

RANDY HINAMAN
Khadidah Stone, et al. vs Wes Allen, et al.**April 17, 2024**
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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR</p> <p>2 THE NORTHERN DISTRICT OF ALABAMA</p> <p>3</p> <p>4 CASE NUMBER</p> <p>5 2:21-CV-01531-AMM</p> <p>6</p> <p>7</p> <p>8 KHADIDAH STONE, et al.,</p> <p>9 Plaintiff(s),</p> <p>10 vs.</p> <p>11 WES ALLEN, et al.,</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 RANDY HINAMAN</p> <p>16</p> <p>17 April 17, 2024</p> <p>18 9:08 A.M.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 COURT REPORTER:</p> <p>23 MADISON BORDEN, CCR</p> <p>24 The reading and signing of this deposition</p> <p>25 has not been waived.</p>	<p style="text-align: right;">Page 3</p> <p>1 grounds at the time of trial or at the</p> <p>2 time said deposition is offered in</p> <p>3 evidence, or prior thereto.</p> <p>4 In accordance with Rule 5(d)</p> <p>5 of the Alabama Rules of Civil Procedure,</p> <p>6 as amended, effective May 15, 1988, I,</p> <p>7 Madison Borden, am hereby delivering Davin</p> <p>8 Rosborough the original transcript of the</p> <p>9 oral testimony taken April 17, 2024, along</p> <p>10 with the Exhibits.</p> <p>11 Please be advised that this</p> <p>12 is the same and not retained by the Court</p> <p>13 Reporter, nor filed with the Court.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED</p> <p>3 by and between the parties through their</p> <p>4 respective counsel that the deposition of</p> <p>5 RANDY HINAMAN may be taken before Madison</p> <p>6 Borden, Certified Shorthand Reporter and</p> <p>7 Notary Public, State at Large, at the</p> <p>8 offices of Balch & Bingham, 455 Dexter</p> <p>9 Avenue, Suite 8000, Montgomery, Alabama,</p> <p>10 on April 17, 2024, commencing at</p> <p>11 approximately 9:08 a.m.</p> <p>12 IT IS FURTHER STIPULATED AND</p> <p>13 AGREED that the signature to and the</p> <p>14 reading of the deposition by the witness</p> <p>15 is not waived, the deposition to have the</p> <p>16 same force and effect as if full</p> <p>17 compliance had been had with all laws and</p> <p>18 rules of Court relating to the taking of</p> <p>19 depositions.</p> <p>20 IT IS FURTHER STIPULATED AND</p> <p>21 AGREED that it shall not be necessary for</p> <p>22 any objections to be made by counsel to</p> <p>23 any questions, except as to form or</p> <p>24 leading questions, and that counsel for</p> <p>25 the parties may make objections and assign</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2 FOR THE PLAINTIFF(S):</p> <p>3 Blayne Thompson</p> <p>4 Hogan Lovells US LLP</p> <p>5 609 Main Street, Suite 4200</p> <p>6 Houston, TX 77002</p> <p>7</p> <p>8 Davin Rosborough</p> <p>9 American Civil Liberties Union</p> <p>10 Foundation</p> <p>11 125 Broad Street</p> <p>12 New York, NY 10004</p> <p>13 Jacob Van Leer</p> <p>14 915 15th Street NW</p> <p>15 Washington, D.C. 20005</p> <p>16</p> <p>17 FOR THE DEFENDANT(S):</p> <p>18 Dorman Walker</p> <p>19 Balch & Bingham</p> <p>20 P.O. Box 78</p> <p>21 Montgomery, AL 36104</p> <p>22 Michael Tauton</p> <p>23 P.O. Box 306</p> <p>24 Birmingham, AL 35203-4642</p> <p>25</p>


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<p>Page 5</p> <p>1 FOR THE ATTORNEY GENERAL'S OFFICE:</p> <p>2 Jim Davis</p> <p>3 P.O. Box 300152</p> <p>4 Montgomery, AL 36130-0152</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 7</p> <p>1 RANDY HINAMAN,</p> <p>2 having been duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 THE COURT REPORTER: Usual</p> <p>5 stipulations?</p> <p>6 MR. THOMPSON: Yes.</p> <p>7 MR. WALKER: Yes. Which means</p> <p>8 read and sign -- I mean which means</p> <p>9 objection -- the only objection you need to</p> <p>10 make is to the -- I need to make is as to</p> <p>11 form.</p> <p>12 MR. THOMPSON: That works for me.</p> <p>13 MR. WALKER: And we would prefer</p> <p>14 that he read and sign.</p> <p>15 MR. THOMPSON: Before we begin,</p> <p>16 we -- the counsel for plaintiffs and</p> <p>17 defendants have discussed before this</p> <p>18 deposition about the scope of some of the</p> <p>19 questions specifically regarding the</p> <p>20 substance of conversations with legislature</p> <p>21 -- legislatures other than Senator</p> <p>22 McClendon and Representative Pringle. It's</p> <p>23 our understanding that Senator McClendon</p> <p>24 and Representative Pringle have waived</p> <p>25 legislative privilege, but it is</p>
<p>Page 6</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS:</p> <p>4 Randy Hinaman</p> <p>5</p> <p>6 EXAMINATION BY PAGE</p> <p>7 Mr. Thompson.....8</p> <p>8 Mr. Walker.....87</p> <p>9</p> <p>10</p> <p>11 PLAINTIFFS' EXHIBITS</p> <p>12 NO. DESCRIPTION PAGE</p> <p>13 Ex. 1 Notice 10</p> <p>14 Ex. 2 Subpoena 11</p> <p>15 Ex. 3 2021 AL Senate Plan 16</p> <p>16 Ex. 4 Senate Plan 2 16</p> <p>17 Ex. 5 2021 AL Senate Map 63</p> <p>18 Ex. 6 2017 Huntsville Map 64</p> <p>19 Ex. 7 Dave's Huntsville Map 71</p> <p>20 Ex. 8 Dave's Montgomery Map 76</p> <p>21 Ex. 9 2021 Senate Map 78</p> <p>22</p> <p>23 DEFENDANTS' EXHIBITS</p> <p>24 There were no Defendants' Exhibits marked</p> <p>25 to this deposition.</p>	<p>Page 8</p> <p>1 defendants' position that the other</p> <p>2 legislators have not at this point. And</p> <p>3 because of that, we are going to replace a</p> <p>4 -- or allow defendants to place a standing</p> <p>5 instruction not to answer on the basis of</p> <p>6 privilege any questions regarding any</p> <p>7 instructions received by any of those</p> <p>8 legislators or the substance of any</p> <p>9 discussions from those legislators</p> <p>10 regarding the redistricting process.</p> <p>11 Do I have that understanding</p> <p>12 correct?</p> <p>13 MR. WALKER: I would only add</p> <p>14 those legislators or members of their</p> <p>15 staff. I don't think it's an issue but</p> <p>16 just in case.</p> <p>17 MR. THOMPSON: And do we have an</p> <p>18 agreement here that there will be a</p> <p>19 standing instruction not to answer, and by</p> <p>20 doing that, that we will preserve our</p> <p>21 objections to any assertion of privilege?</p> <p>22 MR. WALKER: We do.</p> <p>23 EXAMINATION</p> <p>24 BY MR. THOMPSON:</p> <p>25 Q. Good morning.</p>



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<p style="text-align: right;">Page 9</p> <p>1 A. Good morning.</p> <p>2 Q. Will you please state your name</p> <p>3 for the record?</p> <p>4 A. Randy Hinaman.</p> <p>5 Q. Mr. Hinaman, you understand that</p> <p>6 you are testifying under oath right now?</p> <p>7 A. I do.</p> <p>8 Q. Is there anything that might</p> <p>9 prevent you from understanding my questions</p> <p>10 or answering truthfully today?</p> <p>11 A. No.</p> <p>12 Q. Are you being represented by a</p> <p>13 lawyer today?</p> <p>14 A. I am.</p> <p>15 Q. And who is that?</p> <p>16 A. Dorman Walker.</p> <p>17 Q. The same lawyer who represents</p> <p>18 the defendants in this lawsuit?</p> <p>19 A. Correct.</p> <p>20 Q. Are you paying Mr. Walker to be</p> <p>21 your lawyer today?</p> <p>22 A. I am not.</p> <p>23 Q. Do you assume that defendants or</p> <p>24 the State of Alabama is paying Mr. Walker</p> <p>25 to be your lawyer today?</p>	<p style="text-align: right;">Page 11</p> <p>1 being marked as Exhibit 2.</p> <p>2 (Exhibit Number 2 was marked for</p> <p>3 identification.)</p> <p>4 Q. And this is the subpoena to</p> <p>5 testify at a deposition in a civil action</p> <p>6 that you received regarding today. Have</p> <p>7 you seen these documents before?</p> <p>8 A. I have.</p> <p>9 Q. Who provided them to you?</p> <p>10 A. Dorman Walker.</p> <p>11 Q. And when did you receive them?</p> <p>12 A. Two weeks ago probably.</p> <p>13 Q. You see on Exhibit 2 there are --</p> <p>14 under the section titled production, there</p> <p>15 are three different numbered requests for</p> <p>16 documents. Do you see that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you have any documents to</p> <p>19 produce in response to these requests?</p> <p>20 A. I do not.</p> <p>21 Q. What did you do to search for</p> <p>22 those documents?</p> <p>23 A. I searched my e-mails and</p> <p>24 searched my phone, texts, and generally</p> <p>25 looked through my computer.</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I assume that.</p> <p>2 Q. Now, we've done this a few times</p> <p>3 before, but just a quick refresher on the</p> <p>4 ground rules. I'll be asking questions</p> <p>5 today. If you don't understand a question,</p> <p>6 just let me know. If you answer a</p> <p>7 question, I will assume that you understood</p> <p>8 it; is that fair?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And also we have a court reporter</p> <p>11 here, so you may notice she's typing</p> <p>12 everything that you and I are saying, and</p> <p>13 so we are going to try not to talk over</p> <p>14 each other. So if you can wait until I'm</p> <p>15 done with the question, and I'll try to do</p> <p>16 the same with you to wait until you're done</p> <p>17 answering the question; is that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Handing you what's being</p> <p>20 marked as Exhibit 1.</p> <p>21 (Exhibit Number 1 was marked for</p> <p>22 identification.)</p> <p>23 Q. That is a copy of the notice of</p> <p>24 deposition for today. At the same time, I</p> <p>25 am also going to hand you a copy of what is</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Is it your position that you did</p> <p>2 not have any written communications with</p> <p>3 either Senator McClendon or Representative</p> <p>4 Pringle regarding the 2021 Alabama state</p> <p>5 redistricting?</p> <p>6 A. That's correct.</p> <p>7 Q. And request number three on there</p> <p>8 is for any alternative versions of the 2021</p> <p>9 Alabama State Senate Map that you drew or</p> <p>10 reviewed. Were there any alternative</p> <p>11 versions of the 2021 Alabama State Senate</p> <p>12 Map that you drew?</p> <p>13 A. No. As we made changes to the</p> <p>14 map and met with senators and so forth, it</p> <p>15 would update every day, so the older</p> <p>16 versions would disappear. It was basically</p> <p>17 one map that was updated continuously.</p> <p>18 Q. There were no alternative maps</p> <p>19 that you prepared for the senate?</p> <p>20 A. No.</p> <p>21 Q. Did you review any alternative</p> <p>22 versions of the 2021 senate map?</p> <p>23 A. I did not.</p> <p>24 Q. Are you aware of whether there</p> <p>25 were any alternative versions of the 2021</p>



