7 A That's correct.  
 8 Q Was there ever any discussion about creating a  
 9 seventh district?  
 10 A Not that I'm aware of.  
 11 (Exhibit No. 126 marked for  
 12 identification)  
 13 MR. MCLEOD: 126?  
 14 MS. REPORTER: Yeah.  
 15 Q Mr. Ottman, have you seen Exhibit 126 before?  
 16 A Yes.  
 17 Q What is Exhibit 126?  
 18 A It is an e-mail exchange between Jim Troupis and  
 19 myself referencing a magazine article.  
 20 Q And the magazine article is -- there's a link that  
 21 you provide, correct?  
 22 A That's correct.  
 23 Q Why did you send that link to Mr. Foltz,  
 24 Mr. Handrick, Mr. McLeod, and Mr. Troupis?  
 25 A I thought that they would find it interesting.

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1 (Exhibit No. 127 marked for  
 2 identification)  
 3 Q You have Exhibit 127 in front of you?  
 4 A Yes.  
 5 Q And does that look like a link -- does that look  
 6 like the article that you provided the link for?  
 7 A I believe so, yes.  
 8 Q Now, the subject line says *Most Segregated Cities*  
 9 *in America*; do you see that? The subject line in  
 10 Exhibit 126 of the e-mail that you sent?  
 11 A Yes.  
 12 Q The salon.com article in Exhibit 127, the title is  
 13 *The 10 Most Segregated Urban Areas in America*; do  
 14 you see that?  
 15 A Yes.  
 16 Q And if you flip to the -- it's a double-sided  
 17 document, so it's one, two, three, the fourth page  
 18 in, do you see that there is a reference to  
 19 Milwaukee as the most segregated city in America?  
 20 A Yes.  
 21 Q Is that what caught your eye about this article?  
 22 A Yes.  
 23 Q Why did that catch your eye about this? Why did  
 24 that aspect of this article catch your eye?  
 25 A Because sensitivity to minority concerns was one

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1 of the redistricting factors that we were  
 2 considering.  
 3 Q And so how did the fact that Milwaukee is, at  
 4 least under the salon.com article the most  
 5 segregated city in America factor into that?  
 6 A I don't know that it specifically factored in.  
 7 Q Was there some aspect of this article in  
 8 Exhibit 127 that you particularly wanted to bring  
 9 to the attention of recipients of this e-mail with  
 10 respect to creation of minority districts in  
 11 Milwaukee?  
 12 A Not that I recall.  
 13 Q Did you have any follow-up discussions with any of  
 14 the recipients of this e-mail about this article?  
 15 A I don't believe so.  
 16 Q I'd like you to take a look at what is identified  
 17 in the article itself as page -- it's identified  
 18 as page 2 of 3. It's the page that has the map on  
 19 it of Milwaukee.  
 20 A This one?  
 21 Q Yep, yep. So if you look at right around the  
 22 middle of the page, the middle of the text,  
 23 there's a sentence that begins, "Nationwide,  
 24 blacks have been concentrated in the inner city,  
 25 far away from where new jobs are created." Do you

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1 see that?  
 2 A Yes.  
 3 Q And then it goes on and it states "Yet the case of  
 4 Milwaukee's extreme; 90 percent of the metro  
 5 area's black population lives in the city. Making  
 6 matters worse, suburban whites are notably hostile  
 7 to building any form of public transit to connect  
 8 city people to suburban jobs, further exacerbating  
 9 segregation's ill effects." Do you see that?  
 10 A Yes.  
 11 Q Then I'd like you to jump down a little further,  
 12 and there is a sentence, it's one, two, three,  
 13 four, five, six, seven, eight lines down that  
 14 starts out saying "Levine has done some  
 15 fascinating research into Walker's political  
 16 base." Do you see that?  
 17 A Yes.  
 18 Q Then it goes on to say, "Of the nation's 30  
 19 largest metro areas, Milwaukee had the biggest  
 20 partisan vote gap between city and suburb, with  
 21 city-dwellers supporting Obama 31 points more than  
 22 suburbanites." Do you see that?  
 23 A Yes.  
 24 Q Did you ever have any discussions with any of the  
 25 recipients of your e-mail in Exhibit 126 about the

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1 strike that. Did you discuss Exhibit 117 with  
 2 anyone before the time that you finished it?  
 3 A I may have discussed it with counsel.  
 4 Q You just don't recall?  
 5 A I don't recall.  
 6 Q I'd like you to look at the second page of  
 7 Exhibit 117, and there is a question there, "Why  
 8 are you offering choices on the Hispanic  
 9 districts, but not on it's African-American  
 10 districts." Do you see that?  
 11 A Yes.  
 12 Q Who came up you with that question?  
 13 A I don't recall.  
 14 Q Was that a question that you thought up?  
 15 A It's possible.  
 16 Q And the answer themselves, were those answers that  
 17 you drafted?  
 18 A I believe so, yes.  
 19 Q There's another question just after that that  
 20 states, "Why republicans attorneys hired to draw  
 21 maps, but not democrat were not allowed attorneys  
 22 to draw maps." Do you see that?  
 23 A Yes.  
 24 Q Who came up with that question?  
 25 A I believe I did.

