

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.

Civil Action  
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**

**TAD M. OTTMAN**

Madison, Wisconsin  
April 30, 2013

Susan C. Milleville, Court Reporter

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

Defendants,

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

Intervenor-Defendants.

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

Plaintiffs,

v.

Case No. 11-CV-1011  
JPS-DPW-RMD

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

Defendants.

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I N D E X

<u>Witness</u>	<u>Pages</u>
TAD M. OTTMAN	
Examination by Mr. Poland	6
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Examination by Mr. Jacob	47
Examination by Ms. Buchko	48

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Identified</u>
1	Subpoena	6
2	Declaration	7

(The original exhibits were attached to the original transcript and copies were provided to counsel)

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

1           VIDEOTAPE DEPOSITION of TAD M. OTTMAN, called  
2           as 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 Susan C. Milleville, a Court Reporter and  
9           Notary Public in and for the State of Wisconsin, at  
10          the offices of Godfrey & Kahn, S.C., Attorneys at  
11          Law, One East Main Street, in the City of Madison,  
12          County of Dane, and State of Wisconsin, on the 30th  
13          day of April 2013, commencing at 12:34 in the  
14          afternoon.

15  
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17                           A P P E A R A N C E S

18  
19

DOUGLAS M. POLAND, Attorney,  
for GODFREY & KAHN, S.C., Attorneys at Law,  
One East Main Street, Suite 500, Madison,  
Wisconsin 53703, appearing on behalf of  
Plaintiffs Alvin Baldus, et al.

22  
23

PETER G. EARLE, Attorney,  
for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,  
839 North Jefferson Street, Suite 300,  
Milwaukee, Wisconsin 53202, appearing by  
telephone on behalf of Plaintiffs  
Voces De La Frontera, Inc., et al.

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A P P E A R A N C E S (Continued)

MARIA S. LAZAR, Assistant Attorney General,  
for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,  
17 West Main Street, Madison, Wisconsin 53703,  
appearing on behalf of Defendant Members of  
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AYAD P. JACOB, Attorney,  
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6600 Willis Tower, Chicago, Illinois 60606,  
appearing on behalf of Michael Best &  
Friedrich LLP.

CYNTHIA L. BUCHKO, Attorney,  
for WHYTE HIRSCHBOECK DUDEK S.C., Attorneys at Law,  
33 East Main Street, Suite 300, Madison,  
Wisconsin 53701-1379, appearing on behalf of  
the Wisconsin Senate, Wisconsin Assembly,  
Wisconsin Senate Chief Clerk Jeff Renk,  
Wisconsin Assembly Chief Clerk Patrick E.  
Fuller and the Wisconsin Legislative Technology  
Services Bureau.

Also present: Todd S. Campbell, CLVS  
Campbell Legal Video Company  
417 Heather Lane, Suite B  
Fredonia, WI 53021  
(262) 447-2199

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1 (Exhibit Nos. 1 and 2 marked for  
2 identification)

3 TAD M. OTTMAN,  
4 called as a witness, being first duly sworn,  
5 testified on oath as follows:

6 EXAMINATION

7 By Mr. Poland:

8 Q Mr. Ottman, the court reporter has handed you a  
9 document that we have had marked as Exhibit No. 1.  
10 Do you have that in front of you?

12:34PM

11 A I do.

12 Q And do you see that's a subpoena for your  
13 appearance at a deposition, correct?

14 A That's correct.

12:34PM

15 Q Now, we just went through and spent part of  
16 yesterday and then the earlier part of today  
17 taking a deposition where you were tendered as a  
18 witness under Federal Rules of Civil Procedure  
19 30(b)(6) testifying about matters on behalf of the  
20 Wisconsin State Senate, correct?

12:34PM

21 A That's correct.

22 Q Just to make sure that we understand the  
23 distinction, this is a deposition that we're  
24 taking of you in your individual capacity as  
25 opposed to a representative capacity. Do you

12:35PM

1 understand that?

2 A I do.

3 Q I will do my very best to limit the questions that  
4 I have here to questions that we either did not

12:35PM

5 cover or only touched on in a representative

6 capacity in the other deposition. All right? If

7 we get to a point and I ask you a question, if you

8 want to refer me back to testimony that you gave

9 in the 30(b)(6) deposition, you can feel free to

12:35PM

10 do that. All right?

11 A Okay.

12 Q Have you had an opportunity to review Exhibit

13 No. 1?

14 A I have.

12:35PM

15 Q Counsel or someone has provided you with a copy of  
16 that subpoena?

17 A That's correct.

18 Q I would like you to look at Exhibit No. 2.

19 Exhibit No. 2. Have you seen Exhibit No. 2

12:35PM

20 before?

21 A I have.

22 Q Can you identify it, please.

23 A It's the declaration prepared by counsel.

24 Q This is a declaration that -- if you turn to the

12:36PM

25 very last page of Exhibit 2, which is the seventh

1 page, you will see it has an electronic signature  
2 on it, correct?

3 A That's correct.

4 Q And that's your electronic signature?

12:36PM

5 A Yes.

6 Q Did you give authorization or authority to someone  
7 to sign your name electronically to this document?

8 A I gave it to counsel at Godfrey & Kahn. Counsel  
9 at Whyte Hirschboeck. Sorry.

12:36PM

10 Q And it's dated April 25, 2013, correct?

11 A Yes.

12 Q Who asked you to prepare this document?

13 A Counsel at Whyte Hirschboeck.

14 Q Did you physically sit down at a computer and type  
15 this document out yourself?

12:36PM

16 A I typed -- I edited it. I did not type the  
17 original document.

18 Q Were you presented originally with a document that  
19 was typed out and you were given a chance to  
20 review it?

12:36PM

21 A That's correct.

22 Q Were you told you could make any changes to it you  
23 want?

24 A Yes.

12:37PM

25 Q And did you in fact make changes to the document



1 from the original that was given to you?

2 A I did.

3 Q Is it your understanding and belief that  
4 everything that's stated in this declaration is  
12:37PM 5 true and correct?

6 A That's my understanding.

7 Q Let's take a look at Paragraph Number Two of your  
8 declaration. The first sentence refers to the  
9 subpoena, and that's the subpoena that we just  
12:37PM 10 marked as Exhibit 1, correct?