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<p style="text-align: right;">Page 13</p> <p>1 Alabama State Senate Map prepared?</p> <p>2 MR. WALKER: Go ahead. Object to</p> <p>3 the form. You may answer.</p> <p>4 A. I think there were one or two</p> <p>5 other maps that may -- I'm not sure they</p> <p>6 were even offered on the senate floor, but</p> <p>7 I never reviewed them.</p> <p>8 Q. Do you know anything else about</p> <p>9 those maps?</p> <p>10 A. I do not.</p> <p>11 Q. What did you do to prepare for</p> <p>12 your deposition today?</p> <p>13 A. Met with Dorman Walker and</p> <p>14 Michael Taunton yesterday.</p> <p>15 Q. Did you do anything else to</p> <p>16 prepare for your deposition other than meet</p> <p>17 with them yesterday?</p> <p>18 A. No. That's basically it.</p> <p>19 Q. How long did you meet yesterday?</p> <p>20 A. Two and a half hours.</p> <p>21 Q. Was there anyone else present?</p> <p>22 A. No.</p> <p>23 Q. Did you meet with anyone who was</p> <p>24 not an attorney?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 15</p> <p>1 took your deposition on August 9th, 2023,</p> <p>2 in the Milligan V. Merrill case. Do you</p> <p>3 recall that?</p> <p>4 A. I do.</p> <p>5 Q. Since your deposition on August</p> <p>6 9th, 2023 in the Milligan matter, have you</p> <p>7 been involved in any further redistricting</p> <p>8 work for the State of Alabama?</p> <p>9 THE WITNESS: Can I confer with</p> <p>10 my attorney for a second?</p> <p>11 MR. THOMPSON: Sure.</p> <p>12 MR. WALKER: I'm going to assert</p> <p>13 attorney-client privilege.</p> <p>14 Q. Are you going to follow your</p> <p>15 counsel's instruction?</p> <p>16 A. Yes.</p> <p>17 Q. Beyond anything that you did at</p> <p>18 the instruction of counsel, since your</p> <p>19 deposition on August 9th, 2023 in the</p> <p>20 Milligan matter, have you been involved in</p> <p>21 any further redistricting work for the</p> <p>22 State of Alabama?</p> <p>23 A. No.</p> <p>24 Q. You drafted the Alabama State</p> <p>25 Senate Map that was enacted in 2021,</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Did you review any documents?</p> <p>2 A. Looked over the guidelines.</p> <p>3 Q. Any other documents?</p> <p>4 A. No.</p> <p>5 Q. Have you discussed this case with</p> <p>6 anyone? And by this case, I mean the</p> <p>7 current lawsuit that we are in involving</p> <p>8 the 2021 Alabama State Senate Maps other</p> <p>9 than your lawyers yesterday.</p> <p>10 A. No.</p> <p>11 Q. Are you being compensated by</p> <p>12 anyone for being here today?</p> <p>13 A. Yes.</p> <p>14 Q. Who is compensating you?</p> <p>15 A. Balch.</p> <p>16 Q. That's Mr. Walker's law firm?</p> <p>17 A. Yes. Balch and Bingham.</p> <p>18 Q. How much are you being</p> <p>19 compensated?</p> <p>20 A. \$400 an hour.</p> <p>21 Q. If you are called to testify at</p> <p>22 trial, do you understand that you will be</p> <p>23 compensated for that as well?</p> <p>24 A. I haven't discussed that but...</p> <p>25 Q. All right. Mr. Hinaman, I last</p>	<p style="text-align: right;">Page 16</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Handing you what's being marked</p> <p>4 as Exhibit 3.</p> <p>5 (Exhibit Number 3 was marked for</p> <p>6 identification.)</p> <p>7 Q. This is a copy of the 2021</p> <p>8 Alabama State Senate Map taken from the</p> <p>9 redistricting committee's website. Do you</p> <p>10 see that?</p> <p>11 A. I do.</p> <p>12 Q. This is the map that you drew,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. You also drafted the prior</p> <p>16 Alabama State Senate Map that was enacted</p> <p>17 in 2011, correct?</p> <p>18 A. Correct.</p> <p>19 Q. That 2011 Alabama State Senate</p> <p>20 Map was then later changed in 2017 after</p> <p>21 the ALBC litigation; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Handing you what's being marked</p> <p>24 as Exhibit 4.</p> <p>25 (Exhibit Number 4 was marked for</p>



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<p style="text-align: right;">Page 17</p> <p>1 identification.)</p> <p>2 Q. This is a copy of the 2017</p> <p>3 Alabama State Senate Map as it was filed in</p> <p>4 the ALBC litigation. Do you recognize this</p> <p>5 map?</p> <p>6 A. Yes.</p> <p>7 Q. Did you draw this map?</p> <p>8 A. I did.</p> <p>9 Q. Okay. Turning back to the 2021</p> <p>10 Alabama State Senate Map that you have as</p> <p>11 Exhibit 3, when were you first approached</p> <p>12 about drawing the 2021 senate map?</p> <p>13 A. It would've been in the fall of</p> <p>14 2020.</p> <p>15 Q. Who approached you?</p> <p>16 A. Dorman Walker.</p> <p>17 Q. Anyone else?</p> <p>18 A. I may have talked to the</p> <p>19 committee chairs as well, Senator</p> <p>20 McClendon, Representative Pringle.</p> <p>21 Q. What were you asked to do at that</p> <p>22 time?</p> <p>23 A. I was asked to draw all four of</p> <p>24 the maps that we had to draw the next year;</p> <p>25 congressional, state board of education,</p>	<p style="text-align: right;">Page 19</p> <p>1 A. No.</p> <p>2 Q. So to be clear, was there any</p> <p>3 sort of contract that was governing your</p> <p>4 assignment to draw the four maps for the</p> <p>5 State of Alabama?</p> <p>6 MR. WALKER: Objection to the</p> <p>7 extent that that question calls for him to</p> <p>8 form a legal conclusion as to whether or</p> <p>9 not there was a contract. Otherwise, you</p> <p>10 may answer.</p> <p>11 A. There was no written contract. I</p> <p>12 had an understanding of what my</p> <p>13 responsibility is, to draw four maps.</p> <p>14 Q. Was there a written contract that</p> <p>15 you entered into at that time to draw the</p> <p>16 congressional maps?</p> <p>17 A. No.</p> <p>18 Q. Was there a written contract that</p> <p>19 your company entered into at that time to</p> <p>20 sign the congressional map?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. What were the terms of your</p> <p>23 compensation for drawing the 2021 senate</p> <p>24 map?</p> <p>25 A. I would draw the four maps and</p>
<p style="text-align: right;">Page 18</p> <p>1 state senate, state house.</p> <p>2 Q. What instructions were you</p> <p>3 provided at that time?</p> <p>4 MR. WALKER: Objection as to any</p> <p>5 instructions you received from me, not as</p> <p>6 to any instructions you received from</p> <p>7 Representative Pringle or Senator</p> <p>8 McClendon.</p> <p>9 A. I don't remember any specific</p> <p>10 instructions.</p> <p>11 MR. THOMPSON: And Dorman, I</p> <p>12 understood that that was an instruction not</p> <p>13 to answer based on the privilege as to --</p> <p>14 MR. WALKER: I'm sorry. I'll</p> <p>15 assert the privilege more clearly next</p> <p>16 time.</p> <p>17 MR. THOMPSON: That's fine.</p> <p>18 Q. And, Mr. Hinaman, you intend to</p> <p>19 follow that instruction, correct?</p> <p>20 A. Yes.</p> <p>21 Q. When were you officially retained</p> <p>22 to draw these four maps?</p> <p>23 A. I'm not sure I know exactly. I</p> <p>24 would probably say November of 2020.</p> <p>25 Q. Did you sign a contract?</p>	<p style="text-align: right;">Page 20</p> <p>1 obviously work for the legislature to pass</p> <p>2 them, make changes, so forth, and be</p> <p>3 compensated \$200,000 for the process.</p> <p>4 Q. Was any part of your compensation</p> <p>5 contingent on anything?</p> <p>6 A. No.</p> <p>7 Q. Were you paid or retained by --</p> <p>8 well, to clarify then, who was it that</p> <p>9 retained you to draw these maps?</p> <p>10 A. Dorman Walker retained me to draw</p> <p>11 the maps.</p> <p>12 Q. Anyone else?</p> <p>13 A. No. Obviously I worked with the</p> <p>14 leadership of two chairs of the</p> <p>15 reapportionment committee, Senator</p> <p>16 McClendon and Representative Pringle.</p> <p>17 Q. Were the terms of your retention</p> <p>18 any different for, say, the congressional</p> <p>19 maps or the legislative maps?</p> <p>20 A. No. It was a package deal.</p> <p>21 Q. Was there anything else that you</p> <p>22 agreed to do as part of this retention</p> <p>23 other than drawing the four maps?</p> <p>24 A. Obviously I was going to be here</p> <p>25 when they were passed, so be available to</p>



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<p style="text-align: right;">Page 21</p> <p>1 make changes during the legislative session 2 to pass the maps. 3 Q. Did you have to do that for the 4 2021 Alabama State Senate Map? 5 A. We made changes right up until 6 the bill was filed, but I don't think we 7 made any changes after it was on the floor. 8 THE COURT REPORTER: After what? 9 THE WITNESS: It was on the 10 floor. 11 Q. When did you start drawing the 12 2021 Alabama State Senate Map? 13 A. I started drawing it the last 14 week of August, which just by way of 15 explanation, that was not the way it was 16 envisioned. We were hoping to have census 17 data by mid February of 2021, worst case, 18 March 31 of 2021. But we didn't get the 19 census data until, I think, mid August. So 20 I'd envisioned spending most of that time 21 drawing these maps. But as it turned out, 22 we didn't have access until the census data 23 got put into Maptitude, Maptitude into the 24 reapportionment office. I wasn't able to 25 draw a senate map or start working on</p>	<p style="text-align: right;">Page 23</p> <p>1 A. Obviously, you know, I knew what 2 the guidelines were because they were 3 passed in May, so I reviewed the guidelines 4 and -- 5 Q. Anything else? 6 A. No. 7 Q. Did you gather any data before 8 you started drawing the state senate map? 9 A. No. 10 Q. Other than when you were first 11 approached about drawing the 2021 Alabama 12 State Senate Map, did you meet with anyone 13 else before you began drawing the map? 14 A. Sorry, can you try that one 15 again? 16 Q. Sure. You said earlier that you 17 were first approached about drawing the 18 2021 state senate map in the fall of 2020 19 by Dorman Walker, correct? 20 A. Correct. 21 Q. Other than that, did you meet 22 with anyone else regarding the 23 redistricting process before you began 24 drawing the 2021 state senate map? 25 A. No.</p>
<p style="text-align: right;">Page 22</p> <p>1 actually drawing a map until the last week 2 of August 2021. 3 Q. And if I understand correctly 4 from your prior testimony, as far as the 5 congressional maps were concerned, you were 6 able to at least do some preliminary work 7 based on census estimates; is that right? 8 A. That's correct. 9 Q. Were you able to do any similar 10 preliminary work for the Alabama State 11 Senate Map based on any census estimates? 12 A. No. I thought initially that 13 maybe I could, but when I really looked at 14 the granular nature of the data, we really 15 couldn't go below the county level, which 16 once you got to, you know, 35 senate 17 districts there are a number of obviously 18 county splits. It was just not useful 19 frankly. 20 Q. And you said you started the last 21 week of August. Was that in 2020 or 2021? 22 A. 2021. 23 Q. Did you do anything to prepare 24 before you started drawing the state senate 25 map?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. You mentioned that you may have 2 met with Senator McClendon and 3 Representative Pringle though? 4 A. Yeah. Not necessarily 5 specifically about a senate map, but about 6 the whole project of drawing the four maps. 7 Q. And what did you discuss with 8 them at that time? 9 A. I don't have any recollection of 10 the meeting other than I'm sure we talked 11 about following the guidelines and meeting 12 with members of the various maps. 13 Q. Do you recall receiving any 14 instructions from them about how to draw 15 the state senate map? 16 A. No. 17 Q. Walk me through the process that 18 you went through -- 19 A. Point of clarification. I mean, 20 since you're talking just about the senate 21 map, there was a general agreement between 22 Senator McClendon, Representative Pringle 23 that Representative Pringle would focus on 24 the state house map, and Senator McClendon 25 would not interact in that, and that</p>