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1 vote gap between city and suburbs in Milwaukee?  
 2 A No.  
 3 Q Did you ever have any discussions about racial  
 4 polarization in any of the minority districts in  
 5 Milwaukee?  
 6 A No.  
 7 Q Mr. Ottman, I had showed you a document that was  
 8 mashed as Exhibit 117 a little earlier when I was  
 9 asking about talking points.  
 10 A Which one is that?  
 11 Q It's questions and responses.  
 12 A Okay. Okay.  
 13 Q Now, you had testified, I believe, earlier when I  
 14 showed this to you, that this was prepared in  
 15 preparation of your testimony at the July 13th  
 16 hearing; is that correct?  
 17 A I believe that's correct, yes.  
 18 Q Who prepared Exhibit 117?  
 19 A I did.  
 20 Q Did you prepare it by yourself?  
 21 A Yes.  
 22 Q Did anyone give you any input into the preparation  
 23 of Exhibit 117?  
 24 A I don't believe so, no.  
 25 Q Did you discuss it with anyone before you -- well,

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1 Q And did you also create the answer to that  
 2 question on this exhibit?  
 3 A I believe so.  
 4 Q Did anybody give you any input into the answers  
 5 that you prepared?  
 6 A As I said, counsel may have reviewed them after I  
 7 prepared them.  
 8 Q The next question down, you ask "Why are you not  
 9 drawing a 50 percent voting age Hispanic seat."  
 10 Do you see that?  
 11 A Yes.  
 12 Q Is that a question that you came up with?  
 13 A I believe so.  
 14 Q Below that, it says, "I haven't seen a map that  
 15 has a Senate seat with a 50 percent voting age  
 16 Hispanic population. No one has produced one that  
 17 I'm aware of." Do you see that?  
 18 A Yes.  
 19 Q Who came up with that answer?  
 20 A I believe I did.  
 21 Q Were you speaking of yourself when you said no one  
 22 has produced one that I'm aware of?  
 23 A Yes.  
 24 Q Was that a true statement at the time that you  
 25 created Exhibit 117?

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1 A It was.  
 2 Q Did you give that testimony at the hearing on  
 3 July 13th?  
 4 A I don't believe so.  
 5 Q Did you give Exhibit 117 to anyone, not talking  
 6 for the purpose of review, I'm talking for  
 7 informational purposes before the time you  
 8 testified?  
 9 A I don't believe so.  
 10 Q This was only for your own personal use at the  
 11 hearing?  
 12 A That's correct.  
 13 Q And then the last question you ask is, "Why are  
 14 you acting now? Why are you acting before the  
 15 locals?" Do you see that?  
 16 A Yes.  
 17 Q Who came up with that question?  
 18 A I believe I did.  
 19 Q Did anyone suggest to you that that might be a  
 20 topic of importance at the hearing?  
 21 A I don't believe so.  
 22 Q The reference to locals there, is that the  
 23 reference to municipalities coming up with wards?  
 24 A Yes.  
 25 Q And the answer that's given states, "Former State  
 418

1 Senator leader, Senator Robson, is suing the state  
 2 in federal court for not acting quickly enough.  
 3 This is a constitutional duty of the legislature.  
 4 There is no reason for us to delay and let a court  
 5 do our job for us." Do you see that?  
 6 A Yes.  
 7 Q Who created that answer?  
 8 A I believe I did.  
 9 Q Did you talk to anybody in creating that response?  
 10 A Not that I recall.  
 11 Q Is that concept or idea something that you  
 12 devised?  
 13 A I believe so, yeah.  
 14 Q Was that your understanding for the reason to, as  
 15 you put it, act now, before the locals?  
 16 A Yes.  
 17 Q Did you later produce or create a longer outline  
 18 of your testimony?  
 19 A I'm not certain.  
 20 (Exhibit No. 128 marked for  
 21 identification)  
 22 Q Mr. Ottman, the court reporter has given you a  
 23 document that has been marked as Exhibit 128. Do  
 24 you have that in front of you?  
 25 A Yes.  
 419

1 Q What is Exhibit 128?  
 2 A This is a outline for my testimony.  
 3 Q Who created Exhibit 128?  
 4 A I believe I created part of it. Part of it may  
 5 have been created by Attorney Troupis.  
 6 Q Do you know which portions were created by  
 7 Attorney Troupis?  
 8 A I believe the outlined portion was.  
 9 Q That's the Tad Ottman testimony?  
 10 A Yeah, begins halfway down the first page.  
 11 Q So the Roman Numeral portions were created by  
 12 Mr. Troupis?  
 13 A I believe so.  
 14 Q When did Mr. Troupis give you those contributions  
 15 to Exhibit 128?  
 16 A Sometime shortly before the July 13th hearing.  
 17 Q Did you discuss these portions that Mr. Troupis  
 18 drafted with him before the hearing?  
 19 A I may have.  
 20 Q Did you give, in the hearing, did you give  
 21 testimony that reflects the information that's  
 22 contained in the Roman Numeral exhibit points on  
 23 pages 1, 2, and 3?  
 24 A I believe either I or Adam Foltz did.  
 25 Q Mr. Ottman, if you recall in the first deposition  
 420

1 in December, there was some discussion about a man  
 2 named Gerard Randall in conjunction with  
 3 communications about Latino districts; do you  
 4 recall that?  
 5 A Yes.  
 6 Q And I asked you who Mr. Randall was and referred  
 7 to an e-mail from Mr. Troupis that had asked you  
 8 to forward information to Mr. Randall; do you  
 9 recall that Q and A?  
 10 A Yes.  
 11 Q Just in the general sense?  
 12 A Yes.  
 13 Q I had asked you a question, did Mr. Troupis tell  
 14 you why he wanted you to forward an e-mail to  
 15 Mr. Randall, and there was an objection posed at  
 16 that point and an instruction not to answer. I  
 17 want to go back and ask --  
 18 MR. POLAND: If we can, we can pull  
 19 out the document, if that helps, Eric.  
 20 MR. MCLEOD: What page was that on.  
 21 MR. POLAND: 88 and 89, and the  
 22 reference is Exhibit 33A, the produced  
 23 documents.  
 24 MR. MCLEOD: Is there a question  
 25 pending?  
 421