11 A No.

12 Q Let me withdraw that question. You refer to a  
13 subpoena in the beginning of Paragraph Two. What  
14 subpoena was that?

12:37PM 15 A That was the subpoena prior to the redistricting  
16 trial. The subpoena I believe was issued in 2011.

17 Q That was issued in December of 2011, correct?

18 A I believe that's when it was issued.

19 Q It was marked as an exhibit to one of your  
12:38PM 20 previous depositions, correct?

21 A That's correct.

22 Q The next sentence of your declaration states, "I  
23 was advised by the Senate's attorney that I needed  
24 to search for and produce documents related to the  
12:38PM 25 redistricting process that predated the enactment

1 of Acts 43 and 44." Do you see that?

2 A I do.

3 Q The Senate's attorney that's referred to in  
4 Paragraph Two, who is it that you're referring to  
5 there?

12:38PM

6 A Eric McLeod.

7 Q And it was Mr. McLeod I believe, as you testified  
8 to in your 30(b)(6) deposition, who told you that  
9 the search for and production of documents  
10 relating to redistricting applied to documents  
11 predating the enactment of Acts 43 and 44,  
12 correct?

12:38PM

13 A That's correct.

14 Q The next sentence states that you performed a  
15 search of your records at the time and produced  
16 documents in your possession that predated the  
17 August 2011 passage of Acts 43 and 44. Do you see  
18 that?

12:38PM

19 A Yes.

20 Q What is the reference that you make in there to my  
21 records at the time? What was it that was  
22 included within that?

12:39PM

23 A The records that I had both in my E-mail account,  
24 my State E-mail account, my G Mail account on my  
25 redistricting computer and at my workstation in

12:39PM

1 the offices of Michael Best.

2 Q I'm sorry. I cut you off.

3 A And at my offices at Michael Best & Friedrich.

4 Q Did that include Mr. Handrick's computer at that  
5 time as well?

12:39PM

6 A No.

7 Q Did it include the hard drive that was attached to  
8 your computer?

9 A Could you clarify that?

12:39PM

10 Q There was a hard drive that was attached to the  
11 computer you were using at Michael Best's offices,  
12 correct?

13 A Are you referring to the internal hard drive or  
14 the external hard drive?

12:39PM

15 Q I'm sorry. That's a distinction we do need to  
16 make. The external hard drive.

17 A I did not perform an independent search of the  
18 external hard drive.

19 Q Why did you not?

12:40PM

20 A It was my understanding that that was only a  
21 backup of materials that were on the internal hard  
22 drive.

23 Q Is it your understanding or was it your belief at  
24 the time that anything that was on the external

12:40PM

25 hard drive should have been on the internal hard

1 drive as well?

2 A That's correct.

3 Q What about for Mr. Handrick's computer? You said  
4 you did not search for and produce documents from  
12:40PM 5 the redistricting computer Mr. Handrick was using?

6 A I assisted in the production of documents on his  
7 computer. I did not conduct the search.

8 Q Who was primarily responsible for conducting the  
9 search of that computer?

12:40PM 10 A I don't know if -- I think Joe looked at it. I  
11 don't know if Adam was involved in looking or  
12 simply in the production.

13 Q Did you personally search the external hard drive  
14 that was attached to the computer Mr. Handrick was  
12:41PM 15 using?

16 A I did not.

17 Q Do you know whether anyone else did?

18 A I don't believe so, but I don't know.

19 Q Similarly, you did not -- strike that question.

12:41PM 20 In the next sentence you state, "I understand the  
21 Court ruled on February 25, 2013 that documents  
22 that postdated the enactment of Acts 43 and 44 and  
23 that related to SB 150 should have been produced."  
24 Do you see that statement?

12:41PM 25 A Yes.

1 Q Where did you gain that understanding?

2 A That was from counsel at Whyte Hirschboeck.

3 Q At that time were you instructed to search for any  
4 documents that postdated Acts 43 and -- the

12:41PM

5 enactment of Acts 43 and 44 that hadn't previously  
6 been produced?

7 A Not at that time.

8 Q Have you subsequently been instructed to do that?

9 A I have subsequently been instructed to search my  
10 E-mail for such documents.

12:42PM

11 Q And, as we discussed before, you don't currently  
12 have the redistricting computers in your  
13 possession, correct?

14 A That's correct.

12:42PM

15 Q So you personally can't undertake that search,  
16 correct?

17 A That's correct.

18 Q Now, what about the SB 150 documents? I know that  
19 you did testify about this in your 30(b)(6)  
20 deposition, but has anyone asked you now to go  
21 back and look for the SB 150 documents?

12:42PM

22 A Yes.

23 Q Who asked you to do that?

24 A Counsel at Whyte Hirschboeck.

12:42PM

25 Q Is that something that you have begun to do?

1 A I have begun to do that. Yes.

2 Q The next sentence in your declaration states,  
3 "However, that was not the advice and direction I  
4 had received at the time from the Senate's  
12:42PM 5 attorney." Do you see that statement?

6 A I do.

7 Q Again, Senate's attorney that's referred to there,  
8 is that Mr. McLeod?

9 A That is correct. Joe Olson may have been involved  
12:43PM 10 in that instruction. I'm not certain.

11 Q And then you say, "I simply followed the  
12 attorney's direction and I did not withhold any  
13 documents based on their content," correct?

14 A That's correct.

12:43PM 15 Q The attorney's direction -- again, that's  
16 Mr. McLeod and Mr. Olson?

17 A That's correct.

18 Q Your next statement that says, "I did not withhold  
19 any documents based on their content" -- did you  
12:43PM 20 withhold documents for any other reason?

21 A I withheld them -- I may have withheld them if  
22 they postdated the enactment of Acts 43 and 44,  
23 and I may have withheld them if they related  
24 solely to SB 150.

12:43PM 25 Q Do you have any estimate as to when you will be

1 finished looking for documents in your E-mail that  
2 postdate the enactment of Acts 43 or 44 or that  
3 relate to SB 150?