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<p style="text-align: right;">Page 25</p> <p>1 Senator McClendon would focus on the senate 2 map, and Representative Pringle would not 3 interact in that. So I never had any 4 discussions whatsoever with Representative 5 Pringle about the senate map. 6 Q. Thank you. And how were you 7 aware of that agreement or understanding? 8 A. That's what they told me. 9 Q. All right. So walk me through 10 the process that you went through in 11 drafting the 2021 state senate map for 12 Alabama starting from the beginning. 13 A. Okay. Well, starting from the 14 beginning, again, I was hopeful that maybe 15 I could rough out some portions of the map 16 based on estimates, but I found that to be 17 impractical, while it was possible somewhat 18 on the statewide level with the two 19 statewide maps, it was not really practical 20 in the senate map. So once we got the data 21 and it was in the system in the 22 reapportionment office the last week of 23 August, first thing I tried to determine is 24 what districts were underpopulated and what 25 districts were overpopulated, and after</p>	<p style="text-align: right;">Page 27</p> <p>1 running for re-election. 2 Q. When you met with these senators, 3 was your focus solely on making adjustments 4 for over and underpopulation? 5 A. Yes. 6 Q. Was Senator McClendon present for 7 those meeting with the various senators? 8 A. He was present for some of them. 9 Q. Do you recall which ones? 10 A. I do not. 11 Q. Did you meet with the senators 12 for districts two, seven, and eight which 13 are the districts surrounding Huntsville? 14 A. I did. 15 Q. How many times did you meet with 16 those senators? 17 A. I don't know, but a number -- 18 about three or four probably at least. 19 Q. Was Senator McClendon present for 20 those meetings? 21 A. I don't remember him being there, 22 but I can't tell you for sure he wasn't. 23 Q. Do you recall if anyone else was 24 present for those meetings? 25 A. No. Other than the -- the other</p>
<p style="text-align: right;">Page 26</p> <p>1 that, met with the various senators whose 2 districts were underpopulated or 3 overpopulated and talked about various 4 areas we could add or subtract from their 5 districts to bring the map into deviation. 6 Q. When were those meetings with the 7 various senators? 8 A. They started right -- I don't 9 know if they had any happening the last 10 week of August but certainly by the first 11 week of September and then continued until 12 -- I think we finalized the bill on, like, 13 October 28th, 27th, late October. 14 Q. Did you meet with every senator 15 to discuss changes that might be made to 16 their map or was it only to the senators 17 who had districts that were deemed by you 18 to be significantly over or underpopulated? 19 A. I was available to every senator, 20 and I think I met with most all of them, 21 certainly the ones that were -- some 22 obviously were retiring or running for 23 another office or whatever and had less 24 interest in the process. But I think I met 25 with virtually every senator who was</p>	<p style="text-align: right;">Page 28</p> <p>1 surrounding senators; Senator Orr, Senator 2 Scofield, they weren't at all of them, but 3 they may have been at one of them. 4 Q. So for these meetings that you 5 had with the senators, was it usually one 6 on one or were there often meetings where 7 you met with several senators at a time? 8 A. It would usually start one on 9 one, but then when it was obvious that two 10 senators were in the process of, you know, 11 trading some precincts, it was -- because 12 of the time constraints -- more efficient 13 to have them both there at the same time. 14 Q. Were these meetings always in 15 person? 16 A. No. They were occasionally done 17 over the Internet. Usually in person. 18 Q. And about how long would these 19 meetings typically take? 20 A. Half an hour. At the end of the 21 process, I think we actually were down to 22 15 minutes when we were just finalizing 23 things. But most of them were half an 24 hour. 25 Q. Were any staff members ever</p>



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<p style="text-align: right;">Page 29</p> <p>1 present at these meetings?</p> <p>2 A. The head of the redistricting</p> <p>3 office, Donna Loftin, was.</p> <p>4 Q. Was she present for all of the</p> <p>5 meetings or just some of them?</p> <p>6 A. All is a dangerous word, but most</p> <p>7 of them.</p> <p>8 Q. So most of the meetings it was at</p> <p>9 least you and Donna?</p> <p>10 A. Correct.</p> <p>11 Q. And one or more senators?</p> <p>12 A. Correct.</p> <p>13 Q. Let's turn to the physical</p> <p>14 process of drafting the map. I think you</p> <p>15 mentioned a minute ago -- I'm pretty sure</p> <p>16 the answer. But you used the Maptitude</p> <p>17 software to draw the map, correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Did you draw the map in the</p> <p>20 reapportionment committee's office?</p> <p>21 A. Yes. In the conference room as</p> <p>22 well. We used the conference room for the</p> <p>23 most part.</p> <p>24 Q. At the reapportionment</p> <p>25 committee's office?</p>	<p style="text-align: right;">Page 31</p> <p>1 making any sort of adjustments to the 2017</p> <p>2 map before you met with any senators?</p> <p>3 A. No.</p> <p>4 Q. Once you started to meet with the</p> <p>5 senators, do you recall which areas of the</p> <p>6 map you started with in terms of making</p> <p>7 changes?</p> <p>8 A. Well, I think I started -- I know</p> <p>9 my first meeting with was with Senator</p> <p>10 Livingston, so we started with looking at</p> <p>11 his district and then moving from there.</p> <p>12 Q. Which district is that?</p> <p>13 A. District eight, North Alabama.</p> <p>14 Q. And after you met with Senator</p> <p>15 Livingston, what changes did you make to</p> <p>16 district eight?</p> <p>17 A. I don't remember specific</p> <p>18 changes.</p> <p>19 Q. Do you remember why you made</p> <p>20 those changes?</p> <p>21 A. I do not. I mean, it would've</p> <p>22 been population based.</p> <p>23 Q. Would there have been any other</p> <p>24 reason you made any changes to district</p> <p>25 eight other than for population reasons?</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. And that was on the</p> <p>3 reapportionment committee's computers?</p> <p>4 A. Yes.</p> <p>5 Q. And that was the same place that</p> <p>6 you drew the congressional map, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you use the prior enacted</p> <p>9 senate map? And by that I mean the 2020 --</p> <p>10 excuse me. Start over.</p> <p>11 Did you use the prior enacted</p> <p>12 senate map? And by that I mean the 2017</p> <p>13 senate map as a starting point when drawing</p> <p>14 the 2021 map?</p> <p>15 A. Certainly. That's what the over</p> <p>16 and under numbers were based on.</p> <p>17 Q. What districts did you start with</p> <p>18 when drawing the 2021 map?</p> <p>19 A. Actually I think my first meeting</p> <p>20 was with Senator Livingston, but it was</p> <p>21 just a function of what senators' schedules</p> <p>22 met up. It was not an -- I didn't start in</p> <p>23 one corner and work out. It was just who</p> <p>24 was available to me.</p> <p>25 Q. Did you start drawing the maps or</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No.</p> <p>2 Q. So walk me through the process</p> <p>3 after meeting with Senator Livingston</p> <p>4 making some adjustments to district eight</p> <p>5 -- I know there's a lot of districts. But</p> <p>6 what generally were your next steps that</p> <p>7 you took?</p> <p>8 A. Well, I couldn't tell you the</p> <p>9 order obviously. I met with, you know, a</p> <p>10 vast majority of the senators and adjusted</p> <p>11 the maps. If it was a simple, you know,</p> <p>12 move these two precincts, then sometimes it</p> <p>13 was done when they were there. If it was</p> <p>14 more complicated or we needed another</p> <p>15 senator to agree to those changes, then it</p> <p>16 was -- I would double back with the other</p> <p>17 senator. And, again, sometimes when we got</p> <p>18 close to the process at the end, I'd get</p> <p>19 both of them in the room if there was still</p> <p>20 not agreement on which precincts or which</p> <p>21 counties or whatever.</p> <p>22 Q. When you were making these</p> <p>23 changes, what information did you look at?</p> <p>24 A. On the computer?</p> <p>25 Q. Yes.</p>



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<p style="text-align: right;">Page 33</p> <p>1 A. Total population and geography. 2 Q. What was the source of that data? 3 A. Census. Maptitude. 4 Q. It's census data that is uploaded 5 and available in the Maptitude software for 6 you to see, right? 7 A. Correct. 8 Q. You didn't input any of that 9 data? 10 A. No. 11 Q. Was one of your main priorities 12 in drawing the 2021 Alabama State Senate 13 Map to preserve the cores of the existing 14 districts? 15 A. Yes. It was part of the 16 guidelines. 17 Q. What was your goal in drawing the 18 2021 Alabama State Senate Map? 19 A. My goal was to meet with any 20 senator who wanted to meet with me and to 21 get the senate map within deviation and to 22 have it passed on the senate floor. 23 Q. Did anyone else assist you in 24 drawing the map? 25 A. Donna Loftin and Dorman Walker.</p>	<p style="text-align: right;">Page 35</p> <p>1 virtually every county probably change, and 2 those lines have to be matched up, and the 3 Census Bureau has to have those lines as 4 well as Maptitude so that they can match 5 the data to the state geography. I don't 6 know much -- I mean, that's beyond my area 7 of expertise. 8 Q. Is Ms. Loftin responsible for 9 drawing the precinct maps? 10 A. No. She's I think responsible 11 for getting the information from the 12 county. 13 Q. And providing that to the census? 14 A. Yeah. And Maptitude. 15 Q. Beyond providing information 16 about the precinct lines, do you know if 17 Ms. Loftin provided any other information 18 to Maptitude? 19 A. I don't know what she provided. 20 Q. Did Ms. Loftin assist you in any 21 way in actually drawing the map on the 22 computer? 23 A. No. But she would occasionally 24 print out a map or -- no. 25 Q. Did anyone else do the physical</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. How did Donna Loftin assist you? 2 A. She was -- took care of all the 3 technical aspects of the Maptitude and 4 printing maps and computer-related efforts. 5 Q. Can you explain that a little bit 6 more for me? 7 A. Well, she's the one who -- I 8 mean, she obviously worked with Maptitude 9 on the census geography for Alabama, you 10 know, precinct lines, county lines, 11 whatever, and then worked with Maptitude in 12 making sure they had the right information 13 from the Census Bureau with the state to 14 put that together, and then she manages the 15 IT part of the computer. 16 Q. Now, you said obviously in 17 describing Ms. Loftin's role. I and others 18 may not be as familiar. So can you explain 19 a little bit more of what you're talking 20 about there, your understanding of what 21 Ms. Loftin did in preparing the census data 22 and the Maptitude and all of that? 23 A. I don't have any more knowledge 24 of it than I know that over a ten-year 25 period obviously precinct lines in</p>	<p style="text-align: right;">Page 36</p> <p>1 act of clicking buttons and changing things 2 on the map other than you? 3 A. No. 4 Q. Other than the meetings that you 5 described with the various senators 6 throughout this process, did you meet with 7 anyone else during this process as you were 8 drawing the Alabama State Senate Map? 9 A. Other than counsel, Dorman 10 Walker, no. 11 MR. WALKER: Blayne, were you 12 talking about relating to the -- regarding 13 the senate map? 14 MR. THOMPSON: Correct. 15 Q. I assume you met with other 16 humans during that time. 17 A. You'd been surprised. Not that 18 many during those two months. 19 Q. Beyond the meetings that you had 20 had with the various senators and any 21 discussions you had with Mr. Walker, did 22 you get any other feedback during the 23 process of drawing the state senate map 24 about the map itself? 25 A. No. But I'm not sure where I</p>