1 MR. POLAND: Well, I can ask the  
 2 question.  
 3 Q I'm just going to go back and re-ask the question  
 4 I asked at the time, which is did Mr. Troupis tell  
 5 you why he wanted you to forward this e-mail to  
 6 Mr. Randall?  
 7 MR. MCLEOD: I'm going to withdraw  
 8 the objection that I asserted only insofar as  
 9 the question seeks to know whether  
 10 Mr. Troupis told Mr. Ottman why, whether or  
 11 not he told him why he wanted Mr. Ottman to  
 12 forward the e-mail to Mr. Randall.  
 13 A I don't recall.  
 14 Q Then there was also a reference to  
 15 Robert Spindell; do you recall that?  
 16 A Yes.  
 17 Q And I asked you the question did Mr. Troupis --  
 18 well, let me ask you this question, did  
 19 Mr. Troupis tell you why he wanted you to send the  
 20 e-mail to Mr. Spindell?  
 21 A I don't recall.  
 22 Q I also asked you at your deposition in December  
 23 about discussions with anyone regarding the topic  
 24 of disenfranchisement. And I had a question where  
 25 I asked if you had any discussions with anyone as

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1 to whether disenfranchisement could be kept below  
 2 five and a quarter percent. You answered yes. I  
 3 asked who did you discuss that with. You said  
 4 with counsel. Question, *Which counsel was that?*  
 5 Answer, *Jim Troupis*. I then asked a question,  
 6 *What did you and Mr. Troupis discuss with respect*  
 7 *to an appropriate percentage of the population,*  
 8 *voting population, that would be disenfranchised?*  
 9 And at that point, there was an instruction not it  
 10 answer. I'd like to come back and ask whether you  
 11 and Mr. Troupis had a discussion about the  
 12 appropriate percentage of the voting population  
 13 that would be disenfranchised from an  
 14 appropriateness -- a redistricting appropriateness  
 15 standpoint as opposed to a legal requirement,  
 16 okay. So I'm not asking the legal requirement.  
 17 I'm talking about under basic redistricting  
 18 principles.  
 19 MR. MCLEOD: Can I hear the  
 20 question read back again.  
 21 (Question read)  
 22 MR. MCLEOD: I don't understand the  
 23 question. I don't understand the distinction  
 24 between a legal requirement and basic  
 25 redistricting principle. I think what you're

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1 asking for is -- understand the question,  
 2 which I don't, so I'll object to the form.  
 3 But it seems to me that you're asking for  
 4 what did Mr. Troupis tell Mr. Ottman with  
 5 respect to what the law requires on the  
 6 issue --  
 7 MR. POLAND: I think it's an  
 8 improper objection. That's absolutely  
 9 coaching the witness here. I think it's an  
 10 improper objection. You can make your  
 11 objection. I will re-ask the question if  
 12 it's an objection as to form. I'll re-ask  
 13 the question.  
 14 MR. MCLEOD: And I apologize. I  
 15 don't understand the question, but hidden in  
 16 there is an attorney-client communication  
 17 problem, which is what I'm trying to get at.  
 18 MR. POLAND: I understand that  
 19 you're trying to get at that problem, but I'm  
 20 going to try to make a distinction.  
 21 Q Did you look at percentage of voters  
 22 disenfranchised in the State of Wisconsin as part  
 23 of your analysis in the redistricting process?  
 24 A Yes.  
 25 Q You are not a lawyer, are you?

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1 A No.  
 2 Q Did you make decisions about disenfranchisement  
 3 without input from legal counsel?  
 4 A No.  
 5 Q Did you talk to Mr. Foltz at all about  
 6 disenfranchisement issues?  
 7 A Yes.  
 8 Q Did you talk -- Mr. Foltz is not a lawyer, is he?  
 9 A Not that I'm aware of.  
 10 Q Why did you talk to Mr. Foltz about  
 11 disenfranchisement?  
 12 A He had read more closely some of the previous  
 13 federal redistricting decisions.  
 14 Q Did you have any discussions with Mr. Handrick  
 15 about disenfranchisement?  
 16 A I don't recall.  
 17 Q Did you have any discussions with Mr. Handrick  
 18 about shifts in population?  
 19 A I don't recall.  
 20 Q Do you understand that there are experts in the  
 21 field who are not lawyers who also analyze  
 22 disenfranchisement as part of the opinions that  
 23 they give?  
 24 A I'm not sure.  
 25 Q Do you know whether Dr. Gaddie is giving any

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1 opinions about disenfranchisement in this case?  
 2 A I'm not sure.  
 3 Q You haven't talked to Dr. Gaddie about that point  
 4 at all, have you?  
 5 A I don't recall.  
 6 Q Did you have any discussions with Mr. Troupis or  
 7 any other legal counsel about disenfranchisement  
 8 issues that did not ask for legal advice?  
 9 A I don't recall.  
 10 Q Did you have discussions with anyone about the  
 11 issue of questions of boundaries for the Senate  
 12 recall elections with anyone?  
 13 A I don't recall.  
 14 Q Have you heard or seen recently in the press any  
 15 articles about what have been referred to as  
 16 anomalies with the new districts?  
 17 A Yes.  
 18 Q What have you seen or heard on that issue?  
 19 A I've seen some articles that have raised questions  
 20 about GAB in relation to the state-wide voter  
 21 registration system, incorrectly placing voters,  
 22 for example, off the coast of Africa.  
 23 Q Did you, as you went through redistricting process  
 24 last spring and summer, did you encounter any  
 25 problems or difficulties similar to what you read

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1 about in the newspapers about these anomalies?  
 2 A I did not.  
 3 Q I'm going to give you a copy of, actually, I think  
 4 it should be there, Exhibit No. 86. And I'd like  
 5 you to turn to the cover page. It's simply a  
 6 letter from me. What I want to draw your  
 7 attention to is there are two documents attached  
 8 as exhibits. There's a November 10th memo about  
 9 halfway back, and there's a January 13th memo.  
 10 Which one do you have?  
 11 A I have the November 10th.  
 12 Q And then behind it is November -- you can stay on  
 13 the November 10th one for now. Is that a document  
 14 that you've seen before?  
 15 A I believe so, yes.  
 16 Q When did you see that document?  
 17 A I believe last month.  
 18 Q Then if you turn to the January 13th memo, it's  
 19 a little further back, have you seen the  
 20 January 13th memo before?  
 21 A I believe so.  
 22 Q And when did you see that?  
 23 A I believe mid January.  
 24 Q Are you somewhat familiar with the anomalies or  
 25 discrepancies that are noted in these memorandums?