4 A I hope that I can finish doing that search today  
12:44PM 5 or tomorrow.

6 Q Were there any other computers including a  
7 personal computer that you used to do any of your  
8 redistricting work?

9 A No.

12:44PM 10 Q So the computer and the equipment over at Michael  
11 Best & Friedrich was the only equipment that you  
12 used to do your redistricting work?

13 A That's correct.

14 Q Who made the final decision as to whether a  
12:44PM 15 document should be produced to the plaintiffs?

16 A That was Senate counsel. Either Eric McLeod or  
17 Joe Olson.

18 Q Paragraph Three of your declaration, which is on  
19 page 3, relates to the notice of preservation  
12:45PM 20 demand letter that Mr. Earle sent, correct?

21 A That's my understanding.

22 Q And you have testified about that in your 30(b)(6)  
23 deposition, correct?

24 A That's correct.

12:45PM 25 Q In the last sentence of Paragraph Three you say,

1 "Nonetheless, I continue to preserve documents  
2 pertaining to the redistricting process on my  
3 computer." Do you see that?

4 A Yes.

12:45PM

5 Q Which computer are you referring to there?

6 A The computer that I used for redistricting and  
7 subsequently used for other legislative  
8 activities.

12:46PM

9 Q Does that also include the hard drive that was  
10 attached to that computer?

11 A I never made any changes to the configuration of  
12 the hard drive, so -- I never saved anything  
13 independently to that hard drive. So that would  
14 only be backing up the redistricting maps is my  
15 belief.

12:46PM

16 Q What about the computer that had been assigned to  
17 you but used by Mr. Handrick for the  
18 redistricting? Would that statement apply to that  
19 computer as well?

12:46PM

20 A With the exception of the maps that we discussed  
21 earlier.

22 Q Paragraph Four refers to your installation of  
23 CCleaner on your redistricting computer, correct?

24 A That's correct.

12:46PM

25 Q And we have discussed that in some level of detail



1 in your 30(b)(6) deposition, correct?

2 A That's correct.

3 Q I want to go over a couple of things here. You  
4 have a statement that says, "The purpose of such  
12:47PM 5 software is to allow the computer to run faster  
6 including Internet Explorer, temporary files,  
7 history, cookies, super cookies, and index.dat  
8 files." Do you see that?

9 A Yes.

10 Q Where did you gain that understanding?

11 A That was my understanding from the website of the  
12 software.

13 Q And then it goes on and says, "It does the same  
14 for Google and other system related files as  
12:47PM 15 opposed to individual files." Do you see that?

16 A Yes.

17 Q Do you know whether it will clean any artifacts or  
18 any of those kinds of files that might be used by  
19 G Mail?

12:47PM 20 A I'm not aware.

21 Q So you don't know if it does or if it doesn't?

22 A I don't know. Yes. That's correct.

23 Q Did you ever ask anybody if CCleaner would delete  
24 any artifacts that relate to G Mail messages?

12:47PM 25 A I did not.

1 Q In the next sentence you say, "The CCleaner  
2 software was not used on my computer to clean  
3 files that I had saved including redistributing  
4 files." Do you see that?

12:48PM

5 A Yes.

6 Q What do you mean by that sentence?

7 A That I never used the software to delete any files  
8 that I had saved to a specific folder other  
9 than -- it may clean out a download folder. I'm  
10 not certain.

12:48PM

11 Q Was there anything that you had downloaded onto  
12 that computer for the purpose of redistributing?

13 A The only thing I had downloaded onto the computer  
14 for the purpose of redistributing were -- there  
15 were some patches that LTSB had referred me to,  
16 and there may have been some census data that they  
17 sent me a link to.

12:48PM

18 Q Do you have any recollection of actually  
19 downloading anything that LTSB had sent you a link  
20 to?

12:49PM

21 A Yes.

22 Q And what did you download?

23 A There was a patch I believe to the Autobound  
24 software I specifically remember downloading.

12:49PM

25 Q Anything else?

1 A Nothing specific that I recall.

2 Q You say in the next sentence, "There's nothing  
3 inconsistent with my having CCleaner software on  
4 my computer and maintaining all of my  
12:49PM 5 redistributing files." Do you see that?

6 A Yes.

7 Q Is that something that you wrote? Did you write  
8 that sentence?

9 A I don't recall if I wrote that or modified it or  
12:49PM 10 if it was there.

11 Q You don't know if that was a sentence in the draft  
12 that you received?

13 A I can't recall.

14 Q The next sentence says, "It is not the purpose of  
12:50PM 15 CCleaner software to destroy files that had been  
16 preserved on the computer." Do you see that?

17 A Yes.

18 Q Do you know whether CCleaner could be used for  
19 that purpose?

12:50PM 20 A I don't know.

21 Q Could you use CCleaner to identify specific files  
22 you're going to wipe out, you're going to delete?

23 A I'm not aware.

24 Q You say in there that you never did use it to  
12:50PM 25 destroy any files, correct?

1 A That's correct.

2 Q And that's a true statement?

3 A Yes.

4 Q And by destroy you mean delete, eradicate, wipe,  
12:50PM 5 make them unavailable? Are those all included  
6 within that statement destroy?

7 A I believe so. Yes.

8 Q Was CCleaner ever used to maintain any of the  
9 files on the external hard drive that was  
10 connected to your computer?

11 MS. BUCHKO: Object to form.

12 A Not that I'm aware of.

13 Q Do you know whether the settings were done so that  
14 it would only work on the hard drives that were on  
15 the redistributing computer and not work on the  
16 external hard drive?

17 A I'm not aware.

18 Q Did you have any settings where you could set it  
19 to look at certain parts of the computer and not  
12:51PM 20 others?

21 A The only settings I recall changing are whether or  
22 not to clear out the browser cookies and cache.

23 Q And what did you do with respect to those  
24 settings?

12:51PM 25 A Sometimes I would uncheck the Google cookies if I

1 wanted to save some cookies on Google.

2 Q Why would you do that?

3 A If there were certain passwords I had saved in  
4 there or -- Google Chrome has your most frequently  
12:52PM 5 visited web pages on the front page. If you wipe  
6 out all of the cookies, it deletes all of that  
7 information.