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<p style="text-align: right;">Page 37</p> <p>1 would've gotten the feedback. I'm not sure 2 what your question is. 3 Q. Did you receive feedback on your 4 map while you were drawing it from the 5 various senators that you met with? 6 A. On their districts. 7 Q. Beyond that and any discussions 8 with your counsel, did you receive feedback 9 on your map from anyone else during the 10 process? 11 A. No. 12 Q. When did you first have an 13 initial map completed? 14 A. I don't know. It was a fluid 15 situation, and obviously we were doing four 16 maps at once so it was rather chaotic. So 17 as I said earlier, I don't think it was 18 really finalized until the last day -- late 19 October when we went to the reapportionment 20 committee with the map. 21 Q. You mentioned this earlier, and I 22 know we discussed it in your prior 23 depositions regarding the congressional 24 maps, so I think I know the answer, but 25 were there any drafts saved of any prior</p>	<p style="text-align: right;">Page 39</p> <p>1 map before it was completed when it was 2 still in draft form? 3 A. I do not. 4 Q. Do you know if any printouts of 5 any drafts of the state senate map from 6 2021 were saved? 7 A. I do not. 8 Q. Did you take any notes while you 9 were drafting the 2021 state senate map? 10 A. No. I mean, we would work -- 11 again, if it was a simple change, we'd just 12 make it, and there were no notes. If it 13 was more complicated, I may have jotted 14 down, change these two precincts and go 15 talk to the other senators, but nothing 16 survived the process. 17 Q. When did you first provide a 18 draft of the 2021 senate map to anyone to 19 review? 20 A. I can't -- I don't know an exact 21 date. 22 Q. And is that because as you were 23 going through the process, you were showing 24 various senators pieces of the map that 25 corresponded to their districts?</p>
<p style="text-align: right;">Page 38</p> <p>1 versions of the map? 2 A. No. 3 Q. Did you -- well, you mentioned 4 that Ms. Loftin printed out copies of the 5 map, correct? 6 A. Probably not the whole map. She 7 would print out -- if a senator came in, 8 can you give me what my district -- this 9 would be this map, 2017. Yeah. They 10 always want a map -- copy of their map. 11 And at the end of the process obviously 12 when we passed this map, they all wanted a 13 -- not all, but numerous of them wanted a 14 copy of the map. 15 Q. And when you said this map, the 16 first one you were referring to was -- 17 A. 2017. 18 Q. -- Exhibit 4, the 2017 map? 19 A. Yeah, the 2017 map. 20 Q. And the second one you were 21 referring to was the Exhibit 3, the 2021 22 map? 23 A. Correct. 24 Q. Do you recall if Ms. Loftin ever 25 printed out copies of the 2021 state senate</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Correct. 2 Q. Do you recall at what point you 3 ever had a complete version of the map that 4 you were presenting to someone to review? 5 A. I don't. But, again, I don't 6 think -- I mean, my recollection is the map 7 wasn't finalized until literally hours 8 before I think the committee meeting -- I 9 mean, it was available maybe -- I think the 10 goal was to have it done 24 hours in 11 advance of that meeting. But I think we 12 just barely made that. 13 Q. Why is that? Why did it get so 14 close to the deadline? 15 A. Because we had such a compressed 16 time frame because the census data was six 17 months late. 18 Q. Any other reason? 19 A. No. We were doing four maps at 20 once obviously. 21 Q. Did you ever provide any drafts 22 of the map to Senator McClendon? 23 A. I'm sure I gave him the finished 24 product at the end but that would be it. 25 Q. When would that have been?</p>



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<p style="text-align: right;">Page 41</p> <p>1 A. Again, it was about 24 hours 2 before the meeting somewhere in the last 3 week of October. 4 Q. Did he say anything to you, 5 provide you any feedback about the map? 6 A. No. 7 Q. Did he make any changes to the 8 map? 9 A. No. 10 Q. Did you make any changes to the 11 map based on any discussions you had with 12 Senator McClendon? 13 A. No. And as a side note, he 14 wasn't running for re-election, so I didn't 15 even really talk to him that much about his 16 specific district. 17 Q. You predicted where I was about 18 to go. So what district was Senator 19 McClendon? 20 A. I think it's 11. Yeah. 11. 21 Q. Did you have any meetings with 22 Senator McClendon specific to his district? 23 A. I think we met initially, and he 24 said that he had -- and I don't know if it 25 was public knowledge then, but I think</p>	<p style="text-align: right;">Page 43</p> <p>1 copy of that map to the reapportionment 2 committee? 3 A. Again, I think it was about 4 24 hours out from their meeting. 5 Q. Did you receive any feedback from 6 the reapportionment committee about the 7 map? 8 A. I did not. 9 Q. From the moment that that version 10 of the map was provided to the 11 reapportionment committee, did you make any 12 further changes to it between that time and 13 the time that it was enacted? 14 A. I don't believe so, no. 15 Q. Do you know if anyone made any 16 further changes to it? 17 A. Not to my knowledge. 18 Q. So to your knowledge, the version 19 of the 2021 Alabama State Senate Map that 20 you finalized hours before the deadline is 21 the exact same version that was ultimately 22 enacted; is that correct? 23 A. Yes, sir. 24 Q. Did you attend any of the public 25 hearings regarding the redistricting?</p>
<p style="text-align: right;">Page 42</p> <p>1 maybe it was, that he was not running 2 again, and that he was -- I mean, obviously 3 he wanted to keep the district somewhat 4 intact, but he wasn't that concerned if a 5 precinct here or there needed to be 6 changed. He wasn't very worried about it. 7 Q. Did he have any specific requests 8 or instructions to you regarding his 9 district? 10 A. He did not. 11 Q. Did he have any specific 12 instructions or requests to you about any 13 other districts? 14 A. He did not. 15 Q. When you said that you had a 16 quote, unquote, final version of the map 17 just hours before the deadline, did you 18 submit it to the reapportionment committee 19 or who did you submit it to? 20 A. I believe it was sent to every 21 member of the reapportionment committee. I 22 didn't physically do that myself so, but I 23 think Donna sent it to every member of the 24 reapportionment committee. 25 Q. Do you know when she provided a</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I didn't -- some of those are 2 being held in the conference room that we 3 discussed where a number of -- a lot of the 4 map drawing was done. So I would 5 occasionally -- when they were going to 6 have a public hearing -- I would be in and 7 out of that room, and I listened to 8 snippets of it. But as for sitting through 9 any one specific one start to finish, no. 10 Q. Do you recall anything from any 11 of the time that you were in any of the 12 public hearings? 13 A. I recall some various discussions 14 about congressional changes and, you know, 15 so forth but nothing specific. 16 Q. Do you recall anything about the 17 senate districts from any of the public 18 hearings that you attended? 19 A. Not specifically. 20 Q. Generally? 21 A. Just generally I'm sure the -- as 22 with a lot of these maps, people -- whether 23 it was Muscle Shoals area wanted to be -- 24 areas expressed their concern for areas to 25 be kept together and not split up, least</p>



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<p style="text-align: right;">Page 45</p> <p>1 numbers of county splits, things like that. 2 Q. Do you remember any specific 3 regions or communities of interest that 4 were brought up in the public hearings that 5 people did not want to split? 6 A. Not specifically, no. 7 Q. Did anything that you had heard 8 at any of the public hearings impact how 9 you drew the map? 10 A. The state senate map, I can't 11 tell you it didn't, but I can't think of a 12 specific example of where it did. 13 Congressionally I can, but senate map, I 14 don't remember a specific example. 15 Q. Were you provided from anyone 16 else any information about things that were 17 said regarding the senate districts at the 18 public hearings? 19 A. No. And just to clarify, again, 20 those were happening at the same time that 21 I was also doing meetings. So it's not 22 that I didn't have an interest in listening 23 to every public hearing. We were just in a 24 very compressed time frame. So if somebody 25 wanted to schedule a meeting during a</p>	<p style="text-align: right;">Page 47</p> <p>1 process, we went back and looked at the 2 districts after they were drawn, but not 3 during the drawing process. 4 Q. And when did you first pull up 5 race on the computer to look at that data? 6 A. I don't know specifically, but it 7 would've been in the last day or two before 8 the map was submitted. 9 Q. When you did pull up race in the 10 last day or two, what specifically were you 11 looking at in terms of data? 12 A. We'd be looking at BVAP, voting 13 age -- black voting age population. 14 Q. Did you look at the black voting 15 age population for each district? 16 A. Yes. 17 Q. Are you familiar with black 18 citizen voting age population? 19 A. No. 20 Q. So I assume you didn't -- 21 A. Familiar -- I've heard of it. 22 I'm not familiar with it. 23 Q. Did you look at black citizen 24 voting age population when drawing your 25 map?</p>
<p style="text-align: right;">Page 46</p> <p>1 hearing, I wasn't going to tell them no 2 because we didn't have a lot of time. 3 Q. And you don't recall making any 4 changes to your map or drawing your map in 5 any certain way based on any feedback 6 received from public hearings; is that 7 correct? 8 A. The senate map, that's correct. 9 MR. THOMPSON: I'm at a good 10 breaking point. You want to take about a 11 five, ten-minute break? 12 MR. WALKER: Sure. 13 (Whereupon, a recess was taken.) 14 Q. Mr. Hinaman, did you consider 15 race or racial demographic data in drawing 16 the 2021 senate map? 17 A. No. We drew the map race blind. 18 Q. What do you mean by that? 19 A. It means when we were drawing the 20 map, we didn't have race on the computer 21 screen or any -- 22 Q. Did you have race up on the 23 computer screen at any point before 24 submitted the map? 25 A. No. Well, at the end of the</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No. 2 Q. What was the source of the black 3 voting age population data that you were 4 looking at? 5 A. Census Bureau. 6 Q. Is that automatically populated 7 into Maptitude? 8 A. Yes, sir. 9 Q. Did you look at any other data 10 regarding black voting age population? 11 A. No. 12 Q. Did you look at any other data 13 regarding race? 14 A. No. 15 Q. Were you told that black or white 16 voters should make up a particular 17 percentage for each district? 18 A. No. 19 Q. So what specifically were you 20 looking at when you were looking at the 21 black voting age population? 22 A. Well, at the end of the process 23 after the map was mostly finalized or 24 before final submission to the committee, 25 Dorman Walker, counsel -- I looked at the</p>



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1 changes we had made to the majority black
2 districts in making sure that they still
3 looked like they would function as a
4 majority black district.
5 Q. And what did you find by looking
6 at those?
7 A. Found that the changes we made
8 were not overly dramatic, so I don't think
9 we were concerned that any of them would
10 not function as a black district.
11 Q. Were you only focused on the
12 districts that were already majority black
13 districts?
14 MR. WALKER: Object to the form.
15 You may answer.
16 A. I believe those were the only
17 ones that were still a majority black
18 district or majority black districts in the
19 new map. Meaning, if they were a majority
20 black district in 2017, the senate map, I
21 think they were majority black district in
22 the 2021 map. I don't think there were any
23 additional -- or any additions.
24 Q. When you say any additions, you
25 mean any new majority black districts?