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1 A Not entirely.  
 2 Q As you read through these and saw them, did you  
 3 recognize or identify any problems, similar  
 4 problems, you had run into during the  
 5 redistricting process itself?  
 6 A I did not.  
 7 Q Give me just a minute.  
 8 MR. POLAND: I don't have any other  
 9 questions at this time, Peter.  
 10 MR. EARLE: This time I really do  
 11 only have a very few.  
 12  
 13 EXAMINATION  
 14 By Mr. Earle:  
 15 Q Mr. Ottman, how do you keep your schedule?  
 16 A I don't particularly keep a schedule.  
 17 Q So how do you know when you have an appointment?  
 18 A Sometimes I set a reminder on my computer. Other  
 19 times, I write a note.  
 20 Q When you schedule meetings with legislators, how  
 21 do you know you have to be there?  
 22 A Sometimes I make a notation in a notebook.  
 23 Q What notebook?  
 24 A Just a legal pad.  
 25 Q Well, you had all these meetings with legislators,

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1 these individual legislators, correct?  
 2 A That's correct.  
 3 Q And where did you note those meetings?  
 4 A I believe they were noted on a notepad.  
 5 Q Do you still have that notepad?  
 6 A I'm not sure.  
 7 Q You would presumably -- strike that. Let me  
 8 rephrase that. You received advice from counsel  
 9 about not destroying evidence in this case,  
 10 correct?  
 11 A Yes.  
 12 Q And you understood from the beginning that there  
 13 was a possibility that this legislative  
 14 redistricting process would be the subject of  
 15 litigation, correct?  
 16 A Yes.  
 17 Q But you understood the importance of saving all  
 18 documents and paper generated by you in the course  
 19 of this legislative process, correct?  
 20 A I'm not sure exactly what you mean.  
 21 Q You understood the importance of you preserving  
 22 all documents you generated in the course of this  
 23 redistricting process, correct?  
 24 MR. MCLEOD: I'm going to object to  
 25 the form of the question.

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1 Q You may answer.  
 2 A I guess it depends on what you mean by *document*.  
 3 Q Did you think it was okay to destroy some  
 4 documents and not others?  
 5 MR. MCLEOD: Object to the form of  
 6 the question.  
 7 A I -- I did not make a determination one way or the  
 8 other. I didn't think about that.  
 9 Q All right. So this notebook in which you wrote  
 10 down the dates of meetings with individual  
 11 legislators related to the redistricting process,  
 12 where would that be?  
 13 MR. MCLEOD: Object to the form.  
 14 A It may have been produced, or it may not have ever  
 15 been retained.  
 16 Q Where do you store these notebooks that you note  
 17 appointments in?  
 18 A On my desk.  
 19 Q These meetings with all the individual  
 20 legislators, they were at the office of  
 21 Michael Best, correct?  
 22 A I believe so, yes.  
 23 Q And when you scheduled meetings with legislators  
 24 over at Michael Best in regards to the  
 25 redistricting process, how did you logistically

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1 arrange for that meeting?  
 2 A I called up the legislator's office and asked for  
 3 their availability.  
 4 Q Did you inform the receptionist at Michael Best  
 5 that there was going to be a meeting that you were  
 6 going to be hosting a certain legislator over  
 7 there at a certain time on a certain date?  
 8 A I did not.  
 9 Q And so the only written evidence that you would  
 10 have of when those meetings occurred were in that  
 11 notebook that you maintained on your desk,  
 12 correct?  
 13 MR. MCLEOD: Object to the form.  
 14 A As well as the documents we referred to today,  
 15 some of which were dated with signatures.  
 16 Q But those signatures were obtained at the first  
 17 individual meetings with those legislators,  
 18 correct?  
 19 A That's correct.  
 20 Q You had subsequent individual meetings with those  
 21 legislators, correct?  
 22 A With most of them, I believe.  
 23 Q And in those subsequent meetings, you reminded  
 24 those legislators that they were still subject to  
 25 that confidentiality agreement, correct?

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1 A I believe so, yes.  
 2 Q And those subsequent meetings, the only  
 3 documentary evidence of those subsequent meetings  
 4 would be that notebook upon which you wrote those  
 5 dates, correct?  
 6 MR. MCLEOD: Object to the form.  
 7 A As far as I recall.  
 8 Q Can you think of any other documentary evidence  
 9 that may exist or that you may have created that  
 10 would evidence those -- the dates of those  
 11 meetings?  
 12 A I don't know.  
 13 Q So just so I'm clear on your testimony, the only  
 14 documentary evidence of the date that those  
 15 meetings occurred would be that notebook in which  
 16 you recorded the pendency of those meetings,  
 17 correct?  
 18 MR. MCLEOD: Object to the form.  
 19 A As far as I recall.  
 20 Q And do you know if you still have that notebook?  
 21 A I don't recall.  
 22 Q Did anybody ever ask you to preserve the documents  
 23 that evidence when you met with legislators about  
 24 the redistricting process?  
 25 A Not specifically, no.