8 Q So you could go and physically select what was  
9 going to be retained, the cookies that would be  
10 retained?

11 A You could select by browser whether or not you  
12 wanted it to -- so either check to eliminate all  
13 of the cookies in Google or none of them.

14 Q Paragraph Five says, "My computer was not used  
12:52PM 15 solely for redistricting. While I maintained  
16 redistricting files on my computer, I continued to  
17 use my computer for my other legislative  
18 activities." Do you see that?

19 A Yes.

12:53PM 20 Q All right. What were the other -- I want to talk  
21 about the time prior to the service of the  
22 subpoenas --

23 A Okay.

24 Q -- in December of 2011. Did you use your computer  
12:53PM 25 for other legislative activities between

1 January 1, 2011 and the time that your subpoenas  
2 were served in December 2011?

3 A I did.

4 Q What other things were you working on?

12:53PM

5 A There may have been constituent letters that they  
6 would ask me to either write the letter or write  
7 some text to include in the letter. I don't know.

8 There may have been other memos on other topics  
9 that I was asked to write. I can't recall of any  
10 other specifics at this time.

12:53PM

11 Q You were doing all of that work on the  
12 redistricting computer that was located at Michael  
13 Best & Friedrich's offices, correct?

14 A That's correct.

12:54PM

15 Q You had mentioned or you testified before that you  
16 had another computer that you had previously used  
17 before the redistricting process started, and that  
18 was in your office back over at the capitol  
19 building, correct?

12:54PM

20 A That's correct.

21 Q After you moved offices over to Michael Best, you  
22 no longer used that computer?

23 A Extremely infrequently. It was kind of hard to  
24 get into the building for a long time.

12:54PM

25 Q And you didn't do any redistricting work on that

1 computer, right?

2 A That's correct.

3 Q Paragraph Number Five -- I'm sorry. Paragraph  
4 Number Six in your declaration talks about the two  
12:55PM 5 internal hard drives and the external hard drive.

6 Do you see that?

7 A Yes.

8 Q There's a reference to the mirrored internal hard  
9 drives, correct?

12:55PM 10 A Correct.

11 Q Where did you gain that understanding that the  
12 internal hard drives were mirrored hard drives?

13 A That was a discussion with LTSB when we were  
14 talking in the legislature about what computers  
12:55PM 15 and what features to select for the redistricting  
16 computers that were purchased for all four  
17 caucuses.

18 Q So this is something that you knew before the time  
19 that the computers themselves were deployed and  
12:55PM 20 used?

21 A That's correct.

22 Q Why did you decide that you wanted to have the  
23 mirrored hard drives?

24 A I think the discussion was and the recommendation  
12:55PM 25 was from LTSB given the large amount of data and

1 the difficulty if you were to lose that data that  
2 multiple redundancies was recommended.

3 Q Is that why there was an external hard drive that  
4 was purchased as well to back up the internal hard  
5 drives?

12:56PM

6 A That's correct.

7 Q You have a sentence in Paragraph Six that says,  
8 "While I cannot explain why one external hard  
9 drive became corrupted, that does not indicate  
10 destruction of documents." Do you see that?

12:56PM

11 A Yes.

12 Q Do you know which external hard drive it was that  
13 became corrupted?

14 A I don't.

12:56PM

15 Q Was the hard drive that was maintained with  
16 Mr. Handrick's redistricting computer, originally  
17 connected to Mr. Handrick's redistricting computer  
18 -- did that stay with that computer when it was  
19 moved to that conference room between the Senate  
20 majority and Senate minority leaders offices?

12:56PM

21 A I don't know. LTSB handled the move with the  
22 computers.

23 Q You don't know how they set it up then when it was  
24 in that conference room?

12:57PM

25 A They loaded them both up on the cart I believe at



1 the same time and hauled the cart downstairs and  
2 then put both computers in the two locations.

3 Q When the computer that Mr. Handrick had been using  
4 was located in that conference room as you  
12:57PM 5 described in your previous deposition, did you  
6 have an opportunity to see it in there?

7 A I saw that it was in there. That conference room  
8 also contained a refrigerator and a microwave and  
9 a sink. So I saw that it was in there.

10 Q Did you see any external hard drive attached to  
11 the computer while it was in that conference room?

12 A I believe the external hard drive was sitting on  
13 top of the computer.

14 Q Did you ever see anything happen to it physically?  
12:57PM 15 Did you ever see it fall or something dropped on  
16 it?

17 A Not that I observed.

18 Q When was the last time that you knew or understood  
19 that that external hard drive was operating?

12:57PM 20 A Specifically the Handrick --

21 Q Correct.

22 A -- computer?

23 Q The hard drive attached.

24 A I don't know that I ever had occasion to see if it  
12:58PM 25 was operating or not.

1 Q You didn't do anything yourself to cause that hard  
2 drive to become inoperable; is that correct?

3 A That's correct.

4 Q Do you have any other information about anyone who  
12:58PM 5 did something that caused that hard drive to  
6 become inoperable?

7 A Only what I read in the declarations about the  
8 examination at PLA.

9 Q And what was it that you read about the  
12:58PM 10 examination of PLA?

11 A That the hard drive was inoperable when they  
12 received it; that they took off the outer housing  
13 and tried to directly interface with the hard  
14 drive.

12:58PM 15 Q In Paragraph Seven of your declaration -- this is  
16 where you refer to the placement of Mr. Handrick's  
17 redistributing computer in the conference room.  
18 Was that a location that you directed it be placed  
19 in?

12:59PM 20 A That, and I believe we touched on this yesterday,  
21 I spoke with the chief of staff at the time, said  
22 *Where are we going to put this*, and we decided to  
23 put it in -- that there was only room for it in  
24 the conference room.

12:59PM 25 Q Your testimony in your declaration states that

1 that room was generally accessible by cleaning  
2 staff and generally accessible by the public as  
3 well; is that correct?

4 A That's correct.

12:59PM

5 Q Why was that computer placed in a location that  
6 was generally available or open to the public?

7 MS. BUCHKO: Objection, asked and  
8 answered multiple times.

01:00PM

9 A That was the conference room assigned to the  
10 minority leader. When we had interns that we  
11 didn't have space for, that's where they would be  
12 working out of.