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1 A. Correct. And obviously -- I
2 mean, just to follow up on that, obviously
3 the members of those districts, some of
4 them wanted to know what their BVAP was.
5 Q. Do you know why members would
6 want to know that?
7 A. No. But they -- some of them did
8 ask me that.
9 Q. Did you look at the BVAP, the
10 black voting age population, of any
11 nonmajority black districts?
12 A. I'm sure I looked at all of them,
13 but I didn't focus on any one in
14 particular.
15 Q. Were you told that you could
16 consider race when drawing your map?
17 A. Not in the initial drawing of the
18 map, no.
19 Q. You were not told that or were
20 you told that you could not?
21 A. I was told that we should draw
22 them -- my counsel was told that we should
23 draw them race neutral --
24 MR. WALKER: Objection. Don't
25 say what counsel told you. Provide what

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1 your understanding was.
2 A. My understanding was we're not
3 looking at race.
4 Q. Beyond any discussions with
5 counsel, were you told that you should not
6 look at race when drawing your map?
7 A. No.
8 Q. Beyond any discussions with
9 counsel, were you told that you could look
10 at race when drawing your map?
11 A. No.
12 Q. Beyond any discussions with
13 counsel, were you told that you should not
14 look at race when drawing your map?
15 A. No.
16 Q. So when you turned on the filter
17 that shows the black voting age population
18 of each district and looked at that
19 information, did you make any changes to
20 the map based on that information?
21 A. I did not.
22 Q. Did you provide any of that
23 information about the black voting age
24 population of the districts to Senator
25 McClendon?

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1 A. Not specifically. I mean,
2 obviously he had a copy of the map, but not
3 specifically, no.
4 Q. You said that obviously Senator
5 McClendon had a copy of the map?
6 A. Yeah, 24 hours out.
7 Q. Did the copy of the map that he
8 had show the black voting age population of
9 each district?
10 A. It probably did. I'm not sure
11 what reports he had attached to that map,
12 but I assume that there was one in there
13 that did, yeah.
14 Q. Did you discuss the black voting
15 age population of any districts with
16 Senator McClendon?
17 A. I did not.
18 Q. Beyond merely providing the black
19 voting age population data to anyone who
20 asked, did you have any discussions with
21 anyone about the black voting age
22 population of any of the districts?
23 A. In the senate map, I don't
24 believe I did, no.
25 Q. Beyond any discussions with



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<p style="text-align: right;">Page 53</p> <p>1 counsel --</p> <p>2 A. I mean, obviously individual</p> <p>3 senators would ask me -- a senator might</p> <p>4 say what's the BVAP in my district, and I</p> <p>5 would answer that.</p> <p>6 Q. Beyond that, no further</p> <p>7 discussions that you can recall --</p> <p>8 A. Right.</p> <p>9 Q. -- regarding BVAP?</p> <p>10 A. Correct.</p> <p>11 Q. Were you given instructions about</p> <p>12 a range of black voting age population that</p> <p>13 you were to try to meet with any of the</p> <p>14 districts?</p> <p>15 A. No.</p> <p>16 Q. Did you try to reach any certain</p> <p>17 black voting age population?</p> <p>18 A. No.</p> <p>19 Q. In drawing the map what, if</p> <p>20 anything, did you understand that you</p> <p>21 needed to do to ensure that your map</p> <p>22 complied with section two of the Voting</p> <p>23 Rights Act?</p> <p>24 A. Well, that compliance would be</p> <p>25 more of legal counsel's concern or focus</p>	<p style="text-align: right;">Page 55</p> <p>1 the districts changed, correct?</p> <p>2 A. Yes.</p> <p>3 Q. One of those demographics was</p> <p>4 that the black voting age population of the</p> <p>5 various districts changed, correct?</p> <p>6 A. Yes.</p> <p>7 Q. In the process of drawing the</p> <p>8 2021 map, did you look at the black voting</p> <p>9 age population of any of the districts as</p> <p>10 they previously existed on the 2017 map?</p> <p>11 A. No. As I said, the drawing</p> <p>12 process was race blind.</p> <p>13 Q. Until you had the final version,</p> <p>14 correct?</p> <p>15 A. Correct. Correct.</p> <p>16 Q. And you made no further changes</p> <p>17 even after you turned on the race?</p> <p>18 A. That's correct.</p> <p>19 Q. Would there have been -- at the</p> <p>20 time that you turned on race, would there</p> <p>21 have been any black voting age population</p> <p>22 levels that would have given you concern,</p> <p>23 either that they were too high or too low?</p> <p>24 A. Again, compliance with the VRA</p> <p>25 was more legal counsel's purview.</p>
<p style="text-align: right;">Page 54</p> <p>1 than mine.</p> <p>2 Q. That wasn't a specific focus of</p> <p>3 yours at any point?</p> <p>4 A. Well, it's part of the</p> <p>5 guidelines, to comply with the Voting</p> <p>6 Rights Act.</p> <p>7 Q. So what did you do to make sure</p> <p>8 that you were compliant with those</p> <p>9 guidelines?</p> <p>10 A. I had counsel review the various</p> <p>11 districts.</p> <p>12 Q. Anything else?</p> <p>13 A. No. Sorry. Shaking my head</p> <p>14 doesn't help her very much.</p> <p>15 Q. So your answer was no?</p> <p>16 A. No.</p> <p>17 Q. Would there be a level of black</p> <p>18 voting age population in a majority black</p> <p>19 district from a previous map that would</p> <p>20 cause you concern?</p> <p>21 A. A previous map?</p> <p>22 Q. So looking back at the 2017 map,</p> <p>23 would there be a -- let me clarify here.</p> <p>24 So with the new census data that</p> <p>25 came in 2020, the various demographics of</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. So then explain to me what</p> <p>2 exactly were you looking for when you</p> <p>3 turned on the race data at the end of the</p> <p>4 map drawing process.</p> <p>5 A. I wasn't -- when I turned it on,</p> <p>6 I wasn't really looking -- I wasn't really</p> <p>7 looking at it. It was more counsel looking</p> <p>8 at it to make sure we complied with VRA.</p> <p>9 Q. And just to clarify and confirm</p> <p>10 so that I have everything straight, at the</p> <p>11 time that you -- the version of the map as</p> <p>12 it exists at the time you turned on race,</p> <p>13 were there any changes made to it at all</p> <p>14 after that until the time that it was</p> <p>15 enacted?</p> <p>16 A. No, there were no changes made.</p> <p>17 Q. So the final version of the map</p> <p>18 was completed before you ever looked at</p> <p>19 race; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know whether any</p> <p>22 performance analysis was done on any of the</p> <p>23 districts in your map?</p> <p>24 A. I don't. I'm not -- I don't</p> <p>25 know.</p>



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<p style="text-align: right;">Page 57</p> <p>1 Q. Do you know if any racial</p> <p>2 polarization analysis was done on any of</p> <p>3 the districts in your map?</p> <p>4 A. I do not know.</p> <p>5 Q. Beyond adjusting for population</p> <p>6 deviation, what other factors did you</p> <p>7 consider when drawing the map?</p> <p>8 A. Primarily geography, keeping</p> <p>9 counties together when possible, not</p> <p>10 splitting precincts where possible.</p> <p>11 Q. Anything else?</p> <p>12 A. I mean, obviously individual</p> <p>13 senators may have had their own set of</p> <p>14 things they were concerned about, but those</p> <p>15 were my issues.</p> <p>16 Q. Were you instructed to follow the</p> <p>17 same redistricting guidelines that you used</p> <p>18 when drawing the 2021 congressional map?</p> <p>19 A. Well, obviously deviation is</p> <p>20 different, but same guidelines.</p> <p>21 Q. And just for the record, explain</p> <p>22 the difference in the deviation</p> <p>23 requirements for the senate map and</p> <p>24 congressional map.</p> <p>25 A. Yeah. The senate map deviation</p>	<p style="text-align: right;">Page 59</p> <p>1 split counties, precincts, communities of</p> <p>2 interest where possible, right?</p> <p>3 A. Correct.</p> <p>4 Q. One of the other policies under</p> <p>5 the redistricting guidelines is that all</p> <p>6 districts should be reasonably compact,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Do you think that all of the</p> <p>10 senate districts in the 2021 senate map are</p> <p>11 reasonably compact?</p> <p>12 A. I do.</p> <p>13 Q. Do you think that the 2021 senate</p> <p>14 map as you drew it complies with all of the</p> <p>15 redistricting guidelines?</p> <p>16 A. I do.</p> <p>17 Q. Did you consider any other</p> <p>18 factors when drawing your map?</p> <p>19 A. No. I mean, obviously there are</p> <p>20 other things in the guidelines we haven't</p> <p>21 discussed, but I didn't consider any other</p> <p>22 factors. For example, not pairing</p> <p>23 (unintelligible) when possible.</p> <p>24 Q. Beyond the redistricting</p> <p>25 guidelines and any specific guidance that</p>
<p style="text-align: right;">Page 58</p> <p>1 is plus or minus five percent, whereas the</p> <p>2 congressional map deviation is zero or one.</p> <p>3 Q. And those redistricting</p> <p>4 guidelines that you followed are the ones</p> <p>5 that were passed on May 5th of 2021,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Your birthday?</p> <p>9 A. Yes.</p> <p>10 Q. Did you follow those</p> <p>11 redistricting guidelines when drawing your</p> <p>12 map?</p> <p>13 A. Yes.</p> <p>14 Q. Were you instructed to prioritize</p> <p>15 any of the factors in the redistricting</p> <p>16 guidelines over any others?</p> <p>17 A. No.</p> <p>18 Q. Did you place a higher priority</p> <p>19 on any factor over another?</p> <p>20 A. No.</p> <p>21 Q. You mentioned population</p> <p>22 deviation being one of the factors of the</p> <p>23 redistricting guidelines, correct?</p> <p>24 A. Correct.</p> <p>25 Q. You also mentioned not wanting to</p>	<p style="text-align: right;">Page 60</p> <p>1 you got from the various senators, were</p> <p>2 there any other factors that you took into</p> <p>3 account when drawing the senate map?</p> <p>4 A. No.</p> <p>5 Q. Is it true that a primary concern</p> <p>6 in drawing the senate map was whether the</p> <p>7 senate would pass it?</p> <p>8 A. I don't know about a primary</p> <p>9 concern, but obviously any map becomes a</p> <p>10 bill, which has to be passed by their body</p> <p>11 and signed into law.</p> <p>12 Q. Was that a focus of yours in any</p> <p>13 way when drawing the map, whether or not</p> <p>14 the map would pass?</p> <p>15 A. Not specifically. I mean,</p> <p>16 obviously I think republicans had the</p> <p>17 27-day political advantage, so I was pretty</p> <p>18 confident that a map would pass.</p> <p>19 Q. Did you draw your map in any</p> <p>20 certain way in a specific effort to ensure</p> <p>21 that it would pass?</p> <p>22 A. No. Other than obviously if I</p> <p>23 could accommodate if a senator's wishes for</p> <p>24 his or her district I, within reason, tried</p> <p>25 to accommodate them.</p>