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1 Q Do you ever discuss that subject with counsel?  
 2 MR. MCLEOD: Object to the form.  
 3 A I'm not certain I understand the question.  
 4 Q Did you ever discuss the subject of whether you  
 5 should preserve the notes you made about  
 6 appointments with legislators for purposes of the  
 7 redistricting process with counsel?  
 8 A I did not.  
 9 Q As you sit here today, do you know whether you  
 10 still have that notebook?  
 11 A I don't know.  
 12 MR. EARLE: Eric, I think that  
 13 notebook would be responsive to the subpoena  
 14 if it still exists. And if it doesn't exist,  
 15 I think the data was destroyed, and the  
 16 manner in which it was destroyed should be  
 17 produced to us. Are you willing to give us  
 18 that information?  
 19 MR. MCLEOD: I understand your  
 20 request, Peter.  
 21 MR. EARLE: So are you willing to  
 22 provide that notebook to us?  
 23 MR. MCLEOD: I understand your  
 24 request. We will consider it, and to my  
 25 knowledge, we produced all responsive

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1 information that was requested by  
 2 Mr. Poland's subpoena.  
 3 MR. EARLE: But you understand that  
 4 it's my view that that notebook with those  
 5 scheduled meetings recorded on them is  
 6 responsive to that subpoena for the same  
 7 reasons that the confidentiality agreements  
 8 were, in my view, responsive to that  
 9 subpoena.  
 10 MR. MCLEOD: I understand your  
 11 position, and I understand your request.  
 12 MR. EARLE: Can you get back to me  
 13 with a response one way or the other shortly?  
 14 MR. MCLEOD: I will respond to that  
 15 request.  
 16 MR. EARLE: Okay.  
 17 Q Lastly, Mr. Ottman, what did you do to prepare for  
 18 today's deposition?  
 19 A I met with counsel.  
 20 Q What counsel?  
 21 A Attorney McLeod.  
 22 Q When did you meet with Attorney McLeod?  
 23 A Late last week, early this week.  
 24 Q How many times did you meet with Attorney McLeod?  
 25 A Once or twice.

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1 Q When was the one last week?  
 2 A Thursday or Friday.  
 3 Q Who all was present besides you and Mr. McLeod?  
 4 A Adam Foltz may have been present.  
 5 Q Anyone else?  
 6 A No.  
 7 Q Were you shown any documents?  
 8 A I don't believe so, no.  
 9 Q Did you show Mr. McLeod any documents?  
 10 A I don't believe so.  
 11 Q Did you review your transcript from your last  
 12 deposition?  
 13 A At that meeting, I don't believe so.  
 14 Q At any time prior to today, did you review your  
 15 transcript from the last deposition?  
 16 A I did.  
 17 Q And when was that?  
 18 A Last week.  
 19 Q Did you review Mr. Foltz's transcript?  
 20 A I did not.  
 21 Q Did you review Mr. Handrick's transcript?  
 22 A I did not.  
 23 Q Did you review Keith Gaddie's transcript?  
 24 A I did not.  
 25 Q The second meeting you had with Attorney McLeod,

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1 Q Was it once, or was it twice?  
 2 A Twice, I suspect.  
 3 MR. POLAND: Peter, we have to  
 4 stop. The videotape is about to expire.  
 5 MR. EARLE: Okay.  
 6 THE VIDEOGRAPHER: We are going off  
 7 the record. The time is 4:29 p.m. This  
 8 concludes Disk No. 2 in the continuation of  
 9 Tad Ottman, Disk No. 5 of the series.  
 10 (Recess taken)  
 11 THE VIDEOGRAPHER: We are on the  
 12 record. The time is 4:35 p.m. This marks  
 13 the beginning of Disk No. 3 in the  
 14 continuation of the deposition of  
 15 Mr. Tad Ottman, Disk No. 6 in the series.  
 16 Mr. Earle, we are on the record.  
 17 MR. EARLE: Thank you.  
 18 Q Mr. Ottman, right before we went off the record,  
 19 I was asking you about your meetings with  
 20 Attorney McLeod; I think we settled on two  
 21 meetings?  
 22 A I believe so, yes.  
 23 Q And you said one of those was late last week, and  
 24 one was this week?  
 25 A Yes.

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1 how long did that meeting last?  
 2 A I don't recall.  
 3 Q Was that Monday, Tuesday, or Wednesday?  
 4 A It was Monday or Tuesday, I believe.  
 5 Q Who else was present during that meeting?  
 6 A Adam Foltz.  
 7 Q Anybody else?  
 8 A No.  
 9 Q Did you review any documents during that meeting?  
 10 A I don't believe so.  
 11 Q Other than those two meetings and reading your  
 12 transcript last week, is there anything else you  
 13 did to prepare for today's deposition?  
 14 A I reviewed some of the documents that had been  
 15 produced.  
 16 Q Which documents?  
 17 A I don't know exactly which ones or how they're  
 18 referred.  
 19 Q Well, how many documents did you review?  
 20 A A few dozen.  
 21 Q And when did you review those documents?  
 22 A Over the course of the last week.  
 23 Q How were those documents selected for your review?  
 24 A I randomly clicked on some of the documents from  
 25 the disks that had been produced.

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1 Q Did you review any documents that were associated  
2 with Adam Foltz in that process?  
3 A I may have.  
4 Q Did you review any documents that were associated  
5 with Joe Handrick in that process?  
6 A I might have.  
7 Q Did you review any documents that were associated  
8 with Michael Best & Friedrich during that process?  
9 A I might have.  
10 Q Did you review any documents that were associated  
11 with Jim Troupis during that process?  
12 A Possibly.  
13 Q And it's your testimony under oath here today that  
14 this review of a few dozen documents from those  
15 sources was the result of random selection?  
16 A Yes.  
17 Q And it's your testimony here today that you cannot  
18 remember any one of those documents that you  
19 reviewed?  
20 A I don't -- I couldn't give you a specific for  
21 instance, no.  
22 Q That was a productive use of your time apparently.  
23 MR. MCLEOD: Object to the form.  
24 MR. EARLE: I have no further  
25 questions. That wasn't a question.