01:00PM

13 Q In the next sentence you say that you were  
14 uncomfortable about the possibility of having  
15 anyone access the various versions of the  
16 redistricting maps that had been created during  
17 the redistricting process. Do you see that?

18 A Yes.

01:00PM

19 Q Now, those were maps that had been turned over to  
20 the plaintiffs in litigation, correct?

21 A That's correct.

22 Q So why were you uncomfortable about the  
23 possibility of having anyone access them?

01:00PM

24 A Because to my knowledge those maps, those versions  
25 of the maps, had never been referred to or

1 displayed or printed anywhere that I had seen  
2 publicly.

3 Q But they had been turned over in the litigation,  
4 correct?

01:01PM 5 A That's correct.

6 Q Did you have some expectation that the versions  
7 that were produced to the plaintiffs wouldn't be  
8 made available to the public or couldn't be made  
9 available to the public?

01:01PM 10 MS. BUCHKO: Objection; foundation,  
11 competency.

12 A At that point, given that they hadn't been made  
13 available to the public, I didn't have any  
14 expectation that they would become available to  
01:01PM 15 the public.

16 Q Did you discuss with anyone else the possibility  
17 that those maps could be available to the public  
18 if they were left on that computer?

19 A Not that I recall.

01:01PM 20 Q Is that a decision that you made on your own?

21 A I believe so. Yes.

22 Q Did you consult with any legal counsel before you  
23 decided to delete those maps?

24 A I did not.

01:01PM 25 Q Was there anything other than maps that you

1 deleted?

2 A Not that I recall.

3 Q Those deletions, what was the form of the files?

4 Strike that. What was the format of the files

01:01PM

5 that you deleted pertaining to the maps?

6 A I recall deleting the folders that were within the

7 map folders. I don't recall the specific file

8 designations or if there were sub folder titles.

9 Q We have talked about some different kinds of

01:02PM

10 files. Do you know anything about the kinds of

11 files they were? Were these data files that were

12 used to compile the maps?

13 A Very little.

14 Q I believe you testified that you did not

01:02PM

15 investigate the possibility of securing

16 Mr. Handrick's computer through some kind of

17 password protection or log on protection; is that

18 correct?

19 A The computer was password protected. Anyone

01:03PM

20 logging onto it with a legislative ID could access

21 it. I wasn't aware of any other further

22 possibilities of encryption or a password

23 protection.

24 Q Anyone with a password could log on to the

01:03PM

25 computer and access the computer, correct?

1 A Correct.

2 Q But simply because they could log on and access  
3 the computer did not mean they could log on and  
4 access the maps; isn't that correct?

01:03PM

5 A The maps were stored on the C drive. It was my  
6 understanding that if you had access to the  
7 computer, you could access the C drive.

8 Q Did you ever ask anyone at LTSB about that?

9 A Not at that time. No.

01:03PM

10 Q Have you asked anybody at LTSB about that since  
11 that time?

12 A I did have a conversation with Jeff.

13 Q Ylvisaker?

14 A Thank you. And he said possibly that would be the  
15 normal explanation. But he wasn't sure in this  
16 instance.

01:03PM

17 Q Have you talked with -- when was that conversation  
18 with Mr. Ylvisaker?

19 A When I was preparing for the 30(b)(6) deposition.

01:04PM

20 Q So Mr. Ylvisaker told you it was possible that  
21 somebody who might log on to that computer with a  
22 password could have accessed the maps that were on  
23 the C drive on the Handrick computer?

24 A He said that would be the normal expectation, that  
25 you would have access to the C drive, but he

01:04PM

1           wasn't sure in this instance.

2           Q   Have you talked with him subsequently about that?

3           A   I have not.

4           Q   In the last sentence you have on page 5 of your  
01:04PM 5           declaration you say, "To the contrary, plaintiffs  
6           received electronic copies of all of those maps  
7           well before the electronic versions of the maps  
8           were deleted from Mr. Handrick's computer." Do  
9           you see that?

01:04PM 10          A   Yes.

11          Q   Again, you haven't compared what plaintiffs  
12          actually received with what you deleted, correct?

13          A   That's correct.

14          Q   So that when you say, "I was aware of that when I  
01:05PM 15          deleted the maps thinking they were just an extra  
16          copy," you were aware that the electronic copies  
17          of what -- you were aware that the files that you  
18          deleted you had put onto a CD or a DVD and  
19          provided to Mr. McLeod for production to  
01:05PM 20          plaintiffs, correct?

21          A   That's correct.

22          Q   At the time of those deletions in July of 2012,  
23          was it your understanding that there was any kind  
24          of litigation hold in place on that computer?

01:06PM 25          A   The only litigation hold I was aware of at that

1 time was related to a potential open meetings  
2 lawsuit.

3 Q Paragraph Eight of your declaration, your second  
4 sentence, you state, "I did not produce documents  
01:06PM 5 postdating the enactment of Acts 43 and 44 or that  
6 related to SB 150. I did not do so only because I  
7 was told by the Senate's attorney that the  
8 subpoena did not require production of those  
9 documents." Do you see that?

01:06PM 10 A Yes.

11 Q And Senate's attorney there refers to Mr. McLeod  
12 and Mr. Olson?

13 A That's correct.

14 Q In the next sentence you state, "I produced large  
01:06PM 15 volumes of documents and information to the  
16 Senate's attorneys and relied on them to make the  
17 decision as to what to produce." Do you see that?

18 A Yes.

19 Q And that's a correct statement?

01:07PM 20 A It is.

21 Q Senate's attorneys there again refers to  
22 Mr. McLeod and Mr. Olson?

23 A That's correct.

24 Q In the next sentence you state, "On several  
01:07PM 25 occasions the attorneys reviewed the documents on



1 my computer with me and designated which should be  
2 produced." Do you see that statement?

3 A Yes.

01:07PM

4 Q So this is a separate process than when you  
5 printed the documents out and gave them to the  
6 Michael Best attorneys for production review,  
7 correct?

01:07PM

8 A This, I believe, is what I referred to yesterday  
9 when there were certain electronic files that were  
10 too large to print out that those were then  
11 reviewed on the computer and produced  
12 electronically.