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<p style="text-align: right;">Page 61</p> <p>1 Q. Did any specific request or</p> <p>2 instructions from any of the instructors</p> <p>3 ever take priority for you over the</p> <p>4 redistricting guidelines?</p> <p>5 A. No. I'm not who an instructor</p> <p>6 is. Are you saying a senator?</p> <p>7 Q. Any requests, desires, feedback,</p> <p>8 instructions, any of that that you received</p> <p>9 from any of the senators, did any of those</p> <p>10 considerations ever take priority over the</p> <p>11 factors in the redistricting guidelines?</p> <p>12 A. No.</p> <p>13 Q. I want to focus now on a few</p> <p>14 specific districts. Specifically the</p> <p>15 districts around Huntsville which you have</p> <p>16 Exhibit 3 in front of you which is the 2021</p> <p>17 map. And I want to talk about districts</p> <p>18 two, seven, and eight around Huntsville.</p> <p>19 Do you see those?</p> <p>20 A. Yes.</p> <p>21 Q. Would you agree that the city of</p> <p>22 Huntsville is a community of interest?</p> <p>23 A. I would.</p> <p>24 Q. Would you agree that specifically</p> <p>25 the center of the city of Huntsville could</p>	<p style="text-align: right;">Page 63</p> <p>1 the URL for that is davesredistricting.org.</p> <p>2 You've heard of that?</p> <p>3 A. I have.</p> <p>4 Q. What is your understanding of</p> <p>5 what that website is?</p> <p>6 A. My understanding is I guess it</p> <p>7 allows folks to draw districts.</p> <p>8 Q. You said you've never personally</p> <p>9 used that website?</p> <p>10 A. I haven't, no.</p> <p>11 Q. Have you ever relied on that</p> <p>12 website for anything?</p> <p>13 A. No.</p> <p>14 Q. Do you have any understanding of</p> <p>15 whether the data on that website is</p> <p>16 accurate or reliable?</p> <p>17 A. No idea.</p> <p>18 Q. I'm going to hand you a few more</p> <p>19 exhibits here. First, handing you what's</p> <p>20 been labeled as Exhibit 5.</p> <p>21 (Exhibit Number 5 was marked for</p> <p>22 identification.)</p> <p>23 Q. Exhibit 5 is a zoomed in view of</p> <p>24 the 2021 Alabama State Senate Map focusing</p> <p>25 on the region around the city of</p>
<p style="text-align: right;">Page 62</p> <p>1 be a community of interest?</p> <p>2 MR. WALKER: Object to the form.</p> <p>3 You can answer.</p> <p>4 A. Not sure I know what you mean by</p> <p>5 the center of the city of Huntsville. But</p> <p>6 I think the city of Huntsville is a</p> <p>7 community of interest.</p> <p>8 Q. Would you agree that the black</p> <p>9 community in the city of Huntsville is a</p> <p>10 community of interest?</p> <p>11 A. Yes.</p> <p>12 Q. Why do you say that?</p> <p>13 A. My understanding of definition of</p> <p>14 community of interest, they would qualify</p> <p>15 as such.</p> <p>16 Q. What's your understanding of the</p> <p>17 definition of a community of interest?</p> <p>18 A. It's rather broad, but it can be</p> <p>19 any group, either social, economic, racial,</p> <p>20 that share the same values or concerns.</p> <p>21 Q. Are you familiar with the website</p> <p>22 called Dave's Redistricting?</p> <p>23 A. Never been on it, but I'm</p> <p>24 familiar. I've heard of it.</p> <p>25 Q. And that -- just for the record,</p>	<p style="text-align: right;">Page 64</p> <p>1 Huntsville. Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And I'll represent for the record</p> <p>4 that this was pulled from the website I</p> <p>5 just described, Dave's Redistricting.</p> <p>6 A. Okay.</p> <p>7 Q. I'm also handing you what's been</p> <p>8 marked as Exhibit 6.</p> <p>9 (Exhibit Number 6 was marked for</p> <p>10 identification.)</p> <p>11 Q. Exhibit 6 is a similar view of</p> <p>12 the districts surrounding Huntsville as</p> <p>13 they existed in the 2017 Alabama State</p> <p>14 Senate Map. Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. I'll represent for the record</p> <p>17 that Exhibit 6 and 7 were both pulled from</p> <p>18 Dave's Redistricting. Looking at</p> <p>19 Exhibit 6, does that appear to be an</p> <p>20 accurate depiction of the district</p> <p>21 surrounding the city of Huntsville as they</p> <p>22 exist in the 2021 senate map?</p> <p>23 A. It appears. The best I can tell</p> <p>24 it appears to be, yes.</p> <p>25 Q. Same question with Exhibit 7.</p>



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<p style="text-align: right;">Page 65</p> <p>1 Does that appear to be an accurate 2 depiction of the districts surrounding the 3 city of Huntsville as they existing in 4 the 2017 senate map -- 5 MR. WALKER: I think you're off a 6 number. It's 5 and 6. 7 MR. THOMPSON: Thank you. 8 A. Yes. 9 Q. So let's start over just for the 10 clarity of the record. 11 A. Okay. 12 Q. So Exhibit 5 is a copy of a 13 zoomed in portion of the districts around 14 the city of Huntsville as they exist in the 15 2017 state senate map. Do you see that? 16 A. I do. 17 Q. Do you agree that that appears to 18 be an accurate representation of those 19 districts from the 2021 map? 20 A. To the best of my knowledge at 21 this level, yeah. I mean, obviously I'm 22 not looking at -- 23 Q. Correct. 24 A. -- the computer screen or 25 details.</p>	<p style="text-align: right;">Page 67</p> <p>1 little bit of two, but mostly seven, picked 2 up that part of senate district one. So 3 that required there to be further changes 4 in the senate district seven. In addition, 5 you know, on the '17 map, senate district 6 eight sort of goes into, I guess, that 7 would be south Huntsville sort of where 8 senate district eight wraps around 9 underneath seven. And that feature was 10 sort of eliminated in the senate district 11 seven map in 2021. 12 To my knowledge, there may be one 13 split precinct in there, but I think those 14 are all whole precincts in senate district 15 seven. There may be one split for 16 deviation purposes, but it doesn't appear 17 so -- or doesn't jump out at me anyway. 18 Q. Let me break that down just a 19 little bit. So you were talking about 20 district one. 21 A. Right. 22 Q. Under the 2017 map, district one 23 came in between districts two and seven -- 24 A. Yeah. 25 Q. -- for a good portion there.</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. Same questions with Exhibit 6. 2 Does Exhibit 6 appear to be an accurate 3 representation of the districts surrounding 4 the city of Huntsville as they existed in 5 the 2017 Alabama State Senate Map? 6 A. Again, it appears to be. 7 Q. So if you can just set both of 8 those side by side, I just kind of want to 9 walk through these with you. So looking at 10 the prior district seven as it's shown in 11 Exhibit 6, you took what was a fairly 12 compact district around the city of 13 Huntsville and somewhat stretched it out in 14 a somewhat crescent shape. Do you see 15 that? 16 A. Yes. 17 Q. Why did you make that change? 18 MR. WALKER: Objection to form. 19 You may answer. 20 A. Well, as you may notice, senate 21 district one on the 2017 map used to go 22 into Madison County, and in trying to limit 23 county splits, senate district one no 24 longer goes into Madison County. Instead 25 district seven for the most part -- a</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Correct. And that would be an 2 additional split of Madison County by 3 having that additional senate district in 4 there. So it was a positive feature of the 5 2021 map to not have an additional senator 6 split into Madison County. 7 Q. Were there any other reasons that 8 you, for lack of better word, eliminated 9 that portion of district one that existed 10 between districts two and seven in the 2021 11 map? 12 A. Yeah. Just -- I mean, it was -- 13 it's not necessary to have an additional 14 county split to have the proper population 15 instead of district one. 16 Q. You also mentioned that -- I 17 think you used the word that there was this 18 feature of district eight below district 19 seven in the 2017 map, correct? 20 A. Correct. 21 Q. And you said that that was 22 eliminated in the 2021 map. 23 A. Correct. 24 Q. What was the reason for that 25 change?</p>



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<p style="text-align: right;">Page 69</p> <p>1 A. Just that's obviously 2 geographically stretched out probably a 3 little further than it needed to. So that 4 also is the senator from senate district 5 seven that lives in the southern portion of 6 that district so this is where -- not sure 7 I can answer based on conversations with 8 people -- senators. 9 Q. And by that, I assume you're 10 referring to that there were instructions 11 you received from one of the senators that 12 you're not going to go into because of the 13 assertion of privilege, correct? 14 A. Correct. 15 Q. In the prior map, also district 16 seven seemed to encompass much more of the 17 city of Huntsville, whereas in the current 18 map, it gets more squeezed into where it 19 goes narrowly through the middle of the 20 city of Huntsville, while district eight 21 comes into the city of Huntsville and takes 22 over some of those precincts. Do you see 23 that? 24 A. I do. 25 Q. Why did you make that change?</p>	<p style="text-align: right;">Page 71</p> <p>1 control over the shape of various 2 precincts. So that protrusion there is a 3 precinct line. 4 Q. Was there any other reason for 5 that protrusion other than just following 6 the precinct lines? 7 A. No. 8 Q. Are you familiar with what the 9 BVAP levels are around the city of 10 Huntsville? 11 A. In these districts? 12 Q. Correct. 13 A. In the senate districts? 14 Q. Correct. 15 A. Not off the top of my head. 16 Q. Handing you what's been marked as 17 Exhibit 7. 18 (Exhibit Number 7 was marked for 19 identification.) 20 Q. This is also data that was pulled 21 from the Dave's Redistricting website that 22 I mentioned, and it shows the black voting 23 age population of the precincts surrounding 24 the city of Huntsville. Do you see that? 25 A. The shaded ones essentially?</p>
<p style="text-align: right;">Page 70</p> <p>1 MR. WALKER: Objection to form. 2 You may answer. 3 A. Well, again, adding more area to 4 the northern part of senate district seven 5 and also eliminated the feature of senate 6 district eight coming underneath senate 7 district seven meant that senate district 8 eight had to come into somewhere. I had to 9 take more of senate district seven. So, 10 again, some of that was conversations 11 inherent to the individual members. 12 Q. One other change that I noticed 13 was in the middle of where districts two 14 and seven meet around the city of 15 Huntsville. There's this, again, lack of 16 better word, a finger of district two that 17 extends into district seven, and right 18 below that, there's a similar finger of 19 district seven extended into district two. 20 Do you see the area I'm talking about? 21 A. I'm assuming right in there. Is 22 that what you're talking about? 23 Q. That's correct. 24 A. Yeah. That's -- of course, those 25 are precinct lines. I don't have any</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. In addition to showing the 2 percentage of black voting age population, 3 there is also shading which corresponds to 4 those percentages. Where darker shading 5 corresponds to a higher percentage, and 6 lighter shading refers to a lighter -- 7 lower percentage of the black voting age 8 population. Do you see that? 9 A. I do. 10 Q. Were you aware of this 11 concentrated black community in the city of 12 Huntsville? 13 A. I knew there was substantial 14 African American community in the city of 15 Huntsville. I was not an expert on 16 precinct by precinct numbers, but, yes. 17 Q. Were you aware of this 18 concentrated black community in the city of 19 Huntsville when you were drawing the 2021 20 senate map? 21 A. I knew there was a number of 22 African Americans that lived in the city of 23 Huntsville, yes. 24 Q. Do you agree that this black 25 community in Huntsville could be considered</p>