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1 Q And who paid for that?  
2 A I believe the Senate and the Assembly each paid  
3 for the versions that went to their houses.  
4 Q Did the Assembly Democratic Caucus have access to  
5 that software?  
6 A That's my understanding.  
7 Q Did the Senate Democratic Caucus have access to  
8 that software?  
9 A That is my understanding, yes.  
10 Q And is it your understanding that that software  
11 was loaded onto a computer and made available to  
12 them for their use?  
13 MR. POLAND: Objection, foundation  
14 and form.  
15 A That's my understanding.  
16 Q Do you recall when you first had access to a  
17 computer with Autobound loaded onto it?  
18 A Late last year, probably December.  
19 Q Would that have been made available to the  
20 Assembly Democratic Caucus and the Senate  
21 Democratic Caucus at about the same time?  
22 MR. POLAND: Objection, foundation  
23 and form.  
24 A That's my understanding.  
25 Q Did you receive any training on Autobound?

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1 MR. MCLEOD: Withdraw the  
2 objection.  
3 MR. EARLE: I have no further  
4 questions.  
5 MR. POLAND: Peter, Dan has some  
6 questions.  
7 MR. KELLY: But not for you,  
8 though. I have some questions for Tad.  
9  
10 EXAMINATION  
11 By Mr. Kelly:  
12 Q All right. Good afternoon, Mr. Ottman. I'd like  
13 to talk with you for just a moment about  
14 Autobound. Can you tell me just briefly what  
15 Autobound is?  
16 A It is a software package for -- to use in  
17 redistricting.  
18 Q Is that the software program that you used to draw  
19 maps that eventually became Acts 43 and 44?  
20 A It is.  
21 Q Where did you get that software from?  
22 A The State purchased that software and provided it  
23 to me.  
24 Q Did it provide it to anyone else?  
25 A It was provided to all four of the caucuses.

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1 A I received some training from the Legislative  
2 Technology Services Bureau.  
3 Q Do you know who else received training on  
4 Autobound from the LTSB?  
5 A Adam Foltz received training with me. I believe  
6 it was made available to other caucuses.  
7 Q So for example, the Assembly Democratic Caucus, it  
8 would have been made available to them?  
9 MR. POLAND: Objection, foundation  
10 and form.  
11 A That's my understanding.  
12 Q And is it also your understanding that it would  
13 have been made available to the Senate Democratic  
14 Caucus?  
15 MR. POLAND: Objection, foundation  
16 and form.  
17 A That's my understanding.  
18 Q Do you know if they took advantage of that  
19 training opportunity?  
20 MR. POLAND: Objection, form.  
21 A I don't know.  
22 Q Have you ever seen any work product that suggested  
23 that either the Assembly Democratic Caucus or the  
24 Senate Democratic Caucus used Autobound in the  
25 redistricting process last year?

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1 MR. POLAND: Objection, form.  
 2 A Not that I recall.  
 3 Q Did anyone associated with the Assembly or Senate  
 4 Democratic Caucuses ever contact you to ask you  
 5 anything about Autobound?  
 6 MR. POLAND: Objection, form.  
 7 A Not that I recall.  
 8 Q Let's turn to Exhibit 116. It should be somewhere  
 9 in front of you.  
 10 A Okay.  
 11 Q Can you tell me basically what this is?  
 12 A This is an e-mail chain containing e-mails between  
 13 Jim Troupis and MALDEF as well as some attachments  
 14 from either myself or Adam Foltz with alternative  
 15 configurations for Assembly Districts 8 and 9.  
 16 Q Let's turn to the second page of Exhibit 116.  
 17 Down at the bottom, there is an e-mail from  
 18 Elisa Alfonso dated July 11th, 2011 at 4:50 p.m.;  
 19 do you see that?  
 20 A Yes.  
 21 Q It says, "Jim, as promised, here is the MALDEF we  
 22 discussed this afternoon. If you have any  
 23 questions, please let us know. Elisa." Do you  
 24 see that?  
 25 A Yes.

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1 Q Okay. Do you know, this sounds like there were  
 2 some conversations that preceded this e-mail, do  
 3 you know anything about those conversations?  
 4 A I don't.  
 5 Q All right. Let's now turn to the e-mail from  
 6 Jim Troupis to Elisa Alfonso. It is on the fifth  
 7 page, it appears, of Exhibit 116. Do you see  
 8 about midway down an e-mail beginning from  
 9 Jim Troupis to Elisa Alfonso and Alonzo Rivas  
 10 dated July 11th, 2011 at 6:41 p.m.?  
 11 A Yes.  
 12 Q It says *Elisa and Alonzo, I like your proposal.*  
 13 *We've taken it a bit further.* There is some text  
 14 that follows. And there is then some numbers  
 15 associated with apparently a couple of different  
 16 map configurations; do you see that?  
 17 A Yes.  
 18 Q All right. The e-mail says the HVAP numbers under  
 19 the two plans. Then it shows MALDEF AD8, 60.1 and  
 20 then AD9, 53.00; do you see that?  
 21 A Yes.  
 22 Q What does that mean?  
 23 A That is the Hispanic voting age population in the  
 24 proposal forwarded by MALDEF.  
 25 Q Is it your understanding that those were the