01:07PM

13 Q Was there ever a time when Mr. McLeod -- strike  
14 the question. Did Mr. McLeod participate in that  
15 on screen review of documents?

16 A I can't remember if that was McLeod or Olson.

17 Q Could it have been both?

18 A Potentially.

01:08PM

19 Q Do you have any recollection of a time when you  
20 brought a document up on the screen and they said  
21 *No. Don't produce that?*

01:08PM

22 A That could have happened. I don't have a specific  
23 recollection except to the extent that I think  
24 some of the census data that was produced for both  
25 Adam Foltz and my deposition -- they discussed

1 that there was probably not a need to produce that  
2 identical information twice.

3 Q You state in the next sentence, "I never reviewed  
4 any documents and elected not to produce them."

01:08PM

5 Do you see that?

6 A Yes.

7 Q Now, you did testify before that you did not  
8 produce documents pertaining to SB 150, correct?

9 A That's correct.

01:08PM

10 Q So you did elect not to produce those documents,  
11 correct?

12 MS. BUCHKO: Object to form,  
13 mischaracterizes his previous testimony.

01:08PM

14 A Right. I did not to produce documents that I --  
15 in the subject areas that I was asked to search  
16 for.

17 Q So you elected not produce documents pertaining to  
18 SB 150 because your counsel told you you didn't  
19 need to?

01:09PM

20 A That's correct. I believe that sentence all hangs  
21 together and not by its first part there.

22 Q All right. You're tying the first part of that  
23 into the other statement at the end because you  
24 thought they might aid plaintiffs' opposition to  
25 the redistricting?

01:09PM

1 A That's correct.

2 Q I see. Outside of the context then of whether  
3 they might or might not aid the plaintiffs'  
4 opposition to the redistricting, did you ever  
01:09PM 5 review any documents and elect not to produce  
6 them?

7 A Only to the extent that it was outside of the  
8 parameters I was asked to search.

9 Q And those would be the date parameters and SB 150?

01:10PM 10 A Yes.

11 Q Were there any other parameters that were given to  
12 you by Mr. McLeod or Mr. Olson where they said you  
13 don't need to produce certain kinds of things?

14 A I don't recall.

01:10PM 15 Q Turning to Paragraph Number Nine. Looking about  
16 halfway down that paragraph on page 6, you say,  
17 "If I am provided access to my computer, I could  
18 conduct that search and turn over such documents  
19 so the forensic examination of my computer could  
01:10PM 20 at least be stayed until all such documents are  
21 produced." Do you see that?

22 A I do.

23 Q And you are essentially saying there that if you  
24 got access to those hard drives that you could  
01:11PM 25 search for the SB 150 documents and you could

1 search for the extended date range documents?

2 A That's correct.

3 Q Is that anything you have discussed with anybody?

4 A Just generally with counsel.

01:11PM

5 Q In the last sentence in that paragraph that

6 appears on page 6 you state, "As I indicated, I

7 did not delete redistricting documents so they

8 would not be available for review by the

9 plaintiffs." You then go on to say, "Rather, as

01:11PM

10 described above, the only documents I deleted were

11 deleted to avoid public disclosure of Senate

12 information, and while I was acting" -- let me

13 just stop there a second. When you say public

14 disclosure of Senate information, what do you mean

01:12PM

15 by that?

16 A That refers to the maps. That it was my

17 understanding -- that on the computer used by

18 Mr. Handrick had not been viewed publicly.

19 Q And you believe that it was improper for that

01:12PM

20 information to be made available to the public?

21 A Yes.

22 Q Why did you have that belief?

23 A Typically drafts of legislation that do not become

24 introduced are not typically shared with the

01:12PM

25 public or even with other members of the caucus.

1 Q So the maps that you had deleted from  
2 Mr. Handrick's computer were not the final maps;  
3 is that correct?

01:12PM

4 A There may have been a version of the final map on  
5 his computer. But, if so, the same version was on  
6 Adam's and my computer.

7 Q So was it --

8 A But there were draft documents on his computer  
9 that were not the final map.

01:13PM

10 Q Were the maps that you printed from Mr. Handrick's  
11 computer and produced -- do you know whether those  
12 were designated as exhibits in the trial?

13 A No. I don't believe any -- I didn't print any  
14 maps from Joe's computer. I electronically copied  
15 maps from Joe's computer. And it's my  
16 understanding that -- I don't believe any of those  
17 were used as exhibits in the trial.

01:13PM

18 Q In Paragraph Number Ten you state in the first  
19 sentence, "When I first began doing work relating  
20 to redistricting in or about early 2011, I do not  
21 recall being instructed by the Senate's attorneys  
22 to retain all E-mail or electronic documents or  
23 hard copy documents." Do you see that?

01:14PM

24 A Yes.

01:14PM

25 Q Again, the Senate's attorneys -- that's Michael

1 Best & Friedrich, correct?

2 A That's correct. As well as Attorney Troupis.

3 Q And then you go down -- in the next sentence you  
4 say, "I recall seeing that instruction some time  
01:14PM 5 after the initiation of this lawsuit." Do you see  
6 that?

7 A Yes.

8 Q Now, in your previous testimony you said the first  
9 time you were so instructed was when the subpoena  
01:14PM 10 was issued to you; is that correct?

11 A That's correct.

12 Q And then you state, "As a result, I did delete  
13 some E-mail and documents relating to the  
14 redistricting," correct?

01:15PM 15 A That's correct.

16 MR. JACOB: I'm going to object to  
17 the form of the question.

18 Q The next sentence you state, "To the best of my  
19 recollection, however, any deleted E-mail or  
01:15PM 20 documents were non-substantive, e.g. containing no  
21 meaningful information." Do you see that?

22 A Yes.

23 Q What do you mean by non-substantive?

24 A I believe they were on the order of what we  
01:15PM 25 discussed yesterday, Google alerts related to

1           redistricting, things that may have talked about  
2           redistricting. But I don't recall them being  
3           related to the materials requested as part of the  
4           subpoena I received in December.