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<p style="text-align: right;">Page 73</p> <p>1 a community of interest?</p> <p>2 A. Yes.</p> <p>3 Q. Do you think it is a community of</p> <p>4 interest?</p> <p>5 A. Yes.</p> <p>6 Q. Now, putting Exhibit 7 side by</p> <p>7 side with Exhibit 5, which is the districts</p> <p>8 around the city of Huntsville from the 2021</p> <p>9 map, were you aware when you were drawing</p> <p>10 the 2021 state senate map that your map</p> <p>11 splits this black community into three</p> <p>12 separate districts?</p> <p>13 A. I wasn't focused on that, no.</p> <p>14 Q. Were you aware of that?</p> <p>15 A. No, not really.</p> <p>16 Q. Did you consider keeping this</p> <p>17 community together in the same district?</p> <p>18 A. I did not.</p> <p>19 Q. Why not?</p> <p>20 A. You know, it's -- with all of the</p> <p>21 guidelines, you make trade-offs, and I</p> <p>22 thought that lowering the number of</p> <p>23 senators in Madison County was a positive</p> <p>24 element. Not having the wraparound</p> <p>25 underneath district seven was probably a</p>	<p style="text-align: right;">Page 75</p> <p>1 A. No.</p> <p>2 Q. And you can turn your focus back</p> <p>3 to Exhibit 5. In drawing districts two,</p> <p>4 seven, and eight in the 2021 senate map,</p> <p>5 were you told to keep any precincts or</p> <p>6 regions together?</p> <p>7 A. No.</p> <p>8 Q. Were you told to keep any</p> <p>9 specific communities of interest together?</p> <p>10 A. No.</p> <p>11 Q. Did you make an effort to keep</p> <p>12 any specific communities of interest</p> <p>13 together?</p> <p>14 A. No.</p> <p>15 Q. Were you told by anyone that</p> <p>16 there were certain aspects of districts</p> <p>17 two, seven, or eight that you shouldn't</p> <p>18 touch?</p> <p>19 MR. WALKER: Before you -- let me</p> <p>20 just reemphasize the objection to any</p> <p>21 testimony from legislators, other than the</p> <p>22 ones we've waived for privilege.</p> <p>23 Q. Beyond any discussions that you</p> <p>24 had with any legislators who have not</p> <p>25 waived legislative privilege -- meaning,</p>
<p style="text-align: right;">Page 74</p> <p>1 positive element. So obviously, you know,</p> <p>2 you have trade-offs you make in drawing any</p> <p>3 map.</p> <p>4 Q. When you turned race on when</p> <p>5 drawing -- let me start over.</p> <p>6 When you turned race on at the</p> <p>7 end of drawing the 2021 senate map, did you</p> <p>8 notice that you had split this black</p> <p>9 community in the city of Huntsville into</p> <p>10 three different districts?</p> <p>11 A. No. Because really I was looking</p> <p>12 at BVAP by senate district, not by the city</p> <p>13 of Huntsville for example.</p> <p>14 Q. Did you not look at BVAP by</p> <p>15 precinct?</p> <p>16 A. No, I didn't.</p> <p>17 Q. When you looked at BVAP, it was</p> <p>18 only by district?</p> <p>19 A. District, yes, sir.</p> <p>20 Q. Did you do anything to ensure</p> <p>21 that splitting this black community into</p> <p>22 three separate districts did not violate</p> <p>23 section two of the Voting Rights Act?</p> <p>24 MR. WALKER: Objection to form.</p> <p>25 You may answer.</p>	<p style="text-align: right;">Page 76</p> <p>any legislators other than Senator</p> <p>2 McClendon -- were you told that there were</p> <p>3 certain aspects of districts two, seven, or</p> <p>4 eight that you should not touch?</p> <p>5 A. No.</p> <p>6 Q. Were you told that there were any</p> <p>7 certain aspects of districts two, seven,</p> <p>8 and eight -- with the same caveats -- that</p> <p>9 you had to make?</p> <p>10 A. No.</p> <p>11 Q. Set those aside. Now, I want to</p> <p>12 turn our focus to the districts surrounding</p> <p>13 Montgomery. Handing you what's been marked</p> <p>14 as Exhibit 8.</p> <p>15 (Exhibit Number 8 was marked for</p> <p>16 identification.)</p> <p>17 Q. Similar to the last exhibit that</p> <p>18 we looked at, Exhibit 7, Exhibit 8 contains</p> <p>19 a depiction of the region around the city</p> <p>20 of Montgomery. This was pulled from Dave's</p> <p>21 Redistricting and shows the black voting</p> <p>22 age population both in terms of percentages</p> <p>23 and corresponding shading of the various</p> <p>24 precincts surrounding the city of</p> <p>25 Montgomery. Do you see that?</p>



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<p style="text-align: right;">Page 77</p> <p>1 A. I do.</p> <p>2 Q. You see that here around the city</p> <p>3 of Montgomery, again, there is a</p> <p>4 significant black population, correct?</p> <p>5 A. Correct.</p> <p>6 Q. In fact, it looks like there are</p> <p>7 more than about 20 or so precincts around</p> <p>8 the city of Montgomery that all have a</p> <p>9 majority black voting age population. Do</p> <p>10 you see that?</p> <p>11 A. I haven't counted them but looks</p> <p>12 reasonable.</p> <p>13 Q. And some of these precincts are</p> <p>14 overwhelmingly black majority. You've got</p> <p>15 precincts -- it looks like there is one</p> <p>16 that's 95.2 percent, another one that's</p> <p>17 95.4 percent, one that's as high as</p> <p>18 96.5 percent. Do you see those numbers?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, your map packs all but two</p> <p>21 of those majority black districts into</p> <p>22 district 26. Do you see that?</p> <p>23 A. Not specifically, but I'll take</p> <p>24 your word for that.</p> <p>25 Q. Do you disagree with that?</p>	<p style="text-align: right;">Page 79</p> <p>1 identification.)</p> <p>2 Q. Again, this is pulled from Dave's</p> <p>3 Redistricting. Exhibit 9 is a zoomed in</p> <p>4 portion of the 2021 senate map showing in</p> <p>5 different colors the senate districts from</p> <p>6 the 2021 senate map around the city of</p> <p>7 Montgomery. Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. So you can set this Exhibit 9</p> <p>10 side by side with Exhibit 8 to be able to</p> <p>11 more clearly see the senate districts. Can</p> <p>12 you see that?</p> <p>13 A. I do.</p> <p>14 Q. Does that help to see the</p> <p>15 district lines clearer?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So with that said, do you agree</p> <p>18 with me that your map packs all but two of</p> <p>19 those majority black precincts that we see</p> <p>20 in Exhibit 8 all into district 26?</p> <p>21 MR. WALKER: Object to the form.</p> <p>22 You may answer.</p> <p>23 A. This puts all but two of them,</p> <p>24 yes.</p> <p>25 Q. Looking at Exhibit 8, the way</p>
<p style="text-align: right;">Page 78</p> <p>1 A. No, I don't. I'm just --</p> <p>2 MR. WALKER: Objection to form.</p> <p>3 A. I can't prove that by what you</p> <p>4 just handed me but...</p> <p>5 Q. Well, it's a little difficult to</p> <p>6 see on this map --</p> <p>7 A. There are --</p> <p>8 Q. -- but there is a darker line</p> <p>9 around the precincts that shows the</p> <p>10 districts.</p> <p>11 A. Oh, that's a district line?</p> <p>12 Q. Yes.</p> <p>13 A. Yeah, it's hard for me --</p> <p>14 Q. And if you need to -- I know it's</p> <p>15 difficult to see -- you can also put this</p> <p>16 side by side with Exhibit 3. Actually, you</p> <p>17 know what, let me do you one better.</p> <p>18 A. I'm not disagreeing with you. I</p> <p>19 just said I couldn't discern that from that</p> <p>20 map.</p> <p>21 Q. I understand. I just want to</p> <p>22 make this easy for you to see. I'm going</p> <p>23 to hand you what's been marked as</p> <p>24 Exhibit 9.</p> <p>25 (Exhibit Number 9 was marked for</p>	<p style="text-align: right;">Page 80</p> <p>1 that the black community is distributed</p> <p>2 here, it's fairly uniform across the city</p> <p>3 of Montgomery with the exception of this</p> <p>4 little pocket directly northeast of</p> <p>5 downtown Montgomery where we have a few</p> <p>6 precincts that are predominantly white. Do</p> <p>7 you see that?</p> <p>8 A. Yeah. I mean, there are also</p> <p>9 some precincts that are predominantly white</p> <p>10 on the western fringe of Montgomery County</p> <p>11 that are also 26 I guess.</p> <p>12 Q. Right. I just mean in terms of</p> <p>13 the black community that we see here, it's</p> <p>14 almost completely shaded with a majority</p> <p>15 black district throughout with the</p> <p>16 exception of a small whole in the middle of</p> <p>17 it where there are some white communities.</p> <p>18 Do you see what I'm referring to?</p> <p>19 A. Yes.</p> <p>20 Q. And your map has this little</p> <p>21 extension that goes into the city of</p> <p>22 Montgomery, district 25 extending into the</p> <p>23 center of the city of Montgomery. Do you</p> <p>24 see that?</p> <p>25 A. I do.</p>



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<p style="text-align: right;">Page 81</p> <p>1 Q. And that extension reaches in and 2 pulls in three of the six predominantly 3 white precincts in the center of the city 4 of Montgomery, correct? 5 A. Yeah. Two -- I think one's 6 probably split. Maybe I'm wrong. But I 7 see two whole ones. That other piece, I'm 8 not sure if that's a whole precinct or not, 9 but maybe it is. 10 Q. Why did you draw this extension 11 into the center of the city of Montgomery 12 that pulls in these predominantly white 13 precincts? 14 A. Again, based on discussions. 15 Q. Beyond any discussion -- and when 16 you say it was based on discussion that you 17 had with certain legislators, correct? 18 A. Correct. 19 Q. Other than Senator McClendon? 20 A. Correct. 21 Q. Was that decision based on 22 anything else? 23 A. No. 24 Q. Looking at that extension into 25 the city of Montgomery, it includes the</p>	<p style="text-align: right;">Page 83</p> <p>1 Museum of Fine Arts precinct. Does that 2 sound right to you perhaps? You can't 3 recall? 4 A. Can't recall. 5 MR. THOMPSON: And also, for the 6 record, I'll say that my understanding is 7 that the one that's 55.5 percent BVAP is 8 the Wares Ferry Road Elementary School. I 9 might actually be off on those two. Do I 10 have those backwards? Let's take a quick 11 break, and I can make sure that I have the 12 right name for those for the record. 13 THE WITNESS: Okay. 14 (Whereupon, a recess was taken.) 15 Q. Mr. Hinaman, in drawing the 2021 16 Alabama State Senate Map, did you assess 17 whether you could create another majority 18 black senate district in the Montgomery 19 area? 20 A. I did not. 21 Q. Did you assess whether the black 22 voting age population is large enough and 23 compact enough to be able to do that? 24 A. I did not. 25 Q. Do you know whether the black</p>
<p style="text-align: right;">Page 82</p> <p>1 only two majority black precincts in the 2 city of Montgomery. Do you see that? 3 A. No. I'm not sure what you're 4 referring to on that. 5 MR. WALKER: Object to form. 6 Q. Looking at Exhibit 8 -- 7 A. Right. 8 Q. -- you can see the various 9 precincts here -- 10 A. Yeah. 11 Q. -- with their corresponding black 12 voting age percentages, correct? 13 A. Correct. 14 Q. Out of all of these, only two of 15 them are in district 25, correct? 16 A. Correct. The one that's 55.5 and 17 72.3, those are the two you're referring 18 to? 19 Q. That's right. 20 A. Right. 21 Q. Do you know the names of those 22 precincts? 23 A. I do not off the top of my head. 24 Q. For the record, I believe the one 25 that is 72.3 percent BVAP is the Montgomery</p>	<p style="text-align: right;">Page 84</p> <p>1 voting age population is large enough and 2 compact enough to be able to do that? 3 A. I've seen yours or someone's 4 alternate maps that create I think very 5 close if not two majority districts. 6 Q. When did you see that map? 7 A. During this litigation at some 8 point. 9 Q. Do you recall when? 10 A. No. 11 Q. Who provided you a copy of that 12 map? 13 A. Counsel. 14 Q. And you reviewed that map? 15 A. I haven't reviewed it. I've seen 16 it. 17 Q. Did you have any thoughts on that 18 map when you looked at it? 19 A. No. 20 Q. Do you agree that it's possible 21 to create an additional majority black 22 senate district in the Montgomery area 23 while still following the redistricting 24 committee's guidelines? 25 A. I don't know about the last part</p>