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1 Hispanic voting age population percentages that  
 2 MALDEF wanted?  
 3 MR. POLAND: Objection, foundation.  
 4 A That's my understanding.  
 5 MR. EARLE: I'll join in that  
 6 objection as well.  
 7 Q And then it says our alternative, and under that  
 8 it says AD8, 60.52, and going to the next page  
 9 AD9, 54.03; do you see that?  
 10 A Yes.  
 11 MR. POLAND: Objection, foundation.  
 12 MR. EARLE: I'll join in that  
 13 objection as well.  
 14 Q Do you know what that means?  
 15 A Yes.  
 16 Q What does that mean?  
 17 A That is the Hispanic voting age population under  
 18 the alternative that was forwarded by me to  
 19 Jim Troupis and then I understand on to MALDEF.  
 20 Q Let's move on three more pages --  
 21 MR. POLAND: Three pages back from  
 22 there, Dan?  
 23 MR. KELLY: Correct.  
 24 Q You'll know you got to the right place where you  
 25 see near the top of the page an e-mail from

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1 Elisa Alfonso to Jim Troupis and Alonzo Rivas,  
 2 dated July 12th, 2011 at 11:41 a.m.  
 3 A Yes.  
 4 Q It says, "Jim, Alonzo is out this morning and  
 5 won't be back until this afternoon. In regards to  
 6 the MALDEF map, we will go with the recommendation  
 7 you made last night." Do you see that?  
 8 A Yes.  
 9 Q Do you know what recommendation that was?  
 10 A I understand it to be the recommendation referred  
 11 to as our alternative in previous e-mail.  
 12 MR. EARLE: I'm going to object to  
 13 the question. I didn't get a chance to get  
 14 my objection before the answer. Object to  
 15 the form of that question.  
 16 Q And the alternative to which you referred would be  
 17 the one that had the 60.52 HVAP in District 8, and  
 18 54.03 HVAP in District 9?  
 19 A That's correct.  
 20 Q Do you know if MALDEF ever expressed any concern  
 21 with that alternative that was proposed to them  
 22 and that they agreed to?  
 23 A Not that I'm aware of.  
 24 MR. EARLE: Form objection.  
 25 Q Mr. Ottman, do you know where

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1 Cesar E. Chavez Drive is in Milwaukee?  
 2 A I do not.  
 3 Q Did anyone at MALDEF, to your knowledge, ever  
 4 express any concern about how the community around  
 5 Cesar E. Chavez Drive in Milwaukee was treated in  
 6 that alternative proposal?  
 7 MR. POLAND: Object to the form.  
 8 MR. EARLE: Join.  
 9 A Not that I'm aware of.  
 10 Q Let's turn to Exhibit 117, if you would.  
 11 A Which one is that?  
 12 MR. EARLE: What was that last  
 13 exhibit number?  
 14 MR. POLAND: The previous one  
 15 was 116, and Dan is moving on to 117.  
 16 MR. EARLE: Okay.  
 17 Q It will look like this on the first page.  
 18 A Yeah, I'm having trouble locating it.  
 19 MR. POLAND: I don't mind giving  
 20 him a copy to look at.  
 21 A Oh, wait, here it is. I've got it.  
 22 Q All right. Let's turn to the second page,  
 23 Exhibit 117. Down near the bottom of that page,  
 24 do you see where it says, "Why are you acting  
 25 now"?

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1 A Yes.  
 2 Q And there is some text below that that is in  
 3 response to that question, yes?  
 4 A Yes.  
 5 Q What was the impetus for addressing this question?  
 6 A There was some anticipation that there may be  
 7 questions as to why the legislature was acting  
 8 when it did, and the response was because of the  
 9 lawsuit challenging the State's failure to act on  
 10 redistricting that had been filed earlier that  
 11 year.  
 12 Q Had you seen the complaint in that lawsuit?  
 13 A I believe so, yes.  
 14 Q Do you recall what it -- anything about what it  
 15 said or what it was trying to accomplish?  
 16 A What I recall was that it --  
 17 MS. LAZAR: Peter, we didn't catch  
 18 that.  
 19 MR. EARLE: I said I have a form  
 20 objection to that question.  
 21 MR. KELLY: It's all yours.  
 22 A I recall it alleged that the legislative district  
 23 and congressional districts in Wisconsin were  
 24 unconstitutionally malapportioned and was asking  
 25 the federal court to intervene and draw new maps.

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1 Q Did that cause you some measure of concern?  
 2 MR. POLAND: Object to the form of  
 3 the question.  
 4 A It did.  
 5 Q What was that concern?  
 6 MR. POLAND: Object to the form.  
 7 A The concern was that this was a duty that should  
 8 fall to the legislature. And there was concern  
 9 that if the legislature did not act in a timely  
 10 manner, that the Court may step in and supersede  
 11 that action.  
 12 Q And the duty to which you are referring is the  
 13 duty to adopt a new redistricting map?  
 14 MR. POLAND: Object to the form of  
 15 the question.  
 16 A That's correct.  
 17 Q Is it your understanding that the complaint was  
 18 alleging that the legislature might not get the  
 19 job done in time to have a new legislative  
 20 district map in time for the next round of  
 21 elections?  
 22 MR. POLAND: Object to the form of  
 23 the question.  
 24 A I'm not certain.  
 25 Q Earlier this afternoon or maybe this morning, you

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1 testified about different options presented with  
 2 respect to the configuration of Senate  
 3 Districts 20 and 21 in the Racine/Kenosha area; do  
 4 you recall that?  
 5 A Districts 21 and 22.  
 6 Q Okay. What were the options; do you recall?  
 7 A The -- the old map had the city and county --  
 8 large parts of the rural portions of the county in  
 9 one district, and the city and large parts of the  
 10 county of Kenosha in one district. The other  
 11 option was to combine the two urban areas; the  
 12 city in one district and the rural parts of each  
 13 county in another district.  
 14 Q Did you favor one of those options?  
 15 A We presented options to the legislature and the  
 16 legislators involved, and they selected the one  
 17 that combined the cities in one district and the  
 18 rural parts of the county in the other.  
 19 Q So that was the legislature's decision -- clarify  
 20 that. That was the legislators' decision in  
 21 direction to you; that wasn't your decision?  
 22 A That's correct.  
 23 Q What was the effect, if you know, of selecting  
 24 that option?  
 25 MR. POLAND: Object to the form of