01:15PM

5           Q Did you show those to anybody before you made that  
6           decision?

7           A No. I don't recall doing that.

8           Q The parens you have says, "E.G. containing no  
9           meaningful information." What do you mean by  
10          meaningful information?

01:16PM

11          A It's my understanding or my recollection that it  
12          wouldn't have contained any information that would  
13          have been used in the drawing of the map or the  
14          defending of the map or the explanation of the  
15          map.

01:16PM

16          Q Do you know whether any of the deletions that  
17          you -- material that you did delete can be  
18          recovered from the computers from which it was  
19          deleted?

01:16PM

20          A I don't know.

21          Q Have you had a conversation with anyone about  
22          that, whether it's recoverable?

23          A I have not.

24          Q Have you discussed that issue at all with counsel  
25          or with PLA?

01:16PM

1 A I don't believe so. About recoverable?

2 Q Correct.

3 A Recoverability? I don't believe so.

4 MR. POLAND: I don't have any

01:17PM

5 further questions at this time.

6 MR. EARLE: I have very few.

7 MS. BUCHKO: You promised.

8 EXAMINATION

9 By Mr. Earle:

01:17PM

10 Q To follow up on one thing that Mr. Poland asked  
11 you about, you said that you edited your  
12 declaration, correct?

13 A That's correct.

14 Q So you received a copy of your declaration that  
15 had been written up by somebody else, correct?

01:17PM

16 MS. BUCHKO: Objection,  
17 mischaracterizes his previous testimony.

18 A I received a copy of my declaration to review.

19 Q So somebody else had drafted what you received to  
20 review, correct?

01:17PM

21 A That's correct.

22 Q And then you went through it and you made some  
23 changes you said, correct?

24 A That's correct.

01:17PM

25 Q Did you eliminate anything?



1 A I don't recall what the edits were.

2 Q Would you take the yellow marker there by your  
3 counsel's side and highlight the areas that you  
4 added to your declaration.

01:18PM

5 A I don't recall what was specifically added, what  
6 might have been modified, or what might have been  
7 deleted.

8 Q You have no recollection whatsoever?

01:18PM

9 A Not of the specifics. No. It went through more  
10 than one version.

11 Q Was there any part of your declaration that you  
12 reviewed that was given to you that you disagreed  
13 with and asked that it be removed?

14 A There may have been.

01:18PM

15 Q Tell me.

16 MS. BUCHKO: I'm going to actually  
17 instruct him at this point not to disclose  
18 specific attorney-client privileged  
19 communications. I think it's fair to ask him  
20 if he assisted in writing this, if these are  
21 his words, but the drafts that go back and  
22 forth I'm asserting attorney-client privilege  
23 and instructing him not to answer.

01:18PM

24 Q Are you going to follow the advice of your lawyer  
25 and not tell me which parts of your declaration --

01:18PM

1 strike that. Are you going to follow the advice  
2 and tell me which parts of the proposed  
3 declaration you reviewed you disagreed with and  
4 struck?

01:19PM

5 A I'm going to follow counsel's advice not to  
6 answer.

7 Q Did you add any information to the declaration  
8 that was not in it when it was provided to you by  
9 counsel?

01:19PM

10 A I believe so. Yes.

11 Q Would you identify the parts that you added with  
12 the highlighter, please.

13 A I don't recall specifically, as I mentioned  
14 before, where I added, where I modified.

01:19PM

15 Q Okay. You said that the -- now I'm characterizing  
16 your testimony. I don't want to mischaracterize  
17 it. So when I frame this question, you tell me if  
18 I'm wrong or I'm right. Okay?

19 A Okay.

01:19PM

20 Q You understand that? Okay. Drawing your  
21 attention to Paragraph Number Four. I thought you  
22 said that you had taken the description about what  
23 CCleaner does from the website of CCleaner.

01:20PM

24 A I believe what I said was specifically to  
25 temporary files, history, cookies, super cookies,

1 and index files I had seen on the website.

2 Q And that's what you saw on the website when you  
3 went to the website to download it the first time?

4 A I don't know when I saw it on that website, and I  
01:20PM 5 don't know specifically if I saw it on the  
6 CCleaner website or a tech website that  
7 recommended CCleaner.

8 Q But the question I'm asking you is whether when  
9 you wrote that information in your declaration on  
01:20PM 10 Paragraph Number Four you were operating off of  
11 your memory from when you downloaded CCleaner onto  
12 the computers or whether you went back to the  
13 website to reconstruct that information.

14 A I did not personally go back to the website at  
01:20PM 15 that time.

16 Q So you were working off your memory?

17 A I believe somebody had gone to the website and  
18 checked some of the terms, and I confirmed that  
19 that was my recollection of what it did.

01:21PM 20 Q So you had a recollection of that when you signed  
21 off on this declaration?

22 A I had a recollection of what the purpose of  
23 CCleaner was. Yes.

24 Q Unlike your recollection of what you signed off on  
01:21PM 25 and changed?

1 MS. BUCHKO: Objection,  
2 argumentative and also mischaracterizes his  
3 previous testimony.

4 A What is the question?

01:21PM

5 Q I'm just curious as to why you would remember  
6 something like that from when you downloaded  
7 CCleaner some time ago but you can't remember what  
8 you added to the declaration just a short time  
9 ago.

01:21PM

10 MS. BUCHKO: Same objection.

11 A Because I use CCleaner on my home computers and I  
12 recollect what I use it to do.

01:22PM

13 Q Okay. Now, when you went to the CCleaner website  
14 or the tech site that provided it, did you read up  
15 on CCleaner before you downloaded it onto the  
16 State's redistricting computer that you were  
17 assigned?

01:22PM

18 A Years ago I had read up on it, and I had had it on  
19 other computers that I owned. When I downloaded  
20 it onto the State's computer, I didn't reread the  
21 information.

22 Q So you were aware of how CCleaner was marketed,  
23 correct?

01:22PM

24 A My recollection of learning about CCleaner was  
25 from another tech website that described what it

1 did, that they liked it and had a link to download  
2 it. I don't know if it was downloaded directly  
3 from the CCleaner site or from a mirror site.