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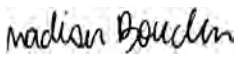
<p style="text-align: right;">Page 85</p> <p>1 of that. Again, I didn't draw that map, so 2 I don't know what guidelines or rules or 3 theories went into it. 4 Q. Did you see anything about the 5 plaintiffs' map that did not comply with 6 the redistricting guidelines? 7 A. Again, I didn't review the map. 8 Q. Nothing stood out to you when you 9 looked at it? 10 MR. WALKER: Object to form. 11 A. I didn't review the map. 12 Q. But you did look at it? 13 A. I saw it. 14 Q. So explain to me a little bit 15 about your experience with this map. You 16 looked at it, what does that mean? 17 MR. WALKER: Hang on just a 18 second. Off the record. 19 (Whereupon, a recess was taken.) 20 Q. Mr. Hinaman, in drawing districts 21 25 and 26 around the city of Montgomery, 22 were you asked to keep any precincts or 23 regions together? 24 A. No. 25 Q. Were you asked to keep any</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Yes. 2 MR. THOMPSON: As always, thank 3 you for your time. That's all the 4 questions I have at this point. 5 MR. WALKER: Give us just a 6 second, and we'll step outside. Be right 7 back. 8 (Whereupon, a recess was taken.) 9 EXAMINATION 10 BY MR. WALKER: 11 Q. Mr. Hinaman, let me ask you about 12 one or two things, please. Just now we 13 were talking with plaintiffs' counsel -- 14 you were talking with plaintiffs' counsel 15 about Defendants' Exhibit 8 which purports 16 to depict -- oh, plaintiffs' -- and I did 17 write defendants on this. Defendant 8 18 which purports to depict from Dave's 19 Redistricting various Montgomery area 20 precincts and their BVAP level. 21 Specifically you were asked about two 22 precincts, one of which has a BVAP of 41.3, 23 and the other one 31.2. Do you recall 24 those questions from plaintiffs' counsel? 25 A. Yes.</p>
<p style="text-align: right;">Page 86</p> <p>1 communities of interest together? 2 A. No. 3 Q. Were you told that there were 4 certain aspects of district 25 or 26 that 5 you should not touch? 6 A. No. 7 Q. Were you told that there were 8 certain aspects of districts 25 or 26 that 9 you had to do? 10 A. No. And just one more piece on 11 your -- 12 Q. Exhibit 8? 13 A. Exhibit 8. Obviously when we 14 were drawing this map, we did not have race 15 on, so I didn't have the benefit of your 16 numbers or shading as you do. 17 Q. And similar to when you looked at 18 the city of Huntsville, when you did turn 19 on the race data when drawing or evaluating 20 the 2021 senate map, you did not have that 21 data by precinct level? You looked at it 22 only by district level, correct? 23 A. Correct. 24 Q. Does that go for the entirety of 25 the state of Alabama?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Okay. At any time you gave 2 consideration to these districts when you 3 were drawing the plan, did you have race 4 on? 5 A. No. 6 Q. So at any time you were looking 7 at these districts, you were not aware of 8 their BVAPs; is that correct? 9 A. That's correct. 10 Q. And above them, they appear to be 11 two other precincts that have lower BVAPs 12 of 21.9 and 28.1. Do you see those? 13 A. Yes. 14 Q. And did you put those in senate 15 district 25 or 26? 16 A. They're in senate district 26. 17 Q. Okay. And in which district? 18 A. 26. 19 Q. Okay. 20 MR. WALKER: Thank you very much. 21 That's all I have. 22 MR. THOMPSON: That's all. 23 MR. WALKER: One more. 24 Q. Were the senators who represent 25 SD25 and SD26 aware of the changes you made</p>



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<p>Page 89</p> <p>1 when you drew the 2021 plan?</p> <p>2 MR. THOMPSON: Objection. Calls</p> <p>3 for speculation.</p> <p>4 Q. You may answer the question.</p> <p>5 A. Yes. They were in the room when</p> <p>6 these plans were drawn.</p> <p>7 MR. WALKER: Thank you. That's</p> <p>8 all I have.</p> <p>9 (The deposition of RANDY HINAMAN</p> <p>10 was concluded at 11:21 a.m.)</p> <p>11 --oOo--</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 91</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3</p> <p>4 Our Assignment No. J11123488</p> <p>5 Case Caption: KHADIDAH STONE, et al.</p> <p>6 vs. WES ALLEN, et al.</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9 I declare under penalty of perjury</p> <p>10 that I have read the entire transcript of</p> <p>11 my Deposition taken in the captioned matter</p> <p>12 or the same has been read to me, and</p> <p>13 the same is true and accurate, save and</p> <p>14 except for changes and/or corrections, if</p> <p>15 any, as indicated by me on the DEPOSITION</p> <p>16 ERRATA SHEET hereof, with the understanding</p> <p>17 that I offer these changes as if still under</p> <p>18 oath.</p> <p>19 Signed on the _____ day of</p> <p>20 _____, 2024.</p> <p>21</p> <p>22 _____</p> <p>23 RANDY HINAMAN</p> <p>24</p> <p>25</p>
<p>Page 90</p> <p>1 C E R T I F I C A T E</p> <p>2 State of Alabama</p> <p>3 Lee County</p> <p>4 I, Madison Borden, do hereby</p> <p>5 certify that I recorded, by means of</p> <p>6 stenotype, the foregoing proceedings at the</p> <p>7 time and place stated in the caption</p> <p>8 hereof, that the foregoing represents a</p> <p>9 full, true, and correct transcript of the</p> <p>10 proceedings on said occasion.</p> <p>11 I further certify that I am</p> <p>12 neither of counsel nor of kin to any</p> <p>13 parties, nor interested in the outcome of</p> <p>14 this case.</p> <p>15 I further certify that I am a</p> <p>16 duly licensed Court Reporter, as displayed</p> <p>17 by my license number below, by the Alabama</p> <p>18 Board of Court Reporting.</p> <p>19 So certified on April 30, 2024.</p> <p>20</p> <p>21</p> <p>22 </p> <p>23 MADISON BORDEN, CCR</p> <p>24 CCR#687, Expires 9/30/24</p> <p>25</p>	<p>Page 92</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 RANDY HINAMAN</p>



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25	RANDY HINAMAN	



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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

KHADIDAH STONE, et al.,

Plaintiffs,

v.

2:21-CV-01531-AMM

WES ALLEN, et al.,

Defendants.

NOTICE OF DEPOSITION OF RANDY HINAMAN

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, counsel for Plaintiffs in the above-captioned matter will take the deposition of Randy Hinaman. The deposition will be held on April 17, 2024, beginning at 9 am CT, at the offices of Balch & Bingham, 455 Dexter Ave., Ste. 8000, Montgomery, AL 36104, by agreement of the parties. The deposition will be recorded stenographically by a certified court reporter, and may be recorded by video and audio by a certified videographer. The deposition will take place in-person and/or by videoconference and will continue from day to day, or according to a schedule mutually agreed upon by the parties, until completed.



DATED this 3rd day of April, 2024.

/s/ Alison Mollman

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+ Practice limited to federal court

CERTIFICATE OF SERVICE

I certify that on April 3, 2024, I served the foregoing by electronic mail to all counsel of record for the Plaintiffs.

/s/ Davin Rosborough
Davin Rosborough

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama



KHADIDAH STONE, ET AL.,

Plaintiff

v.

WES ALLEN, ET AL.,

Defendant

Civil Action No. 2:21-cv-01531-AMM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Randy Hinaman

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: 455 Dexter Ave., Ste. 8000
Montgomery, AL 36104

Date and Time:
04/17/2024 9:00a

The deposition will be recorded by this method: Court Reporter/Videographer

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

- 1) All communications with Senator McClendon or Representative Pringle regarding 2021 Alabama state senate redistricting;
- 2) All communications with any individual or entity outside of the Alabama state legislature regarding 2021 Alabama state senate redistricting.
- 3) Any alternative versions of the 2021 Alabama state senate map that you drew or reviewed.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/11/2024

CLERK OF COURT

OR

/s/Nicki L. Lawsen

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs
, who issues or requests this subpoena, are:

Nicki Lawsen, Esq.; 301 19th Street North, Birmingham, AL 35203; nlawsen@wigginschilds.com; 205-314-0500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT

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Randy Hinaman

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Civil Action No. 2:21-cv-01531-AMM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

This is a map of the state of Alabama, showing its 67 counties. Each county is labeled with a number from 1 to 67. The map uses a color-coded system to distinguish between counties. Major cities are marked with blue dots and labeled: Birmingham (in Jefferson County), Montgomery (in Montgomery County), and Mobile (in Baldwin County). The map also shows major highways, including Interstates 65, 75, 85, and 90, and U.S. Routes 90, 190, 280, and 319. The counties are arranged in a grid-like pattern, with some counties having irregular shapes. The map is oriented with North at the top.

EXHIBIT
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Randy Hinamam

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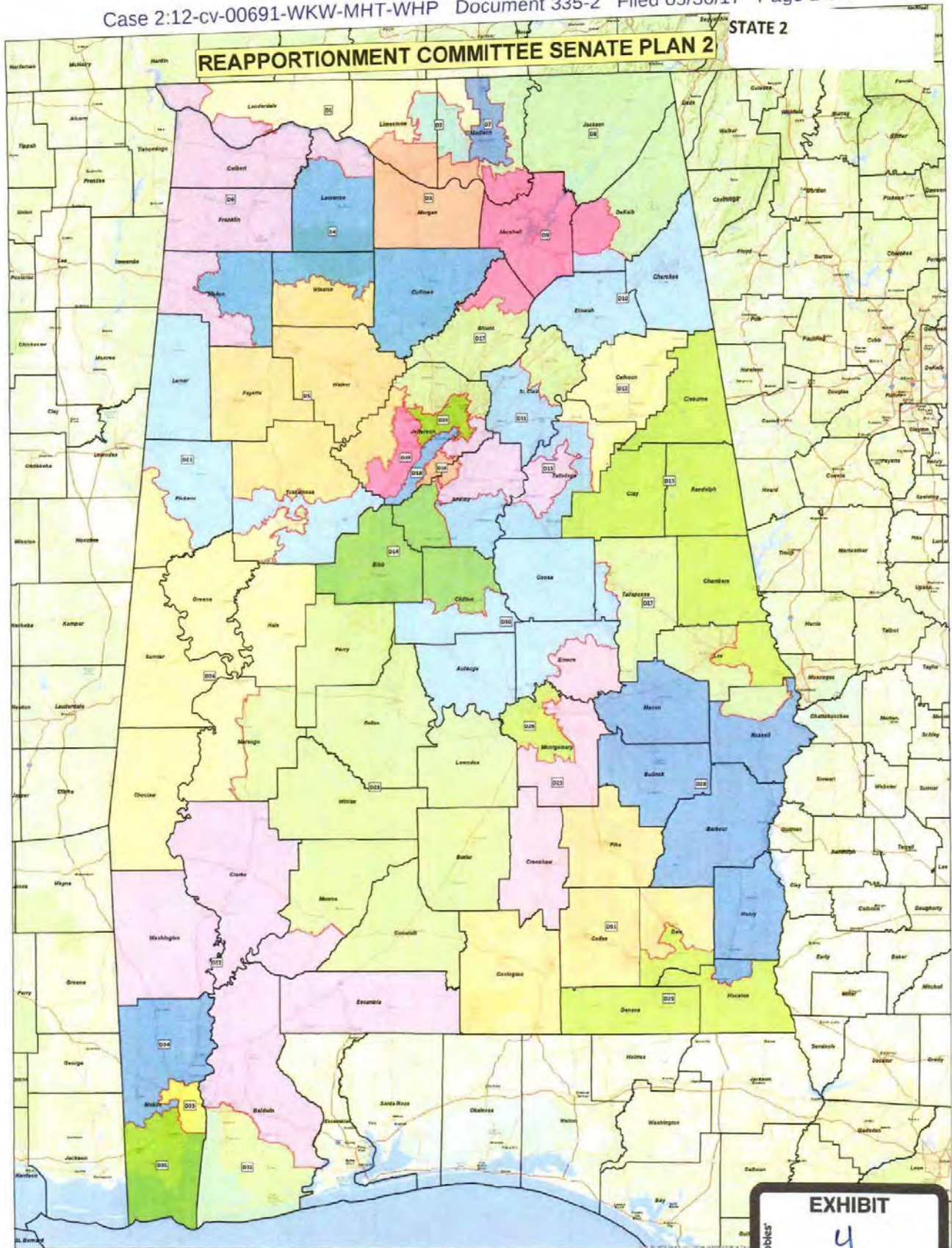


EXHIBIT
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Randy Hindman