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1 the question.  
 2 A I'm not certain.  
 3 Q There was some questions earlier about the effect  
 4 of the map on delayed voting --  
 5 MR. EARLE: On what?  
 6 MR. KELLY: Delayed voting.  
 7 MR. POLAND: Object to the form of  
 8 the question.  
 9 Q Was delayed voting a concept that was addressed at  
 10 any point in the development of the maps that  
 11 became Acts 43 and 44 -- actually, just 43?  
 12 A It was.  
 13 Q How was it addressed?  
 14 A We calculated the number of delayed voters, and  
 15 then also we calculated the number of delayed  
 16 voters as kind of post the recall elections that  
 17 took place.  
 18 Q At what stage of the process did you -- did you do  
 19 this?  
 20 A We -- we calculated it as we prepared the draft  
 21 maps for the legislators to consider. Then again,  
 22 once the final map was selected for submission to  
 23 the LRB.  
 24 Q Once you had calculated the delayed voting effect,  
 25 were there any changes made to the map as a result

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1 of that calculation?  
 2 MR. POLAND: Object to the form.  
 3 A There were some changes to some of the early draft  
 4 maps, yes.  
 5 Q What did those changes accomplish?  
 6 MR. POLAND: Object to the form.  
 7 A Those changes moved some voters from one district  
 8 to another in order to reduce the number of  
 9 persons who would have delayed voting.  
 10 MR. KELLY: I have no other  
 11 questions.  
 12 MR. POLAND: I have just one other  
 13 question.  
 14  
 15 RE-EXAMINATION  
 16 By Mr. Poland:  
 17 Q Referring back to Exhibit 117, Mr. Ottman.  
 18 Mr. Kelly asked you questions on the last Q and A,  
 19 why are you acting out before the locals; do you  
 20 recall that?  
 21 A Yes.  
 22 Q It's true, isn't it, that the decision to act  
 23 before the locals, in part, was due to the fact  
 24 that recall elections were going to be held for  
 25 certain members of the Senate in the month of

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1 August?  
 2 A I don't know that to be true.  
 3 Q Did you ever have any discussions with anyone  
 4 about that topic?  
 5 A Not that I recall.  
 6 MR. POLAND: I don't have any  
 7 further questions.  
 8 MR. KELLY: Nothing from me.  
 9 MR. EARLE: I do.  
 10  
 11 RE-EXAMINATION  
 12 By Mr. Earle:  
 13 Q You were asked a number of questions by Mr. Kelly  
 14 about Exhibit 116. Did you ever receive legal  
 15 advice about what constitutes a majority of  
 16 eligible Latino voters?  
 17 A Not that I recall.  
 18 MR. KELLY: And I'll object to the  
 19 form.  
 20 Q And did you ever request legal advice about what  
 21 constitutes a majority of eligible Latino --  
 22 strike that. Did you ever seek legal advice about  
 23 what constitutes an effective majority of eligible  
 24 Latino voters in the context of redistricting in  
 25 Milwaukee?

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1 MR. KELLY: Objection, form.  
 2 A I sought legal advice on the proper legal  
 3 standards for drawing minority districts, but that  
 4 was the extent of the specificity.  
 5 Q Well, in response to that advice -- that -- as you  
 6 characterized the legal advice you sought, did you  
 7 seek legal advice about what constitutes an  
 8 effective voting majority of eligible Latinos?  
 9 MR. KELLY: Objection, form.  
 10 A Not that I recall.  
 11 Q And just so I'm clear, you have no direct contact  
 12 with MALDEF, right?  
 13 A That's correct.  
 14 MR. EARLE: I have no further  
 15 questions.  
 16 MR. KELLY: Nor do I.  
 17 MS. LAZAR: Doug?  
 18 MR. POLAND: Nor do I.  
 19 THE VIDEOGRAPHER: We are going off  
 20 the record, concluding the video deposition  
 21 of Tad Ottman, the continuation of that video  
 22 deposition. Today's deposition consists of  
 23 three DVDs. The time is 5:01.  
 24 (Adjourning at 5:01 p.m.)  
 25

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1 STATE OF WISCONSIN )  
 ) ss.  
2 COUNTY OF DANE )

3 I, BRANDÉ A. BROWNE, a Registered Professional  
4 Reporter and Notary Public duly commissioned and  
5 qualified in and for the State of Wisconsin, do  
6 hereby certify that pursuant to subpoena, there came  
7 before me on the 2nd day of February 2012, at 9:23 in  
8 the forenoon, at the offices of Godfrey & Kahn, S.C.,  
9 Attorneys at Law, One East Main Street, Suite 500,  
10 the City of Madison, County of Dane, and State of  
11 Wisconsin, the following named person, to wit:  
12 TAD M. OTTMAN, who was by me duly sworn to testify to  
13 the truth and nothing but the truth of his knowledge  
14 touching and concerning the matters in controversy in  
15 this cause; that he was thereupon carefully examined  
16 upon his oath and his examination reduced to  
17 typewriting with computer-aided transcription; that  
18 the deposition is a true record of the testimony  
19 given by the witness; and that reading and signing  
20 was not waived.  
21 I further certify that I am neither  
22 attorney or counsel for, nor related to or employed  
23 by any of the parties to the action in which this  
24 deposition is taken and further that I am not a  
25 relative or employee of any attorney or counsel

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1 employed by the parties hereto or financially  
2 interested in the action.  
3 In witness whereof I have hereunto set my  
4 hand and affixed my notarial seal this 6th day of  
5 February 2012.

6  
7  
8 \_\_\_\_\_  
Notary Public, State of Wisconsin  
Registered Professional Reporter

9 My commission expires  
10 April 21, 2013  
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