01:22PM

4 Q Is it accurate to say that that website described  
5 how CCleaner could be used to wipe hard drives?

6 A No. It is not accurate.

7 Q At the time you downloaded CCleaner, you knew that  
8 it could be used to wipe hard drives, didn't you?

9 A I did not.

01:23PM

10 Q Is it your testimony here today that you did not  
11 use CCleaner to wipe portions of your hard drive  
12 when you used it on July 25, 2012?

13 MS. BUCHKO: Object to form.

01:23PM

14 A I used it for the purpose as described. Whenever  
15 I used it, I used it to clean out temporary  
16 internet files, registry files, that sort of  
17 thing. That is the only purpose I recall having  
18 used it for.

01:23PM

19 Q I understand that's your testimony. You said that  
20 yesterday. I'm asking you a direct question under  
21 oath about whether you used CCleaner to wipe out,  
22 eliminate, or destroy information on the computer  
23 that was related to redistricting on July 25,  
24 2012.

01:24PM

25 A I answered in the way I did because I don't know

1 if those activities I described to you would be  
2 characterized as deleting files off the hard drive  
3 or not.

01:24PM

4 Q I'm not talking about cookies. I'm talking about  
5 whether or not you used CCleaner to wipe  
6 redistributing information from your computer on  
7 July 25, 2012. I'm asking you that question  
8 because you're under oath in a deposition and I  
9 want an answer to that question.

01:24PM

10 A I did not use CCleaner --

11 MS. BUCHKO: Let me object.

12 Object to form.

13 Now go ahead.

01:24PM

14 A I did not use CCleaner to delete files related to  
15 redistributing stored in any folder or elsewhere.

16 Q Do you know if your use of CCleaner on July 25,  
17 2012 resulted in the wiping of files related to  
18 redistributing from your computer?

01:25PM

19 MS. BUCHKO: Object to form,  
20 foundation.

21 A Not that I'm aware of.

22 Q Do you know?

23 A I don't know. I'm not aware of it. No.

01:25PM

24 Q So is it your testimony that you don't know and if  
25 it did you're not aware of it? Is that what

1 you're saying?

2 A That's correct.

3 Q Have you ever used CCleaner to wipe any other  
4 specific files intentionally on your computer?

01:25PM

5 MS. BUCHKO: Object to form.

6 A Other than what I have previously described,  
7 that's the only way I've used CCleaner.

8 MR. EARLE: I have no further  
9 questions.

01:26PM

10 MS. BUCHKO: Ms. Lazar?

11 MS. LAZAR: I have no questions for  
12 Mr. Ottman.

13 MS. BUCHKO: Mr. Jacob?

14 EXAMINATION

15 By Mr. Jacob:

16 Q You may have been asked this. I apologize. When  
17 were the copies of the previously produced map  
18 files deleted from the redistricting computer that  
19 Mr. Handrick had used?

01:27PM

20 A I believe it was sometime at the end of July. It  
21 was shortly before the computer was moved into the  
22 conference room.

23 Q July of what year?

24 A Of 2012.

01:27PM

25 Q Just directing you back to Paragraph Nine where

1 you indicate at the tail end of that page that you  
2 acted under the understanding that there was no  
3 litigation hold. Do you see that phrase?

4 A Yes.

01:27PM

5 Q Even though that was your understanding, you  
6 continued to make efforts to preserve documents  
7 relating to redistricting; isn't that correct?

8 A That's correct.

01:27PM

9 Q And you only removed those files because it was  
10 your understanding that they were previously  
11 produced?

12 A That's correct.

13 MR. EARLE: Object to form.

14 MR. POLAND: Object to form.

01:28PM

15 MR. JACOB: That's all I have.

16 MS. BUCHKO: I have a question.

17 EXAMINATION

18 By Ms. Buchko:

01:28PM

19 Q Mr. Ottman, did you install CCleaner on your  
20 redistricting computer with the intent of keeping  
21 documents from the plaintiffs in this case?

22 A I did not.

23 MR. POLAND: Object to the form.

24 MS. BUCHKO: I just had one. I'm

01:28PM

25 done.



1 MR. EARLE: Just one follow-up.

2 RE-EXAMINATION

3 By Mr. Earle:

01:28PM

4 Q Did you use CCleaner on your computer the same day  
5 that you deleted large numbers of documents from  
6 Joe Handrick's computer?

7 MS. BUCHKO: Object to form.

8 A It's possible.

9 Q Is there a reason -- strike that.

01:28PM

10 MS. BUCHKO: Okay.

11 MR. POLAND: Okay. We're done.

12 THE VIDEOGRAPHER: We are going off  
13 the record. This concludes the video  
14 deposition in the individual capacity of  
15 Mr. Tad Ottman. The time is 1:28 p.m. It  
16 consists of one DVD.

01:29PM

17 (Adjourning at 1:29 p.m.)

18

19

20

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22

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24

25

1 STATE OF WISCONSIN )  
2 COUNTY OF DANE ) ss.  
3

4 I, SUSAN C. MILLEVILLE, a Court Reporter  
5 and Notary Public duly commissioned and qualified in  
6 and for the State of Wisconsin, do hereby certify  
7 that pursuant to subpoena, there came before me on  
8 the 30th day of April 2013, at 12:34 in the  
9 afternoon, at the offices of Godfrey & Kahn, S.C.,  
10 Attorneys at Law, One East Main Street, the City of  
11 Madison, County of Dane, and State of Wisconsin, the  
12 following named person, to wit: TAD M. OTTMAN, who  
13 was by me duly sworn to testify to the truth and  
14 nothing but the truth of his knowledge touching and  
15 concerning the matters in controversy in this cause;  
16 that he was thereupon carefully examined upon his  
17 oath and his examination reduced to typewriting with  
18 computer-aided transcription; that the deposition is  
19 a true record of the testimony given by the witness.

20 I further certify that I am neither  
21 attorney or counsel for, nor related to or employed  
22 by any of the parties to the action in which this  
23 deposition is taken and further that I am not a  
24 relative or employee of any attorney or counsel  
25 employed by the parties hereto or financially  
interested in the action.

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In witness whereof I have hereunto set my  
hand and affixed my notarial seal this 4th day of May  
2013.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires  
June 23, 2013

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